

**WEDNESDAY, MARCH 10, 2021**

**11:16 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, March 9th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Tuesday, March the 9th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. We want to welcome colleagues back to the Chambers again today, and certainly those who are both here with us and those who are remote. It's a beautiful day in the neighborhood. The sun is shining. I -- by the way, that's a quote from Mr. Rogers. Our official quote for today, though, is from Audre Lorde, Mr. Speaker. This one says, *Our future survival is predicated upon our ability to relate with equality*. Ms. Lorde is an American writer, she's a feminist, she's a womanist. She's a librarian, a civil rights artist, and she's self-described as a Black lesbian, mother, lawyer and poet.

With that, Mr. Speaker, I will advise members that you do have on your desk the main Calendar, and after there are any housekeeping we will start with -- introductions or housekeeping, we'll start with resolutions on page 3. And then we're going to continue our consent work beginning with Calendar No. 137 and go right through to Calendar No. 153. We're also going to take up a couple Chapter Amendments on debate. One of them is Calendar No. 55 by Ms. Williams. The other is Calendar No. 103 by Ms. Weinstein. And the third, Mr. Speaker, is Calendar No. 125 by Mrs. Galef. There could be some further announcements as it relates to additional

legislation, either consent and/or debate, but for sure there will be a need for a Majority Conference immediately following the conclusion of our floor work today. And of course we will speak with Mr. Goodell about what his needs may be.

That's a general outline of where we're at today, Mr. Speaker. If there's any housekeeping that you would need to do this would be a great time. Thank you, sir.

ACTING SPEAKER AUBRY: No, Madam Majority Leader. We will go right to resolutions on page 3, Assembly No. 91.

The Clerk will read.

THE CLERK: Assembly Resolution No. 91, Ms. Jackson.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 2021 as Social Work Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jackson on the resolution.

MS. JACKSON: Thank you, Mr. Speaker, for allowing me to speak on this resolution. This is my first time speaking on the floor, this is my first resolution, and I am beyond grateful to get to bring this resolution to us during Women's Month in the State of New York. As a licensed social worker, I have dedicated my life to the mental, physical and spiritual wellness of all people. And we understand that social workers are healers of this world. We have always been supportive of people's lives, but during the pandemic the

world was able to acknowledge that we were not okay and there was an absolute need for mental health awareness and mental health workers to be a part of our lives. We call social workers when children are being abused or neglected. When our marriages are failing. When we need housing and social services. When elders need health advocacy and everything in between. On this day, Rochester police have shot and killed a man who was clearly dealing with mental illness. We know it's time for mental health professionals to collaborate with our officers to assist in 911 calls during -- when someone is in crisis. Social work is a profession that is needed, and while all this is true, we still understand that social workers are underpaid and undervalued. I stand on the shoulders of great leaders before me like Jane Addams, who was the first American woman to receive the Nobel Peace Prize and also brought some houses here to America. While we know the name of Jane Addams, I get to give flowers to ones you may not know. But these are social workers who have made lives of people more livable. Social workers like my good friend Daniela Sacks and Atiya Moran, and Brittney Stokes and Stella Peterson and La'Kenya Overton and Rebecca Fox and Livia Polise. And my former social work interns Sherlyn Gomez and Jason Weider. To every person who has taken on the profession, risk their lives, sacrifice their personal time and gave it their all until they were burned out, I say we don't pay you enough and we don't thank you enough.

So to all the social workers in schools, hospitals, shelters, community organizations, human resources and government,

today I celebrate you, today I honor you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so much.  
Ms. Frontus.

MS. FRONTUS: Thank you so much, Mr. Speaker.

I rise today very proud to be a cosponsor of this resolution recognizing March as Social Work Month. And I'm also very proud to be one of three social workers serving in this distinguished Body, the New York State Assembly. Mr. Speaker, there are some 700,000 social workers in the United States today. Some are working in K through 12 schools, colleges, universities. Others are working in hospitals, non-profit organizations, mental health clinics and in government. Social workers work to protect children from abuse. They provide family counseling. They care for the homeless. They run youth programs locally and nationally. They are mental health clinicians, community organizers, non-profit executive directors and policymakers in government. No matter where social workers are employed, we can be found helping individuals, families, communities and society reach their full potential. We are fighting for justice and equality. We are on the front lines fighting against abuse, discrimination, racism, sexism, ableism, and leading the way for a fairer and more just society.

Mr. Speaker, social work has served as the bedrock and foundation of my own professional career. At the age of 16 I began college at the NYU School of Social Work, where I later earned my bachelor's and master's degree in that discipline. Years later I

would earn my Ph.D. from the Columbia School of social work, where I majored in social policy and administration. Over the years I've been fortunate to have worked in schools, the medical field, community-based organizations, mental health clinics. I've worked as a psychotherapist, a community organizer, and established multiple organizations and coalitions to bring people together around the common cause. After 20 years of graduating college, it's been my greatest honor now to have the privilege of teaching the new generation of MSW students at my two alma maters, at NYU and Columbia School of Social Work, where I teach a number of courses; Advocacy and Social Justice, Political Social Work for Advocacy and Social Change, Mental Health and Stigma. It is truly an honor to teach the next generation of professional social workers.

This morning I want to say it loud and clear that I salute and honor the 700,000 social workers working around our country, whether they're working with veterans, whether they're organizing, whether they're working in the mental health field, working in Hospice, in our prisons, fighting for child welfare, foster care, disability. The list goes on. One thing is for sure, social workers are essential and we are here to stay. To all of my social work colleagues, thank you for what you are doing to connect people to resources, to protect the most vulnerable and to improve the conditions of people's lives. You deserve to be recognized for all that you do.

And with that I yield back my time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Speaker. As a proud social worker I would like to join with my colleagues to proclaim March as Social Work Month. Social workers are the largest group of mental healthcare providers in the United States. Social workers is one of the main threads in our society of mental health and trauma. Saint Francis of Assisi said, *Where there is despair, let there be hope*. And today as we recognize March as Social Work Month, let us recognize the simple acts of humanity that makes a difference in the many lives that each social worker encounter. It gives us the ability to help others and the understanding when others are in need.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Williams.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. I want to take this moment as we recognize social workers across our State and -- and across our cities in the State of New York. First, I want to congratulate the sponsor for this resolution. In the time that I've known the sponsor, she has truly exemplified the qualities of a social worker, and that's someone who's empathetic, someone who is a good listener, and someone who is solutions-oriented. And that's critically, critically important that we highlight not just the amazing social workers that we have here in this Body with Ms. Frontus and with Ms.

Jackson and with Ms. Williams, but all social workers across the State who are doing the critical work of taking care of folks who need support in the moments most. As a young person - as I've said on this floor before - who went through the special education system, social workers and guidance counselors really helped me be able to cope with anxiety, cope with behavior problems that I struggled with through my middle and high school years. And just recognizing the critical importance of social workers in this moment is -- is germane to anything that we can do in this Body. And so I want to acknowledge Miss Vicki Bruce, Miss Pierce Anyon, Miss Elizabeth Kaufman, all who were my social workers from -- or guidance counselor in the space of social work from middle school to high school to even college. They're critically, critically important. And we also have to recognize the fact that social workers are underpaid and forgotten about. You know, there's a quote that says that social workers are in it for the -- not in it for the income, but they're in it for the outcome and the outcome of the patients and the individuals that they see through their offices and whatever space that they find to be an office. We commend them for that. We also -- really quickly as I close, Mr. Speaker want to acknowledge that at the City University of New York, for every one student, every -- every 2,700 students, there's only one guidance counselor, and we have to work actively to change that so young people and people across the CUNY system can have access to social work and emotional supports.

Thank you, Mr. Speaker.



ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Clark.

MS. CLARK: Thank you, Mr. Speaker. I rise today as well, in support of this resolution. And it's so amazing to see my colleague on the floor. She looks great there and will do fantastic stuff. As we celebrate March as Social Work Month, which is, in my mind, not quite enough, I think we should celebrate social workers every day. I think every day in the whole year should be dedicated to them. I would be remiss not to talk about how important they are both in my life, my community and to society as general -- in general. We have some of the biggest challenges facing us, whether it comes to our structural racism, education, social justice, police reform, what we are looking at requires so -- a special skill that really breaks down barriers and builds bridges and brings people together. There is no one -- no one job that -- or -- or skill that is better at it than those who are trained as social workers. They need a seat at every table as we tackle some of these biggest challenges. I know that if we do that we can make a real difference in the lives of people and actually move us forward as a country.

So I am so excited to raise my voice in support of this resolution, and thank the sponsor so much for highlighting why it is so important to have social workers at every table as we tackle some of the biggest issues facing us ahead. So, thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rajkumar.

