

MONDAY, APRIL 19, 2021

3:30 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Sunday, April 18th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Sunday, April 18th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you so much, Mr. Speaker. I'd like to certainly welcome our colleagues back to the Chambers, as well as those who are with us remotely. That week off was a nice breath of fresh air, but we're ready to go back to work. So I want to welcome folks to the first Session day of the 16th week of the 244th legislative Session, and I'd like to provide this quote, Mr. Speaker, this one comes from H. Jackson Brown who is an American author best known for his inspirational books, there have been many of them. His words today: "The best preparation for tomorrow is doing your best today." That is what we intend to do here today, Mr. Speaker. And so colleagues should be aware that they do have on their desks a main Calendar and an A-Calendar and, Mr. Speaker, I would now like to advance that A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you very much, Mr. Speaker. After any housekeeping, we're going to take up the resolutions on page 3 of the main Calendar of which several members would like to speak. And then we're going to take up a number of bills on the main Calendar, as well, which have not been consented.

We're going to begin with Calendar No. 190 and go straight through to Calendar No. 218. We will also take up Rules Report No. 48 by Ms. Weinstein, which is on the main Calendar, as well as Rules Report No. 61 by Ms. Reyes, which is on the A-Calendar.

Mr. Speaker, that's a general outline of where we're going to be going today. If you have housekeeping or introductions, now would be a great time. Thank you, sir.

ACTING SPEAKER AUBRY: We certainly have a bit of housekeeping.

On a motion by Ms. Lupardo, page 21, Calendar No. 205, Bill No. A05380-A, amendments are received and adopted.

Page 3, Assembly print 144, the Clerk will read, resolutions.

THE CLERK: Assembly Resolution No. 144, Mr. Tague.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 25-31, 2021 as Farmworker Awareness Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Tague on the resolution.

MR. TAGUE: Thank you, Mr. Speaker, on the resolution. I am honored to join you all here today in declaring this month Farmworker Awareness Week in New York State to shine a light on those who get our food out of the ground, into our supermarkets and, ultimately, on our plates. Our farm workers work

tirelessly to work their fields, tend to their animals, and assure our food supply is maintained. It is because of their hard work that we have become known as the bread basket of the world. Farm workers embody the American spirit of hard work because when crops are ready, they have to be, too. When their animals or fields need them, there are no vacation days. Farm workers can't feed this country on a 9-to-5 and work in their fields, barns, greenhouses, and wherever else they need to be until the job is done.

Even with many safety programs in place, farm work is inherently dangerous and difficult, and a farm is truly a workplace like no other. Whether facing brutal heat or beating rain, our farmers will be out as long as they need to be to assure that we can eat dinner with our families and in the comfort of our own homes. Our State has a rich tradition in agriculture, with many of our earliest settlers being farm workers, and right in my district, the heart of New York, the County of Schoharie, was known as the bread basket of the Revolution throughout the 13 Colonies because of all the food that was produced in its fertile valley. Our modern farm workers carry on this legacy as they harvest more food for the people in our State, our nation, and throughout the world than ever before. We should all be proud of the difficult and skilled work our farm workers do to provide us with the best agricultural products on the planet because, folks, with no farms, we have no food. And our farm workers are the ones that connect the fields to our store shelves.

Many of you have joined me for my annual farm tour

where we connect the dots and help -- help educate those that don't know where their food comes from. So I'm going to ask you today to be sure to thank a farm worker this week and every day. God bless our farm workers, God bless New York agricultural, and thank you farm workers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Lupardo on the resolution.

MS. LUPARDO: Thank you very much, Mr. Speaker. I'd just like to offer a couple of quick words. I'd like to thank my colleague for offering this very important resolution acknowledging the importance of farm workers. They are certainly the unsung heroes of the food supply chain. We certainly learned that during this -- this last year of this pandemic. They labor under very difficult conditions to ensure that our families are fed. We will never, ever be able to thank them enough for doing work that many Americans do -- do not show interest in doing. This is tough work and it's the least we can do to pause to acknowledge their contribution, and thank you to all of my colleagues who supported this resolution.

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

THE CLERK: Assembly Resolution No. 145, Mr. Abinanti.

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

Disabilities Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. Abinanti on the resolution.

MR. ABINANTI: Thank you, Mr. Speaker, for the opportunity to present and address this resolution proclaiming Developmental Disability Awareness Month. It gives us an opportunity to take stock of how our family members and our neighbors with developmental disabilities are fairing. We all have different abilities. We all face different challenges. We are a better and stronger community when we concentrate on people's strengths, when we work together as a community to provide the tools for everyone to fully participate. But people with developmental disabilities face special challenges in trying to fully participate in our communities. For them and their families, every month is disabilities month, and every day is Disabilities Awareness Day. And they have been particularly hard hit by the COVID-19 pandemic.

As a group, people with development disabilities reflect our population. They are diverse, they are bright, talented, artistic, but most of these special people are struggling to cope with a world that doesn't understand them or include them. By this resolution, we're saying that we do understand. And I commend this Assembly for the efforts we have made to provide resources for those with developmental disabilities. Those with developmental disabilities just want what every other New Yorker wants, an opportunity for a good education, good health care, a good place to

live, job skills, good jobs, an opportunity to participate fully in our New York community.

And New York has provided resources to help many with disabilities, but New York has also failed many. Our model Early Intervention Program has withered; site-based pre-school programs have become a rarity; K-12 schools struggle to provide necessary individualized education; young men and women with DD who seek higher education find few support programs. Those over 21 who are supposed to transition find little help. In New York, they must become povertized to qualify for Medicaid to receive any OPWDD services at all. Suitable housing is scarce, employment even scarcer. OPWDD-certified services are being rationed and crisis response often is non-existent.

A *New York Times* article not long ago portrayed the plight. The article shows that many of the Federally mandated supports and services disappear at age 21, and loneliness and social isolation are common. Finally, it's estimated that's 1-in-6 children have been diagnosed with a developmental disability, and that Autism alone, the fastest growing developmental disability in the United States now affects 1-in-39 boys. About 500,000 children in the United States with Autism reach the age of 21 over the next ten years. We in New York certainly are not prepared. We need much more awareness.

Thank you.

ACTING SPEAKER AUBRY: On the resolution, all

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

THE CLERK: Assembly Resolution No. 146, Ms. Joyner.

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

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

THE CLERK: Assembly Resolution No. 147, Mr. McDonald.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 6, 2021 as Missing Persons Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 148, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 8, 2021 as Library Assistants' Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre on the resolution.

MS. JEAN-PIERRE: Thank you, Mr. Speaker, for allowing me to speak on this important resolution. In conjunction with Library Week in the State of New York, which was April 4th through 10th, we also celebrate and recognize Library Assistants' Day in the State of New York on April 8th. Library assistants are essential employees in our communities, delivering resources to our constituents even during tough times. Library assistants are extremely important to a library's operation, including assisting the librarian with their daily tasks such as repairing books and maintaining the catalog system. I am very appreciative that legislative Body has taken the time to recognize this day in such an important profession for the State of New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

Page 18, Calendar No. 190 on consent.

THE CLERK: Assembly No. A00118-A, Calendar No. 190, Paulin, Gottfried, Pichardo, Otis. An act to amend the Executive Law, in relation to the definition of designated offender.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00189, Calendar No. 191, Perry, Dickens, Taylor, Barron, Colton, Cook, Williams, Seawright, Jacobson. An act to amend the Insurance Law, in relation to prohibiting an insurer from cancelling or refusing to renew or condition its renewal of automobile insurance policies in certain cases.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00196, Calendar No. 192, Gottfried, Bronson, Steck, Galef, L. Rosenthal, Abinanti, Benedetto, Dinowitz, Hyndman, Lupardo, Sayegh, Barron, Darling, Seawright, Englebright, Colton, Stirpe, Griffin, Jacobson, Epstein, Walker, Perry, Simon, Jackson, Forrest, Cruz, Carroll, Frontus. An act to amend the Social Services Law and the Mental Hygiene Law, in relation to violations of safety conditions in adult care facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00349, Calendar No. 193, Jacobson, Otis. An act to amend the Municipal Home Rule Law, in relation to the definition of "population" for purposes of providing substantially equal weight for the population of that local government in the allocation of representation in the local legislative body.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00753, Calendar No. 194, Galef, Cusick, Weprin, Steck, Griffin. An act to amend the Vehicle and Traffic Law, in relation to prohibiting children under the age of eight from riding as a passenger in the front seat of a motor vehicle except under limited circumstances.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00949, Calendar No. 195, Zebrowski, Otis. An act to amend the Public Service Law, in relation to authorizing the Public Service Commission to require water-works corporations to provide certain residents with non-billing

related information.

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 A949. 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.)

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00958, Calendar No. 196, Abinanti, Buttenschon. An act to amend a chapter of the Laws of 2020 relating to providing that certain schools shall experience no financial harm for reduced enrollment or inability to operate for the full 180 session days due to the outbreak of coronavirus disease 2019 (COVID-19), as proposed in legislative bills numbers S.8014-C and A.10193, in relation to providing that certain schools shall experience no financial harm for inability to operate for the full 180 session days due to the outbreak of coronavirus disease 2019 (COVID-19).

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S897. 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. A01889-A, Calendar No. 197, Lupardo, Buttenschon, Tague, Blankenbush. An act to amend the Agriculture and Markets Law, in relation to agricultural custom operators.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S2135-A. 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. A02045, Calendar No. 189, Abinanti, Colton, Thiele, L. Rosenthal, Gottfried, Steck, Carroll, Seawright, Galef, Glick, Reyes, Fahy, Griffin. An act to amend the Environmental Conservation Law, in relation to the idling time of passenger vehicles.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02168, Calendar No. 199, Jacobson, Seawright, Dinowitz, Epstein, Anderson, Mamdani, Galef, Gottfried, Sillitti, Simon, Jackson, Walker. An act to amend the Election Law, in relation to requiring the posting of information concerning a change in the location of a polling place.

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 2168. 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. A02230, Calendar No. 200, Reyes, De La Rosa, J. Rivera, Fernandez, Colton, Gottfried, McDonough, Glick, Richardson, Rozic, Fall, Griffin, Hevesi, Cruz,

Otis, Vanel, Jacobson, Paulin, Burgos, Meeks, González-Rojas. An act to amend the Executive Law, in relation to enacting the "Hate Crimes Analysis and Review Act."

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

THE CLERK: Assembly No. A02261, Calendar No. 201, Simon, Dinowitz, Perry, Kelles, Woerner. An act to amend the Environmental Conservation Law, in relation to granting private citizens the right to initiate civil enforcement actions for violations of such law.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03766, Calendar No. 202, Dickens, Aubry, Barrett, Darling, Jean-Pierre, Richardson, Sayegh, Rodriguez, Steck, Taylor. An act to amend the Social Services Law, in relation to providing notice to applicants of potential liability for public assistance benefits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect June 30th, 2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3766. 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. A04075, Calendar No. 203, Glick, O'Donnell, Colton, Englebright, L. Rosenthal, Perry, Zebrowski, Byrne, Jacobson, Epstein, Weprin, Gottfried, Lavine, Bronson. An act to amend the Insurance Law, in relation to prohibiting insurers from canceling, refusing to issue or renew, or charging higher premiums for homeowners' insurance based on the breed of dog owned.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05082, Calendar No. 204, Englebright, Simon, Epstein, Cook, Steck, Aubry, Niou, Seawright, Fahy, Thiele, Abinanti, Gottfried, Galef, De La Rosa, Barron, L. Rosenthal, Weprin, Griffin, Woerner, Reyes, Paulin, González-Rojas, Pheffer Amato, Kelles, Gallagher. An act to amend the Environmental Conservation Law and the State Finance Law, in relation to restricting hotels from making available to hotel guests small plastic bottle hospitality personal care products.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05380-A, Calendar No. 205 was amended on Third Reading.

