

**FRIDAY, JUNE 3, 2022**

**11:35 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Thursday, June the 2nd.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Thursday, June the 2nd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Good morning, colleagues. The last the time we saw each other we were saying good morning as well, but sometimes it happens that way. I do have a quote that I would like to share since we have some young scholars in the Chambers with us today, I think it's very appropriate. This one is from Dr. Martin Luther King and it says, *Intelligence plus character, that's the goal of true education.* So we try to work on it in the great State of New York and I hope we can speed up that process a little bit, Mr. Speaker.

Colleagues should be aware that you have on your desk a main Calendar as well as an A-Calendar. We also have a debate list. I would now like to move to advance the A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. So after housekeeping we're going to continue to consent where we left off on yesterday from the main Calendar beginning with page 8, Rules Report No. 632 by Mr. McDonald. And we'll go straight through to Rules Report No. 672. So from 632 to 672. We will then take up the following three bills which will go directly to a

vote, Mr. Speaker: Rules Report No. 392 by Mr. Magnae, Rules Report No. 533 by Ms. Fahy, Rules Report No. 563 by Mr. Magnarelli. Appreciate folks' patience as we tolerated each other on yesterday and our opinions. I'm going to ask for that same level of patience and tolerance today so that we can maybe get through here a little quicker.

That's pretty much all I have for you for now, Mr. Speaker and colleagues. If there's anything else that comes up I'll be happy to make folks aware of that. That's the general outline of where we are. If you have any introductions or housekeeping, now would be a great time.

**ACTING SPEAKER AUBRY:** On the euphemistically last day of Session we have no introductions and no housekeeping, Mrs. Peoples-Stokes. So we will move directly to the business.

Page 18, Rules Report No. 632, the Clerk will read.

**THE CLERK:** Assembly No. A09993-A, Rules Report No. 632, McDonald. An act authorizing the City of Troy to lease subsurface parkland property referred to as the Riverfront Park.

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

Read the last section.

**THE CLERK:** This act shall take effect immediately.

**ACTING SPEAKER AUBRY:** The Clerk will record

the vote on Senate print 9310. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or the 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. A10020-A, Rules Report No. 633, Joyner, Bichotte Hermelyn, Reyes, Simon, Fall, Carroll, Mitaynes, Mamdani, Gallagher, Gottfried, Seawright, Taylor, Dinowitz, Anderson, Cook, Cruz, Abbate, Lucas, Cusick, Clark, L. Rosenthal. An act to amend the Labor Law, in relation to establishing the Warehouse Worker Protection Act.

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

THE CLERK: Assembly No. A10022, Rules Report No. 634, Abbate, Colton, Cusick, Buttenschon. An act to amend the Retirement and Social Security Law, the Education Law, the Public Authorities Law and the Administrative Code of the City of New York, in relation to extending the coronavirus disease 2019 (COVID-19) benefit for public employee death benefits; and to amend Chapter 78 of the Laws of 2021 amending the Retirement and Social Security Law and other laws relating to establishing a coronavirus disease 2019 (COVID-19) benefit for public employee death benefits,

in relation to the effectiveness thereof.

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

THE CLERK: Assembly No. A10045-A, Rules Report No. 635, Clark, McDonald, González-Rojas, Galef, Bronson, Gunther, Ashby, Simpson, Woerner, L. Rosenthal, Simon. An act to amend the Elder Law, in relation to annual reporting requirements of the State Long-Term Care Ombudsman.

ACTING SPEAKER AUBRY: On a motion by Ms. Clark, 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 8617-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.)

Ms. Clark to explain her vote.

MS. CLARK: Just thought I'd kick off the day since, you know, no one's explained their vote yet. But this bill is really important because for the first time, we're going to be able to have a yearly report that aggregates complaints for our long-term care facilities both by facility and by type so that we can get a real

understanding of some of the issues that we know are affecting our residents at long-term care facilities and make sure that we're addressing them and taking better care.

So I'm really excited to see this pass, so thank everyone for their support. I am in the aye --

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

MS. CLARK: That's the word.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10106, Rules Report No. 636, Lunsford. An act in relation to authorizing the Town of Webster, County of Monroe, to alienate certain lands used a parkland and to dedicate certain other lands as parklands for use by the Webster Central School District.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8757. 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. A10162-A, Rules Report No. 637, Committee on Rules, Glick, Dickens. An act to amend the Education Law, in relation to requirements for certain clinical laboratory practitioners.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7020-B. 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. A10209-A, Rules Report No. 638, Committee on Rules, Lunsford, Solages, Aubry,

Clark. An act to amend the Social Services Law, in relation to the duration of child care assistance for eligible families.

ACTING SPEAKER AUBRY: On a motion by Ms. Lunsford, 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 9029-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. A10234, Rules Report No. 639, Committee on Rules, Weinstein. An act to amend the General Obligations Law, in relation to providing clarification for the creation of valid statutory short form and other powers of attorney.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, 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 9209. 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. A10285-B, Rules

Report No. 640, Committee on Rules, De Los Santos. An act authorizing the City of New York to discontinue the use of [sic] parkland of a portion of real property in the County of New York and to grant easements to the Metropolitan Transportation Authority so that it may make handicapped accessible improvements and upgrades to the New York City Transit Authority 168 Street transit station.

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

Read the last section.

**THE CLERK:** This act shall take effect immediately.

**ACTING SPEAKER AUBRY:** The Clerk will record the vote on Senate print 9068-B. 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. A10337-A, Rules

Report No. 641, Committee on Rules, Lunsford, J. Rivera. An act to amend the General Municipal Law, in relation to new shared services actions in an approved countywide shared services property tax savings plan being eligible for certain funding.

**ACTING SPEAKER AUBRY:** On a motion by Ms. Lunsford, 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 8887-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.)

**ACTING SPEAKER AUBRY:** The bill is passed.

**THE CLERK:** Assembly No. A10387-A, Rules

Report No. 642, Committee on Rules, Rajkumar, Kim, Mamdani, Niou, Bichotte Hermelyn, Dilan, Solages, Rozic, Paulin, Weprin, Lavine, Abinanti, Sayegh, Pheffer Amato, Anderson, Joyner, Lucas, Vanel, Wallace, McMahon, Benedetto, Cruz, D. Rosenthal, Reyes,

Eichenstein, Septimo, Lunsford, Hevesi, Otis, Stern, L. Rosenthal, Clark, Barrett, Epstein, Glick, Burgos. An act to amend the Executive Law, in relation to establishing the New York Asian American and Pacific Islander Commission.

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

THE CLERK: Assembly No. A10426, Rules Report No. 643, Committee on Rules, Glick. An act to amend the Education Law, in relation to certificates of residence required of community college enrollees.

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

THE CLERK: Assembly No. A10443, Rules Report No. 646, Committee on Rules, Benedetto. An act to authorize the City of New York to discontinue a portion of real property in the County of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North Railroad service to four new stations in the Bronx and to Pennsylvania Station in the County of New York.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9120-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. A10449, Rules Report No. 647, Committee on Rules, Walker. An act to authorize the City of New York to discontinue the use as parkland a portion of real property in the Borough of Brooklyn and to transfer such lands to the Metropolitan Transportation Authority to enable the New York City Transit Authority to construct in such areas new permanent at-grade station improvements and pedestrian bridges.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9323-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.)

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. Please record our colleague Mr. Dilan in the negative.

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.

THE CLERK: Assembly No. A10453-A, Rules Report No. 648, Committee on Rules, Galef. An act to amend the Tax Law, in relation to authorizing the imposition of an occupancy tax in the Village of Briarcliff Manor; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9059-A. This is a fast roll call. This -- the -- this is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please on this piece of legislation record our colleagues Mr. Gallahan and Mr. Mikulin in the negative?

Thank you so much.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. If you could also record our colleagues members Burke, Ramos, Barrett, Barnwell, McMahon and Conrad in the negative.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10454, Rules Report No. 649, Committee on Rules, Glick, Simon, Peoples-Stokes. An act to amend the Education Law, in relation to requirements for licensure and certification of applied behavior analysts.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, 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 9402. 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. A10457-A, Rules Report No. 650, Committee on Rules, Septimo. An act to amend the Labor Law, in relation to directing the New York State Public Relations Board to establish and promulgate rules authorizing an electronic filing program to provide informative materials for employees and employers on its website.

ACTING SPEAKER AUBRY: On a motion by Ms. Septimo, 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 9403-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. A10472, Rules Report No. 651, Committee on Rules, Glick. An act to amend the Alcoholic Beverage Control Law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages on licensees who sell at retail for on-premises consumption; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, 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 9093. 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. A10475, Rules Report No. 652, Committee on Rules, Niou. An act to require the Superintendent of Financial Services to refer the drug insulin to the

Drug Accountability Board for examination related to price increases and consumer impacts.

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 10475. 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. A10477, Rules Report No. 653, Committee on Rules, Joyner. An act to amend the Labor Law, in relation to requiring employers to disclose compensation or range of compensation to applicants and employees.

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

THE CLERK: Assembly No. A10482, Rules Report No. 654, Committee on Rules, Zebrowski. An act to amend the Public Authorities Law, in relation to expanding the Rockland County Solid Waste Authority's purposes, powers and responsibilities to include providing animal management services through a

wholly-owned subsidiary; and to amend the Agriculture and Markets Law, in relation to public authorities providing shelter services for the care of unwanted animals.

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, 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 9434. 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.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10483, Rules Report No. 655, Committee on Rules, Anderson. An act relating to assessing the staffing and other issues causing the continued displacement of individuals with developmental disabilities from various State-operated institutions under the jurisdiction of the Office for People with Developmental Disabilities.

ACTING SPEAKER PHEFFER AMATO: On a motion by Mr. Anderson, the Senate bill is before the House. The

Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A10484, Rules Report No. 656, Committee on Rules, Cusick, Gunther. An act to amend the Public Service Law and the Labor Law, in relation to providing net revenues from utility-owned large-scale renewable generation projects to low-income customers and authorizes utility companies to own such projects.

ACTING SPEAKER PHEFFER AMATO: The bill is laid aside.

THE CLERK: Assembly No. A10486-A, Rules Report No. 657, Committee on Rules, Weinstein. An act to amend Chapter 53 of the Laws of 2022, enacting the Aid to Localities Budget, in relation to an increase in the Federal poverty level for purposes of the Child Care Program.

ACTING SPEAKER PHEFFER AMATO: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote. Kathy Hochul, Governor.

ACTING SPEAKER PHEFFER AMATO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PHEFFER AMATO: The Clerk -- the Clerk will record the vote on Senate bill 9464-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. A10489, Rules Report No. 659, Committee on Rules, Abbate. An act to amend the Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment of State officers and employees who are the members of the Security Supervisors Unit; to amend the State Finance Law, in relation to the Employee Benefit Fund for all members of the Security Supervisors Unit; to amend the Civil Service Law, in relation to increases in salary payable to certain officers and employees; to authorize funding of joint labor-management committees; to implement an agreement between the State and the employee organization representing the members of the Security Supervisors Unit; to repeal certain provisions of the Civil Service Law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof.

ACTING SPEAKER PHEFFER AMATO: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PHEFFER AMATO: The Clerk will record the vote on Senate bill 9463. 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.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10490, Rules Report No. 660, Committee on Rules, Rozic. An act to amend Chapter 667 of the Laws of 2021 amending the General Business Law relating to establishing a set grace period for the use of credit card reward points, in relation to the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9121. 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. A10492, Rules Report No. 661, Committee on Rules, Reyes. An act to amend the Labor Law, in relation to employer violations of certain provisions allowing for workplace safety committees.

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

Read the last section.

The bill is laid aside.

THE CLERK: Assembly No. A10493, Rules Report No. 662, Committee on Rules, Joyner, L. Rosenthal, Paulin, Simon, Burke, Wallace, McMahon, Stirpe, Abinanti, Clark. An act to amend the Public Service Law, the Transportation Corporations Law, the Labor Law and the Public Authorities Law, in relation to thermal energy networks.

ACTING SPEAKER AUBRY: On a motion -- on a motion by Ms. Joyner, 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 9422. 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.

But first, Mr. Goodell, we are going to ask your colleagues to kind of disband in the back. Go outside the Chamber if they wanted to have a chat. Listen to your leader, gentlemen.

Mr. Goodell, go ahead.

MR. GOODELL: Thank you, Mr. Speaker, just to explain my vote. This bill calls -- has a mandate on the top seven largest gas electric utility companies to create pilot programs to create a utility thermal energy network, and basically what they do is they use energy from the utility to create water in a centralized boiler and then they transport it to a network of businesses or industries that are nearby. And so the theory is that it's more efficient to have one boiler rather than to have separate boilers. I have concerns with this because the fact that it mandates these utility companies to proceed with this without really any cost benefit. If you mandate first and then ask for the cost benefit later, I think you've got the process backwards. I would point out the City of Jamestown, which has its own utility system, implemented a district heat system and what they did is they took the wastewater from their electric generating plant and ran it through piping throughout all of downtown and all the commercial buildings could sign up and they could shut down their own boilers

and use the waste fee from the power plant. And the system worked great for many years, although the cost of construction, as you can imagine, was huge. The cost of construction is huge because you're running large insulated piping which means they had to dig up all the roads, all the sidewalks. You have to run the insulated pipes between all the gas lines and the buried electric lines and all the other lines. So the upfront cost is huge. Now, it made financial sense in the City of Jamestown because they were running a utility plant. And so they used the wastewater. So it's a freeway for them to get rid of that excess heat that they had to get rid of anyway. But when the market changed and they shut down their coal plant and they went with a natural gas plant that operates on an intermittent basis, they no longer had the capacity to use waste energy. And at that point they had to construct a boiler to operate just the heating system, which is exactly what this bill calls for. And they promptly found out it was not cost effective even after they paid for all the upfront insulation costs.

So I like the concept, but the concept needs to be driven by reasonable economics or it'll be a colossal waste of money. And so this is a mandate before the cost benefit side. That's not an approach I can support although the concept has merit. But you need to do the cost benefit before we mandate it. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10494-A, Rules Report No. 663, Committee on Rules, Cymbrowitz. An act establishing the Special Joint Legislative Commission on Affordable Housing; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Cymbrowitz, 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 9462. 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 --

(Pause)

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. If you could please record our colleagues members Forrest and Gallagher in the negative. And also Mitaynes.

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.

THE CLERK: Assembly No. A10500, Rules Report No. 665, Committee on Rules, O'Donnell. An act to amend the Arts and Cultural Affairs Law, in relation to instituting civil penalties for utilizing ticket purchasing software (Part A); to amend the Arts and Cultural Affairs Law, in relation to requiring ticket prices to be disclosed prior to a customer purchasing such ticket and requiring such price to remain the same during the purchase process (Part B); to amend the Arts and Cultural Affairs Law, in relation to prohibiting the resale of a ticket if such ticket was initially offered to the public at no charge (Part C); to amend the Arts and Cultural Affairs Law, in relation to requiring online resale marketplaces to clearly and conspicuously disclose the established price charged by the operator of a place of entertainment that is printed or endorsed on the face of each ticket (Part D); to amend the Arts and Cultural Affairs Law, in relation to allowing reasonable and actual costs to be charged for the physical delivery of certain tickets (Part E); and to amend Chapter 704 of the Laws of 1991, amending the Arts and Cultural Affairs Law and Chapter 912 of the Laws of 1920 relating to regulation of boxing and wrestling matches relating to tickets to places of entertainment, and Chapter 151 of the Laws of 2010, amending the Arts and Cultural Affairs Law relating to resale of tickets of places of entertainment, in relation to extending the effectiveness thereof (Part F).

ACTING SPEAKER AUBRY: On a motion by Mr. O'Donnell, 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 9461. 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. A10505, Rules Report No. 670, Committee on Rules, Lavine, Woerner, Griffin, McDonald. An act to amend the Judiciary Law and the Family Court Act, in relation to expanding the number of judges in certain judicial districts and the family court.

ACTING SPEAKER AUBRY: On a motion by Mr. Lavine, 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 9466. This is a fast roll call. Any member

who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I know there's great interest, obviously, the increase in the number of judges throughout these judicial districts, but specifically in the 9th Judicial District going from 31 to 33 judges. The 9th Judicial District includes all of Westchester County, all of Rockland, all of Orange, all of Putnam and all of Dutchess. Westchester County accounts for -- Westchester County accounts for roughly 47 percent of the population of the 9th Judicial District; however, it accounts for over 70 percent of the judges that are elected within it. I believe as we move forward with looking at these judicial districts, there needs to be more attention paid to the process and where these judges are being elected from. A few years a new judicial district was created for the Borough of Staten Island so that they could -- Mr. Speaker, can --

ACTING SPEAKER AUBRY: Yes, sir. Gentlemen in the back, I -- I know -- well, stop the picture, Wayne. Tell them they can't take the picture until their own member is speaking.

MR. LAWLER: So, a few years ago a new judicial district was created for the Borough of Staten Island to ensure that representatives from Staten Island were being -- being elected to the Supreme Court. I think we need to look at that across the State, but specifically in the 9th JD to ensure that representatives from

Rockland, Orange, Putnam and Dutchess are also being elected to the Supreme Court in the 9th JD. Westchester County, which has a population of nearly a million people, has overwhelmed the district in terms of selecting judicial candidates and -- and electing them, and I think there needs to be more diversity geographically in terms of elections going forward.

So that is something that I hope moving forward this Body will look at. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine [sic] in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: So, this is going to provide for an additional 14 Supreme Court justices throughout the State of New York. And it's important to note that the most judges that any judicial district is getting is two, and two are going to the 9th Judicial District. In addition, this is going to provide for seven new family court judges throughout the State of New York. And it's always possible, I suppose to say, when a pie is getting cut -- cut up that, *Oh, I would like a larger piece*. But the 9th is getting as large a piece as there is. In the days and years to come we will do our best to provide more justices. But to suggest that any one judicial district is being discriminated against is truly unfair. I'm very happy to have been part of this process. I'm happy to be a part of a process that provides more judges because we are going to need more judges as our courts return to full service.

So this is a great bill. It required a tremendous amount of collaboration, and I want to thank everyone who was involved in that collaboration. This is a good thing. I'm very pleased to be able to vote for this.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Walsh on the bill -- to explain her vote. I'm sorry.

MS. WALSH: Yes, thank you. Just -- I just want to thank the sponsor for bringing the bill forward and for his work and the work of many others, as he said, to -- to get this done. This bill in part will add another Supreme Court justice for the 4th Judicial District, but even more importantly to me, because you know that I practice in family court, it's going to allow for a third family court judge in Saratoga County, and boy, do we need it. It -- we -- the -- the cases that we've got are just overwhelming. And although the two family court judges that we have right now are working extremely hard, this is going to really help a great deal.

So I just want to say that I'm very happy to support this bill and I really thank those who work to make it happen. Thanks again.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. I want to

thank Chair Lavine for moving this along, as well as the Speaker for -- and his very able staff. This adds two Supreme Court justices to the 9th Judicial District, sorely needed given the great workload that we have in the 9th Judicial District.

So I'm very grateful for this and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10506, Rules Report No. 671, Committee on Rules, Weinstein. An act to amend the Administrative Code of the City of New York, in relation to the exclusion of certain grants as taxable income for certain business taxes, the imposition of the business corporation tax, the credit of certain overpayments of tax against other taxes owed, and the disclosure of owners of limited liability companies with respect to the real property transfer tax; to amend the Tax Law, in relation to a City pass-through entity tax; and to amend Chapter 59 of the Laws of 2022 relating to a City pass-through entity tax, in relation to the City pass-through entity tax.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, 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 9454. 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. A10508, Rules Report No. 672, Committee on Rules, Glick. An act to amend the Real Property Tax Law, in relation to authorizing tax abatements for certain properties containing dwelling units.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, 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 9471. 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.)

Page 15, Rules Report No. 733, the Clerk will read.

THE CLERK: Assembly No. A10061-A, Rules Report No. 733, E. Brown. An act -- an act authorizing the Congregation Beis Medrash of Lawrence to receive retroactive real property tax exemption status.