MS. RAJKUMAR: Thank you, Mr. Speaker. And to the sponsor of this important resolution, congratulations. I'm proud to rise today in support of this resolution to proclaim March 2021 as Social Work Month in New York State and to acknowledge the work of over 60,000 social workers practicing in our great State. It has been one year this month since the COVID-19 pandemic hit New York. During this crisis, social workers have played a unique, important and invaluable role. They have addressed the anxiety among the people that is a part of going through a once-in-a-lifetime public health crisis like this one. They have provided teletherapy and disseminated life-saving information about this virus. Social workers have been my partners in uplifting the community. They are especially important in my beautiful South Queens district where they play a major role in unlocking the limitless potential of a district with incredible needs. They've worked with our office to attack the scourge of mental health issues and drug addiction. They provide support services for children at critical times in their lives. And through their care, they ensure equality. That people have equal access to resources to meet their basic needs. These professionals are true heroes, working to help the underserved. They have stepped up to the plate during this COVID-19 crisis.

In honor of all the ways social workers have helped us this year, I am honored to support this resolution to proclaim March 2021 as Social Work Month in our State. Thank you so much.

ACTING SPEAKER AUBRY: Thank you so much.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. And I'm also honored to join in proclaiming March Social Workers [sic] Month, and I also wish to congratulate the sponsor of this resolution. I have a personal connection to social workers, and that's my wife, Illyria Puharich. She was a social worker for some 30 years, working for the Mental Health Association of Westchester and also for the Archdiocese Drug Abuse Prevention program in the Bronx. And like so many other social workers, she helped saved lives. Literally saving lives, whether it be suicide prevention, whether it be trying to help people with drug issues. She was there following 9/11 helping as a grief counselor for those who lost a parent, a firefighter or another emergency responder. So we do need to recognize that social workers truly are frontline workers, and as was just stated, how they were there at the outbreak of the pandemic. They were there to help people. They were some of the first to respond.

And so I wish to thank again the sponsor for this resolution. And as was also noted, we should be thanking social workers every day. So thank you so much, and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. I want to just mention another great New York social worker, and that was Frances Perkins who went to work for Governor Al Smith and then

continued working for President Franklin Delano Roosevelt. And she would prove to be one of Roosevelt's most trusted and valued advisors, and she was -- and this is worth reflecting upon and remembering today -- the moving force between -- behind the New Deal, including Social Security and the minimum wage. The first woman to serve in a presidential cabinet where she proudly served as Secretary of Labor for 12 years. But I have to confess. I have a bias in favor of social workers because my daughter is a social worker. It is one of the most noble of all professions, and it is entirely fitting that we recognize their contributions here today.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Byrnes.

(Pause)

Mr. Tague.

Mr. Tague, you need to unmute yourself. Or unmute him.

Mr. Tague?

Let's try Ms. Gallagher. We can come back to Mr. Tague.

MR. TAGUE: I think they got me now. Can you hear me, Mr. Speaker?

ACTING SPEAKER AUBRY: We got it? Okay, Mr. Tague. Proceed.

MR. TAGUE: I just want to thank the sponsor. Like

Mr. Lavine, my daughter is also a social worker and just came in as a social worker during the COVID crisis. I know how hard she's worked to get to where she is and the hard work that she does. So I want to thank all my colleagues who are social workers, thank the sponsor. I was proud to co-sponsor this. And thank you to all the folks in New York State and America that do this very important work.

I wholeheartedly support this resolution and thank you.

ACTING SPEAKER AUBRY: Thank you, sir.  
Ms. Gallagher.

MS. GALLAGHER: I'd also like to thank the sponsor and add my voice to those singing the praises of social workers. The Settlement House Movement here in New York City that spread across the country was started by a social worker that moved from Rochester, New York to New York and saw the way that the system was treating immigrants and decided to step in herself. And her name was Lillian Wald. And I think that the really exceptional thing about social workers is that when they see something that is harming others they put themselves into that situation to help and to fix the system. And I also want to add on a personal note that a social worker in my life who is very special is my therapist. I think that we do not give enough credit to mental health and the support that we all need. And my social worker has been there for me for over the last eight years, and I would not have gotten

through some very difficult times in my life without him.

So I would like to thank my social worker and I would like to thank social workers throughout the State and in this Body for the incredible lifesaving work that they do. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. Along with all of the heroes that we're recognizing today, I'd like to recognize my mother, who is my hero. She was a social -- social worker for New York State, retired many years ago. But growing up, I knew how hard she worked and knew some of the issues that she was dealing with with her clients, just, you know, overall. As I said, these people are heroes. And I'd like to thank the sponsor of this -- this resolution today, and thank you to all the people that work in this field, and we really appreciate it.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker. I, too, want to commend the sponsor for this very important resolution because a lot of us can say that social workers don't get enough recognition and respect they deserve. They are our local heroes. They hear, they speak for us. They empower our most vulnerable. And we have to make sure they are empowered to continue to do the needed work in our communities.

So I am a proud sponsor and in support of this

resolution, and again I thank the cosponsors for introducing.

ACTING SPEAKER AUBRY: Thank you.

Ms. McMahon.

MS. MCMAHON: Thank you, Mr. Speaker. I would also just like to rise in support of this fine resolution. I commend the sponsor. And I'd like to honor my favorite social worker, my daughter Sarah Marcus, who graduated from social work school last year during the pandemic and has been working so hard ever since, doing great work.

So, congratulations to the sponsor and thank you to all the social workers in New York State.

ACTING SPEAKER AUBRY: Thank you. And I'll take the chair -- the privileges of the Chair because I would like to honor, along with all the other social workers and the sponsor, my mother, Leonise Ruth Aubry, who was a social worker. Got her MSW from Catholic University in the late '30s and went on to teach in the New York City public school system. And better than that, raised an irascible young man named Jeff Aubry. Thank you so very much.

(Applause)

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

THE CLERK: Assembly Resolution No. 93, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 2021 as Athletic Training

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.

Page 15, Calendar No. 137, the Clerk will read.

THE CLERK: Assembly No. A00113, Calendar No. 137, Perry, Mitaynes, Seawright, Barron. An act to amend the Debtor and Creditor Law, in relation to exempting a debtor's interest in his or her rent-stabilized lease from bankruptcy proceedings.

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

THE CLERK: Assembly No. A00586, Calendar No. 138, Paulin, Cruz, Jean-Pierre, Reyes, Sayegh, Gottfried, Galef, DeStefano, Montesano, Wallace, Steck, Taylor, Fahy, Jacobson. An act to amend the Vehicle and Traffic Law, in relation to the operation of all-terrain vehicles by minors.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01863, Calendar No. 139, Magnarelli. An act to amend the Vehicle and Traffic Law, in relation to applications for licenses; and to repeal certain provisions of such law relating 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 on Assembly print 1863. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided. It is also the first vote of the day.

(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. A02205, Calendar No. 140, Dinowitz. An act to amend the Real Property Actions and Proceedings Law, in relation to requiring the inclusion of suicide prevention resources to be provided with a warrant of eviction.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02503, Calendar No. 141, Weinstein, Dinowitz, Seawright, Steck, Englebright, Gottfried, Zebrowski, Taylor. An act to amend the Civil Practice Law and Rules, in relation to vacating arbitration awards on the basis of arbitrator disregard of the law.

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 on Assembly print 2503. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously

provided.

(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. A03020-A, Calendar No. 142, Hyndman, Rodriguez, Zinerman. An act to amend the Labor Law, in relation to removing certain provisions relating to covered airport workers; and in relation to minimum wage rates for covered airport workers; to repeal certain provisions of the Labor Law relating thereto; and to repeal Section 14 of a chapter of the Laws of 2020 amending the Labor Law relating to enacting the "Healthy Terminals Act", as proposed in legislative bills numbers S.6266-D and A.8142-E relating thereto.

ACTING SPEAKER AUBRY: On a motion by Ms. Hyndman, 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, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print -- Senate print S.4001. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you, Mr. Speaker, for allowing me to explain my vote. I would like to thank the employees of 32BJ and UNITE HERE 100 and our heroic airport workers for fighting for better healthcare. For the over 12,000 essential workers at JFK and LaGuardia, the Healthy Terminals Act means not having to make the tough decisions of paying for groceries or paying for needed medication. For our State, this -- this piece of legislation means millions in Medicare savings. It also means travelers using our international airports can do so knowing that they're moved around by excellent protected workers of 32BJ and UNITE HERE. I would like to thank my colleagues for helping us to get this bill moved, and the Assembly staff for making sure that we put everything that we had into this bill to make sure we could cover those workers who move the City of New York through these international gateways. I would also like to make sure that we -- that employers do not hold -- withhold hours of work in covered airports in an attempt to skirt the law.

Thank you for allowing me to explain my vote.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03135, Calendar No.

143, Fahy, Epstein, Paulin, Simon, Griffin, Wallace. An act to amend the Vehicle and Traffic Law, in relation to the identification of transportation network company drivers and vehicles.

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 on Assembly print 3135. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(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. A03496, Calendar No. 144, Hevesi, Lupardo, Santabarbara, Otis. An act to amend the Social Services Law, in relation to defining a kinship caregiver.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3496. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Yes, thank you, Mr. Speaker. I just want to commend the sponsor for bringing this bill forward. What this bill does is it basically expands the definition of who can be a kinship giver to provide foster care for a child. And it -- at first glance you'd think "kinship", there must be a blood relation, but that's not really the case. It's really -- it could be an adult with a positive prior relationship with the child, a half sibling of the child, a stepparent, a godparent, a neighbor, a family friend. I just wanted to say that I think it's really important that we provide a lot of these options because it's better for kids. They could be placed with somebody that already knows them. And it's better for the parents that have to have their kids placed in care, at least temporarily while they address some issues that they have with their own lives, because then when they come back, to be able to take that child from care back to their own home, if they already know the person that has been providing care to the child it tends to make that transition a lot easier.