Assembly No. A06046, Calendar No. 206, Bichotte Hermelyn. An act to amend the Election Law, in relation to electronic applications for absentee ballots; and providing for the repeal of such

provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6046. 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. Goodell.

MR. GOODELL: Mr. Speaker, would you lay aside this bill, please.

ACTING SPEAKER AUBRY: Take that back. The bill is laid aside.

MR. GOODELL: Thank you, sir.

THE CLERK: Assembly No. A06047, Calendar No. 207, Bichotte Hermelyn. An act to amend the Election Law, in relation to the mailing and receipt of absentee ballots; and to provide for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06220, Calendar No. 208, Lunsford. An act to amend the Election Law, in relation to absentee voting by residents of nursing homes and other long-term care facilities; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms.

Lunsford, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A06259, Calendar No. 209, Paulin, Otis. An act to amend the General Business Law, in relation to broadband service for low-income consumers.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06261, Calendar No. 210, Stern, Otis, Colton, Griffin. An act to amend the Economic Development Law, in relation to recharge New York power for eligible small businesses and not-for-profit corporations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Vote -- the Clerk will record the vote on Assembly print 6261. 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. A06477, Calendar No. 212, Walker. An act to amend the Election Law, in relation to contribution and receipt limitations.

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 6477. 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. While this bill does help limit the number of people who qualify for taxpayer funded campaigns, it still does not go far enough, which is it should repeal the entire program and we should not be creating a welfare system for politicians to help get them elected. So for that specific reason, while I do appreciate that it does limit the number of people who qualify, I will be voting no and encourage people to support my bill that would repeal this in full. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Taylor.

Mr. Taylor, you've got to -- you have to unmute yourself, sir.

MR. TAYLOR: My apologies, Mr. Speaker, my hand was inadvertently raised.

ACTING SPEAKER AUBRY: Please. Oh.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06478, Calendar No. 213, Barrett, Otis. An act to amend the Election Law, in relation to early voting polling places for certain special, primary and run-off primary elections at which no voters are eligible to vote.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6478. 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. A06481, Calendar No. 214, McMahon, Conrad, Lupardo. An act authorizing political subdivisions to permit any public body to hold meetings remotely and without in-person access during the COVID-19 State disaster emergency; and provides for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6481. 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. A06482, Calendar No. 215, Barrett. An act to amend the Election Law, in relation to the providing that a voter may register to vote at any residence to which the voter maintains a continuous connection with an intent to return.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03359, Calendar No. 216, Paulin, Otis, Galef, Barron. An act to amend the Public Service Law, in relation to prohibiting utility companies from harassing, oppressing or abusing any residential customer in connection with the handling of a complaint or unpaid balance.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3359. 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. A04063-A, Calendar No. 217, Abbate, Zebrowski, Barron, Colton. An act to amend the Civil Service Law, in relation to prohibiting public employers from retaliating against employees for absences related to COVID-19.

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

THE CLERK: Assembly No. A06015, Calendar No. 218, Dinowitz, Griffin. An act to amend the Penal Law, in relation to impersonating another by using another's electronic signature.

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 6015. 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.

Page 4, Rules Report No. 48, the Clerk will read.

THE CLERK: Assembly No. A06617-A, Rules Report No. 48, Weinstein, Joyner, Cahill, Galef, Gottfried,

Magnarelli, Jackson, Mitaynes. An act to amend the Civil Practice Law and Rules, the Banking Law and the Debtor and Creditor Law, in relation to exempting COVID-19 stimulus relief for individuals and families with children from money judgments.

MR. GOODELL: Explanation, please.

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

MS. WEINSTEIN: Yes, certainly, Mr. Speaker. As we all know, the recent Federal relief legislation, in addition to prior Federal COVID-related legislation, has been enacted to help people meet their most basic financial needs, largely through stimulus payments, including to pay -- funds to help pay for food, rent, utilities and other basic necessities. This bill would shield, in our unique COVID afflicted times, these funds from the reach of debt collectors. And just as way as a background for members, since 2009 banks and judgment creditors in New York have applied the well-established principles and procedures under the Exempt Income Protection Act, which I sponsored, that executes a careful balance of the rights of debtors in New York with the rights of judgment creditors to use restraint and levy process under the CPLR. So -- and that process applies to various monies which are exempt under both the -- the IPA and Federal law, for example, Social Security, Social Security Disability, SSI, public assistance, veterans benefits, et cetera. And it outlines the procedure for the these multiple funds that are exempt from State and Federal law.

And what this bill does is quite simply add another category of funds, COVID-related Federal relief monies to which the same procedure must be applied. It does not change the procedure or add any complexity to the existing laws. So I think with that as an explanation, just to say that the exemption has been working well, the banks and creditors have been complying with this since January 2009 and I think it has helped New Yorkers since then and this would help ensure that the stimulus funds can be used to help New Yorkers pay for their basic needs.

Be happy at this point to answer any questions.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. If I may ask a question, I saw Ms. Weinstein said she'd be happy to answer and I would like nothing more than to make her happy.

ACTING SPEAKER AUBRY: Mr. Goodell asks you to yield, Ms. Weinstein.

MS. WEINSTEIN: I -- I -- always.

ACTING SPEAKER AUBRY: I think she's delighted.

(Laughter)

MS. WEINSTEIN: Delighted. Happy and delighted.

MR. GOODELL: Thank you, Ms. Weinstein. You know, every -- every day I struggle to make at least one person happy, and if I can make you happy today I've met my preliminary goal.

MS. WEINSTEIN: Ok, let's try.

MR. GOODELL: Sorry, I do have more questions. This bill would apply, of course, to the extra unemployment payments, right, the extra \$600 a week initially, \$300 I think after that; that's covered by this legislation, correct?

MS. WEINSTEIN: No. It's not the unemployment payment, it's the stimulus funds.

MR. GOODELL: And so families who qualified initially got a \$2,000 check as I recall, \$2,000 per person, and then they got a second check for \$1,400 I believe, and then a third check for another \$600, is that correct?

MS. WEINSTEIN: I think the -- the amounts are different. The last one was -- the one that's happening right now is the \$1,400. Prior to that, it was a \$600 and I think prior to that was, I'm not sure the dollar amount. I should note that in the earlier stimulus bills, the recovery bills, there was language, specific language on the Federal level that protected these funds and made them exempt from collection, but this last round because of how the American Recovery Act was adopted, that language did not make it into -- was not able to be included in the Federal legislation which is part of what necessitates the need for State action.

MR. GOODELL: Then am I correct that there was an income threshold that you had to be below a certain threshold in order to be eligible for the stimulus checks?

MS. WEINSTEIN: Yes, that's -- that's my understanding.

MR. GOODELL: And do you know what those income thresholds were?

MS. WEINSTEIN: No, I do not have the exact amounts. I think the last one was I believe \$75,000 individual.

MR. GOODELL: So you could be an individual earning \$75,000, not lose your job, not lose any income whatsoever and you'd get the stimulus check, which is several thousand when you combine all three. If you're a family, am I correct that you got that stimulus check per person so if it was a family of four you'd multiply that by four, is that correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: So if you never lost any employment, your income is the same and you received thousands and thousands of dollars of stimulus from the Federal government, why wouldn't we require or expect that person to, for example, use those funds to pay their rent or their mortgage or their utilities?

MS. WEINSTEIN: Well, I would say that these funds are in the same category -- I would put them in the same category as Social Security, which is exempt. You could have a -- two older individuals collecting Social Security, if they are collecting the maximum Social Security, they're going to be having -- you could have a \$7,000 monthly Social Security people at a maximum level. We don't -- the Federal government in -- in distributing the stimulus funds did not -- does not sit and ask whether the funds are -- whether you lost your job, didn't lose your job. The idea is that it's for so many

families that have been hard hit that these funds should be used for -- will be needed to be used for some of these necessities. The procedure, you know, is there. Like I say, we've protected other funds without and we continue to protect other funds such as veterans benefits without interrogating the individual veteran whether they have other income that would allow them to pay -- pay a debt and we feel that these funds should be at that same level.

MR. GOODELL: For other funds, whether it's Social Security, veterans benefits or anything else, as you know you can apply -- a judgment creditor can apply to the court for a court order directing that some of the funds be paid directly. It's an individual action. Would that continue under this provision?

MS. WEINSTEIN: We don't make a change to other laws, all that we do is we add the Federal stimulus funds to the list of items under New York State law that are protected under the Exempt Income Protection Act. So to the extent there are other laws that exist relating to individuals' funds, this does not affect those.

MR. GOODELL: I was pleased to see that the proposed exemption under this statute does not apply if the debt related to child support, spousal support, maintenance, alimony, distributive award or restitution in a family offense proceeding, I thought that was a positive move. Is there a reason why this exemption doesn't apply or why this exemption would apply if the debt was incurred as a result of an intentional tort? For example, why shouldn't a victim who has been attacked outside the context of a

family offense, but was attacked or shocked or personally injured, why shouldn't a victim of that nature be able to attach these funds to pay for the cost of their recovery or their damages or their personal injuries? Is there a reason why we limit it to just family offenses?

MS. WEINSTEIN: We -- with the understanding, it was a change that we added with the understanding -- the limitation of the understanding that as a result of COVID there has been an increase in domestic violence, so we wanted to make sure that was addressed. But as I said, we -- we're not relitigating the -- whether the Exempt Income Protection Act should exist. It's been in effect since 2009 and has been cooperated with, as I said, with banks, with debt -- debtor -- debtor's attorneys, debt collection attorneys, and with the debtors themselves. So it's not a re-looking at the whole act, but merely adding this additional category to the existing protections.

MR. GOODELL: Now I note that the proposed bill includes a statutory notice that must be sent to a judgment debtor, number 14 would say COVID-19 stimulus relief for individuals and families with children. Why is there a reference to children on the notice, because I didn't see any reference of children in the text of the bill. Am I missing something?

MS. WEINSTEIN: I think it's just to make note that the -- because there are stimulus payments that would go towards -- under the Federal act, the stimulus payments that are for qualified children of a family member, so they -- just to make it clear that that is -- that children's funds would also be included.

MR. GOODELL: Okay. The irony is that it makes it sound as though if you're a married couple without children you're not entitled to the exemption, but I just pass it on if at some point that language should be clarified. A follow-up question, if a debtor brings an action and serves the bank, for example, with a restraining notice and as -- and the bank receives it and the bank has an account from the debtor which receives funds from multiple sources, should the -- can the bank take the approach that in identifying which funds these are that they can go with LIFO, last in/first out, or do they have to go with FIFO, first in/first out? In other words, let's say the debtor has a bank account with \$10,000, let's say \$4,000 came from the stimulus, \$4,000 came from non-exempt, can the creditor seize the \$4,000 that's non-exempt?

MS. WEINSTEIN: So we don't change the process that happens now. So currently the existing process is, for existing funds, that the look-back period is 45 days. The standard for traceability is that the bank's identify electronic deposits that are reasonably identifiable as statutorily exempt payments. The bank, under the Exempt Income Protection Act, a bank is not obligated to identify which or how many dollars in a bank account are exempt, and so that would apply to -- equally to the emergency stimulus funds under this -- under this bill.