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 10061-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.

Page 8, Rules Report No. 392 -- hold on.

Mr. Brown, I gather you have just passed the first bill and we almost missed it.

(Applause)

You're -- you're allowed to accept the applause, not to talk.

Page 8, Rules Report No. 392, the Clerk will read.

THE CLERK: Assembly No. A01338-C, Rules

Report No. 392, Magnarelli, Steck, Cook, Bronson, Barnwell, Burdick, Septimo, Wallace, Griffin, Jean-Pierre, Darling, Solages, Jacobson, Epstein, Colton, Kelles, J.D. Rivera, Lupardo, Stern, Burke. An act to amend the Labor Law, in relation to establishing a registration system for contractors and subcontractors engaged in public work and covered projects in order to better enforce existing labor laws and regulations in the public works industry.

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

Read the last section.

**THE CLERK:** This act shall take effect immediately.

**ACTING SPEAKER AUBRY:** The Clerk will record the vote on Senate print 5994-C. This is a --

(Pause)

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 to explain his vote.

**MR. GOODELL:** Thank you, Mr. Speaker. This bill requires contractors that are engaged in projects with the State to be registered before they're granted a contract. And the registration requires a number of factors including, you know, straight background information about the contractor, you know, information about what

their makeup is, the principal business, things of that nature, and that general concept is great. But I do hope that this bill is a little bit cleaned up because one of the things it asks for is the name and address of each person with a financial interest in the contractor. And that's wide open. What's meant by a financial interest? It could be anything. If you have a loan, you own one percent. You know, you work part-time. And so that's a wide open requirement that really needs to be narrowed, and it should be narrowed to a financial interest that's a substantial one or a controlling interest or above five percent in some threshold. The other thing is that this requires the contractor to be registered before bidding, and there's a fee, there's a process and there's time that's involved, rather than allowing the contractor to become registered after the bid but before the contract. And if you're a contractor just trying to get into the business, doing the effort and the time and the expense of registering even before you have a single contract is a little bit more onerous perhaps than necessary. And so as a State we should certainly want as many contractors as possible bidding on our projects because we want the highest level of competition, the best price and the best qualified. And we don't want to disqualify or discourage contractors by requiring them to notify us of the name and address of every single person that has a financial interest in them, and requires them to do that even if they have not yet ever been awarded a contract because this is their first time in bidding.

So I obviously -- we have a lot of support for the general concept, but I really, really think we've got to narrow the

scope of this disclosure and make it more practical so that we don't lose contractors. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell. Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 533, the Clerk will read.

THE CLERK: Assembly No. A07006-B, Rules Report No. 533, Fahy, Lupardo, Magnarelli, Glick, Gottfried, Bronson, L. Rosenthal, Steck, McDonald, Dickens, Reyes, Simon, Gunther, Seawright, Pheffer Amato, Niou, Colton, Griffin, Fall, Galef, Zinerman, Burke, Hunter, Woerner, J. Rivera, Mamdani, Jackson, Forrest, Thiele, B. Miller, Clark, Hevesi, Blankenbush, Jean-Pierre, Kim, Wallace, Carroll, Lunsford, Burdick, Gallagher, Jacobson, Burgos, Gibbs, Kelles, González-Rojas, Zebrowski, Englebright, Stern. An act to amend the General Business Law, in relation to the sale of digital electronic equipment and providing diagnostic and repair information.

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

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: 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. Morinello to explain his vote.

MR. MORINELLO: Thank you. Yesterday on the floor one of my colleagues who sits next to the Sergeant-at-Arms made a comment regarding should we be working together, we would end up having better bills in a more expedited manner. I'd like to congratulate the sponsor on this bill. During the Codes meeting I brought up several issues with the original bill and why it was stalled and what the opposition was. To the sponsor's credit, the sponsor reviewed them, worked on it, amended the bill, excluded those issues that would have prevented it. We came to a conclusion as to what the ultimate goal would be, and that resulted in a bill that has now passed, it's unanimous, it accomplishes the goal. I just wanted to bring that together because in the last couple days there's been some cantankerous comments and actions on this floor which should not happen. And it just shows that if individuals can work together, we can get things done, we could also move the needle on relationships and this Body can go forward.

Thank you very much, sponsor. I do appreciate it.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Fahy.

MS. FAHY: Thank you. You beat me to hitting the button. Mr. Speaker, I rise to speak on the bill. And maybe I say this every year, but this is absolutely one of the -- a bill I've been most proud to support in -- one of the top ones I've supported in my many years here. This bill will be the first, the first fair repair legislation in the country. We are looking at ending big corporate monopolization of the repair industry on these devices we use so much, these tablets, these computers. It will save hundreds of dollars every year for every family. It will grow independent repair shops by an estimated 400 percent, like our old TV repair shops that we used to have on our corners, and -- and increase employment and also eliminate so much e-waste that is the -- or electronic waste that it's the equivalent of taking 655,000 tons of e-waste off the -- sorry, it's the equivalent of taking 655,000 cars off the highways each year. There are benefits for consumers, for the economy and for the -- and for the environment. It's just a win-win-win. So many people have helped on this bill, and -- and yes, it's -- it's been a pleasure to work on both sides of the aisle with folks to get this right, to break through what has been decades of work on the third sponsor that I know of of this bill, including the former Majority Leader who is now in Congress and has a bill in Congress. So thank you to the Ranking Member of Codes. Thank you for listening, thank you for hearing and working with us to get a bill we could get through. This is going to be, in my view, landmark legislation that should benefit every consumer that we represent. And deeply grateful as well to the Speaker for helping to get this done this

year.

So it's -- with that, Mr. Speaker, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Fahy and Mr. Morinello in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record Assemblyman Friend, Chris Friend, as a no on this -- on this bill, please? Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Page 16, Rules Report No. 564, the Clerk will read.

THE CLERK: Assembly No. A09456, Rules Report No. 564, Magnarelli, Hunter. An act to amend the Public Authorities Law, in relation to commuter passes on the New York State Thruway in the Syracuse area; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER AUBRY: One minute.

(Pause)

Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9456. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This bill would require the Thruway Authority to provide a permanent area where people could travel - I think it's five exits in the Syracuse area - without having to pay a daily permit fee or a daily commuter fee. It's a very popular idea in the City of Syracuse area, and -- but there are many concerns that such an approach may actually violate the enabling legislation of the Public Authorities Law and the Thruway Authority and may have, therefore, affect the bond rating. However, hopefully those issues can be addressed. I saw the Governor vetoed this one before and that's just an area that we need to look at as we move forward.

Thank you, sir. I suspect all my Syracuse residents will be delighted with this bill and others would be less enthusiastic. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: This is a Party vote since the majority of the Republican Conference says they live in Syracuse. However, those who wish to support it are certainly encouraged to

vote yes on the floor or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Democratic Conference is going to be in favor of this piece of legislation; however, there may be a few of our colleagues that would like to be an exception. They should feel free to contact the Majority Leader's Office and/or they can press their button while they're in Chambers. But we really should be supporting this one, Mr. Speaker.

(The Clerk recorded the vote.)

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Colleagues, if we can start on our debate list. We're going to go to Rules Report No. 212 by Mr. Jacobson. Followed by Rules Report No. 519 by Mr. Dilan, Rules Report No. 544 by Ms. Cruz and Rules Report No. 563 by Ms. Solages.

ACTING SPEAKER AUBRY: Page 5, Rules Report No. 212, the Clerk will read.

THE CLERK: Assembly No. A08822, Rules Report No. 212, Jacobson. An act to amend the Labor Law, in relation to including Stewart International Airport in the definition of covered airport location for the purposes of minimum wage rates.

ACTING SPEAKER AUBRY: On a motion by Mr. Jacobson, 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 6525. 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 15, Rules Report No. 544, the Clerk will read.

THE CLERK: Senate No. S07199-A, Rules Report No. 544, Senator Gounardes (A08169-A, Cruz, Anderson, Solages, Jackson, Simon, Mamdani, Fernandez, Hevesi, Dinowitz, Seawright, Sayegh, J.D. Rivera, Williams, Joyner, Tapia, Burgos, Barnwell, Colton, Glick, González-Rojas, Forrest, Ramos, Aubry, J. Rivera, Carroll, Burdick, Bichotte Hermelyn, Epstein, Gallagher, Jacobson, Septimo, De Los Santos, Kim, Jean-Pierre, Dickens, Niou). An act to

amend the Insurance Law, in relation to certain prohibited contract provisions.

ACTING SPEAKER AUBRY: Well, we're going to have an explanation for this bill. But we won't be able to hear that until they quiet down, Ms. Cruz, because you deserve attention.

MS. CRUZ: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Hold on. Shh.

MS. CRUZ: Thank you, Mr. Speaker. This bill, known as the Hospitality Equity and Affordability Legislation or HEAL Act, aims to improve the marketplace access and increase transparency of health insurance contracts by banning anticompetitive provisions. The bill amends Section 3 -- 3217-B of the Insurance Law to prohibit insurers from entering into contracts with certain anticompetitive clauses such as most Most-Favored Nations provisions. The bill would also allow insurers to disclose quality information regarding negotiated rates and other discounts with healthcare providers. This bill would apply to all health plans negotiated by insurers, health maintenance organizations or third-parties who administer health plans on behalf -- administer health plans on behalf of entities such as health insurance funds.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would the sponsor yields for some questions?

MS. CRUZ: Certainly, Mr. Goodell.

ACTING SPEAKER AUBRY: Ms. Cruz yields, sir.

MR. GOODELL: I'm always worried that Wayne is talking to me when he says, *Quiet, please.* Ms. Cruz, thank you for that explanation. As you know, health insurance plans negotiate extensively with hospitals and healthcare providers, and those negotiations usually result in charges from the hospital to that insurance company or that managed care program --

MS. CRUZ: Mr. Goodell, I'm going to have to ask you to get closer to the mic. There's a little bit of a -- thank you.

MR. GOODELL: As I was mentioning, the insurance companies often engage in extensive negotiations with local hospitals and healthcare provider over the fees. And their mission is to reduce those fees as much as possible so that the health insurance premiums are as low as possible. One of the techniques they do when they're negotiating, when they're done with the negotiations they say, *And are these your lowest rates? Have we negotiated the lowest rates so that our families who are buying health insurance, or companies, will end up with a lowest insurance cost?* And that's what the Most-Favored Nations clause says. It says the negotiated rate you agree to charge us is the lowest rate that you're charging any similar organization. So the health insurance companies in an effort to keep our -- everyone's premiums as low as possible use that technique. Why should we outlaw their efforts to keep insurance premiums as low as possible?

MS. CRUZ: Thank you, Mr. Goodell, for the question. When you hear the word "Most-Favored Nation" you actually imagine that it's a positive thing. And what has happened in

practice is that it's actually resulted in kind of a monopoly in certain areas to the point that in California in 2021 it was actually a hospital -- I'm sorry, a Supreme -- the Superior Court of California granted \$575 million in a settlement to -- because Sutter, which is a hospital, was engaging in competitive practices -- anticompetitive practices, using this Most-Favored Nation notion. Because while the allegation of the intent is that it's supposed to do exactly what you're saying, in practice it has resulted in the complete opposite.

MR. GOODELL: So in the California case, do we have any comparable litigation in New York?

MS. CRUZ: Not yet.

MR. GOODELL: In the California case, the judgment was in favor of the health insurance company or the hospital?

MS. CRUZ: It was in favor of... it was in favor actually of the state. It was brought by the Attorney General. It was against the hospital.

MR. GOODELL: It was against the hospital. Right. So the Most-Favored Nation clause can work two ways, right? If a hospital is big and has tremendous negotiating power they can turn around and say to the insurance company, *You won't pay any other hospital more than you're paying us*, right? That's what the California situation was. In New York where the insurance companies certainly Upstate are larger than the hospitals, it's the opposite. The insurance companies say to the hospital, *You won't charge us more than you're*

*charging other insurance companies.* So it's the same concept but in reverse. And in California it was held to be a monopoly situation because of the economic power of the hospital. That's not the situation that we have in New York where we have a fairly robust insurance industry, correct?

MS. CRUZ: I would -- I would first point that what we're doing is actually expanding something that's already prohibited by -- by the State. These kinds of Most-Favored Nation clauses are already prohibited by the Department of Health and the State of New York. Perhaps that's the reason why we haven't seen a case of the size of what happened in California. And -- and again, I reiterate, while it might not be specifically in the same manner that it happened in California, what we're seeing in practice is hospital -- big hospital entities take advantage of a clause that, you are right, was meant to actually create a more robust system but has worked against that same goal.

MR. GOODELL: The other thing that this bill does is it prohibits presumably either party, either the hospital or the insurance company, from disclosing the actual negotiated price for particular procedures, correct?

MS. CRUZ: Hold that thought.

(Pause)

Yes, that's correct.

MR. GOODELL: Now, the reason, of course, that sometimes the hospital and sometimes the insurance company want to

keep those prices confidential is because they're in competition with other insurance companies, right? And so you don't want to have one insurance company negotiate a very competitive rate for the consumer only to have that proprietary information shared with their competitors. Isn't that why we have that clause?

MS. CRUZ: Yes.

MR. GOODELL: What is the problem with that clause if the purpose of the clause is to protect the proprietary information that an insurance company has negotiated?

MS. CRUZ: Well, the bill -- and I want to make sure that we're both on the same page about what it does and it doesn't do. One of the things that we're -- we're asking is for it to require actual -- disclosure of the actual prices. Not necessarily the negotiated prices, but the actual prices that they would charge.

MR. GOODELL: Right. And so this would say that you can't keep the, quote, "actual claim cost confidential" and of course the insurance company and sometimes the hospital want to keep those actual costs confidential in order to -- in order to protect proprietary information and to maintain a competitive advantage, correct?

MS. CRUZ: Well, yes, except that it has resulted in consumers not knowing what they're actually being charged for and that's what we're trying to do here.

MR. GOODELL: Well, the consumers get the bill from the insurance company or it's taken out of their wages like you

and I.

MS. CRUZ: Well, the price is passed down, and so the consumer should know what it's being passed down for.

MR. GOODELL: I see. Thank you very much for your comments.

Sir, on the bill.

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

MR. GOODELL: I think the State should be extremely reluctant to start overriding negotiated contracts between our insurance companies and our hospitals and other healthcare providers. All of our insurance companies in New York State, thankfully for the consumers in New York State, face a fairly competitive situation. We know here in the State of New York, for example, as State employees we have different options. And so we can look each year and change our insurance carrier to get the best program for each of us. In order for insurance companies to negotiate on our behalf to keep our costs as low as possible, they negotiate the cost of procedures and they negotiate with hospitals and healthcare providers that the healthcare providers and hospitals are giving them the best price. That's really, really important for consumers because the cost elasticity of insurance is really high. And what that means is a one percent increase in the cost of health insurance results in a significant number of people no longer being able to afford it. And since all of us here in the Chamber want as many people as possible to

have health insurance, we also need to recognize that it's our responsibility to keep those health insurance costs as low as possible.

And for that reason I would recommend against this bill, although I agree with the sponsor. We always need to keep an eye out to make sure that we don't end up with a monopoly situation where a single large health provider can take advantage of their power. In -- in the current situation, fortunately we have a very robust insurance industry and they have been very effective in negotiating as well as they can to keep our rates lower and these are two important tools in protecting consumers and keeping rates lower. And for that reason, while I certainly appreciate the sponsor's concern and we need to watch what's happening in California and other states, I don't think that's the situation here and I, therefore, don't think this legislation is warranted at this time.

Thank you, sir.

ACTING SPEAKER JONES: Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker.

. On the bill. Unless there's other questions from our colleagues. Thank you.

ACTING SPEAKER JONES: On the bill.

MS. CRUZ: Thank you, Mr. Speaker. This bill, known as the "HEAL Act", aims to improve the market access and increase transparency of health insurance contracts by banning certain anticompetitive provisions. The bill is going to amend certain sections of the Insurance Law to prohibit insurers from entering into

contracts with certain clauses that have resulted in actually a larger cost to the consumer. Now, would any of you pay a bill that you don't know what the bill is for? That is why we need transparency. That is why we need to understand what are the actual costs that are being passed down to the patients? I wanted to reiterate. Our -- our colleagues on the other side often talk about how we should have input from all of the parties involved. Not only did we talk to many of the unions, many of -- of the patients, but we actually got input from various hospital associations Statewide and we heard and we amended the bill and we worked it so that it does exactly what it needs to do; create transparency, save people money and make sure that the patients are put first.

I -- I also want to thank the folks who on the ground were extremely helpful in making sure that this bill came through. My colleague on the other -- on -- on the Senate side, Senator Gounardes, as well as 32BJ and its president Kyle Bragg for bringing this bill to our attention. And -- and the entire coalition of affordable hospitals that have worked so hard to make today happen, including 32BJ, DC 37, the UFT, PEF, Hospital -- Hotels Trades Council, PSC CUNY, Actors Equity, AFM Local 802 and so, so many more, including DRW and the New York State Council of Churches, patient rights advocates. But especially the many, many New Yorkers who we heard from that talked to us about their inability to access certain healthcare and have to choose between treatment between hospitals and then be able to actually choose the best, but instead having to

choose the most affordable one. It is because of them that we're pushing forward this bill and I'm extremely thankful that we're here today and I ask that my colleagues vote in the affirmative when it comes for a vote.

Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you.

Read the last section.

THE CLERK: This act shall take effect January 1, 2023.

ACTING SPEAKER JONES: The Clerk will record the vote on Senate bill 7199-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.)

Mr. Goodell.

MR. GOODELL: Thank you, sir, to explain my vote. This -- these clauses can be very, very helpful for insurance companies in keeping their costs lower. That's why it is the insurance companies that are usually asking for the Most-Favored Nations clause and it's the insurance companies that are keeping proprietary information confidential so that they can actually offer the best price to consumers. And because I think under the current market conditions these clauses help consumers keep costs down, I will be voting against it. But certainly, if the market condition changed where you have a monopoly in an area of whether it's the healthcare provider

or the insurance company, then I think we should reexamine this issue. But certainly in Western New York where I -- I'm from, these clauses help consumers keep insurance prices lower and, therefore, I will be voting no.

Thank you, sir.

ACTING SPEAKER JONES: Mr. Goodell in the negative.

Mr. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker, to explain my vote. As the previous speaker just alluded to, sometimes it's going to help the hospitals, sometimes it's going to help the insurers. This bill this year seems to be aimed to ameliorate the effect of consolidating hospitals, merging hospitals. But in the future we may be facing merging and consolidating insurance companies who will be seeking to impose their standards on a hospital system that would drive down their -- their -- the fee they could charge below that which they could afford. The winner in each case will be the consumer. Putting this regulation in place will help maintain the market level, and in the end consumers and patients win and that's what we ought to be all about.

I really do applaud the sponsor for the intelligent approach that she took, the persistence that she showed and the balance that she achieved, and with that I withdraw my request and vote in the affirmative.

ACTING SPEAKER JONES: Mr. Cahill in the

affirmative.

Ms. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker. I just wanted to stand up and express my full support of this bill and to commend the sponsor for bringing it forward because bottom line, we need to make sure anyone that is seeking healthcare gets the healthcare and this bill provides that pathway, provides transparency and thus making our communities healthier and safer.

So thank you so much. Congratulations to the sponsor and to all those who advocated for this. This bill will save lives.

ACTING SPEAKER JONES: Ms. Fernandez in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 519, the Clerk will read.

THE CLERK: Senate No. S04738-A, Rules Report No. 519, Senator Ramos (A02039-B, Dilan, Hevesi, D. Rosenthal, Cook, Abinanti, Reyes, Hyndman, McDonough, Williams, Glick, Fernandez, Colton, Hunter, Dickens, Taylor, Braunstein, Seawright). An act to amend the Labor Law, in relation to modular construction work.

ACTING SPEAKER JONES: An explanation is requested, Mr. Dilan.

MR. DILAN: Thank you, Mr. Speaker. The purpose of this bill is to bring modular construction of buildings in compliance with New York City building codes.