So, I think this is a great bill and I'm happy to support it. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04319, Calendar No. 145, Dinowitz, Vanel. An act to amend the Criminal Procedure Law, in relation to the right of a defendant who has entered a plea of not guilty to an information which charges a misdemeanor to a jury trial.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(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. A04424, Calendar No. 146, Hunter, Steck, Quart, Wallace, Buttenschon. An act to amend the Real Property Law, in relation to prohibiting mortgagees from requiring mortgagors of certain real property to purchase flood insurance exceeding certain limits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04448-A, Calendar 147, O'Donnell, Walker, Weprin, Carroll, Jean-Pierre, Quart, Gottfried, Barron, L. Rosenthal, Simon, Dinowitz, De La Rosa, Abinanti, Seawright, Rozic, Perry, Niou, Epstein, Cruz, Fernandez, Bichotte Hermelyn, Anderson, Kelles, Gallagher, Jacobson, Burgos,

Forrest, Otis, Mamdani, Jackson, Dickens, Meeks, Clark, Mitaynes.

An act to amend the Election Law, the Criminal Procedure Law, the Executive Law and the Correction Law, in relation to voting by formerly incarcerated individuals convicted of a felony; and to repeal certain provisions of the Election Law relating thereto.

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

THE CLERK: Assembly No. A05470, Calendar No. 148, Englebright, Glick, Galef, Peoples-Stokes, L. Rosenthal, Abinanti, Seawright, Reyes, Lupardo, Vanel. An act to amend the Public Officers Law, in relation to requiring a particularized and specific justification for denial of access to records under the Freedom of Information Law and exemption from disclosure under the Freedom of Information Law of certain law enforcement-related records; and to amend the Civil Rights Law, in relation to records identifying victims.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05475, Calendar No. 149, Lunsford, Vanel. An act to amend Chapter 461 of the Laws of 2017 relating to reciprocity of debarments imposed under the Federal Davis-Bacon Act, and relating to a work group to study and make recommendations to the Legislature regarding the appropriate payment of supplements to construction workers, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

But first, on a motion by Ms. Lunsford, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A05511, Calendar No. 150, Richardson, L. Rosenthal, Hyndman, Epstein, Sayegh, Simon, Barron, Gottfried, Weprin, Cruz. An act to amend the Criminal Procedure Law, in relation to a judicial diversion program for certain felony offenders.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05783, Calendar No. 151, Taylor. An act to amend the Election Law, in relation to absentee voting application deadlines.

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: This is a -- the Clerk will record the vote on Senate print 264. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I think this piece of legislation is important, especially as we move in this



Body and in this State to reform our election system and make sure that we are counting ballots, absentee ballots, on Election Day to speed up the process and ensure that the public knows who won an election in a timely manner. In order to do that, laws like this are going to be critical to make sure that there's a -- an orderly process and that our Board of Elections are not inundated with last-minute requests to vote by absentee ballot. Obviously, the current system that we have, part of the reason that it takes so long to count absentee ballots is because the Board of Elections needs to verify that somebody did not vote on the machine. In order to address some of this, we're going to need to -- to pass laws like this.

So I appreciate the sponsor putting this forward and look forward to -- to future bills to address some of these issues as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Ms. -- Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: To explain his vote.

MR. NORRIS: You know, as the Ranking Member of the Election Law Committee I would like to just thank the Chair of the Election Law Committee, Madam Chairman [sic] Walker, as well as Member Taylor for this bill. Last summer we had a public hearing all day long through Zoom, and we heard from our State election

officials, our local election officials, and they said this is very, very important to make sure there's a timely receipt and making sure that the ballots go out in a timely manner.

So I just want to stand and commend in this moment a bipartisan bill. I'm very supportive of this and I want to just thank them for their help. And this is a good bill for the administration of elections and our State, and also a very important bill just for the voters so that they will be timely counted in a great manner. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Norris in the affirmative. Mr. Norris' vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05794, Calendar No. 152, Dickens, Walker. An act in relation -- relating to election districts in certain counties.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5794. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(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. A05845, Calendar No. 153, O'Donnell, Vanel. An act to amend the Criminal Procedure Law, in relation to grand jury proceedings.

ACTING SPEAKER AUBRY: The bill is laid aside. Calendar No. 55, page 6, the Clerk will read.

THE CLERK: Senate No. S00885, Calendar No. 55, Senator Comrie (A01972, Williams). An act to amend the Real Property Actions and Proceedings Law, in relation to notice to tenants in mortgage foreclosure actions.

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

MS. WILLIAMS: Thank you, Mr. Speaker. On the bill, it's basically an amendment to clarify that the rights of tenants who live in a building prior to its being foreclosed will not be affected under this legislation.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

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

MS. WILLIAMS: Yes, I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Ms. Williams. So, I have a few questions on this bill, which is a Chapter Amendment. The bill-in-chief received 45 no votes last year when we took it up. Could you explain how the Chapter Amendment differs from the bill-in-chief?

MS. WILLIAMS: Sure. Thank you for asking that question. So basically, it -- it puts in the good faith language, and again, for someone who is holding on to a lease that will give them some sense of security as to -- to be able to stay in the property, you know, as opposed to if they didn't have a lease. So under this amendment it will protect the -- the tenant who is the holder of a lease.

MS. WALSH: Okay. So just talking about timeline and just giving you a couple of examples. If a foreclosure proceeding has started, under this bill can the -- can a landlord still lease out the property even though the landlord knows that there's a foreclosure proceeding that started?

MS. WILLIAMS: Again, that I'll have to get back to you. But to what I know, it may not be the right thing to do where the -- the landlord is concerned. You know, I can't tell the landlord what to do, but if there is existing tenants there with a lease it will protect them under this piece of legislation.

MS. WALSH: Okay. So the bill protects the -- it certainly does protect a land -- a tenant who's already there, and their foreclosure proceeding starts, the tenant can stay for the remainder of the lease. And I do understand that, and I understand the reason for

trying to make sure that the tenant doesn't get penalized just because they happen to be in -- in a property that is then subject to foreclosure. I understand that. But my question has to do with if there is no tenant, a foreclosure proceeding starts, the landlord knows that there is a foreclosure proceeding, and still the landlord goes out and enters into a lease with a tenant. Would this bill allow that landlord to -- to -- to execute a lease like that and also to collect rents during the period of time that the foreclosure proceeding is pending?

MS. WILLIAMS: Well, I believe at that time no would the tenant know that the home is being foreclosed, and if that was to come up, again, you know, the lease should be held accountable. And I would hope that the landlord doesn't do that. Again, I cannot tell a landlord what to do if their home is being foreclosed. It's up to the landlord, basically.

MS. WALSH: Okay. Well, the -- the Chapter Amendment says that there needs to be good faith. Who's got to -- who's got to exhibit the good faith; the landlord, the tenant or both of them?

MS. WILLIAMS: I would say the both of them. But again, this is legislation, and again, everyone has to be held accountable for their own actions.

MS. WALSH: Well, I think that there should be accountability. I agree with you there. So if there's -- if a tenant or a prospective tenant knows that there's a foreclosure action that's pending, maybe because the landlord told him or because of some

other reason, maybe they just -- they just know about it. Would that person -- would that tenant be acting in good faith by entering into a lease knowing of the -- of the pending foreclosure matter under this bill?

MS. WILLIAMS: Well -- well, according -- right now with the housing crisis, you know, if no one has another way of getting, you know, living in a home and that's the only option, again, you know, it's up to the individual, right? And I hope that they can -- they can be protected under this piece of legislation.

MS. WALSH: But there was a reason why when the Governor indicated that he would only approve the bill-in-chief if there was a Chapter Amendment that that good faith language was inserted. So I'm just curious as to what that good faith means. You talked about accountability, and but then you also said that it was basically up to the individual landlord and the individual tenant to do what they -- what they thought was right. That, to me, doesn't seem to indicate good faith in any kind of an objective sense. That has more to do with maybe what somebody's moral compass is, but that doesn't really seem to be -- and that -- that language has got to mean something if it's getting put into the bill. So I'm just -- I'm just wondering -- you know, I'm wondering what that means because, you know, the bottom line is it's -- it's not fair to the individual that's -- or the bank or whoever has extended that mortgage, because the rents that are going to get collected by the landlord from the tenant during that foreclosure process, there's no requirement for the -- the landlord

to turn that money over to the bank to pay down the amount that's owed that caused the foreclosure proceeding to start. The landlord can just simply pocket that money. So I think it's important if we're going to insert language like "good faith" to know what that means. So thank you very much for your answers.

And, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So, I think that the -- the questions and answers kind of exposed a little bit what my concern remains with this legislation and with this Chapter Amendment because, I mean, conceptually, the idea of adding a good faith requirement, it sounds good, but what it actually means is in question. And even if there is some kind of a good faith requirement, it still allows a mortgagor that's getting foreclosed upon to receive rents with no guarantee that any kind of a receiver is going to be appointed or be able to intercept these funds and remit them to the -- to the mortgagee. So we had quite a bit of opposition on this -- the bill-in-chief. I -- I think that maybe in a conceptual sense, the Chapter Amendment may improve the bill-in-chief, but the biggest -- the big problem still remains.

So for those reasons, I won't be able to support this Chapter Amendment. Thank you very much.

ACTING SPEAKER JACKSON: Ms. Giglio.

MS. GIGLIO: Thank you, Madam Speaker. Will the sponsor yield?

MS. WILLIAMS: Yes, I yield.

MS. GIGLIO: If there is a cause from the lender to the property owner who is -- or the person who is purchasing the building, if there is a clause in that agreement, in that lending document, that says that if there is a foreclosure the tenants have to vacate within 30 days, 60 days, 90 days, does this circumvent that contractual agreement?

MS. WILLIAMS: It -- it can. Again, a foreclosure process does not happen in just 30 days. It takes quite a time for a foreclosure process to be on the ground and for it to take its course. So I would hope that the tenant can get, you know, proper documentation ahead of time and that can be worked out. Again, this Chapter Amendment, again, is to protect those that are holding on to a lease if the property is within -- you know, being foreclosed upon.

MS. GIGLIO: So if the lease document between the property owner and the tenant states that if the building should be foreclosed upon they have to vacate within a certain period of time as per their contractual agreement with the lender, would this law trump that contractual agreement between the landlord and the tenant that specifically states that upon foreclosure they would have to vacate within 30, 60, 90 days?

MS. WILLIAMS: Well, again, as you -- you've asked before, again, it -- it all boils down to the information that is at hand. And again, these notices take some time, right? I don't have control over what a landlord chooses to do, whether they choose to



pay their mortgage, not to pay their mortgage. Collect rent and keep that money. I don't have control over that. But the basis of this bill is to really protect the tenant that's in a home that is in the course of foreclosure.

MS. GIGLIO: Okay.

On the bill.

ACTING SPEAKER MS. JACKSON: On the bill.

MS. GIGLIO: In my opinion this is an interference of a contractual responsibility between a lender and a property owner and a landlord and a tenant. And I don't think that -- I think that if there were a bill that we're saying that a landlord had to put that in the agreement, the lease agreement between the landlord and the tenant, that upon foreclosure they would have to vacate then they would not be protected. But if it is in the lease agreement, then that's a contractual agreement between a landlord and tenant.

And for those reasons, I will be voting no on the bill.

Thank you.

ACTING SPEAKER MS. JACKSON: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

MS. WILLIAMS: Yes, I yield.

MR. GOODELL: Thank you, Ms. Williams. As you know, when it comes to housing we have everything from a single-family house that is leased to a commercial apartment building. And when it comes to foreclosures, both the process and the legal

documentation can be quite different. So, if I may, on a commercial mortgage where a bank lends to an apartment building, it's not at all unusual for the bank to, as you know, have the tenants sign a subordination, attornment and non-disturbance agreement. And that agreement, which is a condition of some of the lending, basically, the tenant agrees that their lease hold interest is subordinate to the bank's lien. And without that, many banks simply won't lend for the purchase of an apartment building. Touching base or going back to a comment from my colleague, is -- is it your intent in a commercial context that this legislation would supercede or preempt a non-disturbance, subordination and attornment agreement in a commercial context?

MS. WILLIAMS: I don't have the answer for that. You know, I can get -- get back to you on that. That's a good question. But again, this is for the small landlords, and in regards to the commercial part I would have to get back to you on that.

MR. GOODELL: Thank you. Let's talk a little bit about a single-family house. As you know, in order to get a mortgage commitment if you're buying a single-family house, a typical and a standard mortgage clause is that the house must be owner-occupied. In fact, I think that's a requirement for a lot of the Federal mortgage guarantees or the Federal programs. So, if somebody borrows money, certifies that the house is going to be owner-occupied and then turns around and rents it to a tenant in violation of the lease -- of the mortgage terms itself, would this then provide that that tenant is there in good faith? Or the fact that the landlord previously certified to the

bank that they wouldn't even rent it, does that eliminate the good faith provision in this bill?

MS. WILLIAMS: You know, a good -- good point made. And again, I cannot speak on behalf of the landlord. You know, it may not be in good faith, but again, this is to protect the tenant who is in exist -- who has entered into a lease. And sometimes they may enter into a lease without the knowledge of their home or where they reside being foreclosed. We know even right now during this pandemic there are many people, you know, that are facing evictions, homelessness. It's definitely become a crisis. And, you know, I cannot speak on behalf of the landlord as to what, you know, they're going to uphold or -- or what not -- they're going to not uphold. Again, this is to protect the tenant.

MR. GOODELL: And I -- I certainly appreciate that. As you know, if there's a mortgage foreclosure on a single-family residence, by law, even before a bank can file the foreclosure action, they're required to provide a 90-day advance notice to the homeowner that they're in default and they're at risk. Would you agree with me that a homeowner that receives a 90-day notice has a good faith obligation to disclose that to any tenant so that the tenant has as much information as possible? Wouldn't that be part of the good faith obligations of a landlord?

MS. WILLIAMS: You and I will think that should be in good faith on behalf of the landlord, they should.

MR. GOODELL: And likewise, if the landlord

receives a copy of a summons and complaint notifying the landlord that the -- a foreclosure's occurred, would you agree with me that the landlord has a good faith obligation to warn their tenant that the property might be going into foreclosure?

MS. WILLIAMS: Yes, they should. And -- and again, if there is a lease, the lease also needs to be upheld, especially if that person may have children, you know, that may be going to the school within the community. You know, that may take some time for them to relocate and to readjust, you know, their lifestyle. So again, it all boils down to the tenant who has a lease and taking this good faith language into consideration.

MR. GOODELL: But I think -- as I mentioned, I think we both agree that if there's a landlord and they get the 90-day notice, they in good faith certainly ought to tell existing tenants as well as future tenants. And most assuredly, if they get the summons and complaint they should do that as part of the good faith obligations. As you know, of course, a landlord has more obligations than just simply collecting the rent. A standard lease, for example, would require the landlord to maintain the premises; structural repairs, heating, air conditioning. Common services for if it's a large building, like elevators. Under this bill, who maintains the building after a foreclosure? Is there any discussion about that in this bill? Who maintains it and who has to pay for all those items? Certainly, it's not going to be the landlord, especially if the foreclosure goes forward, right?

MS. WILLIAMS: Well, in some instances the landlord do continue. And in some instances tenants may have separate water or electric utilities and so forth. You know --

MR. GOODELL: But if you buy a property -- let's say you buy a single-family house at a mortgage foreclosure and you're now the new owner. You have nothing to do with the bank. You have nothing whatsoever to do with the prior landowner. As the new owner there's no legal obligation, is there, for you to continue to provide utilities for example? That's not a new owner's obligation, right? It's up to them whether they want to provide utilities.

MS. WILLIAMS: Well, I can't -- I can't say for certain, but again, you know, fore -- foreclosure proceedings doesn't happen, you know, suddenly. It takes over a year, sometimes more than a year to even complete, right? And this bill will allow tenants to know their rights, and again, have their lease speak some type of, you know, language where they can be protected. Whether or not the landlord decides to uphold that lease or be in good faith, you know, it's all up to the -- the landlord. But the landlord has the right to notify -- the tenant and so forth.

MR. GOODELL: As you -- as we discussed earlier, almost every residential mortgage requires that the borrower certify it's going to be an owner-occupied residence. So if a bank forecloses on a single-family residence and they have a foreclosure sale, if this bill goes into effect and we have tenants that could be there for three years, that means the new buyer would not be able to certify that the

building is going to be owner-occupied, the house is going to be owner-occupied, which means the new buyer won't be able to get any financing that's Federally guaranteed. Aren't we eliminating the ability of a new owner to buy a home for his own family and move in as an owner-occupied property? And for many communities those owner-occupied houses are the best maintained. Don't we want to encourage people to be able to buy a house and not have to wait three years for a tenant to leave?

MS. WILLIAMS: I think it's very important that we always encourage to buy -- to purchase homes. However, again, when it comes to a landlord, you know, I don't know what may be going on in their personal lives, especially when it comes to a one-family home where it's owner occupancy. They may fall on hard times and they may be living near to a campus or wherever, and that may be a way to assist them at that time in need. So again, I do support, you know, people that are looking to purchase, you know, one-family homes. But at the same time, if there are tenants there, for whatever reason, and they have families themselves they shall be protected and should be protected under some type of legislation.

MR. GOODELL: Even if -- even if that protection, if you will, eliminates the ability of someone to buy a house and certify that it's owner-occupied and move their own family into the house? I mean, that's what this bill does because this bill says that you could have a tenant that stays three years after the foreclosure. As long as there's a tenant there, a new buyer can't certify that it's going to be

owner-occupied unless it's just a tenant that's buying it. Which means the new owner can't get financing. Which means we can't take a property that's in foreclosure and have it purchased by a new residential owner. I mean, that's not -- that's not what we want, is it?