MR. GOODELL: Well, thankfully I don't do a lot of debt collection work, very thankful none involving clients, but let me just give you a simple example so I understand how this bill would

work. Let's say that an individual has received \$2,000 of Federal stimulus, has received -- make it easy, \$3,000 from non-exempt sources, during the last month has spent \$2,000 and has \$3,000 still in the bank account. Is that entire \$3,000 then subject to execution?

MS. WEINSTEIN: The -- no, it's not.

MR. GOODELL: So even though the creditor put \$3,000 in cash during the last month into a non-exempt -- of non-exempt funds into a bank account and has \$3,000 still in the bank account, a debtor can't execute or obtain attachment on the \$3,000 that's in there just because \$2,000 came in at some point and the debtor spent \$2,000 of that stimulus somewhere else; am I understanding you correctly?

MS. WEINSTEIN: You know, again, it depends on the -- the time frame. If time has passed, it doesn't lock the account forever.

MR. GOODELL: Good. Thank you very much, Ms. Weinstein.

On the bill, sir.

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

MR. GOODELL: This is an interesting bill because it doesn't apply to unemployment benefits, has the sponsor mentioned, and I can understand why we would want to exempt unemployment benefits because someone who's collecting unemployment benefits clearly has suffered a loss of income. This bill only applies to the

extra Federal stimulus which, over the last year, has been thousands and thousands of dollars to eligible individuals, even though those individuals may not have suffered any employment loss or any income loss.

So what we're saying is, *Great news, you got thousands and thousands of dollars of taxpayer money, even though you never lost a day of work, but you don't have to pay your bills.* And if you get a judgment against you, which would be unique in New York since we shut down the courts, but if you had a judgment against you, you don't have to pay the judgment either. I'm reminded of those great, great words from President Robert [sic] F. Kennedy when he took office and he said, *Don't ask what your country can do for you, but what you can do for your country.* What a great statement about personal responsibility and personal involvement. And what's this bill say? Don't ask what you can do to pay your own bills, just ask how much money you can get from the Federal government while ignoring all of your personal liabilities. It's the wrong message. I understand if you suffered an income loss due to COVID and you need this money which came through a Federal stimulus program giving \$600 and then \$300 extra a week, I understand that and I'm with you. But I have to say, I don't think it's right that you take thousands and thousands of dollars from the Federal government, from taxpayers, and thumb your nose at all your creditors. I think it's inappropriate and the wrong message to send.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

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

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

MS. WEINSTEIN: Yes, it's been a while since we spoke so I'm happy to.

(Laughter)

MR. LAWLER: Nice to see you again. On the -- the eviction moratorium that this Body put in place, when does that expire?

MS. WEINSTEIN: Well, as of, I believe, May -- May 1st, then there's procedures that can happen.

MR. LAWLER: Okay. So in the event that a tenant post May 1st is not -- is choosing not to pay their lease, their rent, and the landlord decides after basically a year of not collecting rent in some cases, potentially, that they need to go take legal action to try and recover the rental arrears. Are you saying that they are not able to collect any of these funds that the individual may have?

MS. WEINSTEIN: What we are -- you know, I know it brings a bigger discussion than what I believe is happening. We're simply adding the Federal dollars that are coming in on the COVID relief to the same category as Social Security benefits, veterans benefits, public assistance, the basic necessity which we added in

2009 which is based on minimum calculation based on minimum wage which right now is \$3,600. We are simply adding this category to those items. So to the extent that you can't go collect a judgment against Social Security benefits that are contained within a -- in a bank account if they're readily identifiable, such you can't collect -- you can't attach or levy against -- against these funds either.

MR. LAWLER: But -- but wouldn't the Federal stimulus funds that were provided, would you agree that in some cases the intent of those funds was to help pay for certain things such as your rent? So if you chose not to pay your rent and your landlord now after -- finally after a year of not being able to collect rent is -- is coming to get, you know, a court order to get that rent back, why shouldn't they be able to get these funds if in reality that's in part what they were intended for? They were intended to help people pay for their bills, pay for expenses, so why would we exclude that if that's really basically the intent of what those funds were there for to begin with?

MS. WEINSTEIN: It seems clear to me when you look at the history of the stimulus funds that that was not the intent of the Federal government. The two prior stimulus bills that were passed under the prior Federal Administration, Republican Administration, specifically had exemptions for stimulus payments from the reach of creditors. Because of the failure -- because of the way that the stimulus, this American Rescue -- Recovery Plan was adopted through the reconciliation process, it was determined that the credit -- creditor

-- keeping these funds out of the reach of creditors could not be part of that Federal proposal. There was an attempt by the Senate to, by unanimous consent, to add this credit -- this exemption from creditors to the American Recovery Act. It was -- there was an objection from one Senator, so it was not included. We're not reinventing the wheel, we're not doing, because we already have exemptions in our law, and we're certainly keeping with the -- with the goal of the Federal stimulus payments whereas evident by the fact that it was included -- that this exemption was included in the two prior bills and no one certainly objected to that.

MR. LAWLER: Okay, thank you. And one other question. Does this bill address in any way the Excluded Workers Fund would, for instance, a check for \$15,600, would that be excluded or exempted from creditors?

MS. WEINSTEIN: It was -- this legislation was adopted -- was put in place to deal with the Federal stimulus, the Federal relief monies and didn't contemplate other State -- any State supports. So I would look to -- the Attorney General had published some guidance when this -- when the Federal legislation passed without the creditor protection and I would perhaps look to the Attorney General for some further guidance on that. But it certainly was not contemplated. This bill was put in before we adopted those provisions.

MR. LAWLER: Okay. All right. Thank you very much.

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 A6617. This is a Party vote. Any member who wishes to be recorded an exception to the 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, but those members who support it should contact the Minority Leader's Office so we can properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Democratic colleagues will generally be in favor of this item. Those desiring to be in the negative should feel free to contact the Majority Leader's Office and we will properly record your vote.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the affirmative on this bill: Mr. Ashby, Mr. Miller, Mr. Montesano, Mr. Morinello, Mr. Norris, and Mr. Schmitt. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On Calendar A, page 3, Rules Report No. 61, the Clerk will read.

THE CLERK: Assembly No. A02681-B, Rules Report No. 61, Reyes, Lupardo, De La Rosa, L. Rosenthal, Rozic, Gottfried, Burdick, Seawright, Barron, J. Rivera, Montesano, Englebright, Jacobson, Taylor, Zinerman, Perry, Meeks, Clark, Lunsford, González-Rojas, Dinowitz, Mamdani, Simon, Hevesi, Dickens, Jackson, Gallagher, Fernandez, Colton, Rajkumar, Epstein, Sillitti, D. Rosenthal, Carroll, Mitaynes, Pheffer Amato, Quart, Bronson, Nolan, Forrest, Lavine, Rodriguez, Benedetto, Abbate, Thiele, Anderson, O'Donnell, Barnwell, Burgos, Cruz, Septimo, Niou, Pichardo, Durso, Cymbrowitz, Wallace, Kim, Otis, Hunter. An act to amend the Labor Law, in relation to preventing occupational exposure to an airborne infectious disease.

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

MS. REYES: Thank you, Mr. Speaker. This bill would require the New York State Department of Labor in consultation with the Department of Health to create a model airborne infectious disease exposure prevention standard for all work sites, differentiated by industry, to establish minimum requirements for

preventing exposure to airborne infectious diseases in the workplace in order to protect the public and the workforce.

All private sector employers would be required to adopt an airborne infectious disease plan that equals or exceeds the minimum requirements of the model standard established by the Department. Further, employees would be empowered to report violations and airborne infectious disease exposure concerns to their employers and government entities without fear of retaliation. Finally, the bill would also authorize workplaces with ten or more employees to establish workplace safety committees in order to review policies and receive complaints about health and safety violations in the workplace.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yields for some questions?

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

MS. REYES: Yes, I do.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much. So I -- I just had, just before I ask some more specific questions, I do know that this bill was amended I guess around the end of March, and there had been an OSHA directive that the Biden Administration issued at that time. And I know that was one of the things that had been raised in some of the opposition memos, so would you be able to -- if there were any of

those amendments related to that which had come out from OSHA, if you could describe them, or perhaps they weren't related to that.

MS. REYES: So to date, the Federal Occupational Safety and Health Administration has failed to issue any standards to protect against airborne infectious disease -- diseases in the workplace, including COVID-19. They did, however, issue what they call emergency temporary standards. Hold on. They did like a -- I'm sorry. They did something to enhance enforcement, but they haven't, as of yet, put out any standards, any health and safety standards.

MR. RA: Okay. And one of the issues that I know that, you know, has been raised with regard to that is obviously that is something that, you know, we all look to employers throughout the State and throughout the country are used to looking to for certain standards. So I'll get to that in a moment, but I just wanted to ask further, what or how this would relate to things that we, as a State, perhaps have put forth. I know that we don't necessarily have anything, you know, that ranges through all private businesses, which I think this applies to all private businesses, correct?

MS. REYES: Correct.

MR. RA: But we do have things that are in place for specific industries perhaps, and one certainly is the health care industry and different guidelines that we've put in, things that we've done both from a legislative standpoint and things that the Executive has done by Executive Order and by directive. So I'm just wondering how these would fit together to make sure that say, you know, a

nursing home or some other adult care facility is fully aware of what is expected of them.

MS. REYES: Yeah, so most health care -- actually, all health care settings have already in place infectious disease standards that address airborne infectious diseases. The idea of this legislation is to create standards across all industries in the private sector. So if a health care facility already has airborne infectious diseases, they're usually much broader and -- than this minimum standard that we're looking to implement.

MR. RA: Okay. So you would think if, you know, if a health care facility has already put something in place and is already complying with what's out there, they're probably going to have something that's -- and I know you mentioned this is going to require that a business put forth something that is at least meets the criteria that the Health Department puts out or exceeds it. So you think a lot of them that are complying with what we already have for health care facilities will likely already be exceeding the standards that we'll see under this?

MS. REYES: Absolutely.

MR. RA: Okay. And I think that's -- that's certainly, you know, welcome to hear that because, you know, I think we all know and certainly this is a very well-intended piece of legislation, whether it was a health care facility or any other business never imagined the types of things they were going to have to do to operate prior to last March as opposed to now and we've gotten used to trying

to do all kinds of things to keep both employees safe, patients safe in the case of, you know, health care facilities, or customers safe in other settings. So I think that that's very important for the health care settings that they -- they know what's expected of them and that they're able to, you know, meet those standards without, you know, the potential for, *Hey, this is expected of you under this law*, but then now there's some wider ranging piece of legislation that covers all businesses and suddenly there's maybe some other wrinkle there that -- that they're not aware of and they end up getting fined under this. So if you can just --

MS. REYES: I also wanted to add, I'm sorry.

MR. RA: Sure.

MS. REYES: So one thing that this would help those health care industries or settings already, there -- there currently is no recourse for workers if an employee -- an employer isn't adhering to standards for airborne infectious diseases currently in place for those settings. So this would create that recourse for employees.

MR. RA: Okay, correct. So can you describe that quickly? So it puts in place a process for an employee to -- where do they go if they see something not being complied with under this?

MS. REYES: Well, first they would have to be able to approach their employer about health and safety regulations not being met in their workplace, and it gives the opportunity for the employer to rectify them. And it also protects them from retaliation if they were to go, let's say, to the Department of Health and report

unsafe working conditions.

MR. RA: Okay, great. And then I know, as well, there is a, I forget what the terminology used, but a -- essentially, you know, some type of panel or committee that would be established in certain sized businesses?