ACTING SPEAKER JONES: Mr. Ra.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MR. DILAN: Certainly, Mr. Speaker.

ACTING SPEAKER JONES: The sponsor yields.

MR. RA: Thank you. So -- so you said the goal was to bring these modular units (inaudible) in New York City --

MR. DILAN: I'm sorry, Mr. Ra. I can't -- I can't hear you.

MR. RA: Sorry.

ACTING SPEAKER JONES: Could we just keep it down a little bit out there? We are on debate and we need to hear what they're saying, so...

Mr. Ra.

MR. RA: Thank you. So you explained the purpose of this in terms of making sure, you know, people are in compliance with -- with New York City building codes, but I guess just for starters what is the impetus for this? Because I know there are obviously operators who -- who would be, you know, involved in -- in these types of building that perhaps might not be able to if this is passed.

Are -- is there a lot of, you know, issues that have gone on?

MR. DILAN: It's -- it's largely safety, Mr. Ra. As -- as part of my background before you met me I was the Housing Chairman of the New York City Council. I was the first Chairperson to revise New York City's building codes for the first time since 1969. And during that process we saw that there was a boom, or about to be a beginning of a boom of modular construction in New York City. And a certain developer found that modular construction didn't have to comply with the safety standards of the code. We tried to negotiate that modular should be included with all aspects of New York City Building Code and have the same standards as a regular building that was constructed on site. But modular anywhere in the City of New York has no code, and we think it -- it poses safety risks, potentially.

MR. RA: Now currently, any construction that I guess would go through the Department of Building within New York City, if -- if it's modular it doesn't have to comply with the code?

MR. DILAN: So there -- there is no code for modular, and at that time the Bloomberg Administration, their Buildings Department realized they had a problem. They issued a bulletin which gave guidelines but that bulletin is advisory. There's no penalties for not following their bulletin. Obviously, most people follow it because the Buildings Department can make a developer's life difficult in so many different ways. But this would just make it clear that no matter what type of structure you're building, you're responsible for following all aspects of New York City Building Code.

MR. RA: Okay. So -- so then right now you're saying there -- there's a bulletin to be followed. So say somebody's building modular, right, and -- and, you know, there's some type of safety violation or anything like that. There's no -- there's no enforcement, it's basically a guideline, would you say, rather than an actual code that needs to be followed?

MR. DILAN: Yes. So -- so under that scenario there could be enforcement, but that would be on the back end after a tragedy happened, whereas if they followed the New York City Building Code, their professionals who constructed that facility would have to, you know, just like any other project unless the Buildings Department thinks otherwise would have to self-certify that they have followed the -- the -- all aspects of the New York City Building Code. Their licensed professionals, their architects or their -- their plumbing professionals, fire suppression professionals would have to, you know, follow up with the Department of Buildings and put their license along with that project. Right now, you know, only the bulletin requires them to do that but it's not -- it's not law. This would make it law.

MR. RA: Okay. And in that instance where there is a violation, say, you know, some -- something occurs and the licensee or, you know, whoever is, I guess, building gets some type of violation, what type of subject are they (inaudible) are they subject to? Is it fines, license revocation, that type of thing? What are they subject to if there's a violation found?

MR. DILAN: Under the Building Code they would be subject to fines, you know, up to the -- the penalty of the crime. The New York City Building Code has various levels of fines because it's a broad document and there's, you know, there's many different types of -- of violations or offenses that could be committed. In one aspect, you know, there -- and it may not apply in this case, but when I was the Chairman of that committee we had the famous crane accidents in New York -- in New York City and they -- they were able to have some criminal charges. But for the most part we're talking about monetary charges, monetary fines for not following the Code. Under modular, the -- the -- the fines, I couldn't tell you -- I couldn't tell you what they would be or would have a difficult time looking up what they would be because, you know, there currently is no code for modular construction.

MR. RA: Okay. Thank you. And -- I'm sorry, one moment. I guess the -- my -- my last question would be -- and this is one of the pieces of opposition that has come up, is that this could increase the cost of building these types of units. Obviously, one of the reasons people build modular is, you know, there's components then they get assembled and it's -- and it's done in a more cost-effective manner. So do you have a concern or can you address that concern that this would increase the cost and potentially result in less units being built?

MR. DILAN: Well, I would say that the costs would be de minimis. And, you know, modular construction is used for

various types of construction, not just housing. They use them for -- for buildings of other -- other public purposes beyond housing. On the affordable housing side, absolutely I would be concerned. But I believe the cost would be de minimis and not worth the -- the safety that would be provided had the building been constructed in place under the New York City Building Code. I mean, in New York City we do build low-income and affordable housing in place with the safety and protection of the New York City Building Code. I would hate to build low-income housing that didn't provide the safety of, say, a professional signing off on a gas line or signing off on the structural integrity of a building just to save a few dollars. I think safety is -- is -- is paramount, but I don't believe that the cost is prohibitive that it would cost us any project.

MR. RA: Thank you very much, Mr. Dilan.

Mr. Speaker, on the bill.

MR. DILAN: Thank you, Mr. Ra.

ACTING SPEAKER JONES: Mr. Ra on the bill.

MR. RA: Thank you. So, just quickly. Again, you know, there's a concern here that the reason why this type of construction is often used, and I think many of us are probably familiar with it, but, you know, there's components that are manufactured elsewhere and they're assembled on site, and really what this is getting at is it would really be as if everything was assembled on site within New York City in terms of the -- the licensees and this. On the safety side, sure, I think it's very important

that we make sure any building, whatever it is, you know, is combined with, you know, some -- some minimal -- minimum standards that ensure its -- its safety and it's why we have building codes, obviously. But the concern has been raised by -- by those who, you know, try to build affordable housing that this could drive up the cost and really lose the cost benefit that comes along with using this type of construction. And -- and for that reason I believe some of our colleagues may be voting in the negative.

Thank you.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Senate bill 4738-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 previously provided numbers.

(The Clerk recorded the vote.)

Mr. Dilan to explain his vote.

MR. DILAN: Thank you, Mr. Speaker. And thank you, Mr. Ra, for your questions and just to -- to further clarify. This bill would apply to structures that are six stories or higher. So anything six stories or below it does not apply, so that should alleviate some of the concerns about in and around affordable housing. However, I want to point out that, you know, during my time in city government people were building modular and building luxury units and receiving 421a and still going around the safety standards of the

New York City Building Code.

So that's why I believe it's important we all vote yes today. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Mr. Dilan in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record the following members in the negative on this bill: Leader Barclay and Assemblymember Doug Smith.

Thank you.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 563, the Clerk will read.

THE CLERK: Assembly No. A09435, Rules Report No. 563, Solages, Darling, Zinerman, Aubry, Dickens, Pretlow, Williams, Walker, Peoples-Stokes, Cook, Vanel, Hyndman, Cahill, Jean-Pierre, Bichotte Hermelyn, Taylor, Dilan, Joyner, Benedetto, Epstein, Frontus, Reyes, Nolan, O'Donnell, Cruz, Jackson, Burgos, Forrest, Anderson, González-Rojas, J. Rivera, Gibbs, Otis, Gallagher, Ramos, Gottfried. An act to acknowledge the fundamental injustice, cruelty, brutality and inhumanity of slavery in the City of New York and the State of New York; to establish the New York State Community Commission on Reparations Remedies, to examine the

institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans and to make determinations regarding compensation; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER JONES: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER JONES: On the bill.

MR. GOODELL: This legislation would create the New York State Community Commission on Reparations Remedies, we believe there are a number of concerns that we believe should be addressed before we move forward with this. The purpose of this bill, as I mentioned, would be to create a commission whose function is to come up with proposals on compensation -- the form of compensation and the amount of compensation and who should be eligible for compensation related to slavery. And as the bill correctly noted, one of the very first acts of the New York State Legislature in 1799 was to begin the process of abolishing slavery in New York. What's of some concern is that this bill would call for the appointment of members of this governmental commission to be appointed not by representatives who have been elected by the people, but representatives selected by private organizations. I don't have any problem with representatives who have been elected by the people making appointments of people who obviously have expertise or may be members of an organization.

But it's very unusual for us to have outside organizations designated by law as being those who are selecting members of an official organization.

Second, there's a concern about the scope. This bill is very specific about reparations related to slavery, but there are important groups that are left out that we might want to consider. For example, part of my district represents the Seneca Nation of Indians, and it seems if we're looking at reparations for people of races that have been damaged in the past by actions that we now think are inappropriate, we certainly ought to include the Native Americans.

And there's -- there's another aspect of this. During the Civil War, my county led --

ACTING SPEAKER JONES: Ladies and gentlemen, could we keep the noise down a little bit? There's a lot of small conversations going on and we want to hear everything that Mr. Goodell is saying, so we'll -- it's just a little loud in here.

Thank you.

MR. GOODELL: Before the Civil War, my county actually hosted one of the very first platform committee meetings, the newly-formed Republican Party, and we were very, very active in my county in the Abolition Movement and very proud of that fact. When the war broke out, the Civil War broke out, my county sent 4,000 young men to fight with the Union Army to obviously free the slaves. That was at a time when my county was only 50 years old. It was a substantial portion of our population, and 25 percent of them never

came home. And back then you know there was no death benefits, there were no retirement plans, there was no Social Security Disability. It was an amazing contribution to the Civil War aimed at ending slavery. And New York State as a whole contributed more soldiers than any other State in the nation. And again, we all know just coming off from Memorial Day the carnage that occurred during that war. In Gettysburg there were over 50,000 people that died in a three-day battle. Fifty thousand people in three days. This legislation is -- is suggesting that the heirs of the families that lost their children to free the slaves should now be paying compensation for the slaves that were freed 100 -- 150 years later. And that's a concept I think we need to move carefully on as we go forward.

And last, I would note that this commission starts out with a goal already set by law because it says the Commission shall determine a form of compensation, the amount of compensation and who should be eligible for such compensation. And the first question I think that we need to address is whether compensation should be issued or granted or paid, you know, 150 years later and who, if anyone, should pay. If you immigrate to the United States later, should you be expected to pay for the sins of the forefathers of the country? So these are difficult issues and sensitive and I really appreciate my colleague Ms. Solages, the bill sponsor, for meeting with me and working on it and I'd be happy to work on this language in the future. But we need to move carefully recognizing that we're talking about the events that thankfully New York took a lead on in

the 1700s, took a lead on in donating the largest number of troops and now we need to move in a sensitive manner to evaluate not just how much compensation or even whether there should be compensation and, if so, how that -- how that would play out.

So I would recommend we fine-tune this language before moving forward, and that's why I would recommend that we vote against this language but we continue an open dialogue in a bipartisan manner to see how we can wrestle with these tough issues. Thank you, Mr. Speaker, and thank you to my colleague for advancing this proposal.

ACTING SPEAKER JONES: Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. I just wanted to clarify some things for the legislative record. But before -- before I proceed, you know, I just really wanted to remind my colleagues from Colonial Times forward, you know, governments at every level have adopted and enshrined White supremacy beliefs and have passed laws in order to maintain slavery. Although it didn't look like chattel slavery, it looked at other ways like redlining, for instance, segregation, a ban of interracial relationships. And so when we talk about slavery, we don't mean the slavery that happened back then. We're talking about the wrongs that are happening to the Black community even today. And so I just want to say that it's also important to remember that compensation is not only a payment of money, even though I wouldn't mind compensation that way, we also have to be knowledgeable that, you know, there's other material

compensation, whether it's restitution of civil and political rights, physical rehabilitation, accessing grant land, housing, healthcare, education. It's -- there's a gauntlet of different types of compensation. House buying, baby bonds, social bonds, community programs, land buybacks. And if you look at it, this is not a new concept. Even New Jersey has some sort of reparations task force. Maryland has a reparations commission bill. California actually just issued their report on reparations. And so -- and North Carolina, they have a housing and community program that resulted from the conversation around reparations. So, you know, we have a lot of local community groups in this bill who want to really have a dialogue. They are experts at the end of the day. They have been studying reparations, they have been discussing reparations all across this nation and globe. And so we want to make that we're getting the best and brightest of that information. And so, you know, it's important that we say -- we, you know, have these important conversations because chattel slavery and its remnants have created inequality all across all aspects of our society. And I wish to say that, you know, New York did do a lot. New York was really in the forefront, but please let us not forget that many of times within New York State history even after slavery and during slavery, New York has been a co-conspirator when we talk about it. Whether it's fugitives -- when fugitives came here in New York they were sent back by the Court of Special Session in New York City. Slave ships were allowed to slip into the ports of -- of New York, and they were -- were welcome although they couldn't

come on the land, they were welcome. Out-of-State slavery temporary visiting laws were basically enacted here. If you talk about Jim Crowe -- look, I'm not going -- I'm not going to belabor the point because the time is long and we have a lot to do, but really, this is an important piece of legislation. We need to acknowledge the harm that's been done to the Black community. We need to ensure that we're coming up with information, creating a report so that the experts can come together and see. And remember, this is just a study. We are just studying reparations, and to me that's the bare minimum.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Assembly bill 9435. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation, but we look forward to working on -- on these issues with our colleagues to see if we can address some of the issues of this bill. Those who support the legislation as written can certainly and are encouraged to vote here on the floor in favor or contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER JONES: Mrs. Peoples- Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation. It is, however, a commission, but I think a very important commission and I think most colleagues would agree with that. However, should there be colleagues that would decide to be an exception, they should feel free to contact the Majority Leader's Office or vote in Chambers.

Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER JONES: Thank you.

Mr. Anderson to explain his vote.

MR. ANDERSON: Thank you, Mr. Speaker, to explain my vote. Thank you. This is a critical bill and I want to take the opportunity to thank the sponsor for her hard work and commitment to keeping this issue of reparations alive. It's so important that we acknowledge as a State and, quite frankly, as a nation the harm that has been done to Black Americans for generations. We're speaking about repairing the harm of over 400-plus years of systemic racism. We're talking about repairing the harm of chattel slavery. We're talking about healing the harm and repairing the harm of White supremacy that has impacted lives, generations. Has impacted and continues to impact access to housing, access to food, access to healthcare. These things still continue to show up today. It's not a -- a mystery, it's not a myth. These are real things. And if you -- if you have any questions or qualms or concerns about it,

do your research. Take a look at the exhibit that's right here in the Legislative Office Building that speaks of the harms of slavery and how White supremacy continues to impact -- impact our communities today. Jim Crowe and the new Jim Crowe, mass incarceration. All of these are forms of enslavement, and this commission is being established to help study and figure out how to best resolve and work through that harm.

So I'm encouraging all my colleagues, regardless of what your ideological beliefs are, it's important that we acknowledge harm wherever it is and work to repair it. So I'm encouraging all my colleagues to vote in the affirmative. That's what I will be doing and I hope you do the same. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Mr. Anderson in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. If we're going to heal, we have to confront our history. And it seems that today people do not want to face the disgraceful history that our country has had in some arenas. And I have looked at that exhibit, and I have watched many, many programs in the same way that I would hope that people would watch documentaries about the Holocaust and understand that hatred in any form and the violence that ensues from it hurts all of us. And so if we are to reconcile our differences, we have to confront the history that has brought us to this point.

And so I withdraw my request and happily vote in the affirmative.

ACTING SPEAKER JONES: Ms. Glick in the affirmative.

Ms. Zinerman to explain her vote.

MS. ZINERMAN: I am a little bit flabbergasted. Not -- I shouldn't be surprised, however. This bill is asking for a study of a known fact. I believe we have enough data and enough smart people to start the process of repairing the damage that has been done. If you look at all statistics about people of African descent in the Americas, we are, by the CIA, FBI, anybody who studies crime, ACLU, the most hated group in America. Everything from micro aggression that -- police brutality to lack of healthcare, insurance, education that teachers (inaudible) the truth about history, these things happen every single day. And what we're asking for today is a study. And I understand that this did not move forward in the Senate because people have a problem with the makeup of the community commission. We're saying that we're not experts, so we have to study. But we have a committee -- we put together a group of people who have been studying this for decades, and somehow that's the problem why this bill cannot move forth in the Senate and in the Assembly. We want to do what is superficial and ornate, right? We want to have Juneteenth, right? We want to just celebrate that it's over. It's not over. It's happening to us every single day. You all coo, coo, coo around TJ all the time and what does his mother tell you?

(Buzzer sounds)

She is afraid that her son is not going to live to be a actual member of this Body because of what we experience every day. So I -- so anybody who has a no, I really hope that you really dig deep and think about the fact that we just want to have a conversation about what has happened and what's happening.

ACTING SPEAKER JONES: Ms. Zinerman, how do you vote?

MS. ZINERMAN: I vote in the affirmative.

ACTING SPEAKER JONES: Ms. Zinerman in the affirmative.

Are there any other votes?

(Pause)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you so much, Mr. Speaker, just to quickly explain my vote. I mean, this is without a doubt critically important. One should always be interested in knowledge, and clearly there's a lot of knowledge here that has not been shared or people have not had the desire to want to know it. But I will say this: We are very good in New York State at establishing commissions and they actually don't deliver a result. And this one puts the State on notice. This -- this one has to happen. We really can't move forward or beginning to do the ton of work that we need to do in order to deal with systemic racism within our own agencies unless we can complete this kind of work. So I certainly do support it.

I want to commend the sponsor of it and the previous sponsor in the years past. It's time, it's over time, and we need to keep our eye on this one.

Thank you, sir.

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

Now are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Colleagues, if we can continue our work. We're going to go to Rules Report No. 611 by Mr. Zebrowski, Rules Report No. 615 by Ms. Joynter -- Joyner, Rules Report No. 633 by Ms. Joyner, Rules Report No. 634. Mr. Abbate is going to be debated by Mr. Cusick. And followed by Rules Report No. 530 by Ms. Septimo, 562 by Ms. Cruz, 589 by Ms. Fahy and 56 and 637 by Ms. Glick. In that order, Mr. Speaker.

ACTING SPEAKER JONES: Page 18, Rules Report No. 611, the Clerk will read.

THE CLERK: Senate No. S06809-A, Senator Reichlin-Melnick (A07925-A, Zebrowski, McDonald, Abinanti, Englebright, Stirpe, Anderson, Burgos, Dickens, Woerner, Lupardo, Wallace). An act to amend the State Finance Law and the Education

Law, in relation to restoring oversight of certain contracts by the Comptroller; and to repeal certain provisions of the Education Law relating thereto.

ACTING SPEAKER JONES: The Clerk will record the vote on -- oh, read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The -- the Clerk will record the vote on Senate bill 6809 [sic]. 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. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. I know at this hour and this day and we've been at the grind for a little while here, bills like this could pass us by. So I wanted to rise to explain -- explain my vote because this bill would nullify years of agreed upon oversight between the Comptroller and SUNY. Post-audit oversight of SUNY exists now, and of late shows absolutely no need for these pre-audits. If you care about a SUNY institution that's in your district, comprehensives or otherwise, who are trying to recover from the pandemic who have dips in enrollment, you might really want to consider a no vote on this one. This reduces pre-audit thresholds to only \$50,000. So if you think about your SUNYs trying to get contracts out to bid in a labor shortage recovering from a pandemic,

this -- they've already got a -- a tough enough battle and an uphill battle to increase their enrollment once again. This is just going to draw that much more red tape and make it that much more difficult for our fine SUNY institutions to do their business.

The Comptroller already has oversight, and we have enough red tape in government. So I'll be voting no on this bill and urge my colleagues to do the same. Thank you.

ACTING SPEAKER JONES: Mr. Walczyk in the negative.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record Mr. Simpson in the negative on this bill? Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleague Ms. Hunter in the negative on this one?

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 615, the Clerk will read.

THE CLERK: Senate No. S08063-A, Rules Report No. 615, Senator Ramos (A08874-B, Joyner, Otis, Darling, Colton, Durso, González-Rojas). An act to amend the Labor Law, in relation

to restrictions on consecutive hours of work for nurses.

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

MS. JOYNER: This bill would limit the allowable duration of mandatory overtime restrictions for nurses and that it may be suspended to a natural disaster or declared emergency. It would also prevent an employer from declaring a staffing emergency for routine nurse staffing needs.