MS. WILLIAMS: It's not what we want, but sometimes, you know, it's beyond our control.

MR. GOODELL: Thank you. So if we look at this, it's -- it's interesting. There's three categories of leases that are -- that -- where the tenant can stay. The first is it says the greater of at least 90 days. So under this bill, if a tenant's lease has already expired at the time the foreclosure begins, am I correct that the tenant, even though their lease is expired, would get an extra 90 days simply because the property is going into foreclosure?

MS. WILLIAMS: That, I can get back to you, but I'm -- I'm -- I'm not too sure.

MR. GOODELL: Okay. And then the second category is you get to stay there until the end of your lease. I can understand that. And if there's not a subordination, attornment or nondisclosure -- or non-disturbance agreement, I can understand that. But then you can enter into a new lease for up to three years, right?

MS. WILLIAMS: Well, again, when we look at the landlord and tenant, if that's something that the landlord wants to do, it will not be in good faith. You know, but at the same time, if the tenant is looking for a home and does not know that the home is in foreclosure and enters into a lease when that becomes aware of, then

they should be protected.

MR. GOODELL: Okay. Thank you very much.

MS. WILLIAMS: Because not every time -- not every time the landlord may be in good faith, as we have seen and we know. So...

MR. GOODELL: Thank you, Ms. Williams. I very much appreciate your -- your comments and observations.

On the bill, sir.

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

MR. GOODELL: I've been practicing real estate law for 40 years, and sometimes see things that cause me to scratch my head and try to figure out what's going on. And so I very much appreciate the colleague's -- my colleague's comments. We want to keep in mind that if -- if the foreclosure is on a single-family house - and the vast majority of apartments Upstate are a smaller homes - if the foreclosure is on a single-family house, a new person cannot buy it as an owner-occupied house or get a Federally-insured residential mortgage under this bill for up to three years, which means the bank can't sell it to another family who wants to move in. And that's fundamentally unfair to a family who wants to buy a house that's in foreclosure and move in with their family.

The second problem that you have is that during that extended lease term, which could be up to three years or maybe even longer, there's no obligation from the owner if it's in foreclosure to pay



anything. A new owner doesn't have any obligation to pay utilities, even if it's a -- a common-metered building. They have no obligation to maintain it, to replace the roof or fix it or replace broken windows or anything. They're just a new owner. So you have a very practical problem if you have a house that's rented for three years and there's no one with any responsibility to maintain the house or pay the utilities. Third -- and I -- I appreciate very much my -- my colleague's comments, and I absolutely agree with her that a landlord who gets a notice that the property may go into foreclosure has a good faith obligation to tell the tenant. Absolutely should tell the tenant. And that good faith obligation also requires a landlord to tell the tenants when there's a mortgage foreclosure action commenced. Absolutely. And so it's hard to imagine that you could ever have a new lease entered in good faith if those items aren't addressed.

So again, thank you, Mr. Speaker, and thank you to my colleague on this complex issue.

ACTING SPEAKER AUBRY: Thank you.

Ms. Dickens.

MS. DICKENS: Thank you, Mr. Speaker. And will the sponsor yield for a couple of questions?

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

MS. WILLIAMS: Yes, I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. DICKENS: Thank you so much. Now, in -- in

talking about foreclosures of property, is it not usually the case that when a bank or a private person forecloses on a property, the notice may or may not get to the current owner because they can get whoever the Secretary of State has listed which may be obsolete, is that correct?

MS. WILLIAMS: Yes.

MS. DICKENS: And -- and so then the owner, the current owner, may not get that notice. That's -- that's number one because the -- the Secretary of State frequently is behind in their files.

Now, the next question I have is dealing with the -- the owner filing with DHCR for the funding. Is that -- is it correct that the owner and the tenant have to file jointly? The owner can't do it on their own, is that correct?

MS. WILLIAMS: I believe so.

MS. DICKENS: And -- and so then -- and DHCR won't release the money to either the old owner or the new owner until the work or the repairs has been substantially completed, is that correct?

MS. WILLIAMS: I believe so.

MS. DICKENS: Which would prevent the -- the -- the abuse that's been stated before about the owner getting the funding and -- and putting it in their pocket. That would help that to prevent that from occurring, correct?

MS. WILLIAMS: Correct.

MS. DICKENS: All right. And the last thing I wanted to ask you about is that when a -- a building of one- to

four-family goes into receivership or goes into foreclosure, the bank or the -- whoever, the mortgagee, can go to court and ask for a receiver to be appointed, a court-appointed person, to take care of the property, collect the rents, pay the bills and take care of all repairs that may be needed, is that correct?

MS. WILLIAMS: Yes.

MS. DICKENS: All right. So then that would -- would help to alleviate some of the concerns that our colleagues have concerning the owners, and yet also protect the residents at the same time.

MS. WILLIAMS: Certainly.

MS. DICKENS: Thank you. Thank you so much. Thank you so much. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Dickens.

Mr. Barron.

MR. BARRON: I want to thank the sponsor of this bill for its focus on the tenants and protecting tenants, particularly in properties that are in foreclosure, that they have to be notified and they should know what's happening. I think the -- the sponsor is correct when she says that once a property is in foreclosure and if the lease runs out, at least give the tenant 90 days, rather than saying, *I'm buying this property now. Your -- I'm selling it. It's in foreclosure. Your lease is up, get out of here.* I think the tenant -- the sponsor is being very sensitive to the tenant. And if the new landlord goes into a

new lease and it's up to three years, that's on them. That's the arrangement that they made. So I think the questions that were asked of the sponsor, I think she answered in a tenant-sensitive and knowledgeable way. I think that the prior Assembly person that just finished an inquiry with the sponsor made it even clearer that the tenants will be protected and it won't be at the expense of new owners. So I want to commend you for this bill and the balance that it presents, and also on the protection of tenants. Because a lot of our properties are in foreclosure, and one of the biggest challenges we're having now is stability. Having some kind of stability and not having tenants being thrown out or not considered because they have no control over what's happening with the property and sometimes don't even have the knowledge that the property is in foreclosure.

So I -- I wanted to commend you 100 percent on this bill and I definitely will be voting in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 885. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. On Calendar No.

55 the Republican Caucus will generally be in the negative. Those who would like to support this bill should call the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This will be a Majority vote in the affirmative on this piece of legislation. We would ask colleagues desiring to be an exception to please call the Majority Leader's Office and we will so record your vote.

ACTING SPEAKER AUBRY: So noted. Thank you, Mrs. Peoples-Stokes.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please call our colleague Carrie Woerner in the negative on this one.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S00888, Calendar No. 103, Senator Hoylman (A02353, Weinstein, Lupardo, Zebrowski,

Taylor, Bronson). An act to amend the General Obligations Law, in relation to the statutory short form and other powers of attorney for purposes of financial and estate planning.

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

MS. WEINSTEIN: Thank you, Mr. -- thank you, Mr. Speaker. So, this bill is a Chapter Amendment that was negotiated with the Governor and the Senate that modifies the power of attorney -- simplified power of attorney form which we passed last July. Just to review what that bill -- what the main bill does, it simplified the current -- the then-current power of attorney form was too complex and prone to improper execution. It allowed a power of attorney form which substantially complied with the statute to be a valid power of attorney, and it allowed for a process for and judicial remedy for those who presented a valid power of attorney to an institution and to have it rejected. And it eliminated the separate gift -- gift rider and allowed gifts from \$500 -- limited to \$5,000 without requiring a modification to the form. What this negotiated Chapter Amendment before us presently does, it addresses the -- the issue of who would be the witness to -- to validify and -- and execute a power -- and execute a power of attorney form. So this bill before us now will require two disinterested witnesses to sign, as is required for the execution of wills and healthcare proxies. The prior -- the main bill that we're amending and this Chapter Amendment amends only required one witness, and there was not specific language that prevented a disinterested person

from being that witness. For example, it did not prohibit the agent or someone who would receive a gift. So we -- this amendment will help ensure that the elderly and disabled population is protected from fraud and abuse. There's another substantial -- substantive amendment. We also -- the -- the main bill that we adopted required a third-party to accept or reject the power of attorney short form within ten business days after it's presented. And there was concern from the Department of Health that State-based Medicaid exchange and local service -- social services departments, particularly New York City, wouldn't be able to process the applications within the -- the ten days.

So those are the -- there are some other short, very technical in nature amendments, but those are the two substantial amendments. I'd be happy to answer any questions regarding that.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. WEINSTEIN: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WEINSTEIN: Yes, of course.

MR. GOODELL: Thank you very much, Ms.

Weinstein. As I recall, last year when we voted on this there was a lot of concern because it would allow a power of attorney to be signed by somebody other than the principal, meaning the power of attorney

wouldn't be signed by the person who was giving the power of attorney. The bill last year would allow the power of attorney to be signed by somebody other than the principal. That's still the case with this amendment, correct?