MS. REYES: Correct, for businesses of ten employees or more, it gives them the ability to create workplace safety committees in collaboration with the employer. So it would be both employees and -- and employers collaborating in these workplace safety committees.

MR. RA: Okay, great. And I know, you know, some entities have -- have already set up, you know, those types of committees and I think certainly having that -- something we all saw, right, from local businesses, from local health care facilities during the height of the pandemic was communication to us saying, *Hey, we need this or we need that and it's, you know, we're not -- we're not getting the help* and sometimes it was as simple as making sure that dialogue I think was taking place because you were hearing on one end here, *We're good*, perhaps on the management end and then, you know, on the staff end that perhaps they were not and didn't have all of the PPE they needed and things like that. So thank you for that.

Just in terms of the overall application, I understand the fact that it applies to all private businesses, but -- and this is for really any type of future event, right, viral, bacterial, fungal contamination, not just to the current situation?

MS. REYES: Correct, that are transmissible through airborne droplets or fomites.

MR. RA: Okay. And I think --

MS. REYES: And --

MR. RA: I'm sorry, go ahead.

MS. REYES: -- it also has to be designated as a highly contagious disease by the Department of Health. So in other words, there are many things that are transmissible through -- through airborne droplets, but the Department of Health hasn't classified them as highly contagious or highly transmissible, so it's something that we don't need to necessarily be concerned about, but for anything moving forward that the Department of Health deems to be highly transmissible, this would -- this would come into effect.

MR. RA: Okay, thank you. And I think that lastly is one of the other issues that has been raised is this does delegate a lot of responsibility and authority to the Department of Health. I mean, certainly, I think it makes sense the Department of Health would be the -- of the expertise to determine, you know, when future events might rise to the level of needing these types of plans and -- and processes to be in place. But in terms of their internal ability to decide, you know, across a wide range of industries, I know there are provisions of this that talk about, you know, making sure that say, you know, certain types of PPE or other types of equipment that might be needed in a specific industry. So do you contemplate that, you know, say there'd be maybe some umbrella minimum, you know,

requirements and then maybe they'd say, hey, in the restaurant industry, you need X, Y and Z and in the entertainment industry, you need A, B and C or -- or do you -- or would it be really more wide ranging than that, that it's just going to be one set of criteria that's going to impact all of these different industries?

MS. REYES: Well, I think -- I think the basic standards go -- go across the board for any industry when you talk about mask wearing, social distancing, disinfection, but there are definitely some criterias that are going to be industry specific, and the Department of Labor would have to promulgate those rules based on industry. And I think this is also where those health and safety committees come into play, so they can help inform some of that for employers and the Department of Labor, as well.

MR. RA: Okay, great. Yeah, that was -- that was going to be my -- my next question. So those committees would then work with the Department so that there is, you know, input both within the workforce and -- and the management in a particular industry as to the inner workings of the industry and really what their needs are, because I think that was one of the sources of frustration we saw so often as guidance was put out during the reopening here that there wasn't that communication and maybe things could have been smoother. The businesses would have been more aware of what was expected of them and more ready to -- to reopen safely on day one if that dialogue had taken place.

MS. REYES: Yeah, I actually -- I agree. I think

workers, not just the people who own businesses and -- or who manage businesses, but oftentimes the frontline workers in many industries, across many industries have a better understanding of what they need to protect themselves and protect customers and protect the general public. There is nothing in the bill that specifies that these workplace safety committees have to collaborate with the Department of Labor. They just talk about how they function within -- how they're allowed to function within the individual workplaces. But I think it would behoove the Department of Labor to reach out to these committees once they're formed to gather some information from them and help inform their -- their policymaking in terms of the standards.

MR. RA: Great. And, you know, I hope that would be something, you know, in the implementation of this that we'd certainly keep an eye on and if need be, perhaps, you know, do a chapter amendment that -- that makes that more explicit to make sure that does take place. Thank you, Ms. Reyes.

Mr. Speaker, on the bill.

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

MR. RA: Thank you, Mr. Speaker. So just quickly, you know, I certainly see both the need for this as we've gone through this pandemic. Like I said, any of us have spoken to both workers in the health care field and any other field about what they faced at the height of this pandemic, what they continue to face. And certainly, employees in all types of businesses, what they've dealt with in trying

to reopen, certainly frustrations in terms of reopening in trying to figure out what was expected of them as guidance and things like that came forward.

But I do certainly understand the concern of having lots of different layers of this, and I understand that this is putting into -- into something really in law that maybe has more teeth to it than some of the things we've seen before. But I think if we're going to do that, the time has come and we've been saying this for weeks, that we pull back on some of the side of this that has been done by orders and -- and things of that nature. We -- we -- if we're going to legislate in the area, we have to start to pull back what has been done outside of legislation so that there is a very clear set of standards that our businesses know that they need to meet so that they don't look at one set of standards and say, *Okay, I check all these boxes, I'm good* and then find out there was something else on some other list that came from a different entity that they weren't aware of and now they're facing fines at a time when they're just struggling to survive. And unfortunately, so many businesses already did not survive these economic circumstances of this pandemic.

So I certainly thank the speaker for answering my questions and for her intent with this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MS. REYES: Absolutely.

ACTING SPEAKER AUBRY: Ms. Reyes yields.

MR. GOODELL: Thank you very much, Ms. Reyes. I would just note, Ms. Reyes, that Ms. Weinstein said it would make her very happy to yield.

(Laughter)

MS. REYES: I don't get any pleasure out of this, Mr. Goodell.

MR. GOODELL: Ms. Reyes, I see that this bill was originally introduced on January 19th, 2021, but a lot has happened since January 19th, 2021, including updated interim enforcement responses plan requirements for COVID disease issued by OSHA. In addition, New York State is one of 28 that have submitted OSHA-approved State plans on how to deal with infectious airborne diseases. Is this still needed and, if so, why?

MS. REYES: Yes, it is absolutely needed and I will give you the reasons why. So currently, there is no State or Federal law protecting workers from exposure to infectious diseases in the workplace, and OSHA has failed to establish those standards to protect workers from airborne infectious diseases. On February 25th, 2020 the U.S. Office of the Inspector General issued a report which stated that, *There is an increased risk that OSHA is not providing the level of protection that workers need at various job sites*, unquote.

Between February 1st, 2020 and October 26th, 2020, OSHA received 15 percent more complaints but performed 50 percent fewer inspections when compared to a similar period in 2019. In total, OSHA issued only 295 violations for 176 COVID-19 related inspections during such time. And further, while there are several State level Executive Orders and regulations setting forth guidelines for protecting workers from airborne diseases, these do not cover all private sector industries or all workers as OSHA has no purview over let's say, for example, gig workers, misclassified workers, day laborers, domestic workers, and independent contractors. So even if OSHA were to set forth some guidelines, it wouldn't apply to those industries and those workers.

MR. GOODELL: I appreciate the citations you had, but I would note that many of the citations you mentioned were from 2020, right? And OSHA has --

MS. REYES: Correct.

MR. GOODELL: -- as recently has March 2021 issued revised interim regulations. Is it your view that these -- even the revised interim regulations that were issued within the last month are inadequate?

MS. REYES: Well, the guidelines that OSHA put forth this year in 2021 are not enforceable under Federal law, and that's why it's --

MR. GOODELL: Of course, but part of the OSHA regulatory requirement was the review and approval of State plans.

New York State submitted its only plan. Is it your view that the State plan that was put together presumably by our own Department of Health and Department of Labor is inadequate?

MS. REYES: Well, the -- the problem is that we don't do State plans for private employers. And we did -- last year, we passed Chapter 168 of 2020 that would cover public sector workers, but we don't have anything that covers private sector workers.

MR. GOODELL: Is that your phone, you can pick it up if you want.

MS. REYES: No, it's not my phone.

MR. GOODELL: Sorry, Ms. Reyes. We just have a little bit of fun once in awhile during debates.

(Laughter)

MS. REYES: My phone didn't ring.

MR. GOODELL: Now, I note that this bill has ten -- at least ten statutory requirements that would apply to every single employer regardless of the size of the employer, including employee health screening, face coverings, PPE, hand sanitizing, regular cleaning of handrails and doorknobs and all surface and washable items, social distancing, precautionary orders of isolation compliance, meeting engineering and exhaust standards and others, as well. I want to just touch base on some of these. As you know, this bill covers every single employee that you would normally consider an employee, someone who is getting a W-2, but it also covers independent contractors, domestic workers, home care and personal

care workers, and farm workers amongst others, correct?

MS. REYES: Correct.

MR. GOODELL: So if you hire -- if you're -- this would make every single person that hires someone to come and clean their house, they would now be considered an employer, right, under this bill?

MS. REYES: Private residence isn't considered a workplace.

MR. GOODELL: And where is this under this definition? Because I see -- I don't see that -- on a work site means "any physical space." Doesn't "any physical space" include the residence? I see -- but shall not include the residence of the employer or the employee. So how many domestic workers, personal care workers, home care workers don't work at home -- at some home?

MS. REYES: Well, they do and their employer should still provide them with the protections necessary to protect themselves wherever it is they are going to perform their duties.

MR. GOODELL: And I see this twice --

MS. REYES: And I might add -- I might add that one of the issues that we've been seeing with a lot of domestic and home care workers, particularly since you mentioned them, is the fact that agencies haven't been providing them with Personal Protective Equipment, one of the things that's required here under this piece of legislation.

MR. GOODELL: I see it applies to independent

contractors. So if I'm a homeowner and I hire a painting crew to come and paint the house, put on new siding, put on a new roof, I would be considered an employer even though these are independent contractors?

MS. REYES: I don't believe so. No, you're not considered an employer.

MR. GOODELL: But if a business hired someone to come in and repaint the building, put on a new roof, they're independent contractors, the business is now responsible for them?

MS. REYES: I believe so.

MR. GOODELL: So that means if a business hires a contractor to come in and put in a new roof, the business has to maintain social distancing, masks, and all nine or ten requirements that are laid out here?

MS. REYES: Correct.

MR. GOODELL: Now if a business only has one employee, am I correct that these ten requirements would apply even if you only have one employee, even if it's just one part-time employee, for example, right?

MS. REYES: Well, yes. Every -- every worker's life is valuable and should be protected.

MR. GOODELL: One of the requirements is compliance with applicable engineering controls, such as proper air flow, exhaust, ventilation, and other special design requirements. If you're a small employer and you have an older building that maybe

doesn't even have central air, it may be heated or cooled by other means, does this then require you to put in air ventilation and air circulation equipment?

MS. REYES: No, the legislation does not specify that. And -- and I also would like to add that these measures should be within reason, and oftentimes within reason means that you're enforcing the fact that people are wearing masks to protect themselves. We understand that we have old infrastructure that may not be able to be retrofitted for ventilation and that's not a requirement. Oftentimes, adequate requirement is just opening a window.

MR. GOODELL: By the way, I very much appreciate and agree with everything you just said, but I'm looking at page 3, line 31 and 32 of the bill, and doesn't that say that one of the requirements is compliance of applicable engineering controls such as proper air flow, exhaust, ventilation or other special design requirements? I don't see any exception for reasonableness; is there one that I missed somewhere?

MS. REYES: I'm sorry, hold on.

MR. GOODELL: By the way, I liked your prior answer, I just didn't see it in the language of the bill.

MS. REYES: So it -- it -- it requires them to consider those things when they're coming up with the standards, but it doesn't specifically say that they have to redo their whole HVAC system.