ACTING SPEAKER AUBRY: Mr. Jensen.

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: Ms. Joyner will yield, sir.

MR. JENSEN: Thank you very much, Ms. Joyner. Two weeks ago I had the pleasure to have a conversation with our colleague from the 100th Assembly District on a piece of legislation that she sponsored and subsequently passed that also amended Labor Law 167, as your legislation does. As part of that legislation there was an enactment of penalties against a healthcare provider who has forced mandatory overtime. That happens as well in this bill; however, there are conflicting penalties in the two pieces of legislation. In this legislation and the prior legislation, the first -- first violation is a \$1,000 fine, but it's the second and third violations where there is discrepancies. This would obviously create conflicting

civil penalties if both changes to the statute are signed into law. And I guess my first question is which penalty would the employer bear for a violation?

MS. JOYNER: So, this -- this bill would address banning on overtime for emergency purposes.

MR. JENSEN: Right. But as part of the -- part of your legislation in lines -- in lines 11 through 18 of the bottom part, they add civil penalties for violations. So while, yes, your bill does address the changes and the exemptions, it does institute civil penalties. So I guess my question is this Body has already passed legislation that has not been signed into law that adds penalties. Your bill creates conflicting penalties, and I guess which penalties will be the ones (inaudible) out or will providers be essentially double penalized for the same violation?

MS. JOYNER: So, this would be for emergency purposes. Under this section the Department of Labor Commissioner will have the discretion with instituting these violations, so if a hospital shows good faith that there were mitigating circumstances, it's up to the Department of Labor Commissioner to institute these violations.

MR. JENSEN: So I guess that's where I -- I have another question based on the similar yet differences between the two pieces we've taken up. Under the prior piece of legislation that was addressed, the Commissioner of Labor had to do an investigation on the merit of those claims. In your legislation it just says that the

Commissioner will -- will assess the employer with the penalty without any assurance that there will be an investigation into the veracity of the complaints. Would there be an investigatory process?

MS. JOYNER: There will be an opportunity for hospitals to show good faith that they are, you know, finding coverage. So if they can show that they are attempting to contact temp workers, you know, incentivizing nurses to volunteer to take up more hours or offering other pay for nurses to -- who want to step in to help with shortages, that's also -- you know, these are steps that hospitals can show that they are taking good faith efforts and that they're not just using this as a way to address routine staffing issues.

MR. JENSEN: Okay. I think another thing that is added as opposed to civil penalties that would have to be paid to the State, there would be civil penalties levied upon the provider that would be damages awarded to the aggrieved staff member. And I guess one of the things we should ensure, whether through an amendment, as a chapter amendment or a change in the draft, is that there is a due process for that. Certainly, if there's going to be these claims and these awards, we want to make sure that they are verifiable and they actually did take place. And I think that's why having language like we had in the previous legislation that ensures that investigation would be preferable, and I think having that written in the statute would assure that the Department of Labor actually does it.

MS. JOYNER: Okay. Fair point.

MR. JENSEN: Thank you. And then you mentioned

in your explanation that it changes the exemption of when mandated overtime can be used; a healthcare disaster, an emergency declaration by a local, State or Federal government, and if there is direct -- potential of direct patient harm; is that accurate?

MS. JOYNER: Right. So bans on mandatory overtime is already law, right? This law is now setting forth a specified time period. So, for example, we speak about 30 days at the end of the disaster, three days after a natural disaster or a mass casualty event. So this bill basically limits the time. I think at the time we passed this bill no one expected that we would have a pandemic going on for two years.

MR. JENSEN: Right. And I understand that and I think those are all justifiable exemptions. The one that I think provides more questions or more ambiguity is that potential for resident or patient harm, because I -- I guess that could be looked at through a different guise. Everybody may have a different belief of what would constitute a direct -- potential for direct harm to come upon a patient or resident. And I guess who would be the one that would determine whether or not there is the potential threat of harm due to lack of staffing? Would that be facility administration? Would it be the medical staff? Would it be the Department of Labor? Would it be the Department of Health?

MS. JOYNER: I would say it would be the facility and they would include, you know, a report including all, you know, their employees, all of the data that you're mentioning and then

supplying that to the Department of Labor.

MR. JENSEN: And -- and I think going back to one of the -- the things that was mentioned the last time I debated this change to the statute is that while the mandatory overtime law is a Department of Labor law, statute, when we're talking about patient harm it seems strange that the original legislation doesn't involve the Department of Health at all. Because they are the ones who are already ensuring compliance and staffing regulations now, our safe staffing regulations. And I guess if there's going to be an investigation into the actions of healthcare providers, shouldn't the Department of Health have some role in ensuring that our Health Law is also being followed along with our Labor Law?

MS. JOYNER: So -- so we believe the Department of Labor is most suitable because this is a workforce issue and about, you know, staffing.

MR. JENSEN: Well, but we have a safe staffing law that went on the books last year that deems with safe -- with an appropriate level of staffing. So that is in itself a labor issue, but that's under the healthcare law. Now we're expanding this labor law and I think that could also lead to inconsistencies between two different State agencies in investigating these types of claims.

MS. JOYNER: So, yes, those dealt with patient care. This deals with work hours. So, two separate issues.

MR. JENSEN: Well, but wouldn't the mandating of staff to stay in an overtime setting would be done because of a lack of

staff? When you have a lack of staff, that is potentially putting those people who are being cared for at risk and we want to make sure we have adequate and appropriate staffing levels. And so I think they are intrinsically linked, and that's why I think there's some confusion that we have this in the Labor -- and I understand that this would fall under the Labor Law but I think there could be a way to maybe clean up some ambiguity between the oversight of both of these agencies.

MS. JOYNER: So it's our position that one deals with patient care, this deals with workforce and hours, work hours, which is why we believe that the Department of Labor is best suitable to address these issues.

MR. JENSEN: Okay. There is -- is there a change to -- is there a choice that the provider would have in the type of fines they receive under this statute or is that -- is it just a uniform policy, a uniform set of fines for violations?

MS. JOYNER: Sure. So for the first violation it would be \$1,000. The second violation within three years, 2,500, and then for a third or subsequent violation within three years it's \$5,000.

MR. JENSEN: So would that -- would those fines be levied for each member of the nursing staff who is given mandated overtime or would that be for an incident as a whole or per day? So if you and I are both nurses, we're both mandated -- we're both mandated, would there be a \$1,000 fine for each of us being mandated or would it be \$1,000 because there was a mandation that took place?

MS. JOYNER: So is your question who would be

these -- these penalties would be levied against?

MR. JENSEN: No -- no, my question is, in this hypothetical scenario you and I are both nurses. We're both mandated by our employer to work overtime. Would the employer be fined \$1,000 for mandating me and \$1,000 for mandating you, or would it only be one \$1,000 fine because there was a mandation that took place within the facility?

MS. JOYNER: It's per nurse, per day.

MR. JENSEN: Per nurse, per day, okay. Is there a set time period that the Department of Labor, the Commissioner of Labor would have to assess these fines? Or a time -- or an amount of times that the aggrieved staff member would have to file a complaint.

MS. JOYNER: There's nothing in the bill in terms of a time, no.

MR. JENSEN: So there's no statute of limitations.

MS. JOYNER: No.

MR. JENSEN: Okay. Kind of getting a little bit in relation to the fines. Certainly, the impact of COVID-19 had wide-ranging effects in our healthcare industry and one of them has been on the number of nursing staff and healthcare staff. And when facilities are struggling to ensure that they have an adequate number of staff for those they are caring for, is there any concern that you may have that these fines could potentially harm providers when they have to react to an evolving situation with an unstable workforce?

MS. JOYNER: I mean, listen, it's been a pandemic,

there's been shortages. But at the end of the day we want to make sure we're having people that are showing up to work with a clearly identifiable work schedule so that we're not causing harm to the worker or to the patient. So if you're having people work beyond burnout, then they're of no service to -- to the patients that they're there to serve. So this is -- the right -- the balance in order to maintain patient safety and also work -- workers' safety as well.

MR. JENSEN: Okay. Thank you very much, Ms. Joyner. I appreciate your answers.

Mr. Speaker, on the bill.

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

MR. JENSEN: Thank you very much, Mr. Speaker. I -- I think when we talk about healthcare staffing, employers have to do their job and ensure that they are taking appropriate, responsible staffing decisions to ensure there are no -- no shortages with the staff they have and make certain that every single person that they're caring for has a level of care being provided that is appropriate. However, in New York State where we are suffering from healthcare staffing shortages, the actions in this bill or the language in this bill that would decrease the variety of exemptions is problematic. Certainly, an employer can't control their employees on -- on if there are no-call, no-shows. If agency staff just doesn't arrive, if somebody gets sick. And there are staffing shortages that are beyond their control despite their best efforts to ensure appropriate levels of staffing. I think that

provides less ability to react to an evolving situation which in the healthcare field, whether it's a hospital, nursing home, wherever it may be, it's always evolving because patient center care is also evolving. I think there is also concern that there are two separate pieces of legislation that this House will pass that have conflicting language changes to the same Labor Law statute. That can provide tremendous confusion, possible double penalties being levied and a lack of due process to ensure that there are not claims being rendered that are not false. Certainly, we want people showing up to work. We want them to show up when they're scheduled. We don't want people to have to work mandatory overtime, but if patient or resident safety is at risk, unfortunately that may have to happen. And I think the biggest thing that -- when we're talking about our healthcare industry and our healthcare staffing is that New York State for years has failed in its ability to appropriately cover the cost of care, especially under Medicaid in a nursing home where reimbursements are -- are below 80 percent of what costs actually -- the cost of caring actually is. It limits the ability to invest in a workforce. It makes it more difficult for facilities and providers to go out and recruit and retain the best possible nursing staff. And I think regardless of political affiliation, political party, where you live, we want to have the most qualified and best healthcare workers caring for the people who need that care the most. Certainly, when we took a --

(Buzzer sounds)

Okay. I'm going to use the second 15, Mr. Speaker.

ACTING SPEAKER AUBRY: You're in for the second.

MR. JENSEN: Certainly, in our -- in the budget we passed a few months ago, New York City was deficient in providing an appropriate level of assistance for our healthcare providers that have been ravaged by the effects of COVID-19, especially in our nursing homes. And while we do not support them financially or assist them financially, we are adding more and more penalties while they're trying to do the best possible work they can do for the people they're charged to care for. I think certainly if both of these bills are signed into law, I think the Executive and this Legislature need to seriously consider some sort of a chapter amendment to limit the confusion or potential for double -- double civil penalties, and I think we need to do more to invest in workforce not as bonus payments but actually sustainable recruiting and retention of the most critical care staff.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Jensen.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8063-A. 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 numbers

previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague. Those who wish to support it certainly are encouraged to vote yes on the floor or by contacting the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. The Democratic Conference will be voting in the affirmative on this legislation. If any member wishes to vote no, please call the Majority Leader's Office at the number previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record the following members in the affirmative on this -- I'm sorry, yes, in the affirmative on this piece of legislation: Mr. DeStefano, Mr. Smith and Mr. Tannousis.

Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker.

Please record our colleague Ms. Woerner in the negative.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules -- Page 18, Rules Report No. 633, the Clerk will read.

THE CLERK: Senate No. S08922-A, Rules Report No. 633, Senator Ramos (Joyner, Bichotte Hermelyn, Reyes, Simon, Fall, Carroll, Mitaynes, Mamdani, Gallagher, Gottfried, Seawright, Taylor, Dinowitz, Anderson, Cook, Cruz, Abbate, Lucas, Cusick, Clark, L. Rosenthal--A10020-A). An act to amend the Labor Law, in relation to establishing the Warehouse Worker Protection Act.

ACTING SPEAKER AUBRY: On a motion by --  
(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill attempts to deal with a situation that occurs where warehouse workers have a quota that they need to meet in terms of their job expectations. And the bill has some provisions which I think everyone in this room would appreciate and would support. It also has an interesting challenge, if you will. On

the positive side, this bill would require for those companies that have quota systems to make sure that the employees are aware of what the quota is when they're being hired and when the quota system changes. And so they're -- just as an example, Amazon has a quota where they expect workers to be able to handle a certain number of packages per hour. A lot of your fruit processors or fresh produce processors have similar quotas. And of course these quotas are designed to help the employer know which employees are fast and efficient and which employees are better employed in a different occupation.

The problem with a quota system is that if the quotas are set too high, then employees, in order to meet the quota, can't find the time to take their breaks, whether for the restroom or for eating, or whatever, the breaks that are required by law. And so what this attempts to do is first make sure the employees know what those quotas are, but then say an employee shall not be required to meet a quota that prevents compliance with meal or rest periods. So far we're are all in agreement.

It then goes on to say that an employee who thinks that the quota is too high can sue the employer for damages, and that's where we start to run into some interesting dilemmas because if you have an inefficient employee, and the only way -- you have an inefficient employee and the employer goes to encourage them to look for a new occupation or to let them go, that employee under this law could turn around and sue the employer and say, *No, I'm not an inefficient employee, your quotas are too high.* And so we set up a

legal framework for employees that the employer is firing because they're inefficient to turn around and sue the employer because of their very inefficiency.

And so we need to wrestle with that dilemma, and I think the best way to wrestle with that dilemma is to ensure that the Labor Department is fully aware and to provide a process for the Labor Department to check whether the quotas are reasonable by looking at whether the vast majority of the employers -- or the employees can meet those quotas and still get the mandatory and appropriate rest breaks and meal breaks. And so we appreciate the objective, we're 100 percent in accord about the notice requirements, we're 100 percent in accord that those quotas need to be reasonable, but we don't like the concept of a civil litigation process that can be utilized by inefficient employees to -- to sue their employer based on their own inefficiencies. And we think the better mechanism is look to the Labor Department to do audits or other investigatory work to meet that balancing act.

For that reason, I and many of my colleagues will not be able to support this bill, although we would be certainly interested in working with the sponsor to address that conundrum in a way that's fair to both employees and employers. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8922. This is a Party vote. Any member who

wishes to be recorded as a negative -- as an exception to the Conference position -- let me correct myself. Is this a Party vote or a -- it's a Party vote. That's what I thought. It 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Mr. Speaker, I hope the record adequately reflects that we often have parties here on the last day of Session.

ACTING SPEAKER AUBRY: Our life is a full party.

MR. GOODELL: I have been at better parties, to be honest. But notwithstanding that, the Republican Conference is generally opposed to this legislation for the reasons I mentioned, but we would welcome the opportunity to work with the sponsor to see if we can come up with a different solution to this conundrum. Those who want to support this legislation on the floor are certainly encouraged to do so by either voting on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this one; however, there may be a few of our colleagues that would decide to be an

exception. They're certainly welcome to do that. They should call the Majority Leader's Office and/or press their vote in the Chambers. Thank you, sir.

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

(The Clerk recorded the vote.)

Ms. Joyner to explain her vote.

MS. JOYNER: Thank you, Mr. Speaker, just to clarify some of the points that were brought up earlier. Under this version of the bill, there's no private right of action to sue. All of the remedies that are available are already established under the Department of Labor. Thank you.

ACTING SPEAKER AUBRY: Ms. Joyner in the affirmative.

Yes, Ms. Walsh, how'd we know?

MS. WALSH: Hello, Mr. Speaker. Would you please record Mr. DeStefano and Mr. Smith in the affirmative on this bill. Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 634, the Clerk will read.

THE CLERK: Senate No. S09119, Rules Report No. 634, Senator Gounardes (Abbate--A10022). An act to amend the

Retirement and Social Security Law, the Education Law, the Public Authorities Law and the Administrative Code of the City of New York, in relation to extending the coronavirus disease 2019 (COVID-19) benefit for public employee death benefits; and to amend Chapter 78 of the Laws of 2021, amending the Retirement and Social Security Law and other laws relating to establishing a coronavirus disease 2019 (COVID-19) benefit for public employee death benefits, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9119. 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 numbers previously provided.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Proceed.

MR. GOODELL: I'm -- I'm supporting this and recommending it to my colleagues that they vote in favor of it. It provides for a COVID-related accidental death benefit for any public employee who dies as a result of COVID. We first got this in 2020. This would continue it to 2024. I think, by the way, at the end of 2024 this is a benefit that should end. We've seen tremendous advances

thankfully in the treatment and prevention of serious cases of COVID-19 and when this pandemic first started, of course everyone was afraid, especially for our first responders and our health care workers, but now that the vaccine is widely available and we've moved into a new phase where the complications are a fraction of what they used to be, we cannot continue this benefit indefinitely.

So while I'll support it now and recommend it to my colleagues, I think this is the last time we'll need to extend it. Thank you, sir.

This is going to be a fast vote, sir.

**ACTING SPEAKER AUBRY:** The Clerk will record the vote on - excuse me - Senate print 9119. 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 14, Rules Report No. 530, the Clerk will read.

**THE CLERK:** Senate No. S04371-D, Rules Report No. 530, Senator Biaggi (Septimo, Mamdani, Anderson, Fernandez, Simon, Sillitti, Epstein, Gottfried, Solages, Forrest, Jackson, González-Rojas, Darling, L. Rosenthal, Kelles, Seawright, Thiele, Otis, Fahy, Englebright, Glick--A06150-B). An act to amend the

Environmental Conservation Law, in relation to emissions of toxic air contaminants.

Mr. Smullen.

MR. SMULLEN: Explanation, please.

ACTING SPEAKER AUBRY: An explanation is requested?

MR. SMULLEN: Yeah, thank you, Mr. Speaker.

Would the sponsor yield for some questions, please?

MS. SEPTIMO: Yes --

ACTING SPEAKER AUBRY: Ms. Septimo, will you --

MS. SEPTIMO: -- yes.

ACTING SPEAKER AUBRY: Ms. Septimo yields.

MR. SMULLEN: Well, thank you very much. In looking at this bill, I had a couple of questions that -- that always come to rise in -- in bills such as this. Could you reflect on the -- the language in the bill about what -- what it means to be a disadvantaged community? I come from a -- a place in Upstate New York where there's a lot of brownfields, there are a lot of superfund sites. It's been a -- since the deindustrialization of Upstate New York over the past 40 years, it's been severely disadvantaged. What would -- what would qualify in your mind and in this bill in the context of ambient air quality as a disadvantaged community, please.

MS. SEPTIMO: Sure. Not conceived of my mind, a disadvantaged community has the same meaning in this bill as the

term is defined in the Climate Leadership and Community Protection Act. The sort of specific definition is a community that bears the burden of negative public health effects, environment pollution, impacts of climate change and possess certain socioeconomic criteria or comprised of high concentrations of low- and moderate-income households.

MR. SMULLEN: So you would agree that that would apply equally to Upstate communities who in this, as we -- as we move toward the CLCPA, meet the exact same criteria. You know, and you -- you -- we talk about socially disadvantaged areas. What are some of the main criteria that the Climate Action Council are now putting on to that -- into that definition and how is that being discussed as this -- as this environmental bill goes forward, but also with the CLCPA?

MS. SEPTIMO: Sure. So this definition is technically in draft until July. But the -- you mentioned that it would include for Upstate communities. This definition was crafted, you mentioned the Climate Justice Council, Climate Justice Working Group is the group that developed this definition and that included actual members from Upstate and rural communities as well. Some of the sort of standards that you mentioned that would include these communities this has the economic factors would include things like free lunch, free reduced lunch --

MR. SMULLEN: Right. Yeah.

MS. SEPTIMO: -- et cetera.

MR. SMULLEN: Thank you. I think we're in agreement on that, that the CLCPA and environmental justice or disadvantaged communities needs to be equitably distributed across all areas of New York State, whether it's, you know, Downstate, rural areas, rural equity is just as important, at least in my mind, to the people in my district. So thank you --

MS. SEPTIMO: And I --

MR. SMULLEN: -- thank you very much for -- for that.

MS. SEPTIMO: To that point, I would just like to also mention that I think there are all but nine counties -- all but nine counties in New York will be -- are anticipated to be home to at least one disadvantaged community by this definition.