MS. WEINSTEIN: Correct. But the witnesses now must be two disinterested individuals. That was the instruction of the principal.

MR. GOODELL: So last year there was a concern that if you had a disabled senior then without the disabled senior's knowledge that a greedy relative, for example, could sign a power of attorney on behalf of the disabled person, giving themselves the power to make gifts. And the greedy relative could then have their best friend be a witness. That was a concern that was raised last year. Now what you're saying is they would have to have their best friend and their best friend's spouse witness it, not just their best friend? Would that then address this concern?

MS. WEINSTEIN: The witnesses need to be -- I understand what you're saying, but the witnesses would need to be two disinterested individuals.

MR. GOODELL: So as long as your best friend who's witnessing this and your best friend's spouse are not otherwise related, that's okay, then?

MS. WEINSTEIN: This amendment, Mr. Goodell, was a result of discussions with various advocacy groups on behalf -- on behalf of the disabled, senior populations, and they feel that this



amendment will prevent any kind of -- of fraud and will protect the principal from fraud and abuse.

MR. GOODELL: Now, last year, as you know, a power of attorney has to be acknowledged, which means it has to be signed by a notary public, and this bill amends it to say that the notary public can also be a witness. Is that correct? I'm looking at the first page, line 17 -- 16, 17 and 18.

MS. WEINSTEIN: Unfortunately, I do not have the bill in front of me.

MR. GOODELL: It -- it reads, *The person who takes the acknowledgement under this paragraph may also serve as one of the witnesses.*

MS. WEINSTEIN: If they are a disinterested individual.

MR. GOODELL: So, last year the concern was that a greedy relative or friend has their best friend as a witness and that's then notarized and the notary only identifies the identity of the friend. And this amendment then says -- and that same notary can be the second witness as well. And then there's the second witness acknowledged -- well, I guess the second witness, which is the notary, would just acknowledge that the -- the substitute principal, if you will, the greedy relative, is the one that signs, right? We're just verifying their identity.

MS. WEINSTEIN: This Chapter Amendment does not address the issue that you raised.

MR. GOODELL: Again, thank you very much, Ms. Weinstein.

On the bill, sir.

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

MR. GOODELL: We see powers of attorneys all the time. And under the old law, the power of attorney had to be signed by the person who was appointing somebody else to act as -- as their agent. And that signature didn't have to be a legible signature, it -- it could look like the signature you typically see by a doctor. I'm just making fun of doctors. I mean, it could be --

MS. WEINSTEIN: Did you hear his question?

MR. GOODELL: -- it could -- it could be an X. It could be a squiggle. It could be anything. And so last year we said the power of attorney doesn't even need to be signed by the person who purports to give away all their authority to a third-party. The power of attorney under the bill last year could be signed by a greedy relative or a neighbor or anyone else, as long as it's witnessed by at least that person's best friend. And under this bill, as long as it's witnessed by the best friend and the notary. This is just an invitation for fraud. And I appreciate the -- the -- that we've put a little bit of polish on the first bill, but this is just an invitation for fraud. And for those of us who've been in the legal field, unfortunately, we've seen this kind of thing happen in the past. And so I'm not -- while I appreciate that we now allow the notary to also serve as a witness, it's

not a significant change and -- and it's just a very, very dangerous situation when we allow someone else to give themselves the power to give away the assets of someone who is dead. Someone else, who by the terms of this, can't even make a squiggle, can't even make a mark, can't even make an X.

A very dangerous situation and I'll be recommending that my colleagues vote against it. 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 on Senate print 888. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Yes, thank you, Mr. Speaker. I would just say that there is no perfect solution. But we do need a reasonably secure way for agents to act on behalf of principals, and this amendment goes a long way towards improving the situation and to further ensure that the elderly and disabled population is protected from fraud and abuse.

I would urge my colleagues to vote in the affirmative.  
(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Ms. Weinstein in the

affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if I can remind colleagues this is a Party vote in the affirmative. So colleagues wishing to be an exception should contact the Majority Leader's Office and we will duly record your vote.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. So, I would like to remind my colleagues that this is a Party vote. The Republican Conference will generally be in the negative. But if there are any members who wish to vote in the affirmative, they should contact the office as soon as possible.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Assemblywoman.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Wallace -- Ms. Wallace, Ms. Woerner and Ms. Buttenschon in the negative on this one.

ACTING SPEAKER AUBRY: So noted. Thank you, Mrs. Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S02557, Calendar No. 125, Senator Harckham (A02684, Galef, Zinerman, Otis). An act to amend the Public Service Law, in relation to including nuclear power reactors as part of the definition of "electric plant"; to provide for employees of the Indian Point Nuclear Power Plant to be paid certain wages in the event such plant is sold, transferred or leased; and to repeal certain provisions of the Labor Law and the Public Service Law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Galef.

MRS. GALEF: Hello, everyone. The Chapter Amendment basically addresses the same issues that we voted on in June, which is protecting the employees at Indian Point with prevailing wage, and also that existing collective bargaining contracts will apply if and when a new owner comes to decommission the nuclear plants. What has happened is when we passed the legislation in June it was a part of the Labor Law, and now it's been moved to the Unconsolidated Law. And there is an -- an addition to amend the law to say that the definition of -- of an electric plant, which is already in the law, also includes all of the former nuclear power sites, which includes the reactors and all the other systems and structures and fuel and waste facilities that are a part of a plant. It's not that we've had -- this is the first time we've actually had a nuclear plant closure in New York State with Indian Point 2 and 3 closing, although Indian Point 1 closed a long time ago.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker. Thank you, Mr. Speaker. Will Mrs. Galef yield for a few questions, please?

MRS. GALEF: Absolutely, because we always have a debate on this.

ACTING SPEAKER AUBRY: Mrs. Galef yields, Mr. Palmesano.

MR. PALMESANO: Well, Sandy, whenever we speak it's always very cordial, polite and informative, so I really appreciate it and appreciate to have the ability to discuss this with you. I really have a lot of questions. Just a point of clarification, I think you brought it up just for those listening. You mentioned how this bill adds -- changes the definition of an electric plant within the Public Service Law to add these retired nuclear power reactors and their associated property, is that correct, just to reaffirm that?

MRS. GALEF: That's right.

MR. PALMESANO: And I know the definition of an electric plant appears within the definition of electric corporation, and that is a way where -- which under that part of the law gives the Public Service [sic] the ability to exert jurisdiction over utilities under the current Public Service Law, right?

MRS. GALEF: That's right.

MR. PALMESANO: So, basically, what you're looking to do here is to try and assert more authority for the State with

the decommission of Indian Point to allow them to have more input and say in that process versus letting the Federal government, which really has the ultimate say through the Nuclear Regulatory Commission. Is that really what you're trying to do with this legislation (inaudible).

MRS. GALEF: That's what we're trying to do. The NRC, we know when -- when plants close, monitor the plants very infrequently. It's as if they no longer exist. But we know they exist, and they exist in my Assembly District. And you have environmental issues, you have workforce issues. You have other -- other types of concerns, fiscal concerns. You know, we have a decommissioning fund. There -- there needs to be -- and we have the Hudson River, so we've got environmental issues that way. So there's a lot of oversight. And, you know, this -- we really -- the law didn't anticipate, I guess, when it was put into existence that we would -- plants, nuclear plants that were decommissioning at that point. So it just -- it still is a plant, it's still got spent fuel rods. They may be there for a very long time and we just want to be sure that the PSC does have oversight. They've actually -- they've had a hearing recently about the ownership or the transfer of ownership at Indian Point. They will be putting together a Decommissioning Oversight Board on a State level to review what's happening at -- at Indian Point so -- so that we're safe and protected. It's very important to my district.

MR. PALMESANO: Sure, I can understand that, Sandy. And I can appreciate what you're doing with this. I just

wanted a question just to clarify. You did say this legislation, the legislation that was signed into law last year and now will continue, it would require the payment of prevailing wages for the employees that are working at that plant under a private company, correct?

MRS. GALEF: That's right. And, you know, we've known -- since this -- the last few months there were over 1,000 employees at Indian Point and at the two nuclear plants. The second one is going to close at the end of April. And, you know, a number of the employees have decided to move south, so there are fewer employees. Some have decided to retire so that the pool of people that will remain hopefully will be able to have -- continue to have jobs through the decommissioning and be paid -- you know, be paid the wages that they are paid now. Actually, the company itself, there is a company that may be the decommissioning company. They've already indicated that they would provide a prevailing wage.