MR. GOODELL: Now in the Americans with

Disabilities Act, when that was enacted, the language of the statute expressly provided an exception if the modification, in order to accommodate those with disabilities, was not reasonable or practical to implement. Is there comparable language in this legislation?

MS. REYES: I don't -- I believe it's not delineated in the legislation because that's left up to the Department of Labor to promulgate what is reasonable.

MR. GOODELL: I see that this provision says that an employee can refuse to work if the employee reasonably determines in good faith that such work exposes him or her or other workers, or the public for that matter, to an unreasonable risk of exposure to an airborne infectious disease, is that correct? I'm looking at page 4, line 50.

MS. REYES: Correct.

MR. GOODELL: So in other words, an employee could refuse to work based on a concern that working conditions might expose someone entirely different, a member of the public or some other employee, they can just then refuse to work?

MS. REYES: Yeah, but that's currently the standard now. That language is actually modeled after the code of Federal regulations for -- under OSHA.

MR. GOODELL: Right, and that's why I think we should stay with OSHA, but number eight says that the employer cannot in any way retaliate or take any adverse action. So if an employee refuses to work because they're concerned that there might

be a risk to somebody else and they refuse to work, I understand the employer can't retaliate. Does the employer still have to pay them even though they're not working?

MS. REYES: I don't believe so.

MR. GOODELL: Now this says that an employee can simply refuse to work if they have a good faith belief that their work might expose somebody else to a danger. Who determines what's meant by "good faith?" Is it the employer or just the employee, or some third-party?

MS. REYES: As per the OSHA standard, I believe it's the employee, the person who is refusing to work.

MR. GOODELL: So it's up to the employee to decide whether they want to work or not?

MS. REYES: Correct. And they aren't paid --

MR. GOODELL: And I see that you have a provision --

MS. REYES: They aren't paid if they don't work.

MR. GOODELL: I see it in the provision on the reimbursement of legal fees and attorneys fees and cost if the employee wins, but the -- the standard for reimbursing an employer if the employer wins is only if the employee's action was completely without merit, not just that the employer won, but that the employee's claim was completely without merit and undertaken primarily to harass or maliciously injure the employer. Why don't we have the same standard for both the employee and the employer? In other

words, if the employee wins a close case and is entitled to reimbursement, why shouldn't the employer likewise be entitled to reimbursement if the employer wins? Why such a high standard for employers and no standard -- or low standard for employees in terms of reimbursing their legal fees?

MS. REYES: This is all modeled after Federal language.

MR. GOODELL: I see. Now I see that if you have ten or more employees you have to set up, or you may, rather, I apologize, if you have ten or more employees, the employees can request a labor management committee to review safety issues, correct?

MS. REYES: Correct.

MR. GOODELL: And at least two-thirds of the members of that committee have to be made up of employees, correct?

MS. REYES: Correct.

MR. GOODELL: So if I have ten employees, you're saying a third of my workforce has to be on this committee?

MS. REYES: They don't have to be on the committee, you just --

MR. GOODELL: Well, if there's two-thirds of them have to be employees and you only have ten employees, so I mean, three out of ten is 30 percent, right?

MS. REYES: Correct; that's optional.

MR. GOODELL: And then they meet during work hours at least once a quarter. Any limit on how long they can meet or they could just take the whole day off, at employer expense?

MS. REYES: I don't believe we put in language about hours, but I -- that's unreasonable to say they're going to take the full day off for a committee meeting, because in that committee meeting you also need your supervisory employees.

MR. GOODELL: Thank you very much, and I'm glad to see you're still smiling. My questions for you are done, thank you so much.

On the bill, sir.

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

MR. GOODELL: Our employers in New York State are reeling in an effort to recover from COVID. And we are thankful that our employers have taken such initiatives and are complying with the OSHA standards and DOH standards and all of the other standards. This is not the right time to impose huge new requirements on all of our employers, even if they only have one employee. I like the intent, but the language is too broad. Thank you, sir, and thank you to the sponsor.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

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

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

MS. REYES: Yes.

ACTING SPEAKER AUBRY: Ms. Reyes yields, sir.

MR. SALKA: Thank you very much. Somewhat simple question, who pays for all this? Obviously we know that PPE is now, with the market being the way it is, a box of gloves can cost well over \$100, all the way to sophisticated ventilation systems, they can literally cost thousands and thousands of dollars. And I know that a lot of businesses in my district and I'm sure in other districts throughout the State are struggling just to make -- make their mortgage payments and pay their employees. Some have gone into their personal finances just to pay their employees. So I'm just wondering if there was anything in the bill, and I didn't see anything, but if there was anything in the bill that would, in fact, allow for some kind of assistance to employers to comply with what could be a fairly costly requirement.

MS. REYES: Well, first I need to clarify the record. There is nothing that requires them to upgrade ventilation systems. That is absolutely not a requirement for businesses. And we would argue that the cost is minimal. The cost of PPE is something that businesses are already incurring, and this is just to ensure that people are following the rules. And we would argue also that the cost of closing businesses because people are contracting COVID, whether it be spread within employees within the workplace, within the general

community, because as we've seen with some of these -- with some of the Executive Orders is that when certain areas go above a certain color, then -- then the whole area closes down and that's a cost to businesses that I would argue is greater than the cost of a box of masks and some gloves. So our businesses are already paying for this and the cost is minimal, but there are also some grants through SBA that have been offered for businesses who have significant hardship to be able to access funds to pay for some of these measures that are in the best interest of public health, I might argue.

MR. SALKA: Thank you. Thank you for that.

Maybe one or two more questions here. Is one of the requirements to have effective social distancing for employees and consumers or customers as the risk of illness may apply? I would imagine that's a relative requirement? I have, in my district, I have factories, I have businesses where people work within close proximity of each other and social distancing to successfully run the operation is impracticable, to say the least. Is there a subjectivity to this?

MS. REYES: I agree. No, and -- and look, I'll tell you, as a nurse, it's impossible for me to stay away from my patients. I have to be in very close proximity to my patients, but the way that I protect myself and also perform my duties is by having the appropriate PPE. And there are going to be industries where, of course, social distancing is not going to apply and it will be difficult to implement because of the nature of the industry, and that's why we have to consider all the other measures that are in place. Mask wearing is one

of those measures that is very, very effective in preventing the spread of -- of airborne infectious diseases.

MR. SALKA: Okay. One other question. Thank you very much. Designation of one or more supervisory employees to enforce compliance. Will these supervisory employees have to have any kind of orientation, if you will, into sometimes what can be a relatively sophisticated regulation? In other words, they really should know what they're talking about if they want to make a claim or an accusation against an employer for -- for a violation. Will they have any kind of background information that's required or orientation?

MS. REYES: Well, the -- the purpose of creating these standards is to make them very, very clear for -- for employers to be able to implement and enforce them. So I -- I don't foresee them to be very complex, kind of like a checklist of these are the things that you need to put in place to make sure that you guys are adhering to the law but also adhering to safety measures. And employers are required to post these standards so employees can see them and the supervisory employees are able to access them, as well, and there's training that is required, as well. And I think verbal -- what'd they say, verbal review of the standards.

MR. SALKA: So there is some training or orientation for these people that are going to have the responsibility of judging whether or not an employer is complying with the regulations under this bill?

MS. REYES: Correct. And that's -- and that's

industry -- like again, work site specific, right. An employer will get these -- these guidelines from the Department of Labor and they will review them with their supervisory employees like they review all the other standards that supervisor employers have to implement and enforce, where they will know what's required of employees and of themselves and of the workplace in order to make sure that they're adhering to guidelines.

MR. SALKA: Thank you. Thank you very much, thank you for those answers. And as a -- as a respiratory therapist for 32 years, I can agree with you that we have to be within very, very close contact of our patients in many circumstances, and I thank you for what you're doing in the medical profession.

Mr. Speaker, on the bill.

ACTING SPEAKER JONES: On the bill.

MR. SALKA: I have to concur with my -- my colleague, Assemblyman Goodell, when now is probably one of the worst times to force employers, and I think of our dairy farmers who are just barely making it with the price of milk being as low as it is or as I mentioned, our restaurant owners who really are below marginal right now as far as being able to comply with what are, a lot of times, very ambiguous direction from the -- from the Department of Health. But, of course, no one here wants to see someone contract COVID unnecessarily, okay, and we do need to protect our workers to the most -- with our best efforts. But I just see that a bill that will increase overhead for businesses across the spectrum in New York State, and

with New York State being one of the worst states in the country to do business in, and even before the pandemic, I can see something like this as putting more and more pressure and causing more and more businesses to fail. So with that in mind, I'll be voting against this bill and I urge my colleagues to do the same.

ACTING SPEAKER JONES: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for just a couple questions?

ACTING SPEAKER JONES: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER JONES: The sponsor yields.

MR. MANKTELOW: Thank you very much, Chairwoman -- or sponsor. Just a couple questions. While I was reading through this, is there anything being done for the State employees?

MS. REYES: So we passed Chapter 168 of 2020 last year and that covered State employees. So they're already in the process of creating the very same guidelines for the public sector. This piece of legislation would only address public -- private sector workers.

MR. MANKTELOW: So do State employees, are they able to get together with one another, with their employers and find out what's working and what's not working in the State

workplace?

MS. REYES: Yeah, most of our public -- public sector workers are unionized already and within the construct of their union, they already have workplace safety committees.

MR. MANKTELOW: And if some of these workplaces in the State, if they don't -- if they don't comply, what happens with the units, or the different organizations throughout the State?

MS. REYES: Are you talking about the private sector?

MR. MANKTELOW: No, I'm talking about the State employees.

MS. REYES: If they don't comply?

MR. MANKTELOW: Yes.

MS. REYES: Well, you know, the unions can -- right. There's recourse through the Labor Law for unions to be able to enforce their contractual bargaining agreements.

MR. MANKTELOW: So just -- just a quick question while we're here in Albany, I know this building is huge and the Capitol and the LOB, do you know if those -- both of these buildings have they had changes in the air system, do you know?

MS. REYES: I'm not certain.

MR. MANKTELOW: Okay. I was just wondering because I know that there are some issues here and I was just wondering if you knew about that. So back to the State employees, up

our way in the wintertime, we have snowplow operators with State trucks. They run two shifts, 12 to 12. Is there protocol within those trucks once one driver gets out and another one gets in?

MS. REYES: I'm sorry, could you repeat that?

MR. MANKTELOW: Sure. I know up in our area where we do a lot of snowplowing, we have State roads up there, of course, like everyone else, and I know that one operator of a truck will be in that truck for 12 hours and at the end of his or her shift, they get out and then a new driver comes in. Are there protocols in place to disinfect that truck prior to the new employee coming on for his -- his or her shift?

MS. REYES: Is this a -- is this a public sector worker?

MR. MANKTELOW: No, this is a State employee.

MS. REYES: A State, I'm -- I'm assuming that there are health and safety guidelines in place already.

MR. MANKTELOW: Okay, I just wanted to be sure. You know, we're hitting the private sector pretty hard here. I just want to be sure that if we're going to hit the public -- or the private sector hard, we need to -- we need to also make sure our State employees are taken care of, as well.

MS. REYES: I agree.

MR. MANKTELOW: Thank you. And I want to thank you for being a nurse and everything you do, thank you so much. Being a former farmer and working in -- in equipment for

many, many hours, what are the standards going to be for some of our farmers, do you know that yet?