MR. SMULLEN: Good. Thank you. And I know that's two of my home counties for sure fit that criteria.

So in regards to this bill, can you tell me why we need a bill such as this as opposed to following existing Federal and State standards for ambient air quality?

MS. SEPTIMO: Sure. So we as a State, we are able to set standards that are stricter than Federal standards; I'm sure you are familiar with that concept. And the -- the Federal standards as it relates to ambient air quality are actually set by the best performing sort of permittee in an industry. They're set by industry and whoever is meeting best ambient air quality standards, they're not set with relation to health impacts and that's what this bill is really seeking to

do.

MR. SMULLEN: Now, can you -- can you tell me then so if we're looking at setting standards here, we're in -- in my mind this bill is prodding DEC to set a higher standard than perhaps the Federal standard is, or perhaps the existing DEC standard. How will those standards be measured differently from a scientific technical basis for this particular bill?

MS. SEPTIMO: So from a scientific technical basis, these -- these specific toxins are not actually mandated right now by any directive to be monitored.

MR. SMULLEN: So they're not mandated -- we're adding mandated --

MS. SEPTIMO: These are -- right. These are toxins that right now are not specifically mandated to be monitored.

MR. SMULLEN: But how will they vary in, say, their surveillance regime from existing ones? There's a lot of concerns out there with regard to this bill because it's -- not only is it moving the goalposts, so to say, but it's also changing the game that's being played in terms of how industry must have predictability towards, you know, environmental regulations such as this. How -- how will the actual surveillance system for these contaminants be different than the existing system?

MS. SEPTIMO: So this bill directs the Department to promulgate standards and ultimately decide when and how fenceline monitoring, which is the sort of mechanism that would --

would happen, when -- how and when fenceline monitoring would be used.

MR. SMULLEN: And you mentioned fenceline monitoring. Are you talking -- just paint a -- a picture for me, a line that's on a fence and there's going to be some sort of thing. Is it going to be a ground-based surveillance system, a -- or a plant-based system?

MS. SEPTIMO: So those are -- those are standards that the Department would set ultimately.

MR. SMULLEN: So the Department is going to -- is it going to go through the normal regulatory process to set up those standards?

MS. SEPTIMO: Yes.

MR. SMULLEN: And what -- what do you expect, if this bill does pass, what is the timeline for setting up that regulatory timeline?

MS. SEPTIMO: So the bill says that the Department will have until December 31st, 2023 to promulgate the standards and set the regulations.

MR. SMULLEN: Very good. Well, thank you very much to the sponsor.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So there -- there is some -- some concern out there that this -- that this bill would go quite quickly in a

-- in a specific direction. And what we want to do is make sure that, for the case of all the industries that are affected such as this, and all the communities that are affected by this that it be done very carefully, that it be done in compliance with existing Federal standards, existing State standards. And then if we do change the standards in New York State, that it be done in a transparent process from a technical perspective, that we're not doing a monitoring system that would then change the requirements for these high capital power plants that -- that provide a lot of -- a lot of energy, these factories that work in these areas.

So there are -- there are some concerns out there about this bill. It's -- it's very scientific, very technical, and I want to make sure that we get it right in -- in -- in this process, and that's where some of the concerns are. So Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you. Most of our air emission standards now are based on air pollution, if you will, that comes from a specific site. And this changes it from measuring what might be coming out of a smokestack, for example, to what the air quality is at the fenceline, correct, or the property line?

MS. SEPTIMO: So it's -- it's still -- I think you're confusing a couple of things, too. It's still about what's coming out of the stack, right? We're now talking about the fenceline, but we're not changing the source of the pollution, we're sort of capturing different air toxins.

MR. GOODELL: But the -- one of the specific provisions of this bill is that the air pollution be measured now at property lines, right, rather from necessarily the source within the property?

MS. SEPTIMO: The mechanism will be fenceline monitoring yes, but we are still sort of capturing ambient air quality that is directly related to the pollution that comes out of stacks.

MR. GOODELL: So one of the concerns that industry has is that if they locate a manufacturing facility in a manufacturing zone, even though the amount of air pollution they contribute might be very small, that might be enough to go over the ambient air quality standards if the surrounding industry bring those standards close to the max.

MS. SEPTIMO: Sure. Well, this bill would apply only to major sources, and major sources are defined by sources that have the potential to emit ten tons per year, or more per year, of toxic -- of toxic air contaminants, or 25 tons of sort of a combination of different contaminants. So we're already sort of in the realm of industry that we know is creating a significant amount of pollution and -- and impacting the ambient air quality standards. Ultimately,

the issue that you're talking about related to fenceline monitoring is specific and can vary, and that's why it will be for the Department to set the specific standards as to how it will be promulgated.

MR. GOODELL: Thank you very much for those comments.

MS. SEPTIMO: Sure.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: My district had a lot of manufacturing, it was about double the Statewide average. And one of the things we found is that when a company wanted to expand or build a new plant, they typically would leave their current site and rather than buy the adjacent industrial property that might be vacant, they would look for a -- a clean site. And they did that for a number of very valuable financial reasons because they didn't want to build a new site on an old site owned by a prior company and then have to face potential environmental issues. But as a result of that, we started to see manufacturing sprawl. And we've worked very hard and successfully with the DEC to implement a brownfield strategy to clean up those sites, give some limited liability so that we can get industry back together instead of sprawling it out.

Now, the problem with this bill is when you switch from a standard that restricts emissions to a standard that's based on air quality at the fenceline, that change in measurement encourages

industry to locate as far as they can from anyone else that might be producing any air pollution, so that the incoming air is clean, cleaner, and the outgoing air meets these ambient standards.

Now, this legislation does ask the -- or require the DEC to consider the quality of incoming air, but we need to be really careful that we don't inadvertently encourage industry to leave brownfield sites that we've been working so hard over the last 20 years to clean up and get them back to, and instead encourage them to locate, you know, with industrial sprawl. So I appreciate the overall objective of trying to keep air quality, in total, reasonable, but we don't want to have a situation where if the air quality is marginal then new industry cannot afford or be able to locate in that area. And that's an interesting conundrum that I think we need to address before we move forward.

And so for the common set of my colleague, the Republican Conference will be going with a Party vote on this, but I appreciate the sponsor's views and the concern of how can we keep industry together while still protecting overall ambient air quality.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4371-D. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons mentioned by my colleague. Those who support it can certainly vote yes here on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this environmental friendly piece of legislation; however, there may be some colleagues who would choose to be an exception. They're welcome to contact the Majority Leader's Office or vote in Chambers. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Ms. Septimo to explain her vote.

MS. SEPTIMO: I would simply like to say that this, this piece of legislation is in effort to continue sending the message that here in New York we cannot make it so that overburdened communities continue to be collateral damage for polluting industries, because we know that we are in a climate emergency and it's not going to be platitudes, it's not going to be panic that gets us any closer to air that is more breathable, or that gets us any closer to an

environment that is more liveable. It is going to be legislation that is thoughtful, that is serious, that is responsible. And I'm ultimately grateful to my colleagues for their support in this effort, to the Speaker, and to all of the staff who worked so hard to get this legislation over the line. Thank you to my colleagues, and I'm looking forward to working with all of you on this important bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Septimo in the affirmative.

Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to explain my vote. I just wanted to say thank you to the sponsor of the bill because this is an incredible piece of legislation. As the representative who represents the district that 9/11 happened in, we know how the effects of toxins in the air can harm us and harm us for a very, very long time. So we need to make sure that we are actually aware for our communities and for the communities that are actually harmed the most. Environmental segregation is very real, and we have to make sure that the communities that are affected the most also have the most protections. Thank you so much to the sponsor. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Keith Brown, Mr.

Schmitt, Ms. Giglio. That should be it, I hope. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: I apologize, I do have more coming in: Mr. Smith, Mr. DeStefano, and Mr. Mikulin.

ACTING SPEAKER AUBRY: We'll take all you give us.

MR. GOODELL: And after we close the vote, we'll -- we'll continue to make changes, I'm sure. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 562, the Clerk will read.

THE CLERK: Senate No. S08884-A, Rules -- Rules Report No. 562, Senator Hoylman (Cruz, Fernandez, González-Rojas, Hevesi, Reyes, Quart--A09418-A). An act to amend the Public Health Law and the State Finance Law, in relation to enacting the Lorena Borjas Transgender and Gender Non-binary (TGNB) Wellness and Equity Fund.

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 Senate print 8884-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.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. And thank you to our colleague from the other side because I was expecting a debate on this. This bill is -- is named after a dear friend of mine that passed during COVID. It's fitting that we would have passed it during the start of Pride Month. Our TGMB community, transgender and gender nonconforming folks, there are more than a 100,000 of them in New York, and they have faced horrific social disparities that include unemployment, underemployment, food insecurity, violence, and so much more. But the organizations that generally are meant to provide them with the safety net services are only receiving right now about four cents out of every \$100; four cents out of every \$100.

And today, we begin a historic change. We are only the second state in the country to create a fund of this type. They were -- we were going to make sure that community organizations that are dedicated to improving the lives of TGMB folks are going to do exactly that. And I am so thankful to my colleagues who are going to vote in the affirmative. Lorena was an amazing human. She lost her life during COVID. But while she was alive, she took care of so many people in Jackson Heights, Corona and Elmhurst, especially our transgender Latinas. She would go out into the street every night and make sure they had food, make sure they had protection. She made sure that people had access to immigrant legal services. She made sure that *our chicas*, as she called them, had an opportunity at a better

life. And today, with this in her honor, we're able to actually change history.

I am so extremely thankful to the advocates who helped us make sure that we -- this would come to life today, especially the folks in the New Pride Agenda, Elisa Crespo; my dear friends Melissa Sklarz and (inaudible) at the Gender Equality, Empire Justice, GLITS and the Albany Damien Center. It is because of you that we're able to make history. We put in \$1 million during the Budget and today, just like we did with Nourish New York, we are making it permanent. We are making history and for that, I thank you all, and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Schmitt and Mr. Brabenec in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 589, the Clerk will read.

THE CLERK: Senate No. S09382, Rules Report No. 589, Senator Parker (Committee on Rules--Fahy--A10450). An act to amend the Executive Law, in relation to the purchase or lease of zero

emission vehicles for State-owned vehicle fleets.

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

MS. FAHY: Thank you, Mr. Speaker. This bill is -- is a follow-up, if you will, relating to changes from a bill we had adopted earlier this Session which is to expand the OGS, the State's Office of General Services, to procure electric vehicles or zero omission vehicles as a part of their State fleet as they phase them out. This -- what we're doing now are the changes that we made from that bill adopted a number of weeks ago that would require the Commissioner of OGS to include a requirement for procuring these zero emission vehicles to use parts and supply components that are made in whole or by substantial part in -- in the U.S. and its -- its territories. Very similar to what we did with school buses in the Budget we adopted a couple of months ago.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MS. FAHY: Yes, I'll be happy to.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. PALMESANO: Thank you, Ms. Fahy. I'm asking questions, I'm -- I'm somewhat intrigued by the bill on some parts of it I wanted to ask you because I know you mentioned about

the part that would require the manufacturing and retrofitting come from -- being produced here in the -- in New York or the United States; is that correct?

MS. FAHY: Yes.

MR. PALMESANO: Now --

MS. FAHY: Sorry, I'm having a hard time hearing you so if would you just speak up a little bit for me.

MR. PALMESANO: Yeah.

MS. FAHY: Thank you.

MR. PALMESANO: So when you talk about the components and parts being produced, are there any specific components or parts that you might be referring to?

MS. FAHY: No, I think --

MS. PALMESANO: For pro electric vehicles. I mean, yeah, because I know you mentioned -- the language mentions components and parts. Are there any specific components or parts you might be referring to?

MS. FAHY: No, I think it's -- it's standard language and --

MR. PALMESANO: Okay.

MS. FAHY: -- and these are the charging -- the -- the -- the charging components, as well as the -- the vehicles so it's --

MR. PALMESANO: Okay.

MS. FAHY: -- so it's -- it's standard, again, similar to what we did with school buses in the Budget.

MR. PALMESANO: All right. And you know, and I've obviously been talking on the floor a lot about electric vehicles and -- and the elements for these, you know, that are come -- that make to produce the batteries that go in the electric vehicles. So when you talk about components and parts like cobalt and lithium, are those, based on this legislation, supposed to be made and processed here in the United States, or is that not addressed, this issue specifically?

MS. FAHY: It is and yes, that is the ideal to have those produced in the U.S. so I'm hoping you're liking this -- these -- these amendments. But -- but again, there is, of course, waivers that could be adopted where they may not available and we agreed --

MR. PALMESANO: Right.

MS. FAHY: -- we should have them more readily available here in this country, or if it's an unreasonable cost. So there are -- there are waiver processes.

MR. PALMESANO: Let me get to the part about the waiver, because there's a couple of parts in there. It says like if -- if it's determined that the requirements would, one, not be in the public interest or it would result in unreasonable cost, or the products couldn't be here, what if those definitions really contradict each other when you say not in the public interest and then unreasonable costs so they can't be made here. For case, an example, we know cobalt, we know 70 percent of it is -- is basically extracted in the Democratic Republic of Congo and we know that -- we know that they are using

child labor, some estimate it 35,000 or 40,000 kids are estimated to be mining these artesian mines to extract cobalt, which is used to produce these vehicles, and we know these children are dying, they're being maimed from mining and they're being seriously hurt from these mining collapses.

So if that's not -- I would say that's not in the public interest, but if that's where they have to go to get the -- the materials because they can't source it in the United States, where does it -- where do we weigh out in the favor of this argument? Do we say well, because we can't slow down the -- the production of electric vehicles so we're going to compromise what's in the public interest at the -- for -- for the public, for costs because we can't produce it here? So how do you -- how do you determine that? Who manages that expectation?

MS. FAHY: First of all, I -- I understand your concerns and -- and I appreciate you raising some of them. As you know, much of this is tied to existing Federal trade -- trade agreements or international trade agreements. But in -- in terms of the final determination, we are leaving that to the Commissioner of OGS and certainly we all hope the industry is -- will change. We all know we need to grow the -- the battery industry here in this country. And again, this legislation is designed to promote that, encourage that, and -- and push it to the extent reasonable or to the extent feasible, but again, allowing the Commissioner to have that ability --

MR. PALMESANO: Right.

MS. FAHY: -- to make those changes where -- where appropriate, because we are also accountable for the taxpayer dollars on this.

MR. PALMESANO: Sure and I -- and I appreciate the effort you're trying to make here, I think I just want to get at some of the -- more details. And when we talk about what's in the public interest and maybe we want to try to do those things, but maybe it's not feasible because we know like 70 percent of it is -- is extracted in the Democratic Republic of Congo. We know 87 percent of these materials are processed in China so and -- and other countries. So when we talk about the public interests around this issue, if we know that child labor is being used, shouldn't we be taking other actions here as a State, maybe looking even at -- maybe it's kind of off the topic, but it's kind in this concept of divesting our State from, you know, maybe pension funds from that issue? Because we do -- we've used those State pension fund and the Comptroller to divest for -- from fossil fuels. We've used -- the Comptroller's used his office to divest from firearms. He's used the -- the Comptroller's Office to divest from what's going on with Russia and Ukraine. So wouldn't child labor and children dying, wouldn't that be in the public interest? Shouldn't that be something we should -- we should be able to agree to if these companies are using child labor and can't document that they're not using child labor, that we as a State being the, you know, the Empire State who is leading that effort and maybe look at that issue if we can't do this specifically with this bill?

MS. FAHY: A -- a couple of points on that.

MR. PALMESANO: Sure.

MS. FAHY: One, I think some of what you're suggesting is really going beyond the scope of this legislation. But certainly, this legislation, because of trying to push manufacturing and growing --

MR. PALMESANO: Sure.

MS. FAHY: -- that here in this country and putting that preference, if not priority or -- or full requirement on the manufacturing and the purchasing of these products and components in this country, that will certainly help the -- help grow the markets here and the manufacturing base here. But I should also add we talked a little bit about right to repair earlier today, and we know from the -- when Smartphones and -- and cell phones became so commonplace, a number of those issues were addressed in the last ten to 20 years and we've made a lot of progress on that. I would hope as we move toward growing electric vehicle fleets, whether it's the State or whether it's our overall transportation fleet, the pressure will continue to grow. Certainly nobody would advocate for -- for child labor here. So -- so again, I see this bill as moving in the right direction --

MR. PALMESANO: Sure.

MS. FAHY: -- but some of what you're addressing is really beyond the scope of this -- this individual bill.

MR. PALMESANO: Hey, I -- I understand that

because -- I kind of just brought that into the discussion, but I just think we're from -- when we talk about what's in the public interest, and I think what you're saying I -- I like the idea of trying to -- anything we can source and use here in the United States, if we can use materials, whatever they may be, being manufactured here because we know if it's done here there's environmental, there's human rights issues that are going to be protected if they're here. I mean, the same issue I think falls through when we talk about the promotion of solar and using solar. We know that, I believe, some 80 percent of the solar is coming from China, and that's another issue that comes out. And the reason they don't want to try to do more here is well, they can't, they control the market, is because of cost factors and I think even the -- the Governor signed onto a letter to the President saying we need to, you know, look at -- instead of evaluating that and hurry it up, I think that's kind of concerning because we know there's the human rights violations going on in China with the solar, I know I'm stepping aside from the bill.

So I like the fact that you're trying to address this issue from that perspective to see what we can do here. I think -- I think I'd just see hopefully a little bit more, you know, more teeth in it both through the legislative side to look at these protections of these interests there. So because I know you mentioned about, you know, with the work -- workforce part of it, about protecting the workforce and I -- I think when I hear that I just think about unfortunately these kids in China or kids in the Congo that are in these wells, these mines

and they're being hurt or killed so -- but I -- I do appreciate what you're doing on this. So I -- I guess I can go on the bill, and I really appreciate your time.

MS. FAHY: Thank you.

MR. PALMESANO: Yes, Mr. Speaker. I certainly appreciate what the sponsor's intention here is with this legislation. I think probably there'll be a number of people on our side of the aisle who vote for it because I think it's a good -- to move forward. I've been critical of the electric vehicle issue for a number of reasons, but I think if we're trying to take this approach to clean energy whether it's electric vehicles, solar, the more the manufacturing things we can do in the United States, we know there's going to be stricter and better environmental regulations, certainly human rights regulations which we know is not happening in the Congo, we know it's not happening in China, and I think those things need to be addressed as we move forward, too.

I think I would just like to say I think we, you know, and I know we talked about it and the sponsor mentioned it that some of these things are going to be -- have to be addressed at the Federal level, and I think that's where part of my problem is because whenever we talk about the CLCPA out here, whenever I criticize it, given the fact that New York only contributes .4 percent of the total global emissions and China contributes 29 percent, you know, what impact are we truly, truly going to make when China continues to build coal plants, continues to emit more than anyone else, we know in the first

quarter of 2021 they emitted 14.5 percent and I think -- so whenever I bring that up, though, everyone says -- I hear over and over again, we're going to lead, we're going to lead, we're going to lead. But unfortunately, when I bring up the child labor issue and what's going on in the Democratic Republic of Congo where I know there are people who came here, who've seen it, advocating for it, we know that there are these mining collapses, that children are dying, they're being maimed and permanently injured. And these kids, they estimate some 35- to 40,000 kids are -- are working in these mines and unfortunately it's sad that these -- you think why aren't these kids going to school, because the government charges them \$6 a month to go and then they -- they might make -- they get rounded up in these gangs to go work in these work -- in these mines and get about a \$1 or \$2 a day because they're -- the person organizing gets most of the money.

And I just think we as a State need to stand up more to this issue and not say, *Well, it's the Federal government's responsibility.* I just don't think that's a -- a respectable answer. It's not enough to say we're going to lead on the one side when we're not making the -- the major global emissions, but on the other side when it comes to what's going on with child labor used to produce the cobalt that's used to make these batteries that power these electric vehicles, I just think it's not enough when the Commissioner of Environmental Conservation says it's the Federal government's responsibility, it's not ours, we need them to lead. I just don't think that's that -- that's incoherent with the argument on this issue.