MR. PALMESANO: Sure. I appreciate that. Thank you, Sandy, for your time and answering the questions and clarification.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues. First and foremost I just want to commend the Speaker [sic] on her passion and in her commitment and fighting for her district. I certainly understand where she's coming from from this legislation and what she's trying to do. I do have concerns with it. I



voted against it this year and I'm going to vote against it again -- again this year just because of the same concerns that are still there. I certainly understand the community and the State want to have -- be involved in -- in this process. They should be involved in the process. But -- and especially if they want to know, they want to be involved in the decommissioning process, how the money is spent, how that -- how that works, how the cleanup happens. And I think there should be feedback and input from that perspective. However, I think with the change in the law that they're attempting to make here to try to put it into the Public Service Law, trying to insert jurisdiction over the decommissioning process I think is very clear under the law that this would be preempted by Federal law, that the Nuclear Regulatory Commission has that authority and jurisdiction to oversee and regulate the decommissioning of Indian Point nuclear facility and other facilities. So I think from that perspective I think that's -- that's problematic what's going on here. And let me just -- just for the record let me say I think it's unfortunate that Indian Point is even closing in the first place. This Administration did not work with the company after Federal approvals had come through several years ago and why they were asking for those approvals. And unfortunately, it basically forced its hand with the market to close their doors, thereby eliminating a clean, zero-emitting 2,000 megawatt facility that provides a reliable source of energy to New York City and our overall electric grid and portfolio.

My other concern with this legislation is I think the

precedent it -- it sets. Again, I understand, and, you know, Mrs. Galef, the sponsor, mentioned that the company has indicated that they are going to be paying -- paying prevailing wages and wages to their employees and they should. That's not the argument. My problem with this legislation is this bill requires -- it sets a dangerous precedent because it -- it is a private company. There are no subsidies being provided to this company. Usually the prevailing wage is put in place where there are direct subsidies from the State going to a company or for a project. Like, say, renewable energy projects through the -- through the (inaudible) or the nuclear facilities Upstate that are getting through the subsidies from that process. That would be different. But Indian Point has never received subsidies, is not receiving any subsidies. And it's a private company, it's a private transaction. And I think the fact that when you're putting a mandate on a private industry and a private business where they really -- really don't have the jurisdiction to do so, I think it just sets a very dangerous precedent. It sends the wrong message to the private sector, the very people we want to invest in our economy, especially right now with the closures, restrictions and shutdowns we've had and experienced. Because I think if a business is looking at this here -- and I know we have attempted -- this Body has attempted through other actions to try to put prevailing wage in place on private businesses and taken continuous steps to do that. Again, you -- you -- you're attempting it, you maybe think you can. But I think the -- the danger in this is sending a very strong message to the private sector that, *We don't want your*

*investment.* And why would they invest? If they say -- if they look at what we're doing here to a private business that has received no direct subsidies, but we're putting a mandate of prevailing wage on a private business. They're going to say, *Well if we can do it to them, you can do it to us.* So that doesn't provide certainty and a great deal of confidence in the very people that we want and certainly need to invest in our economy to create jobs, create private-sector jobs which will create revenue so we can pay for our important programs. I just think that type of approach is the wrong approach, and I think that with efforts like this, I just -- again, no -- no disrespect to the sponsor. I have the utmost respect for her and why she's trying to do this. She's trying to protect her employees, her workers, and I think that's a good thing what she's doing. I think this could've been done without change, basically setting this mandate in place that can send the message again to the private sector that New York State has the ability and will attempt to mandate prevailing wage on you, that you have to pay your employees prevailing wage no matter what, regardless of whether you're receiving government subsidies from the State of New York. You will now be subject to a prevailing wage mandate from the State of New York. I think that's what this legislation does by opening up for a private business to be mandated upon by the State of New York.

So for these reasons, for the preemption reasons I mentioned, a lot for this reason. You know, putting a mandate on a private business with no subsidies. For that reason, again, I'll be

voting -- although, again, with much due respect to the sponsor who's a fighter for her district and I appreciate it -- I will be voting against this bill and I would encourage my colleagues to do the same.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2557. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be voting no on this bill, which is Calendar No. 125, A.2684. If a member would like to vote yes, please contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority will be voting in the affirmative on this one. If there are members who desire to vote otherwise, please contact the Majority Leader's Office and we will so record your vote.

ACTING SPEAKER AUBRY: Thank you.

Mr. Byrne.

(The Clerk recorded the vote.)

MR. BYRNE: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. BYRNE: Thank you, Mr. Speaker. I want to thank the sponsor for introducing this bill. This has actually been in the works, I believe, for a number of years since we first learned about the decision on for Indian Point's planned closure. We didn't learn the way we wanted. It was shocking news. I've always been traditionally a supporter of the plant, for the 1,000-plus jobs it provides, along with the 2,000-plus megawatts of energy it provides to our energy grid. And I think all the points made by my colleague from the Southern Tier are very well-made, but this certainly hits close to home. I don't represent the actual power plant itself, that's the sponsor. But I am very close to it. Putnam Valley is less than 15 minutes away from the plant, which is the town I represent in Putnam County. A lot of their employees that have worked in the plant for -- for decades don't even live in Westchester. They live in Putnam, they live in Dutchess. And I am pleased that the company that is likely to continue with the decommissioning has made those agreements with the employees that they'll be paid no less than prevailing wage. And I think actually a lot of the employees now get paid above prevailing wage because of the very specific nature and skills that are required to do this type of job.

So, again, I understand the concerns that were expressed, but this is something that does definitely affect the people that live in my district as well. I -- I think previous versions may have been pocket vetoed by the Governor, so I know there was a considerable amount of work that was put into this by the sponsor, the current Senator for the area and the previous Senator, Terrence Murphy.

So I want to -- I want to thank them again and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. BURDICK: I wish to applaud the sponsor for this thoughtful legislation. And I have to say that representing a portion of Westchester County, there was just palpable relief when the decision was announced to close Indian Point. Yes, there were some concern. Concern among employees, concern about alternative electricity sources. And I think all of those concerns have been addressed extremely well. There was substantial lead time, and those efforts have been fruitful in providing alternative sources of electricity and consideration for the workers. I see this very much as a Home Rule measure to protect the employees that are working there.

I applaud, again, the persistent efforts of Assemblywoman Galef and will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mrs. Galef.

(Pause)

Mrs. Galef -- you need to unmute Mrs. Galef.

(Pause)

Are there any other votes?

MRS. GALEF: I'm sorry, I didn't get unmuted. I just wanted to -- just to, you know, express my thanks to all that have been involved in this issue. Yes, there were a lot of negotiations that went on and we have a lot of different views about Indian Point. I was never one-sided to say to close the nuclear plant, but, you know, it -- it did have its limitation on -- on the economic value that they presented. But I did want to just mention a few things. We have set precedent about being involved with a non-public entity. We did that in -- in the '20-'21 budget where we did prevailing wage for building services employees at certain utility facilities because we were concerned about protecting those facilities from terrorism and so on. We have also done that with casinos, which we -- are not public facilities. But we have had public -- prevailing wage for capital projects. We've also done that for the Climate Leadership and Community Protection Act. And, you know, we have subsidized indirectly the company Entergy

when they wanted to sell their plants Upstate to Exelon. We, in our area, are contributing \$2.3 billion in surcharge over a period of time, so there has been some subsidies. I think that the most important thing is that we have the best workers at Indian Point throughout the decommissioning. We want the most skilled people. We want the people that have been there for a long time, provided the security, know the plants, know -- know the grounds. And -- and by having people continue in their positions at prevailing wage is going to be very helpful for the safety of our communities and the safety at the plant and the safety for all of us in the metropolitan region.

Thank you very much. I vote yes.

ACTING SPEAKER AUBRY: Mrs. Galef in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans also in the affirmative on this bill: Mr. Barclay, Mr. Brabenec, Mr. DeStefano, Mr. Durso, Mr. Gandolfo, Mr. Jensen, Mr. Lawler, Mr. Miller, Mr. Reilly and Mr. Schmitt.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

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 we can now go back to page 17 on our Calendar, we're going to take up Calendar No. 149 by Ms. Lunsford.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S03293, Senator Ramos (A05475, Lunsford, Vanel). An act to amend Chapter 461 of the Laws of 2017 relating to reciprocity of debarments imposed under the Federal Davis-Bacon Act, and relating to a work group to study and make recommendations to the Legislature regarding the appropriate payment of supplements to construction workers, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. LUNSFORD: Yes, Mr. Speaker, I will yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Lunsford. I appreciate it. As you know, a few years ago we passed a law that said that in addition to any company that's barred under Federal law for not paying appropriate prevailing wages, we would not only bar those companies in New York State but would bar any affiliated companies in New York State, correct?

MS. LUNSFORD: Substantially-owned affiliated

companies, yes.

MR. GOODELL: So under the Federal law, if there's a bad actor who doesn't pay the appropriate wage rates, not just the bad actor, but anyone affiliated with the bad actor is disbarred, correct?

MS. LUNSFORD: Yes, assuming that they are substantially-owned.

MR. GOODELL: And that disbarment on the Federal level is for three years?

MS. LUNSFORD: I believe that is correct, yes.

MR. GOODELL: And then the Federal government produces a list of companies that are disbarred and their affiliates, correct?

MS. LUNSFORD: Correct.

MR. GOODELL: Would this bill then provide for a six-year disbarment in New York State or would it just take the three-year Federal disbarment and continue the full bill for another three years?

MS. LUNSFORD: It is a six-year extension of the 2017 bill, so the law, rather than being -- the law is being extended for six years, not the disbarment. According to this law, you are disbarred in New York State for as long as you're disbarred Federally. So the time frame for the disbarment is Federal. The six-year extension is for this bill.