MS. REYES: Well, the -- the legislation doesn't specify the standards for every industry. There are minimal standards, like PPE requirements, social distancing, disinfection, but there will be different standards for different industries and I think like the other colleague who asked questions prior about social distancing in -- in health -- health care settings is not going to be necessarily something that -- that will be able to be enforceable or -- or actually able to happen. I assume that there are going to be standards for farmers and -- and agriculture that aren't going to be -- are going to be different.

MR. MANKTELOW: And I'm assuming that will be the same for truck driving or a transportation company in the private sector, as well?

MS. REYES: For all industries. There are going to be industry specific standards that we can't -- that we can't -- that we can't anticipate in this piece of legislation to write in statute standards for every industry, so that's why we leave it up to the Department of Labor to handle it.

MR. MANKTELOW: Do you think it would be better if we came up with those standards prior to implementing -- implementing this?

MS. REYES: No -- I am not a farmer, I have no insight as to what they might need other than the basic precautions necessary to prevent airborne infectious diseases, but there are going

to be industry-related standards that I'm not going to be able to foresee because I don't -- I'm not a farmer, I'm a nurse. And similarly, in other industries, there are going to be standards that we are not going to be able to regulate because we don't understand those nuances in every industry and every workplace.

MR. MANKTELOW: Yeah, so -- and I agree with that and that's why I'm asking, don't you think -- if we know where we're going and what private sector is going to be having to deal with this, wouldn't it be better for us to come with the guidelines prior to implementing this so the businesses that are in New York State have a full understanding of what's expected of them and kind of an idea of what the cost is going to be; wouldn't that make -- I'm sorry, go ahead.

MS. REYES: Well, the -- the legislation does speak to minimum standards, health screenings, face coverings, PPE, hand hygiene -- hand hygiene stations that are accessible, regular cleaning and disinfecting, whether it be of equipment or work -- work areas, social distancing if applicable, complying with quarantine guidelines. So if you have an exposure in the workplace, how long those employees have to quarantine for, being able also notifying other employees of potential exposure, all those things are written within the -- the statute of this -- of this bill. All the other things that we can't foresee, they aren't, and we leave it up to the Department of Labor.

MR. MANKTELOW: Okay. I'm just really concerned that the Department of Labor is going to go in there being the big kid on the block and really putting some tough guidelines on

our businesses, and I think at this time, as my colleague that just spoke said, this is probably not the best time to -- to make them have to do with even more with less money. And as I look at the bill, is there any funding that goes along to help our businesses being -- would be able to handle the changes?

MS. REYES: Well, I've heard several of our colleagues say that this isn't a good time, but we've lost hundreds of thousands of lives. I would argue this -- there is no better time than now. We're actually a little late in implementing these standards. We should have implemented them last year. So in terms of money, you said for --

MR. MANKTELOW: Yeah, because right now, our businesses are struggling. I talked to many businesses when we're back in the district. I talk to other colleagues throughout the State and our businesses are in tough shape right now financially. And now we're looking like we're going to add another, I'll call it unfunded mandate, back to our local businesses and they're going to have to come up with the funding to put this in place, and not only that, they're going to have to allow their employees to have time to work with this as well. And again, we're going to push this off to them, thinking that our businesses have just a never-ending barrel of money out back and they really can't stand this. So -- so what are we going to do financially to help our businesses get through this change?

MS. REYES: Well, our businesses are already incurring the cost of us not doing anything, which is the closures that

we've seen as we've seen this -- this virus continue to spread through the population, through our communities that has forced our industries and our businesses to close. They're already incurring that cost of our inaction. And the minimal cost of implementing these standards are -- are -- is a cost that they're already incurring because they already have some sort of guidelines that they have to adhere to. The problem is that they're not very clear and -- and many industries have struggled to keep themselves and their workers and their overall community safe because they don't have any clear guidelines on how to implement some of these precautions that the CDC has put out, that the Federal government has put out, and I think it's our responsibility as a State to be very, very clear as to what we expect of our businesses and how do we make them -- we keep them safe and keep employees safe and keep our communities safe.

And the cost of -- and I've said this a few times, the cost of PPE, face coverings, I mean, we've all been handing out face masks throughout our communities. I personally have given out face masks to many of my small businesses in my district. The SBA has -- has grant programs that they can access if they're having hardships paying for some of these -- some of the PPE. But I understand -- I understand your concern. My biggest concern is that we can never get our economy back if we don't get this virus under control, and putting these measures in place is the best way for us to keep this virus under control and stop it from spreading.

MR. MANKTELOW: Yes, absolutely. And as we

just saw in the budget how many dollars we spent helping individuals with or getting through the pandemic and still getting through the pandemic. And I just -- I have concern about our businesses without the financing, without any money here to help our businesses implement this, but with the possibility of getting fines if they don't do everything just exactly right. I think we at the State should hold ourselves more accountable than our businesses as we've seen with the -- with the nursing home situation through the pandemic.

So I appreciate your time, I appreciate your answers.

Mr. Speaker, on the bill.

ACTING SPEAKER JONES: On the bill.

MR. MANKTELOW: Thank you, Mr. Speaker. On the bill. As we move out of this pandemic, we're still in this pandemic, speaking to many, many of our small businesses, big businesses back home back in our districts, again, we're putting another mandate on our businesses. And my concern here as New Yorkers is it's going to be very easy for these businesses to say enough is enough. They've only got so much time, only so much money and so many employees. You know, one of the big issues, again, with extending unemployment from the Federal side is we can't get the workers back to work. The jobs are there, there are places to work that are safe and ready to go, but we can't get them back. And now we're going to add even more stress on a business. I used to have a nail -- or a tanning salon and a hairdressing place, believe it or not, and the Department of Health got so hard to work with because of the

tanning beds I finally said enough is enough and I let it go. I lost a lot of money because it was a new place, but there's a point where we in New York need to work with our -- our employers. If we're going to ask them to do so much, we need to back them and supply them with the dollars and the knowledge and not fine them if they're not perfect up front.

So I'm just concerned that some of our businesses, again, may leave the State because they just cannot afford anymore unfunded mandates. So as we move forward, I think we really need to think hard about this piece of legislation. If there was some funding in this, I could probably support it, but without the funding, Mr. Speaker, I cannot support this and I'm going to ask my colleagues to pull the reins back, slow down and let's help these individuals before we burden them again. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER JONES: On the bill.

MS. WALSH: I wasn't necessarily going to be speaking on this bill, I just want to kind of piggyback on some of the comments that have been made by some of my colleagues about the bill. Just a couple of -- and no particular order, just some points that I've written down. The first thing I would point out is that this bill is not just limited to COVID. It's -- it's kind of like another one of those

bills that we've seen this Session that is kind of masquerading as a COVID bill but it really applies to so much more than COVID, and it's not limited in any time. This is going to be the rule going forward if this becomes law.

You know, I think that as one of my colleagues alluded to, I think that businesses right now are really at a tipping point, and I think that passing legislation like this, it's very ill-timed. All of us want to keep employees and the public-at-large safe and out of that group, employers want to do that and I think that one of the things that I think bothers me and what kind of compelled me to stand up and speak about this is I think that there's a trend in some of the bills that we've been seeing which really attributes the absolute worst to the employers, like they don't care, like they don't want to keep their employees safe, like they don't want to keep the public-at-large safe. The employers that I speak to -- speak with regularly have gone to extraordinary lengths to try to keep their people safe, everything that you can name from -- from the masking to the plastic shields to the -- the hand sanitizers to, you know, staggering work schedules, to allowing people to work remotely, on and on and on.

And I just think that -- you know, one of my colleagues earlier quoted John F. Kennedy. I -- you know, I was thinking about Ronald Reagan because as he said, you know, *The most terrifying words in the English language are 'I'm from the government and I'm here to help'*. And when I look at this bill, that's what I think about. It's just one more heavy-handed, I think,

additional regulation on our business community on top of OSHA, on top of what employers are already doing. We already have broad whistleblower protection if employees feel that they are not being adequately protected, if they feel that they are not safe in their workplaces. We already have that. You know, we already have the worst business climate, highest tax, highest regulations. You know, the answer is not to put more regulations, more exposure to fines, more penalties, more civil lawsuits on our business community. It's just -- it's the wrong way to go.

And I do believe that the sponsor has the best of intentions in advancing this. If you just -- you know, if you just take a look at the definition of "employer" that is covered by this, it is so broad. You know, I really believe that if this bill had been drafted in a more constrained manner, if it had been limited to employers of a certain size, if it excluded independent contractors - and I could name a few more things - if it was more restrained in its scope, I think that there would be a lot of support on my side of the aisle for it, but as it stands right now, I think it introduces an unnecessary layer of complexity. I think that it's just -- it's not the right way to go here.

And I do think it's a trend that I'm seeing in many pieces of legislation that are coming forward this Session and last, and I can't support this. And I would encourage my other colleagues to really think about this. Is this what we want to do in addition to all the other things we've done? Of course we want to keep people safe, but is this the way that the government wants to go and tell private

business how to do it? Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield for a question?

ACTING SPEAKER AUBRY: Ms. Reyes?

MS. REYES: Yes, ma'am.

MRS. PEOPLES-STOKES: So colleague, I'm understanding here that this bill would require that the Department of Labor and the Department of Health to create some sort of model that would deal with airborne infectious diseases and that it would be used in all work sites.

MS. REYES: Correct.

MRS. PEOPLES-STOKES: And a little bit of a difference between, say, the nail salon where I was last week for a mani/pedi, and the supermarket, or a shoe repair place. It would be based on the industry as opposed to a standard procedure, is that right?

MS. REYES: Correct. There are baseline minimum requirements that we -- that would be required across the board for every industry that would mean, of course, face coverings, disinfection, social distancing if applicable, testing of the employees, quarantine requirements all as -- as prescribed by the CDC and based on the science of how whatever airborne infectious disease we're dealing with at the time - in this case, it's COVID - how it spreads, incubation period and all those instances. But, like you mentioned, for example, when you go to a nail salon, it requires you to be in close

proximity -- close proximity to your technician and perhaps social distancing in that -- in that setting wouldn't be necessary, but in other settings and other industries it would be.

MRS. PEOPLES-STOKES: So how many, like, airborne diseases have we experienced as a country?

MS. REYES: Numerous.

MRS. PEOPLES-STOKES: They're regular, they're ongoing; this is not just specific to COVID.

MS. REYES: Correct, correct.

MRS. PEOPLES-STOKES: So in 2014, Ebola was a big airborne infectious disease concern, not just for America but for the whole world, and I want to say probably it was not much -- I'm sorry.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: And probably not much longer after that, the former President established an office of pandemic experiences under the National Security Council. And then later after getting a new President, that was changed. We are no longer looking at the value of having a national pandemic office. And, you know, I don't know, I'm not a nurse or a scientist, but if we, as a society of -- particularly since we want to keep ignoring climate change and those issues that are important to the environment, are not going to be willing and able to protect the health and the lives, quite

honestly, of the people who reside in the State, in this nation, and in this world -- I'll submit, we're not upholding our responsibility, it's people who should be doing that.

In the State of New York during the course of this pandemic -- in fact, we probably wouldn't even -- we wouldn't be here last year at this time, we'd probably still be at home. No one would be having mani/pedis, no one would be going to the bowling alley. No one would be trying to go out and have dinner. We would all be hunkered down. Well, we're in a better place now. We're not in the best place, but we're in a better place. I know it's not the best because also this week, Mr. Speaker, one of my constituents came to my door and put something in my mailbox. It was on a small piece of paper, and she literally wrote out her heart on the back and the front because they're asking her to come back to work and she knows that where she works at is not safe. When she had to go back into the work space in November, everybody that she worked with caught COVID, and one of them actually died. And so now they're asking her to come back again and she's completely nervous, she doesn't know what to do. She can't afford not to have her job, but she'd rather have her life.