I think there's a lot more we can do on this issue. When we talk about -- even this legislation talks about what's in the public interest and unreasonable costs, and it's nice to hear the other -- the other side of the aisle talk about worrying about costs and I -- we've been talking about costs and affordability when it comes to the CLCPA and the -- the runaway freight train that's happening -- heading towards our constituents whether it's for -- for full electrification, not just electric vehicles, but full electrification, the home conversion cost come 2030 with -- when your gas boiler or stove breaks, or a gas appliance breaks, you can't replace it with a natural gas boiler, you're going to have to fully electrify your home to the tune of some \$35,000. How many of your families, how many of your seniors can afford that? How many of your families and seniors know that's coming their way? Because it's coming based on what this -- the Climate Action Council is doing.

And I think there's a lot more we can do. And if we want to talk about being serious about child labor and human rights violations, if those things were happening in -- in New York or the United States, no one would accept that. Everyone would be standing up and screaming about it. But it's really kind of quiet from a lot of people up here in the Capitol, whether it's the Executive, whether it's this Chamber when this issue is brought up, again, because they want to pass the buck to the Federal government. And I just think that's unacceptable.

There are things we can do here. Maybe we can look

and put some provisions in this legislation saying that if it's not -- if you can't document that child labor is not being used to produce these materials, if you can't document it then we're not going to allow it. Period. And the same thing with the Comptroller. He's divested from -- he -- he doesn't need legislation to do that. We have legislation that would require that, but he doesn't need legislation to do that. It's simple. He's done it, he's divested from fossil fuels which many on your side of the aisle applauded. Divested from firearms, which many on your side of the aisle have applauded. And there's other things. So why not child labor and kids in other countries being exposed and dying all to produce the electric vehicles that we continue to tout as a great, wonderful thing for our environment? Why would that not be something we should say and stand up and say, listen, if these companies can't document that they are not using child labor in the production of the batteries and the materials that are sourced to produce them, if they're not getting documented that they're not using child labor, then we're not going to allow our State pension system to invest in them and we're not going to let our State resources to invest in them.

And that's what I think -- what I do like about this legislation that I would tell the sponsor, I like the approach it's going, I know that you can't do all of it. I hope you keep this in mind and I hope the Administration and others keep this in mind, but this is something I'm going to continue to talk about. Fortunately for you, we're leaving today and you won't have to hear me talk about it too

often, but I will continue to talk about it in different ways because I think it's the right -- right thing to do. We can't let our -- our push towards full electrification and -- and our clean energy goals come at the expense of children who are actually dying and being maimed in another country to produce these vehicles that are going to power the electric vehicles that everyone seems to tout. And how ironic is it going to be when we're talking about the school bus mandate, we know how costly that's going to be when one -- one electric school bus costs \$350,000 and an existing school bus costs \$110- or \$120,000 but, yet, we're going to put our children on these school buses, get the picture, our kids are going on these school buses, they've been -- underneath are batteries that are -- that are -- that all those batteries that are on the school buses, the components, the materials, the cobalt, lithium are being extracted through mining by children in the Democratic Republic of Congo who are dying to do that. How, just, contradictory and ironic is that?

Again, I just don't think it's enough for this Chamber to say it's up to the Federal -- these are concerns we all have and it's up to the Federal government to take care of it. If we're going to be the Empire State, if we're going to lead on the CLCPA, we keep saying we're going to lead, you can't lead on one part and put your head in the sand in the other part and say it's the Federal government's responsibility because the other part you want to lead on, we're not making a difference or an impact on it because it's not going to -- it's not going to happen and we know what --

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yeah.

ACTING SPEAKER AUBRY: I think your time has expired.

MR. PALMESANO: Yes, it has. I won't ask for another 15, so I think I made my point. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

MR. PALMESANO: Thank you, Ms. --

ACTING SPEAKER AUBRY: Again, you have made your point.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9382. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I appreciate the opportunity to explain my vote. And I -- I want to not just commend the sponsor, but I also want to say that we all care about the abuse of people across the world. Certainly, we get cheap textiles because people are being paid, you know, 50 cents to make the shirts that we can buy from various companies here in the -- in our country that's been imported from somewhere else. And we've had a century

of poisoning communities across the globe with fossil fuel, oil that has been leached into streams, chemicals that are produced elsewhere that have leached into the fields from what people -- where people are trying to grow their food.

So there's a great deal that we need to do to try to clean up the Earth and to be more humane. But -- and I appreciate the passion of my colleague, but moving towards more renewable energy, cleaner energy is not going to come easy. And I agree, we have to be concerned about it. But we should have been concerned about all of the various environmental degradation that has occurred across the globe for the convenience of the developed world.

So I think this is a great step and I appreciate the focus on environmental friendly vehicles on the behalf of the sponsor and I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Palmesano.

MR. PALMESANO: I'm back, sorry. Listen, I just wanted to say because I couldn't finish when I concluded my comments, I -- this legislation, the -- the attempt by the sponsor, I appreciate what's in here. I think it's a step in the right direction. I just don't think it goes far enough because of the issue I brought up, I'd like to see more done. But certainly, I can understand why many people in this Chamber are going to be voting for it, that's a good thing, but I'm going to be voting no specifically to send a message and

the continued message that as we -- we have our -- our quest for all electric vehicles and electrifications, and when we talk about how great these electric vehicles are, we have to remember there -- there are children in the Democratic Republic of Congo that continue to mine, hand mine and are dying and being maimed in these mining collapses and I just think there's a lot more we can do as a State. I hope maybe this legislation can get at that and maybe put some teeth in it and try to push this forward, or look at other areas like divestment of our -- of our pension funds from these companies that can't demonstrate that they're not using child labor. I mean, how can we all not rally around that? If you're using child labor, we're not going to invest in you. I mean, it just seems like common sense to me.

So for those reasons and I -- and I -- I -- I certainly understand going along with the support for this bill, I would support it because I think there's a lot of things in here, but just to make the point on this issue and keep driving this message home, I'm going to be voting in the negative, but I do appreciate the sponsor and her time. Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes

MRS. PEOPLES-STOKES: Mr. Speaker, if we can

continue our lively debate, we're going to go to Rules Report No. 602 by Mr. Abbate; Rules Report No. 130 by Mr. Jonathan Rivera; Rules Report No. 642 by Ms. Rajkumar; Rules Report No. 655 by Mr. Anderson; Calendar No. 5 by Mrs. Gunther; Calendar No. 6 by Mr. Magnarelli; Calendar No. 7 by Mr. Burdick; Calendar -- Rules Report No. 421 by Mr. Magnarelli. And for now, Mr. Speaker, there will be others -- Rules Report No. 296 by Ms. Rosenthal. In that order please, sir. Thank you.

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

Page 18, Rules Report No. 602, the Clerk will read.

THE CLERK: Senate No. S01608, Rules Report No. 602, Senator Gounardes (Abbate--A04006). An act to amend the Civil Service Law, in relation to the appointment and promotion of certain personnel of the Sanitation Department of the City of New York.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1608. 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 to explain his vote.

MR. GOODELL: Thank you, sir. I will be supporting this bill. I would note that we initially laid this bill aside because what it does is require that motions within the New York City Sanitation Department be given with a preference to those who are in the employment of that Department on a lesser level. And the concern that we had initially was expressed by the New York City Office of the Mayor, which said this bill would unnecessarily override the authority of the City agency with the expertise over local civil service matters, and establish a precedent which would unfortunately discriminate against people who might have the qualifications, might even have better experience but are not already employed by the Department.

So I support this because we did not actually hear from the Sanitation Department with any objections, and -- and so we have a lot of support within our Caucus for it. So I will be voting yes, but I did want to express concern about us in the Legislature micromanaging individual departments within other municipalities in terms of how they should select their employees or promote them. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell. Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the last thing I would like to do is confuse people who are tired.

ACTING SPEAKER AUBRY: Yes, ma'am.

MRS. PEOPLES-STOKES: So let me tell you where our list is going. Thank you for completing 602. We are now going to Rules Report No. 130 by Mr. Jonathan Rivera; then Rules Report No. 642 by Ms. Rajkumar; Rules Report No. 655 by Mr. Anderson; and then Calendar No. 5 by Mrs. Gunther; Calendar No. 25 by Mr. Magnarelli; and Calendar No. 7 by Mr. Burdick -- I'm sorry, Calendar No. 620 by Mr. Burdick. And lastly, Rules Report No. 421 by Mr. Magnarelli and Rules Report No. 296 by Ms. Rosenthal.

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

(Pause)

On page 8 [sic], Rules Report No. 130, the Clerk will read.

THE CLERK: Assembly No. A07822-C, Rules Report No. 130, J. D. Rivera. An act to amend the Public Authorities Law, in relation to various transportation authorities.

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

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

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Senate print 3959-B. 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 21, Rules Report No. 642, the Clerk will read.

THE CLERK: Senate No. S09177-B, Senator Cooney (Committee on Rules--Rajkumar--A10387-A). An act to amend the Executive Law, in relation to establishing the New York Asian American and Pacific Islander Commission.

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 Senate print 9177-B. 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 to explain his vote.

MR. GOODELL: Thank you, sir. This bill creates a New York Asian American and Pacific Islander Commission, and it's designed to examine the issues involving those groups of people and how we can most help them in New York State. It's a mission that I and my colleagues support. As part of this Commission, the

Commission is directed to provide a report and, sadly, they only are required to provide a report to the Majority. And since the Minority, even in this Chamber represents about a third of the State of New York, it would be a nice courtesy if we were specifically included.

I would also note that three members are appointed by the Senate Majority and three members are appointed by the Assembly Majority without any appointments from the Minority in either House. So we talk often about the benefits of cooperation and bipartisanship. We would like to see that in writing when we create a commission so that we are part of the process, hopefully part of the solution, and most assuredly at least receive the information. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Gallahan in the negative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Mr. Gallahan is noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 23, Rules Report No. 655, the Clerk will read.

THE CLERK: Senate No. S09086, Rules Report No. 655, Senator Mannion (Committee on Rules--Anderson--A10483).

An act relating to assessing the staffing and other issues causing the continued displacement of individuals with developmental disabilities from various State-operated institutions under the jurisdiction of the Office for People with Developmental Disabilities.

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 Senate print 9086. 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: Thank you, sir. We set this bill aside even though we support its purpose and objective because the bill provides for a report to be given to the Temporary President of the Senate, the Speaker of the House, and no report to the Minority. The bill calls for the Office of People with Developmental Disabilities to submit a report regarding displacement of residents as a result of staffing shortage, and many of us certainly here in the Minority as well as the Majority find this to be a very, very important and critical issue. I am supporting it, I suppose I should acknowledge that at one time, my wife was on the Personnel Committee of our local ARC; I think she's now on the Finance Committee, it's hard for me to keep up with her. So it is a personal interest and we're a little disappointed that we're not included in the reporting, as well. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, Mr.

Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 5, the Clerk will read.

THE CLERK: Assembly No. A00181-A, Calendar No. 5, Gunther, Colton, Englebright, Steck, Cook, Abinanti, Jacobson, Griffin, Santa Barbara, González-Rojas, Buttenschon, Joyner, Sayegh, Otis, Glick, Jean-Pierre, DeStefano, Lunsford. An act to amend the Labor Law and the Education Law, in relation to the hours worked by nurses.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4885-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.)

Mr. Jensen, you want to explain your vote?

MR. JENSEN: I'd love to, Mr. Speaker.

ACTING SPEAKER AUBRY: Oh, well go right ahead.

MR. JENSEN: To explain my vote. This is the second time today that we have taken up legislation that would amend statute -- or Section 167 of the Labor Law, and the third time in the past two weeks. Certainly if this section of Labor Law needs to be changed quite so frequently, it may be worthwhile in the next Session to truly examine on a holistic, complete basis this section of Labor Law and how it relates to our health care staffing regulations in the Health Care Law to ensure that those receiving health care have the requisite health care providers that they need, as well as our State and this Legislature giving the financial support to health care providers to make investments in the recruitment and retention of our health care workforce.

The changes contained in this bill are simply the addition of home care workers. They do not create any new civil penalties or limit any exemptions to existing law, and so for that reason I will be voting yes. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Jensen in the negative. Oh -- in the positive. Okay. Well, I'm glad you corrected me, Mr. Jensen, because I would not want to defame your name.

All right.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 29, Calendar No. 25, the Clerk will read.

THE CLERK: Assembly No. A00354-B, Calendar

No. 25, Magnarelli, Seawright, Abinanti, Epstein, Anderson, Englebright, Simon, Galef, Kelles, Bronson, Cruz, Clark, Barrett, Meeks, Jacobson, Mitaynes, Fahy. An act to amend the Real Property Actions and Proceedings Law, in relation to special proceedings by tenants for judgment directing repairs of conditions and other relief in residential real property; and to amend the Uniform City Court Act, the Uniform District Court Act, the Uniform Justice Court Act, and the New York City Civil Court Act in relation to summary proceedings relating thereto.

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

An explanation has been requested, Mr. Magnarelli.

**MR. MAGNARELLI:** Yes, Mr. Speaker. This bill was passed in this House this past Session, and it has been amended in the Senate. The bill now increases the jurisdiction of the New York City Civil Courts to equalize them with the jurisdiction granted to courts throughout the rest of the State to hear these types of tenants cases. And the bill was also amended to exempt Long Island because Long Island is already subject to Article VII of the RP -- the Real Property Actions and Proceedings Law, which provides similar protections to what's in this bill.

**ACTING SPEAKER AUBRY:** Mr. Goodell.

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

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

MR. MAGNARELLI: Yes.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields, sir.

MR. GOODELL: Thank you, Mr. Magnarelli. And you mentioned there are some changes from the version that we have adopted prior by excluding Long Island and including New York City Housing Court; is that correct?

MR. MAGNARELLI: Well, increase -- giving the New York City Housing Court some of the things that were in this bill but weren't in the legislation that they already have.

MR. GOODELL: I see. There were a number of other issues that were raised last year during the debate. As you know, there was concern that this legislation would empower a court to order a landlord to repair an apartment or a building without limitation as to the value of the rent. In other words, maybe order, you know, a huge repair that a landlord might not be able to afford. Is there any cap or limitation on this, and was that issue addressed?

MR. MAGNARELLI: There were no other changes with respect to the things that you just brought up but, again, I'd like to reiterate I don't believe that the intent of the statute is to do the things that you have alluded to.

MR. GOODELL: And I appreciate that, and I also appreciate that you've made that clear here. One tenant brings an

expedited summary proceeding. Does this legislation provide the landlord with the same type of protections that we provide the tenant in an expedited proceeding? For example, an automatic two week adjournment, or an automatic additional two weeks for any order to take effect.

MR. MAGNARELLI: I think that this will all be determined by the judge, basically. The way the statute is put forth, the judge has a lot of discretion in these cases. It allows the tenant to bring the action, but it also allows the landlord to respond and for the judge to react to what's in front of him or her.

MR. GOODELL: Well, as you know, when we adopted the tenant legislation in 2019, we removed judicial discretion in several areas, including a statutory requirement that a tenant, upon request, got an automatic two week adjournment. Is there an opportunity under the statutory language for a landlord to get an automatic two week adjournment of any hearing upon request?

MR. MAGNARELLI: I don't think there's anything in the statute that makes that automatic, but I think it's within the discretion of the judge.

MR. GOODELL: In -- in the tenant legislation that we passed, we limited the role or the jurisdiction of the court to just simply uncollected rent and excluded from a summary proceeding any damages. Is there any comparable restriction on the amount of damages or the type of damages that a tenant can now seek under this legislation as it relates to the landlord?

MR. MAGNARELLI: I would have to say no.

Again, it's up to the discretion of the judge and, again, this is an action by a tenant to have code violations and just the premises to be habitable to live in. This is -- these are the types of cases that are contemplated and what will be in front of the judge. So I, you know, I don't believe that that's the case.

MR. GOODELL: And I appreciate that perspective. As you know, if a landlord brings an eviction action against a tenant, the tenant can assert any number of counterclaims. If a tenant brings an action against a landlord under this, can the landlord also bring a counterclaim or damages in unpaid rent?

MR. MAGNARELLI: Yes.

MR. GOODELL: Good.

MR. MAGNARELLI: Okay.

MR. GOODELL: I'm delighted. Let's end on one note where we have some parity in the way we treat each party.

On the bill, sir -- thank you, Mr. Magnarelli, for your comments.

On the bill, sir.

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

MR. GOODELL: During the last two years, we have created just an incredible financial challenge for our landlords all across the State. We started out when the COVID hit and we implemented a very, very broad moratorium on any rent. Unlike the

CDC, the New York State moratorium on rent was not limited by the tenant's income. Unlike the CDC, the New York moratorium didn't require any partial payments. Unlike the CDC, there was no obligation for the tenant to show that they couldn't pay the rent or to document in any significant way any loss of income that would prevent them from paying rent. And so we had, as a result, a multi-billion, with a B, billion dollar accrued unpaid rent across the State. And that moratorium continued in one way or another for about 18 months, at which time our court system was massively backed up in actions by landlords trying to collect.

So having created fiscal chaos for our landlords for over two years now, this bill would provide an expedited proceeding in a broader number of courts for tenant to then turn around and sue the landlord claiming that the landlord should have been making more repairs. I have yet to find a landlord who doesn't want his property properly maintained and repaired because, at the end of the day, if it isn't he can't keep renting it and obtain full rent and, of course, he wants to maintain the property value. At the same time that we're now imposing new legal rights on tenants to sue the landlords without a limitation on the amount in terms of capping as a percentage of rent or anything of that nature, we at the same time have restricted landlords' ability to bring actions for damages, and in a summary proceeding they now have to do in a separate proceeding where you impose tremendous delays and we're just hammering the real estate market.

And for those of you who like to watch what

happens, it is exactly as every economist who looked at this would predict. We have made it extremely difficult and expensive for landlords to be successful in New York State and, as a result, the number of apartments in New York State that are available to rent, particularly for the working poor, has gone down. And it's increasingly difficult for the working poor to get a reasonable apartment because the supply is down and when supply goes down, and you have a supply/demand situation, supply is lower, demand is high, prices are going up. And we see that in our own budget, don't we, because we had a budget proposal that added \$8 billion to the State budget to address the housing crisis.

So maybe instead of treating landlords as though they're public enemy number one when they do everything they can to provide reasonable housing to working-class families, we should work with them as partners to ensure that they can provide the high-quality housing that we hope to be able to provide at a price that's reasonable. So unfortunately, I can't support this and I recommend against it because at the end of the day, it continues to hurt landlords and, in the end, will hurt tenants. Thank you, sir. And, again, thank you to my colleague for helping answering those questions.

**ACTING SPEAKER AUBRY:** Read the last section.

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

**ACTING SPEAKER AUBRY:** The Clerk will record the vote on Senate print 4594-B. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons I mentioned. Those who want to support it are certainly encouraged to vote yes here on the floor, or let us know through the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is generally going to be in favor of this piece of legislation; however, there may be some colleagues that would like to be an exception. They should feel free to call the Majority Leader's Office and we will make sure their vote is properly recorded. Thank you, Mr. Speaker.

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 53, Calendar No. 2 -- 620, the Clerk will read.

THE CLERK: Assembly No. 9079-B, Calendar No.

620, Burdick, Thiele. An act to amend the Environmental Conservation Law, in relation to prohibiting the application of pesticides to certain local freshwater wetlands.

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

Mr. Burdick, an explanation is requested, sir.

MR. BURDICK: This bill would enable local governments that regulate wetlands pursuant to Section 24-0501 of the Environmental Conservation Law to prohibit the application of pesticides, provided that such local law does not prohibit pesticide application for the control of invasive species, pests of significant public health importance, noxious weeds, or protection of native plants.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Well, thank you, Mr. Speaker. Would the sponsor yield for a few questions?