MR. GOODELL: Now as we mentioned, under

Federal law not just the bad actor's disbarred, but anyone affiliated with the bad actor, correct?

MS. LUNSFORD: Under the law --

MR. GOODELL: Federal.

MS. LUNSFORD: -- under Labor Law 220 (g), yes.

MR. GOODELL: And then this would disbar companies that are substantially-owned affiliated entities to the affiliated entity in Federal government, correct?

MS. LUNSFORD: Correct.

MR. GOODELL: So we're not just barring anyone who's affiliated with a bad actor, now we're barring not just those affiliated with a bad actor, but those affiliated with the affiliates, right?

MS. LUNSFORD: Well, this isn't a change of the prior law. The prior law remains the same, so this isn't an additional debarment.

MR. GOODELL: Except that the prior law is sunseting.

MS. LUNSFORD: Correct.

MR. GOODELL: So this is the same as though we're adopting a new law that -- right?

MS. LUNSFORD: Well, correct. Just to be clear that we are not expanding the 2017 law, we are simply continuing the 2017 law.

MR. GOODELL: Now if the (inaudible) weren't familiar with the details of Section 2020 [sic], subparagraph 5(g) of

the Labor Law, the definition of substantially-owned affiliated entity includes any entity in which one or more of the top five shareholders is a controlling party, correct?

MS. LUNSFORD: Correct. Among other criteria, but yes.

MR. GOODELL: So let's say you have a company and it has five shareholders. Mathematically, at most only one of them is a majority shareholder, right?

MS. LUNSFORD: At most.

MR. GOODELL: The other four can't possibly be majority shareholders. So now we're disbaring companies owned by minority shareholders who might not even be able to control the company that's being disbarred, right?

MS. LUNSFORD: Well, if the --

MR. GOODELL: And that's the nature of being a minority. You can take it from me, I'm the Minority Floor Leader. There's a big difference between being in the majority and the minority, right? In the minority, you don't have direct control.

MS. LUNSFORD: Correct. And just, again, to be clear that this isn't a change to that prior law. But the minority holder would be someone who was affiliated with that debarred parent. But, yes, you're correct.

MR. GOODELL: So if you're a minority shareholder in a company and the company in which you are a minority shareholder complies right to the tee, always, always has paid exactly

what they should, you still run the risk of being disbarred if another shareholder is affiliated with another company that could also be perfectly in compliance if that second company is affiliated to a third company that might have violated Federal law, right?

MS. LUNSFORD: So, you're -- what you're asking is if a subsidiary of the debarred parent company is a minority shareholder in an additional entity?

MR. GOODELL: Right.

MS. LUNSFORD: I do not know that that is an accurate reading, because according to Labor Law 220(g), the substantially-owned subsidiary would be somebody who is wholly-owned or the parent, and the parent is the -- the guiding entity there. So, I --

MR. GOODELL: But because Federal law disbars both the bad actor and affiliate, and the affiliate could be the parent of the New York company and we are now disbarring not only the affiliate of the original bad actor, but an affiliate of the affiliate. And then we continue the disbarment to apply to anyone including minority shareholders of the affiliate of the affiliate, right?

MS. LUNSFORD: In -- in a world where there are that many links to the bad actor, yes.

MR. GOODELL: So why is it fair that we disbar a company that has always complied with the law because one of their shareholders was a minority shareholder of another company that also always complied with the law, that's affiliated with a third company

that's also complied with the law simply because the third company is related to some bad actor? I mean, isn't that kind of like going way beyond what's fair?

MS. LUNSFORD: Well, in the event that a subsidiary of a subsidiary had substantial ambitia that they are wholly unrelated from this bad actor, they could bring Article 78 proceedings under the CPLR and argue that they should not be disbarred under this criteria. There is a suspension process. They receive notice. There would be many opportunities for them to appeal. There's plenty of due process built into both this and the Davis-Bacon Act. But I think what's most important is that the goal of this law is to capture bad actors, not just who erroneously violates fair labor standards, violate prevailing wage laws or OSHA regs, but to ensure that they do not get to circumvent this rule, this debarment, by using subsidiaries to get public work contracts. You know, we're protecting taxpayer money here from people who are using public funds and violating those same standards that we would expect from anyone using taxpayer funds to benefit our good communities.

MR. GOODELL: Well, I think you would agree with me, right, that the more robust a bid is, the more likely we'll get a better price for the taxpayers?

MS. LUNSFORD: Presumably, yes.

MR. GOODELL: Yes. And so, wouldn't you agree with me, then, that we want to encourage as many good actors who have never had a violation to be involved in the bid process?

MS. LUNSFORD: Absolutely.

MR. GOODELL: Yet this bill would eliminate even good actors who have never, ever violated the Labor Law if they're affiliated with another company that might be affiliated with another company that was disbarred by the Federal government, right?

MS. LUNSFORD: Yes, because of their association with that bad actor.

MR. GOODELL: Right, so if the --

MS. LUNSFORD: And I think if that minority owner was a -- a big enough issue and a big enough bar to this subsidiary of subsidiary in your hypothetical to getting these kinds of contracts because they are a minority shareholder, they can either step down or they could be voted out by their other stakeholders to ensure that the market becomes open to them.

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

On the bill, sir.

MS. LUNSFORD: Thank you.

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

MR. GOODELL: I can safely say that all my Republican colleagues, as well as probably all my Democrat colleagues, I think everyone on the floor of the Legislature here agrees that if someone is violating the law and violating the Davis-Bacon Act and they are disbarred on the Federal level, they ought to be disbarred

in New York. We all agree on that. There's no dispute about that. And on the Federal level, by the way, they not only disbar the bad actor, they disbar anyone who is affiliated with the bad actor. And I don't think anyone really objects to having an affiliate of a bad actor disbarred in New York. But this bill doesn't just bar the bad actor or affiliates of the bad actor, it bars affiliates of the affiliates. So just to be clear, this law would bar a company that has never, ever violated the Fair Labor Standards Act ever, because one of the owners is also involved with a second company that never, ever violated the Fair Labors [sic] Act. And all because the second company was affiliated with a third company or a fourth company in this case. We go back through three layers of companies, all of whom may have had absolutely perfect records. And when we disbar everyone even though they personally have never done anything wrong, it violates fundamental fairness. It reduces competition for bids, and it drives up the cost of taxpayers. So we had tremendous opposition in the past because it was fundamentally unfair, and that is being thrown way too broadly. And because it's thrown way too broadly, it will hurt taxpayers by reducing competition. It hurts innocent players who are being disbarred even though they have done nothing wrong. Even though they're merely a minority owner in a second company that also did nothing wrong. That's just fundamentally unfair.

And so I will be voting against it and encourage my colleagues to do the same. 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 on Senate print 3293. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be opposed to this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Party will generally be in favor of this piece of legislation. I would encourage colleagues who choose not to do so to please contact the Majority Leader's Office and we will properly record your vote.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I just rise to explain my vote. I really want to applaud the sponsor of this legislation which takes a smart and reasonable approach to dealing with the risk that we, as taxpayers and government officials, have to

making sure that people who are not doing the right thing by the State of New York are not allowed in future bids. It's really, really clear that the examples we've heard earlier, (inaudible) 1 percent of the 1 percent of the 1 percent of potential bidders. What we see is this (inaudible) of bids with people who are scamming government dollars, who aren't doing the right thing to ensure that our resources are spent wisely and efficiently for all New Yorkers. This bill goes a long way to protect us as New Yorkers and to protect our funds.

I want to applaud the sponsor, withdraw my request to speak and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record the following Republican members in the affirmative on this legislation: Mr. Brabenec, Mr. Brown, Mr. Byrne, Mr. DeStefano, Mr. Durso, Mr. Gandolfo, Ms. Giglio, Mr. Lawler, Mrs. Miller, Mr. Miller, Mr. Morinello, Mr. Ra, Mr. Reilly, Mr. Schmitt, Mr. Tannousis and Mr. Walczyk.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Please add Mr. Smith to that list.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Back to back, Ms. Lunsford. In baseball that would be two good days in a row.

(Applause)

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have a resolution which is privileged.

The Clerk will read.

THE CLERK: Assembly Resolution No. 101, Ms. Taylor Darling.

Legislative Resolution recognizing Wednesday, March 10, 2021 as Harriet Tubman Day.

ACTING SPEAKER AUBRY: Ms. Darling on the resolution.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, may I respectfully request that this one be put to the side and we will take it up on tomorrow?

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. The resolution is laid aside. We will take it up tomorrow.

We do have numerous other resolutions, Mrs. Peoples-Stokes. 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. 95-100 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you call on Ms. Hunter for the purposes of an announcement?

ACTING SPEAKER AUBRY: Ms. Hunter for the purposes of an announcement?

MS. HUNTER: Yes, good afternoon, Mr. Speaker. There will be a need for a Majority Conference at the conclusion of our Session today.

ACTING SPEAKER AUBRY: A Majority Conference at the conclusion of Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until tomorrow at 10:00 a.m., Thursday, March the 11th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 1:35 p.m., the House stood adjourned until Thursday, March 11th at 10:00 a.m., that being a Session day.)