And so these are real issues that we are still facing today. And I will submit that, you know, I haven't found anything in this legislation that will require a business to spend an exorbitant amount of money to protect the people who allows them to be in business. That's the people who do the work. And if, in fact, that does happen, Mr. Speaker, in our most recent budget process, I don't

have a figure in front of me, but there was significant resources that were provided to support the difficult time that businesses have had to experience as a result of going through this pandemic. It makes sense to me, quite honestly, if these decisions on how airborne infection disease controls are monitored in the workplace, I would love to see that happen at the national level, but until it does I think we have a responsibility to try to protect New Yorkers. And so I think it's difficult as it is to always be coming up with ways on how you can protect people's lives, it's still a challenge that we have to take. Almost 2 million cases of people with COVID in the State of New York, 51,077 died; in fact, 43 of them died last night -- or yesterday. Hospital rates are still up. I respect everybody's opinion on this topic, but I think first and foremost we have a responsibility to try to protect the lives of people. Businesses don't operate without workers, workers need to know they're going to be safe when they go there. The two things work together, as opposed in opposition to each other. Fifty one thousand and 77 people. There only 32 municipalities in the State that will survive if they lost that number of citizens, the rest of them would be over.

So Mr. Speaker, I want to commend the sponsor of this legislation. I understand that there's already been a Senate passage and that there may be a need to at some point in the future, I've heard it mentioned more than one time on the floor today, some opportunities to tweak it to give it more power, more structure, and more clarity [sic], but I think what we're doing here today is by and

large the right thing to do in the interest of New Yorkers.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Gunther.

MRS. GUNTHER: I was going to explain my -- my--
my vote.

ACTING SPEAKER AUBRY: Well, okay. We can
do that. Hold on and we'll get to that in a minute.

MRS. GUNTHER: Okay, thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record
the vote on Assembly print 2681. This is a Party vote. Any member
who wishes to be recorded as an exception to the Conference position
is reminded to contact the Majority or Minority Leader at the number
previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican
Conference is generally opposed to this legislation as written. Those
who support it should contact the Minority Leader's Office so we can
properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in the affirmative on this item. If there are members who would desire to vote otherwise, please feel free to contact the Majority Leader's Office and I am pleased to be able to record your vote properly.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

To explain her vote, Mrs. Gunther.

Thank you for waiting, Mrs. Gunther.

MRS. GUNTHER: Hi, am I -- am I unmuted?

ACTING SPEAKER AUBRY: You are unmuted.

MRS. GUNTHER: Okay, thank you. So I felt compelled to talk a little bit about this bill. You know, certainly one of the most important parts of any bill or any piece of legislation is the education to our constituency. You know, when we talk about airborne diseases, we are thinking about tuberculosis, and then when we look at droplet spread, which is something like influenza or the COVID, you know, there are different ways of looking at, you know, these diseases and how the transmission occurs. And then there's also a contact spread. And, you know, when I'm -- when I'm listening to all of the speakers, I'm thinking about the cost to small business and, you know, the ventilation and how it filtrates the smaller airborne rather than the droplet spread. So this will cost a lot of money.

And more than anything, and I know this through being -- working at a hospital and I'm sure my other nurses do, is the

most important thing that we can do is educate our constituency, and that means all of us and all of the people that live in the State of New York, about hand washing, about how we cover our face, we don't use our hands, our elbows. So I think there's a piece that's missing and that is education if we want to stop transmission like this. You know, we've done it through influenza and we did it through tuberculosis and we did it through MRSA and SARS and all those different diseases.

So you know, I think there will be a cost involved, a monetary cost, but I also think that the most important part of this legislation is the education of our constituency and also making sure that we're looking at ventilation and the checks of ventilation. And so I will support it but, again, I think that the education piece is monumental in making transmission and disease spread stop. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mrs. Gunther in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. To explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. GOODELL: We have just completed a year of arbitrary rulings affecting almost every aspect of New York life, and there's no dispute how arbitrary they are. Last Memorial Day you could go to the beach, that's okay, but you can't attend a Memorial

Day service outdoors in a cemetery with more than ten people. We have seen the destruction of thousands of businesses through arbitrary decisions. You can only be open until 9:00 -- you can't be open at all, then you can only be open until 9:00; oh, but you've got to have food if you're at a bar. Oh, chicken wings don't count; oh, yeah they do. No they don't, yeah they do. Over and over, these rulings that are arbitrary and capricious as ruled on by the courts have wrecked havoc on thousands of small businesses. And this bill says after a year of arbitrary decisions that have destroyed thousands and thousands of small business, let's empower the Labor Department to come up with almost unlimited requirements that affect everything including, quote, "Compliance with applicable engineering controls, such as proper air flow, exhaust ventilation, and other special requirements," and if you don't, it's a minimum \$1,000 fine. Not the right message at this time. Not the right approach at this time. I will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MS. GONZÁLEZ-ROJAS: Thank you. I speak in favor of this bill today and I want to thank the sponsor so much for her great work on this. This bill is a wonderful example of what it means

to go beyond thoughts, prayers, and clapping. And I could not think of a better name for this bill either because that is what the frontline workers are who continue to wake up each day and go to work despite unsafe conditions. They are heroes. These heroes have kept our State moving and we owe them this.

We must ensure that there are actual standards to prevent airborne disease from being transmitted in the workplace. I strongly support the stipulations in this bill that would establish safety committees composed of employees and management, because it is frontline workers who know best what they need to stay safe as they do the hard work that they do. We should always center directly-impacted people in the decision-making process.

It is said that we should never waste a crisis, so if it took a pandemic to develop higher standards for the workplace safety, then this is the one silver lining of this crisis. And I thank every union and every organization that supported this bill. I strongly support the stronger retaliation provisions, as well as the civil penalties for workplace -- workplaces that don't comply with those standards. And as I vote in favor of this bill, I think of an organization, New Immigrant Community Empowerment in Jackson Heights. They support day laborers who are the example of the workers that will be better protected by this legislation. Every single worker deserves a safe and healthy environment to work, every single one. This bill moves us closer to that. I proudly vote in the affirmative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Rojas in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. So we are living in unusual times, and we have to manage those times together, employers and employees, thinking about the issues that impact them. It is critical to understand the role of the employee and the essential worker in every conversation. They understand how businesses function, they are there on a day-to-day basis. They understand the concerns around social distancing and mask wearing, and making sure their hands are clean. And all we're trying to do together is to ensure they have the tools necessary that they can keep their workplace safe for them and ensure they keep the workplace safe for their families when they go home.

This bill advances those causes. In the budget that we passed a little less than two weeks ago, we put \$800 million aside for small businesses. This money is being made available to ensure that businesses who are struggling during the pandemic had resources available to help them. So if a business needs help with infrastructure or PPE or an HVAC upgrade, the State Legislature in the budget provided additional resources. All we're saying now is we don't want more people to die, we don't want more people infected, we want a safe work environment for everyone. This bill goes a long way to do that. I applaud the sponsor and I encourage my colleagues to vote in favor of it. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. How many lives of New Yorkers could have been saved had this legislation been in place before the pandemic? That we think about this as an attack on small business is, to me, shocking. I think every small business owner wants to be certain that their workers are healthy and well, and are not in an emergency put at risk, because they're put at risk, too, in their workplace. Ensuring that the folks who are on the frontline have the ability to weigh in is very important. They understand the processes that are enacted sometimes better than management. They often make recommendations that improve the way in which work is accomplished. And ensuring that people are safe is not overly costly. What has been the cost of the health care crisis that we have faced through this pandemic. We are told by scientists that with the change in climate, we are likely to see additional types of airborne diseases, and it is important for us to take steps to ensure that going forward, we do not have a circumstance that we have lived through this past year.

I applaud the sponsor. I think that we needed to learn a terrible lesson. Tens of thousands of our New Yorkers died during this and many have been seriously injured. I withdraw my -- my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the

affirmative.

Mr. Anderson.

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

ACTING SPEAKER AUBRY: Proceed.

MR. ANDERSON: Thank you. I want to certainly start off today by thanking the sponsor of this bill for having the courage and strength to understand the importance of prioritizing our heroes and heros who are on the front lines across our communities across the State. When folks -- when there was a fire, when there was the height of the pandemic, these are the folks that went into that fire, went into the height of the pandemic, showed up to work and -- and did not have the protections in place to ensure that they were safe and their families were safe. And what this bill does is it standardizes protections for working class folks, for people, for business owners who must provide PPE and other safety measures, it provides strict guidelines to protect essential and frontline workers.

And we want to thank, of course, the sponsor, we want to thank the unions, like RWDSU, who are out making sure that working class folks, people who are essential, people who are on the front lines mean much more to us than acknowledging them every night at 7 PM, that we provide the protections that they need to survive, and the protections that they need to keep their families and themselves protected from this virus. So I withdraw my request, Mr. Speaker, and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. Last summer when Governor Cuomo started to signal that businesses could open around the State, I can't tell you how many small business owners said to me, *Can you help me figure out how I develop my reopening plan that I have to file with the State*, that talked to -- that spoke to the health care concerns that many of us have talked about today, how can you reopen safely for yourself, for your employees and for your customers. Just about every small business has had to put in place these reopening plans in order to comply with the requirements of whatever the Executive Order was.

And if that -- and if what this bill did was just codify that process, I could support this bill, but it goes so much further than that. When it adds into the process the need to comply with the applicable engineering controls such as proper air flow, exhaust ventilation and other special design requirements, well now you're talking about a significant upgrade to the infrastructure that a business has. And so many of our small businesses rent, they don't own, and so they're really dependent on landlords being willing to make that investment. And where I live, most businesses are located in old 1800's buildings. The ability to put modern ventilation in there is no better than it is in this building.

For these reasons, I wish this bill was more narrow. I

wish it just codified that process of building those reopening plans into a regular process and then I could support it, but as the bill is written, I'm afraid I can't support it. And with that, I withdraw my abstention and vote in the negative.

ACTING SPEAKER AUBRY: Ms. Woerner in the negative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To explain my vote. This -- this bill, my colleagues, is bad for business obviously for a lot of points that some of the colleagues made today. But I want to talk about the rhetoric fear that I hear in this Chamber and throughout our media and our leadership, and it's concerning. Actually, *The New York Times* wrote an article this morning that I encourage you to read. At the end of the article, they're talking about a Brown professor that they had interviewed, and this gentleman who is vaccinated was afraid to take his mask off and have a beer with a vaccinated friend, and they've both been vaccinated for -- for a long period of time. So I just want to talk about the anxiety and fear -- and this is a scientist, this is a professor at Brown University that right now, the rhetoric of fear is so strong in this nation that he can't even personally follow the science. And I hear some of that today.

So they also throw out some statistics: Automobile accidents kill about 40,000 people, with all of the safety constraints and bumper rails that we have around our vehicles, still in the United States kill 40,000 people a year. But we're not terrified to drive our

vehicles every day, right? We need to remove ourselves from that -- we're -- we're getting on the back end of this thing and Leaders in this Chamber need to be really prepared to reenter society. I'm worried about a lot of the individuals that I'm hearing from today.