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

MR. BURDICK: Yes, I certainly will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. SMULLEN: Well, thank you, Mr. Burdick, for explaining the bill. How has this bill changed over the past months from what we had originally discussed in the Environmental

Conservation Committee?

MR. BURDICK: Well, that's a very good question and the principal change here was to provide the exception to its application that I read, and that is that there now is a provision that the local law shall not prohibit pesticide application for the control of invasive species, pests of significant public health importance, noxious weeds, or the protection of native plants

MR. SMULLEN: Okay. So what does that mean in plain English to the people of the State of New York, that municipalities don't have to, or they have to spray for bugs?

MR. BURDICK: Well, I think that the purpose of this was to provide some balance and to recognize that there are going to be instances in which pesticides ought to be permitted. And so this law provides that a local government cannot exclude that as the use of a pesticide.

MR. SMULLEN: Okay. So it allows some flexibility at the local level, but the fundamentals of the bill itself, how many acres of wetlands are there in New York State?

MR. BURDICK: You know, I don't know whether we have that, but there certainly are millions of acres in New York State of wetlands. But, you know, I think we need to understand that what we're talking about are wetlands within the borders of those municipalities, those local governments that already have local laws to regulate wetlands and they have adopted those, of course, pursuant to the Environmental Conservation Law.

MR. SMULLEN: So how many acres of wetlands are we talking about that would be allowed to be regulated by municipalities under this -- there's 2.4 million acres of wetlands in New York State. That's a lot. I mean, that's a -- so if this law applies to all 2.4 million acres, it's a very far-reaching law which I'm not sure that municipalities have the scientific expertise and the -- the way the law is written, it can be interpreted that any municipality by a simple vote of its board could then regulate the use of pesticides in their town. How -- how is the -- how is this going to be narrowed down enough where it would be acceptable for the use --

MR. BURDICK: Well, for one thing there's a process that every municipality, as I'm sure you know, must follow in terms of the adoption of any local law. Secondly, there are only 70, approximately 70 municipalities in the State that presently are regulating the wetlands within their borders. And I would venture to say, for example, in your neck of the woods that they're probably aren't too many municipalities that regulate wetlands and (inaudible/mic cut out).

MR. SMULLEN: Thank you. So yes, I understand that --

(Technical issue interfering)

MR. BURDICK: I'm not quite sure what that is, but please proceed.

MR. SMULLEN: Thank you. Well, so there are 70 municipalities, why not just say that these are the 70 municipalities in

the bill instead of saying all municipalities?

MR. BURDICK: Well, because what we're -- I'm trying to give you as best of an answer as I can based on what we know. What I'm explaining to you is that as of now, there are approximately 70 municipalities in New York State that have adopted the laws to regulate wetlands.

MR. SMULLEN: Right. But the way the law is written, could any of the 1,600 municipalities could regulate wetlands if they had them.

MR. BURDICK: I'm sorry, 70; I think what did I say, 700? The bill actually specifies that it would only be those 70 municipalities presently that are regulating wetlands.

MR. SMULLEN: So -- granted. So why doesn't the bill just list them and only allow those 70 municipalities to do so based on much more strict criteria? And the reason I ask that is you know and I know that the primary regulator of environmental concerns at the Federal level is the EPA and at the State level is the DEC. And the concern here, and it's from organizations from all across the State, is if the authority is given to local municipalities and it's not very scripted and very prescribed, that then any municipality across any of the 2.4 million acres of wetlands around New York State could pass a local law and then be responsible for the science behind the application or the prohibition of pesticides in those municipalities.

So it's seemingly innocuous and seemingly small in scope, but in reality could, without control, could then apply to all

across New York State and cause great concern amongst business interests such as farmers who grow our food and all of the various organizations that help with the management of lakes and forests in the various areas around New York State. So what is seemingly innocuous could then suddenly become, you know, very broad in its application, but without the scientific backup that the EPA brings, the entire United States scientific establishment.

One of the things that I wanted to ask you about in that regard is how would municipalities interpret the registration and review process for -- for pesticides?

MR. BURDICK: You know, they don't need to do that. It is presently defined in the law as to what a pesticide is, and pesticides need to be licensed by the DEC. So that part of your concern I think already is addressed in the existing regulatory system that we have, and I have to say that I respectfully disagree with the underlying premise. Your underlying premise is that municipalities don't have the technical wherewithal and that this would result in a great deal of confusion and so forth. And, yet, you know, for over 40 years local governments have had this authority and we see that they can handle it responsibly and in a way that successfully balances the needs of property owners, as well as to fulfill the needs of protecting those wetlands.

MR. SMULLEN: Sure, and I understand that and I am very familiar with localities and the wisdom and the sophistication of them, and particularly knowing their local conditions. But there's

still some concerns about how they would be able to interpret, say for instance, the Federal Insecticide, Fungicide and Rodenticide Act. You know, when we talk about these various statutes that are a part of our system of Federalism, there's different factors that play different laws that play, and the concern is is that because this -- this actual law that's written only allows municipalities to adopt a higher standard of -- of -- of prohibition or of regulation, that the urge would be to then subsequently deny people things that are legal under Federal or State law and regulatory schemes from the EPA and the DEC, that then they would all of a sudden, you know, with a simple majority vote be able to put a higher standard on that's not backed up, you know, with scientific background and research. So those are the concerns I'm hearing and I want to make sure they're out on the floor.

This bill is -- I guess I'm on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: You can be on the bill, sir.

MR. SMULLEN: Thank you. Thank you -- thank you to the sponsor. You know, on this bill on the face of it it seems like a good idea and it seems sensible and it seems to comport generally with having local control over things, but the overall problem with the bill language is and with the amendment is that it makes the bill less bad than it already was. And there's still deep concerns that aren't -- aren't addressed by even narrowing the prescription. And it would have to be so -- it would have to be greatly narrowed in order for us to be able to say, *Well, the concerns of the*

*agricultural community have been addressed in a bill such as this, or some of the management communities for, you know, for lands and lakes and waters.*

So that being said, you know, without those sorts of assurances, it's very difficult to be able to support a bill such as this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for one question, please?

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

MR. BURDICK: Yes, I certainly will.

MR. MANKTELOW: Thank you, Mr. Burdick. Just one quick question. If a local municipality decided to adopt this, the fresh water protection law, in their community, would they have jurisdiction over the ag land?

MR. BURDICK: I'm sorry, what was the -- jurisdiction over?

MR. MANKTELOW: A local municipality decided to adopt this. Would they have any jurisdiction over agricultural land?

MR. BURDICK: No.

MR. MANKTELOW: None whatsoever?

MR. BURDICK: This only -- the -- let's just go back to what their authority is, and it doesn't change the basic authority of a

locality -- of a local government. And that is the authority that I described previously that's under the existing provisions of the Environmental Conservation Law, and it's just wetlands. It does not extend to agricultural lands.

MR. MANKTELOW: So if a farm has -- like my farm has wetlands on it. Would they then have jurisdiction over my wetlands?

MR. BURDICK: There would be jurisdiction there, but they're not being -- jurisdiction over any other portion of that agricultural land that does not contain wetlands.

MR. MANKTELOW: Okay. Thank you for answering my question.

MR. BURDICK: Certainly.

MR. MANKTELOW: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8378-C. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Conference is generally opposed to this legislation for the reasons mentioned by my colleague. Certainly those who want to vote in favor of it are encouraged to do so either here on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation; however, some of our colleagues may choose to be an exception. They are welcome to call the Majority Leader's Office, we will be pleased to record their vote.

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

(The Clerk recorded the vote.)

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I just want to compliment the sponsor. This is an important second time this year that we have amended the Fresh Water Wetlands Act of the State. This is an important contribution because it helps give legislative direction to the way in which we manage this incredibly important natural resource. It is appropriate, as the sponsor has proposed, that we be very thoughtful before we apply pesticides to these very delicate and, in many cases, ecosystems that are infused with rare and threatened and dangerous animals and plants. That

direction I think will help protect the biodiversity of the State and protect the drinking water and source water quality that these wetlands help protect for all of our communities.

So again, I think this is a very important step forward and I thank the sponsor for his very thoughtful presentation, and I vote yes.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. This bill came about from conversations with town supervisors in my district asking about authority to prohibit the application of pesticides in wetlands within their borders. Much of my district's land area is comprised of New York City watershed to their reservoirs. Wetlands within and surrounding the watershed are critical to New York City's water quality. The U.S. EPA describes wetlands as among the most productive ecosystems in the world.

Years before coming to the Assembly, I Chaired the Wetlands Control Commission of the Town of Bedford where firsthand I saw the biological importance of wetlands. They enhanced water quality, control erosion, maintain stream flows, sequester carbon and provide a home to threatened and endangered species. We here have an obligation to protect our wetlands. It's especially important as we detect new contaminants which find their way into the groundwater. This bill simply provides an option to the

approximately 70 local governments in New York State that have wetlands laws. It allows them with important exceptions to adopt a local law to prohibit the application of pesticides in wetlands within their borders.

I wish to thank the Chairman of the Environmental Conservation Committee, Steve Englebright, for his encouragement and strong support in bringing this forward, and the superb work of staff and, in particular, Michelle Milot and Steve Liss for developing the bill. And my special thanks to Speaker Heastie for allowing this bill to come for -- to come to the floor. Thank you, Mr. Speaker, and I vote proudly in the affirmative.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker. I want to agree with the sponsor in many of his ways, and I think him and I have talked a little bit about this. My only concern here is two things: As local governments change, boards change, supervisors change, town board members change, I have concern that with those changes, unless there's a hard written policy within that town or community, that means that this part of the law could change. And my other concern is where farmers can have contiguous land sometimes between two communities, if one has a policy on that side of the line and the other one does not, how is that all going to play out. And again, we have our DEC who does an excellent job in regulating

and looking at all of this, along with our Federal government. I'd rather see the State level do it in a one -- one solid sweep instead of each community deciding to do their own thing.

So again, I'm not in total disregard to the bill, but those are my concerns and I think if we can make those changes or amendments in the very near future, I could support the rest of it. So thank you, Mr. Speaker, and thank you, Mr. Burdick.

ACTING SPEAKER AUBRY: Thank you, Mr. Manktelow.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Brown, Mr. DeStefano -- I'm sorry, Mr. Keith Brown, Mr. DeStefano, and Mr. Durso in the affirmative. 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.

Page 10, Rules Report No. 421, the Clerk will read.

THE CLERK: Assembly No. A09511-B, Rules Report No. 421, Magnarelli. An act to amend the Vehicle and Traffic Law, in relation to the display of green lights on the vehicles of members of mobile crisis teams.

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

advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8524-C. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you -- thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons I hope to explain in a moment. Those who are in favor can certainly vote yes or -- either here on the floor or by calling our Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to support this piece of legislation; however, there may be a few of our colleagues that would like to be an exception. They're welcome to contact the Majority Leader's Office, their vote will be properly recorded. Thank you.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As many of us know, we have different colored emergency lights on our different emergency vehicles, and that's designed to tell the public what type of vehicle and what they should expect from the emergency response vehicle. One of the most important lights, particularly Upstate, is a green flashing light which is affixed to volunteer ambulances. And of course when you see a green flashing light, you're not only supposed to pull over, but yield right away, knowing that it might be a friend or neighbor who is in the back of the ambulance.

This bill would extend that green flashing light to mobile mental health -- mobile crisis teams, mental health crisis teams as authorized by the Office of Addiction Services and Supports. And these teams play a critical role, and we certainly appreciate them, but a mobile crisis team is not involved in transporting individuals usually to a hospital. They play a different role and -- and many of us believe that we want to keep that green light with its unique and special meaning so that people know that it's an ambulance that's coming, it's carrying someone who needs critical medical care, and it's not a person simply responding in a different manner. And so for that reason, many of my colleagues will be opposing this expansion of the use of a flashing green light. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 296, the Clerk will read.

THE CLERK: Senate No. S01130, Rules Report No. 296, Senator Gianaris (L. Rosenthal, Barnwell, Epstein, Cruz, Hunter, Gottfried, Glick, Seawright, Fernandez, Paulin, Lavine, Fahy, Kim, Wallace, Jacobson, Dinowitz, Dickens, Benedetto, Colton, Schmitt, Weprin, Quart, Englebright, Frontus, Otis, Bronson, Reyes, Niou, Ramos, Bichotte Hermelyn, Gallagher, Anderson, Kelles, González-Rojas, Burke, Pheffer Amato, Forrest, Burdick, Burgos, McDonald, Clark, J. Rivera, Williams, Zinerman, McDonough, Mitaynes, Mamdani, Jackson, Lunsford, Davila, Ra, K. Brown, Gandolfo, J. D. Rivera, Conrad, Carroll, Abinanti, McMahon, Byrne, Morinello, Reilly, Sillitti, Tannousis, Jean-Pierre, Abbate, Steck, Jensen, Durso, Mikulin, De Los Santos, Fall, Buttenschon, Cunningham, Gibbs, D. Rosenthal, Darling, Taylor, Tague, Cusick, Hevesi, Stern, Lucas, Braunstein, Santa Barbara, Galef--A04283). An act to amend the Agriculture and Markets Law and the General Business Law, in relation to the sale of dogs, cats and rabbits.

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

MS. ROSENTHAL: This bill would prohibit the sale of dogs, cats, and rabbits by retail pet stores.

MR. LEMONDES: Mr. Speaker, will the sponsor yield?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LEMONDES: Thank you, Mr. Speaker. Thank you, Ms. Rosenthal. I just want to start off with very briefly as we look into this debate which will have extremely far-reaching effects all across New York State, perhaps even regionally, do facts matter? As I understand it, the fore premise and main accusations of this bill are that, quote/unquote, "puppy mills" withhold vet care from injured and sick dogs, subject animals to freezing cold, stifling heat without adequate protection, perform invasive surgery on dogs without a vet license and shoot old or undesirable dogs. How do you substantiate these claims?

MS. ROSENTHAL: Well, I have worked for years with many of the major animal welfare organizations whose part of their mission is to put an end to puppy mills and to rescue those that are sadly stuck there. I have seen footage, I have spoken to the experts, I have watched documentaries, and all of that is borne out. In addition, the dogs that come from those puppy mills use -- they are the evidence. They -- they have -- often they have a lot of genetic abnormalities, they are compromised, they have many issues. And they were brought up and raised in filthy conditions, not getting vet care, not getting proper food. It's really a horrific factory industry and we all have seen the evidence.

MR. LEMONDES: Thank you, I -- I appreciate that answer but, as we know, there are bad actors in every industry. We have doctors that kill humans every day. We have -- we have people that do -- make bad repairs on any line of product every day. We have all kinds of professional negligence in every field. And I'm going leave that to start with.

Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. LEMONDES: Thank you. First, I want to make sure that everybody understands when we talk about puppy mill, there's a lot here, I will not be able to get through it all, but I'll try my best. First, commercial breeders produce specialty puppy breeds. That's a very key point, because when people want a Doberman or they want a Yorkshire Terrier or they want a Golden Retriever, constrained supply on these breeders will constrain supply for everyone. So that's the first point. Commercial breeders produce special -- specialty puppy breeds.

Next, the breeders sell their puppies at auctions, often to rescue groups. The dog rescuers put the puppies up for adoption as rescue dogs, oftentimes in different states than their origin. The customer may not know the dog was bought at an auction, so the no -- the -- the notion of the dog being rescued is a false premise to begin with. Right now, today, as we speak, we had to pass a bill a few days ago to improve the standards of shelters in New York because they didn't meet the standard. That was 6246. Additionally, from the

business perspective, I don't think we want to get into the business, or I don't, of telling a licensed business what their inventory should be. Whether it's a regulated product, whether it's baby formula, whether it's a toy, there are standards for all of those products that are sold in all of our stores throughout our economy. And if we -- if this Body is going to regulate what inventory is sold, that's a precedent that I think we don't want to be in.

Furthermore, the accusations about recourse for consumers from animals sold in pet stores are covered by the New York State Lemon Law. There's adequate resource -- recourse for consumers, that's why that law was passed. A similar law to what we're -- to what we're discussing here was passed in California. I believe this law is following that. The result was as follows: 93 percent of stores selling puppies went out of business; 17 of 21 animal and consumer protection provisions were eliminated; and reported puppy scams increased 350 percent with a resulted observation by California veterinarians that there was an increase in sick dogs acquired from unregulated sources.

So the -- the standards that New York pet stores are held to are extremely stringent with respect to the -- the rest of the nation. And as far as opportunity, I don't want to deny any family or any child the opportunity to buy a cat, puppy, or rabbit from a pet store. For some kids, that's their only avenue. They don't live five miles away from a farm that they can go to that produces rabbits. I don't know if there's anybody within two hours of me that produces

rabbits. My first rabbit came from a pet store.

The notion that the USDA does not do a good job of looking after these facilities. The USDA regulates all kinds of things, but that's not the real issue. The real issue is New York State standards which, again, I want to point out are extremely stringent. Any animal that comes into these stores has significant regulatory requirements, has significant recordkeeping requirements, and those have to be disclosed to the customer. And again, the customer has the New York State Pet Lemon Law if there are any problems with that animal.

I want to read something because I think it's relevant about the accusation of these, quote/unquote, "puppy mills." The USDA oversees more than 2,000 facilities and conducted almost 9,000 inspections in 2019; yet, the agency opened only 17 new enforcement cases during the same period. A staggering 93 percent decline compared to 2016. Why is that? Could it indicate that the industry against all the accusations is actually cleaning itself up, raising its standards and, subsequently, experiencing fewer inefficiencies as a result, thus indicating higher overall standards as a result of regulation, education, and professional commitment.

Does anyone think, as you consider your vote, that the AKC, the American Kennel Club, the premiere United States American organization overseeing the health and welfare of dogs would endorse something that didn't treat animals properly? In this case, we're talking specifically about dogs, in case anybody's

unfamiliar with the AKC. Additionally, the Business Council, 75 percent of revenue for pet stores is derived from the sale of dogs, cats, and rabbits. Entire industries should not be closed to address a limited number of bad actors. How many jobs will we lose in New York State just like California did, how many businesses will be shut down, how many more people's dreams will we destroy, how many more people will then say, *Enough is enough, I have to leave this State, I can't even get a dog.* I'd ask you all to consider that before voting.

Another aspect is with respect to the shelters, one of the reasons dogs have to be trucked in from out-of-state is because the spay and neuter laws have been so effective that it significantly decreased the shelter populations. And so the -- those of you that are -- we're all about the same age in here, the shelter operations are very different than they were when we were children. They're now tax exempt whereas the pet stores provide million (mic cut out) -- State, all of that would be lost in addition to the jobs and the businesses.

And I want to say additionally something about the replacement rate of dogs, which I'm not sure people recognize what that is. It's eight million per year. So when you talk about supply chain constraint which we've experienced here during COVID of all kinds of things, when you say supply chain constraint of dogs, most of which are for pets, don't forget that supply chain constraint will impact everything. It'll impact police organizations' ability to get dogs, companion dogs, hunting dogs, farm dogs for various uses on farms. This is extremely far-reaching because if supply -- if supply

decreases, then people will go and take any dog they can get. New York State is the fourth state in the nation with puppy scams where people get ripped off and there's no recourse for that because you did it over the internet. The fourth state in the nation. I hope everyone thinks of that.

This is a bad bill. It's structurally disingenuous, it does nothing to improve the health of animals, it takes away New York jobs, it reduces taxable revenue to the State, it ruins dreams and it takes away the opportunity for people to have the pets that they want. Part of the problem is not having information. So I would ask everybody, think through what this bill accomplishes if it were to become law. Think about the businesses that are going to go out of business, think about the children that will not be able to get rabbits and kittens and puppies. Think about those impacts.

So we can be part of the problem and we can make it worse, or we can be part of the solution. Because right now, all of the entities, the rescue entities, trust me, they're taking dogs and puppies from the very -- the very supply chain that is supplying legitimate dogs to other sources; it's just under a different name. And so the consumer doesn't know that because they don't get that information at their point of sale. I hope you all consider that. I don't want to see New Yorkers lose their jobs anymore. I don't want to see more people leaving our State, and I don't want to see businesses shuttered by things we do in here. Thank you all. Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. I'm sorry, I didn't hear that come across. Would the sponsor yield for a few questions, please?