This is called the airborne infectious disease, prevents occupational exposure to an airborne infectious disease. The most infectious disease that I saw throughout the last year was the disease of fear across the United States, across the world. I'm worried -- right now, I'm following the science, I'm very confident that we're going to get out of the pandemic. I'm really worried about the rhetoric of fear that continues today and almost like it doesn't want to see the light at the end of the tunnel, because we know from statistics, fear leads to increase in suicide, Mr. Speaker, increase --

ACTING SPEAKER AUBRY: Sir, how do you vote?

MR. WALCZYK: -- in anxiety and mental health.
I vote no.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: To explain my vote. More than a year into the COVID-19 pandemic and it's hard to believe that legislation like the New York Heroes Act isn't even needed to protect workers, but it is. Even now when it is beyond clear what needs to be done to stop the spread of COVID and protect ourselves and others against this deadly disease and return to some semblance of normalcy,

there are still workers who have not been provided access to basic PPE on the job, access to basic sanitation and confidence that the air they breathe is safe for them, it's unacceptable. And I want to thank sponsor Assemblymember Reyes for introducing this important piece of worker legislation.

In fact, this legislation is long overdue. In the aftermath of September 11th, almost 20 years ago, it is clear that employees needed additional protections to ensure that their health and safety was prioritized by their employers, and that their employers did not retaliate against them if they demanded safe workplaces. The same is true today. Today, the very workers who need the protection of the New York Heroes Act have been on the front lines of the pandemic, working at great risk to themselves and their families to provide the rest of us with access to essential goods and services. These workers were deemed essential and we celebrated their contributions by banging pots and pans for months; at the same time, they were losing their jobs because they asked for face coverings or for their employers to follow COVID guidelines. If we really want to honor and celebrate the contributions of the hard-working frontline workers, we must pass the New York Heroes Act to ensure they have access to comprehensive workplace protections, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, I just want to explain my vote. I know I only have two minutes, but I just wanted to say this. Government can't fix everything, and I'll give you the prime example of what government didn't fix. Early in this pandemic, our privately-run nursing homes, senior living centers, senior housing, knew what was right and wrong, knew that bringing a COVID patient into that facility would be detrimental to not only to the residents, but to the staff members that took care of those residents. But because government issued the order, I'm sorry -- the directive to make nursing homes take COVID patients back into them, we are now down 15,000 individuals. So when we vote on something like this, think about those 15,000 -- 15,000 individuals who've passed away. Could we have stopped it all? Probably not, but we could've stopped a lot of it. Thinking of those families, thinking about what they're going through today, not having that last minute to be with their loved ones.

So we're thinking again government can do everything to help everyone, to help private business? Not in all cases. I am so proud of the people and the businesses that I represent in my district back home because I know that our businesses do a great job at protecting their employees. They know how important their employees are. We need to make sure we keep our businesses here because if we don't have businesses, we don't need employees. So let's look at this again and really think about what we're voting on. I will be voting no and I'm going to ask my colleagues to vote no, as

well. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. To explain my vote. I want to commend the sponsor of this legislation for legislation that is measured and thorough. I hear complaints from colleagues that prior declarations by the -- by the Governor, for example, have overreached or were based in arbitrariness, and this legislation actually prevents that because it recognizes that every industry is a little bit different. It protects those essential workers who work in a variety of industries, and the answer is not the same, it is not a one-size-fits-all. And this legislation acknowledges and reenforces that. It also provides important whistleblower protections. In the State, our whistleblower protections are actually remarkably weak, and this bill addresses those, as well. So I'm honored and very supportive of this legislation, and I will be very happily voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. And I want to commend the sponsor for this bill. I think the intent is absolutely a great one. We've been through an absolutely horrific year here, and she is one of those health care workers that we've talked so much

about. I've -- just the last week when we weren't in Session, many of us weren't off, and I had the opportunity to visit a whole host of different small businesses whether it was a theater, a couple of different restaurants, a hair salon, and some food establishments and even heard about some of our local arenas that are trying to open up. All of them are truly, truly struggling right now and really floundering. A few of them -- well, most here in Upstate are hanging by a thread. So while I support the absolute intent of this bill, I'm not going to support the version the way it is today because I do think we need a serious exemption for small businesses. It's something that would allow them, especially since most of the small businesses in my area rent, lease, or rent the space that they are occupied in and so the idea that they would somehow have to also be possibly complicit on the air and the ventilation problems, I just worry that it would open them up for -- for more litigation and we've already just seen too many empty storefronts.

So again, I'd like to see some slight amendments here because I think the intent is absolutely a solid one. And again, I commend the sponsor and hope that we can continue to -- to work on this or maybe we will see chapter amendments if it moves forward. Thank you, Mr. -- Mr. Speaker. And with that I vote no.

ACTING SPEAKER AUBRY: Ms. Fahy in the negative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker. To

explain my vote. I want to thank the bill sponsor of this important piece of legislation. I'm proud to support it in support of our labor heroes who are on the front lines serving the public and providing essential services with the presence of an increasing threat to public health and safety. We must establish strong workplace protections and shield the hardworking people from retaliation. Our health and economic recovery centers around the prosperity of these workers and their families who are the heart and soul of our communities in our great State of New York. I'm happy to cast my vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Ms. Reyes to close.

MS. REYES: Thank you, Mr. Speaker. It has definitely been a spirited debate. You know, I've heard a lot of my colleagues talk about that this is not the time for us to be doing something like this that would harm businesses, but I argue that there is no better time to protect the lives of our workers, of our communities, and of our industries. They would not survive without employees. And, you know, I heard somebody say that this is a rhetoric of fear, and I assure you this is no rhetoric of fear. Fear is the look on the patient -- on my patient's eyes right before we intubate them. That's fear, fear of dying of COVID. That's fear. And COVID is real and people are dying absolutely every single day unless we do something to protect our communities, not just our workers and our

industries.

And we want to protect those good employers, because there are -- there are employers out there that are doing right by their workers because they care about their lives, they care about their workers' lives, they care about the communities that they're in. But those people in those -- and those employers in those communities who are not doing right by their workers are putting everybody's lives at risk and are putting our economy at risk, and we want to make sure we go after bad actors. And I want to clarify again that this legislation does not require them to make any changes to infrastructure that -- that they don't have the money to do so. There are many ways to control air flow in spaces, and sometimes like I said, that just means opening a window.

So there has been some misinformation and I urge my colleagues to read the legislation again, but I want to thank all the advocates and the unions of workers who wrote this legislation with me, who have been supporting so many people on the front lines. I want to thank them for their advocacy and -- and their support in this and I will be happily voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Mrs. Galef, Ms. Buttenschon, Mr.

Santabarbara, Mr. Stern, Mr. Stirpe, Mr. McDonald, Ms. Griffin, Ms. Fahy, Mr. Zebrowski, Mr. Jones, and Ms. Woerner in the negative.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

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

ACTING SPEAKER AUBRY: We have resolutions, no housekeeping.

Resolution No. 150 by Ms. Jackson, the Clerk will read.

THE CLERK: Assembly Resolution No. 150, Ms. Jackson.

Legislative Resolution commemorating the first anniversary of Club Quarantine on March 19, 2021.

ACTING SPEAKER AUBRY: Ms. Jackson on the resolution.

MS. JACKSON: Thank you, Mr. Speaker, for allowing me to speak on this resolution. I want to take us back to March of 2020. I know most of us want to forget that time, but it's necessary to think about this. We were dealing with something our State has never experienced before. New Yorkers were asked to stay home and we were on pause. Our food lines were growing and our jobs were shrinking. Our families and friends were getting sick and

people were dying. It was a dark time for New York and the nation and the world, and we had no sense of when it would be over.

So we adjusted. We -- our students went to school remotely. Jobs started to meet virtually. We were doing things that we were told previously we couldn't do, like work from home or see our doctors via telehealth. I myself was doing teletherapy like most other social workers. We watched a lot of Netflix and the news. We were reinventing ourselves. No one did what Derrick Jones did. Derrick Jones is better known as DJ D-Nice, took to what has been his gift to do, which was play music. Now of course he used to play in clubs and stadiums and even for our former President Barack Obama, but since we were all home, he took to Instagram and played hits that we all could enjoy. Millions, millions of people from across the world tuned in to hear him play. Some of the most notable viewers were Jennifer Lopez and Oprah Winfrey, our former First Lady Michelle Obama, and even our President Joe Biden all tuned in to hear him play. We all danced and we sang and we focused on the good times. We were bonded over feel-good music. D-Nice is still spinning and showcasing his fashion sense with his hat changes on a regular basis, like we still get to tune into Quarantine, which started last year. He made us all shift our focus from the death and devastation, the police brutality, the loss of life of Ahmaud Arbery and Breonna Taylor and George Floyd. We weren't focused on the long food lines and the no income or missing just hanging out with our friends and loved ones. We felt connected, like a global community.

So it is my pleasure to acknowledge Harlem-born Bronx made DJ D-Nice and March 19th as Club Quarantine Day in the State of New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Jackson.

Mr. Anderson on the resolution.

MR. ANDERSON: Thank you, Mr. Speaker.

On the resolution.

ACTING SPEAKER AUBRY: Yes, sir.

MR. ANDERSON: Yeah, I wanted to briefly, of course, thank the sponsor of the resolution, but also acknowledge DJ D-Nice for providing solace, providing a space for people, for individuals who didn't know what was going to happen the next day, people who were scared or in fear. His music, his deejay-ing skills, and the space that he provided on social media via Instagram really, really provided a space for people to listen to music and to just relax. During the height of the pandemic, there was so much uncertainty, so much fear, but his musical expertise provided an exit, provided an isolation, if you will, from the height -- from what was going on around us in the world. And for that, we thank him and we acknowledge the one year anniversary. Also as an opportunity for us to not forget what that moment felt like for us, what that moment was for people across this State and across the nation who were in fear and told to stay home. At least they had some entertainment and something to look towards. So I proudly vote in the affirmative.

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

Resolution No. 158, the Clerk will read.

THE CLERK: Assembly Resolution No. 158, Ms. Buttenschon.

Legislative Resolution congratulating Mary Jane Dowiak Wajda upon the occasion of celebrating her 100th birthday.

ACTING SPEAKER AUBRY: Ms. Buttenschon on the resolution.

MS. BUTTENSCHON: Thank you very much, Mr. Speaker, on the resolution. Mrs. Wajda is honored on her 100th birthday. She was born in Yonkers, New York on May 6th in 1921 and then later moved to Upstate New York to their family farm in Newark -- Newport, New York, excuse me. Then later moved to the Village of New York Mills with her husband, Ted. She worked in the Utica knitting mills where many items were created for our soldiers during World War II. She also became an ideal seamstress where she continued her work for family members and local community members. She was a self-taught musician. She mastered the violin, accordion, and organ. And upon request, she would have many concerts in her living room, as well as in her front yard.

Together with her husband, they constructed many buildings, in fact 50 homes, from a short distance where I grew up in Whitesboro, New York. Mary is bilingual from her Polish descent as

her commanded language, as well as English, as well as Bosnian and Ukraine and clearly French, which is something that she continues to practice to this day. As we open Session and hear of many individuals and strong quotes for our community members, I do want to say that this is another individual that has created a foundation that will last throughout my district, as well as the State of New York. Thank you.

ACTING SPEAKER AUBRY: Thank you.

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

Mrs. Peoples-Stokes, we have numerous other fine resolutions. We will take them up with one vote. On these resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 135-138, 156, 157, and 159-161 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I now move that the Assembly stand adjourned until 11 a.m., Tuesday April the 20th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 6:36 p.m., the Assembly stood adjourned until Tuesday, April 20th at 11:00 a.m., Tuesday being a Session day.)