ACTING SPEAKER CUSICK: Will the sponsor yield?

Yes, the sponsor yields.

MR. MANKTELOW: Thank you, Ms. Rosenthal. I -- I've talked to -- to many people back home in our district about this and the pros and cons to it, and I understand why you're doing this and what you're trying to accomplish. How -- how many ACOs did you happen to talk with?

MS. ROSENTHAL: How many what?

MR. MANKTELOW: How many ACOs?

MS. ROSENTHAL: I have -- I've talked to animal control officers over the years. I haven't recently talked to any animal control officers, but I've talked to many, many people who are familiar, intimately familiar with the operations of puppy mills and pet stores that sell those puppies.

MR. MANKTELOW: How -- how many pet stores do you have in your -- in your area or in your district, do you know?

MS. ROSENTHAL: I think there used to be a lot more, but because that business model is not one that is sustainable, most of them have -- have closed. There are -- there are a couple around, in and around the district.

MR. MANKTELOW: And you said you've lost

many of them?

MS. ROSENTHAL: Sorry?

MR. MANKTELOW: You said you have lost many of your pet stores back in your district?

MS. ROSENTHAL: Well, they've closed.

MR. MANKTELOW: Yes.

MS. ROSENTHAL: I mean, they -- they've closed -- you know, I'm talking over the years when it was the -- the way that people got pets over the years, like 30 years ago. It was popular to buy them in pet stores. That model has changed and what we see now is that stores that just sell pets do not succeed. Stores that sell products for pets do very, very well, indeed, and so there are many of those kinds of stores --

MR. MANKTELOW: Okay.

MS. ROSENTHAL: -- in my district.

MR. MANKTELOW: Thank you. Did you happen to talk to any of our veterinarians, your local veterinarians?

MS. ROSENTHAL: Yes.

MR. MANKTELOW: And what is their feelings on this?

MS. ROSENTHAL: Rabidly support.

MR. MANKTELOW: Okay. I know my -- my colleague over here talked about California. I -- I've looked at the numbers and I've seen what happened in California and how that -- how that has desecrated that business out there and --

MS. ROSENTHAL: Has what? I can't -- say it again.

MR. MANKTELOW: I'm sorry, I can't hear you.

MS. ROSENTHAL: I can't hear you.

ACTING SPEAKER CUSICK: Yes, can we have quiet in the Chamber, please. If people in the back can take their seats, we're on debate.

MR. MANKTELOW: I was -- thank -- thank you, Mr. Speaker. I was looking at some of the numbers from California and how that decimated some of those businesses out there and for the people. Did you happen to talk to anyone that actually lived in California and how this worked there?

MS. ROSENTHAL: Well, you know, I think in California law, it's not the same as this particular bill and, in fact, this bill builds on the mistakes that the -- and the lessons learned from California. There are 1,800 retail pet businesses in California and the number of pet stores in California have actually increased, not decreased year over year. The 26 stores referenced in the document are a very small subset of pet stores in California, and the number provided is misleading because they were not individually owned businesses; in fact, multiple outlets were owned by the same individuals who were implicated in a puppy laundering ring built in an effort to skirt the original California prohibition which permitted the sale of dogs from rescues and shelters. They're still involved in litigation in California about deceiving customers and -- because these

were fake rescues.

MR. MANKTELOW: Okay.

MS. ROSENTHAL: And they were fake rescues.

The stores had a long history of violating prior restrictions. There really is no evidence to support some of the statements made earlier and some that you just referenced.

MR. MANKTELOW: Well, that -- I'm glad you said that because that's why I talked to two families that actually live in California and -- and they said that in their area this definitely hurt the situation there for the families. But I got -- I'll move on from there. So we -- we know that we have these puppy mills out there, these bad puppy mills. These, as my colleague called them, bad actors. Why are we not going after those bad actors? Why are we not going after those bad puppy mills?

MS. ROSENTHAL: Those bad puppy mills, all puppy mills are bad, but those commercial factory-type setups are not generally in New York State. There are many in Missouri, North Carolina, Pennsylvania, outside of New York's jurisdiction.

MR. MANKTELOW: Okay. So why don't -- why don't we do a bill to just put a ban on no -- no more animals from outside of New York State?

MS. ROSENTHAL: Well, that is not actually something that, you know, we -- we've discussed many ways on how to deal with this problem. The -- the suffering of animals, the profit motive, the heartbreak of consumers who find a dog, a cat that looks

adorable and cute, they plunked down -- I spoke to a man who plunked down \$5,000 for a dog --

MR. MANKTELOW: So, so --

MS. ROSENTHAL: Wait, I'm -- I'm just finishing. They -- they look wonderful, you bring them home and the steroids wear off, you see that they are really miserable, that they are sick, that they now cause the consumer to spend thousands of dollars at the vet to try to fix them and cure them, and it can't be done.

MR. MANKTELOW: And where did that -- where did that dog come from?

MS. ROSENTHAL: Sorry?

MR. MANKTELOW: Where did that dog come from?

MS. ROSENTHAL: That dog came from a puppy mill.

MR. MANKTELOW: But from -- where was the puppy mill?

MS. ROSENTHAL: I'll have to ask him, but it was not, of course, New York State; I think it might have been North Carolina.

MR. MANKTELOW: Okay. I -- I appreciate you telling me that because if we put this ban on -- on our puppy mills, on all of these, what's going to stop those bad puppy mills from outside of New York State from shipping them across back into New York State.

MS. ROSENTHAL: Shipping them where?

MR. MANKTELOW: Back into New York State, because...

MS. ROSENTHAL: To where?

MR. MANKTELOW: Okay. People are going to want animals. People are going to want dogs, cats, and --

MS. ROSENTHAL: Yes.

MR. MANKTELOW: -- and rabbits.

MS. ROSENTHAL: Yes.

MR. MANKTELOW: So where do they get them from?

MS. ROSENTHAL: There are a multitude of ways that anyone who wants to bring a dog or a cat or a bunny into their home where they can get them. There are many rescues, there are many shelters, there are legitimate breeders who follow the rules and don't abuse their animals by making them breed over and over again, and keep them in clean and sanitary and well looked after facilities.

MR. MANKTELOW: Perfect. So -- so I -- I you -- there are good breeders out there --

MS. ROSENTHAL: Yeah, there are good breeders.

MR. MANKTELOW: -- that do an excellent job. So if we have good breeders out there, we have good pet store owners that are doing the jobs right, they're following all the rules --and I'll give you an example. I talked to Jim from Pet World, Inc. He lives up in Rochester, New York. His business has been in business for 51 years, 51 years. He has 44 employees. That pet shop has done

everything right, everything right. His concern, and he's worked nationally with all the different pet stores throughout the United States. He was on one of the boards there. And his concern is a lot of our -- a lot of our pet shops are going to go out of business.

MS. ROSENTHAL: Well, that's not true. And that has not happened in the states where similar laws have passed. And -- and I'll -- I'll tell you something, only about two percent of the revenue collected by pet store owners comes from the sale of animals. The profit is in the products, the accoutrements, the clothing, the grooming, the boarding, the litter, the food. The pet store -- the pet industry is \$120 billion yearly industry. People spend their money on products for their beloved animals, and it's only two percent comes from buying -- from selling animals.

MR. MANKTELOW: Only two percent comes from where? I'm sorry.

MS. ROSENTHAL: Two percent of a store's revenue on the average comes from selling animals. The rest of the money that they make comes from customers who go there -- for example, there's a Petco across the street from where I live. They feature rescues who come there, offer animals, and when a person adopts one of those animals, they buy the litter, they buy the food, they buy everything that an animal needs to live comfortably in that store.

MR. MANKTELOW: Okay.

MS. ROSENTHAL: So they're not making -- they're making plenty of money, let me assure you. I have certainly spent my

own share of money in that store buying -- buying things for my two cats --

MR. MANKTELOW: Okay.

MS. ROSENTHAL: -- who came from a rescue.

MR. MANKTELOW: Thank you. I -- I don't mean to interrupt, but I'm running short of time already. How did we choose a dog, a cat, and rabbit?

MS. ROSENTHAL: How do you what?

MR. MANKTELOW: How did we choose a dog, a cat, and a rabbit?

MS. ROSENTHAL: Because those are the animals that most frequently are subjected to horrific conditions, and the ones that are plentiful across the State.

MR. MANKTELOW: Okay. So -- so why don't we -- let me -- let me ask you this: So why, if we're so concerned about the puppy mills and the bad actors, my concern is we go ahead and go through with this, I think you're going to see more backyard puppy mills, I think you're going to see more individuals selling animals that aren't being checked by a veterinarian, that are not being checked going into a -- a pet store, making sure there's a license with them, making sure they have the proper shots, that's my concern because this -- this is what's going to happen. And -- and I -- I applaud you for saying that we can go to our humane societies and our -- our other -- other places to get these animals. I even have a cat at our house that we -- that we got from a humane society, but there's not enough

animals to fill all the wants for the people that we need. So...

MS. ROSENTHAL: Oh, there are. There absolutely are.

MR. MANKTELOW: So -- so, I'm sorry?

MS. ROSENTHAL: I said there absolutely are more than enough animals out there for people who want to adopt them.

MR. MANKTELOW: So maybe in your area, but not in our area.

MS. ROSENTHAL: Well, I can introduce you --

MR. MANKTELOW: Okay.

MS. ROSENTHAL: -- to some local shelters and that will help your search.

MR. MANKTELOW: So again, the goal here is to get rid of the bad actors, the bad puppy mills. Why do we not empower the -- our ACOs, our animal control officers, to have the ability to go in and shut those places down? We have our DEC, we have Ag and Markets, we have our local animal control officers. Why would we not empower them to go and shut these places down?

MS. ROSENTHAL: Okay. Where -- where should I start? Local animal control officers really don't get much training at all.

MR. MANKTELOW: I'm sorry?

MS. ROSENTHAL: Local animal control officers generally do not get much training. Secondly, when you talk about the USDA, the USDA is a shameful, shameful agency because they

are charged with making sure animals are protected and, instead, their standards are so low that they actually allow puppy mills to operate the way they do.

MR. MANKTELOW: Okay.

MS. ROSENTHAL: When -- wait, wait; let me finish. When you're talking about Ag and Markets, here's an example that happened in my area. There is a pet store, sold cute, adorable pets. We got a complaint, we called Ag and Markets. They sent an inspector who released a report saying everything was satisfactory, maybe there was one dog that needed a rabies shot. What was happening there instead, and this was because of an undercover operation that HSUS conducted, there was a room full of sick and dying dogs. This is a store that Ag and Markets rated as excellent; in fact, it was a -- it was a death chamber for many, many dogs and those were dogs some of whom were being sold. I mean --

MR. MANKTELOW: Okay.

MS. ROSENTHAL: -- there's no amount of regulation when the State does not have enough inspectors, which I think Ag and Markets would agree, where USDA is doing a horrible job and, in fact, I've spoken to Senator Gillibrand --

MR. MANKTELOW: I --

MS. ROSENTHAL: -- about that and she is going to be working on that issue with me.

MR. MANKTELOW: All right. Thank you, ma'am. I'm sorry to cut you off, I've only got like a minute left and I -- I

appreciate your time and your answers.

And, Mr. Speaker, on the bill really quick.

ACTING SPEAKER CUSICK: On the bill.

MR. MANKTELOW: Again, we're -- we're hearing what's going on with the USDA. Here on this floor yesterday we talked about what the Federal government is not doing and we, as New Yorkers, have to lead by example. Well, we can lead by example, first of all, by empowering our ACOs, our animal control officers to go out there and do the job. And the ones I've spoke with is they said, *Give me the power, we'll take care of the problem.* That's -- that's number one. We cannot afford to lose any more businesses. I have grave concern that if this goes through, we're going to lose more highly-regulated businesses back home that do a great job to make sure that people that buy the cats, the rabbits, and the dogs, that they get what they're paying for and that they've been licensed, they have their shots. If we take this away, it's going to make the problem much, much worse. So again, we're not addressing the issue of the bad actors, we're trying to change it.

And my last comment is if -- if the sponsor has such an issue in her district, in her area, instead of doing this across the State, let's do a pilot program for a year or two and see how it works there and if it's working well, then we can spread it across the State or in other parts of the State before we just make this big jump and shut everything down. So Mr. Speaker, I'd like to talk more but I can't, but thank you, sir, for allowing me to speak and I -- I wish we could just

do the pilot program. Thank you, sir.

ACTING SPEAKER CUSICK: Thank you.

Ms. Giglio.

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

ACTING SPEAKER CUSICK: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER CUSICK: Yes, the sponsor yields.

MS. GIGLIO: Thank you to my colleague. So I share your concern about animal cruelty and about puppy mills and how bad they are, and how families suffer when they buy dogs from pet stores, dogs, cats or companion animals from pet stores that have bought or purchased from puppy mills and they're bringing them in. But we had a conversation last year when I first took office and I told you that I had received many calls from people that were supporting your bill, and I told you that I had a bill and I had asked you to look at my bill and to see if we could work together on it, and then we -- we didn't get that opportunity to do so. But it is Bill No. A4283 and I invite all my colleagues to look at it while we're here in the Chamber and while I'm debating this bill, because I think this is a bill, a good bill that will solve the problem.

So my question for you is right now in New York State, is it true that you can only buy a dog or -- or a companion

animal from a licensed New York State breeder?

MS. ROSENTHAL: Well, that's -- people can buy them where they want, but the legitimate sales are from licensed breeders.

MS. GIGLIO: So from pet stores. Pet stores have to buy it from a licensed New York State breeder.

MS. ROSENTHAL: No. New York State breeders do not sell to pet stores because they -- they don't want to be part of this horrific industry.

MS. GIGLIO: Is that -- okay. So then my next question would be how many pet stores in New York State have been caught selling dogs from puppy mills and have received violations?

MS. ROSENTHAL: Many, and I can -- I can show you many articles in -- in the media, many reports from the organizations that horrific conditions have led to businesses having to shut down because the way they were keeping their animals was inhumane and against the law, frankly.

MS. GIGLIO: So that was Ag and Markets that shut them down, the pet stores that were...

MS. ROSENTHAL: Ag -- Ag and Markets when they send their inspectors, they -- they do issue violations. There's one in Manorville, New York called Sportman's Kennels. There were strong odors, contaminated water, decrepit conditions found and a massive breeder pet store with almost 300 dogs and puppies. They found many violations. It was backed up sewage system leading to

contamination of the enclosures so animals could not get away from waste or standing water. One mother dog who didn't have enough floor space to lie down outside her whelping box, rusty water buckets --

MS. GIGLIO: Okay.

MS. ROSENTHAL: -- that --

MS. GIGLIO: Thank you for the description.

MS. ROSENTHAL: -- dogs water being --

MS. GIGLIO: I'm sorry to interrupt, but...

MS. ROSENTHAL: You wanted an example.

MS. GIGLIO: My time is limited, but.

MS. ROSENTHAL: Sorry.

MS. GIGLIO: Are you aware that that pet store is still in business today?

MS. ROSENTHAL: They are -- they are still open?

MS. GIGLIO: Yes, they are. So...

MS. ROSENTHAL: The problem is --

MS. GIGLIO: My question for you is how do you think that banning pet stores is going to fix the problem of puppy mills throughout the United States?

MS. ROSENTHAL: What it will do is -- first of all, we're not shutting down stores, we are just saying that instead of selling poor, genetically compromised sick dogs that will break a child's heart because they are so sick and most --

MS. GIGLIO: Okay.

MS. ROSENTHAL: -- many, many die. We're saying the business model is wrong.

MS. GIGLIO: Okay.

MS. ROSENTHAL: And we also see --

MS. GIGLIO: Thank you for your response.

ACTING SPEAKER CUSICK: We --

MS. GIGLIO: I appreciate it.

ACTING SPEAKER CUSICK: We -- we have to -- if we ask a question, we have to let the person answer it. So...

MS. GIGLIO: She -- she answered the question.

ACTING SPEAKER CUSICK: Okay.

MS. ROSENTHAL: No, I didn't answer -- I didn't finish answering the question.

MS. GIGLIO: Well, the question was how is this going to be shutting down puppy mills and you said it's not.

MS. ROSENTHAL: But then --

MS. GIGLIO: And you said that most of the pet stores --

MS. ROSENTHAL: You know what? We're not going to play this game. If you don't let me finish answering, you can -- you can air lift quotes from what I said. The problem is that New York State should not be in the business of allowing inhumane treatment of animals. And if we do not let animals be sold in pet stores and instead let rescues showcase their animals, we are cutting out the -- the chain to New York State.

MS. GIGLIO: Okay. So -- all right. I thank you very much for your answers to my question and I --

Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MS. GIGLIO: So my Bill No. A4283 is a good bill that has solutions and answers to the problems that will actually trace these bad actors of these pet stores that are selling companion animals that are dying. It'll track them back to the puppy mills that are selling these dogs and cats and rabbits to pet stores locally. If pet stores are restricted to only selling shelter dogs, how do we know that those shelter dogs weren't bought from puppy mills and that they're going to have the same problems that -- that pet stores are -- you're -- you're claiming that they're buying from puppy mills.

So when I first heard of this problem, I started to call my veterinarian, and I called two other veterinarians. And I said is this happening where families are buying companion animals and they're dying within six months and families are traumatized and they said, *Yes, it is happening.* So we realize that there's a problem. So that's why I drafted A4283 and I asked you to take a look at it -- the sponsor to take a look at it. But what my bill does, and working with the veterinarians and they agree, is it creates a death certificate for companion animals. A death certificate that veterinarians fill out, send to Ag and Markets, Ag and Markets puts a database together about these pet stores that are selling these companion animals that are dying. When you have more than one pet that -- or companion

animal that dies within six months from a pet store, Ag and Markets can say, *Hey, local animal control, local ASPCA, you have authority to go into that pet store and look at every piece of paperwork identified with every companion animal within that pet store to make sure that they bought those animals from a licensed New York State breeder.* And if they did not and the ASPCA officer or the local animal control can take that paperwork, they can call every breeder and say, *Did this pet store buy this companion animal from you?* If the breeder says no, then you find out where they actually bought that animal from whether -- that companion animal, whether it was from a puppy mill, whether it was from an out-of-state breeder, and you go -- you go after that pet store.

My bill also makes up for saying that -- so the Commissioner can send anybody into a pet store if they have more than one companion animal that dies within six months. It also says that every pet dealer will have a placard on the window of the entrance to their store with a link to New York State Ag and Markets that says Ag and Markets/pet store, and you can look up that pet store and get a rating. It would require Ag and Markets to put together a rating system based on pet complaints from pet stores. And anybody that goes to that pet store can look at that, look it up and find out any statistics about that pet store. If within 180 calendar days following the sale of a companion animal, if such animal dies the consumer shall receive full reimbursement for that animal, plus any veterinarian costs that were associated with it, that will be reimbursed from the pet dealer,

which will discourage the pet dealer from actually buying a -- or selling a dog that's ill because they know that they're just going to have to pay the family the money that they just received.

So this -- these are solutions to a problem and it'll actually trace back to the puppy mills because the USDA, in my opinion, and I couldn't agree with you more, the sponsor, is they're not doing a good job. And there are animals out there, there are female dogs that are over-bred and then they're just killed after their useful life is over, and that's awful. We can all agree, cruelty to animals is a bad thing. But ignoring the problem is just covering up the problem and creating an underground market where people will be buying companion animals from other states surrounding us, Connecticut, Pennsylvania, New Jersey, and they'll be bringing them home and they -- those animals may be bought from a puppy mill but there'll be no way of tracing it back to a puppy mill where we can actually form a registry and go to the Federal government, go to the USDA and say, *Look, we have all of these companion animals from this one puppy mill and we want you to shut that puppy -- that place down. We want you to revoke their license. They're selling companion animals to pet stores that are selling to families and the -- they're -- the companion animals are dying within six months.*

So the veterinarians agree that my bill is a good bill, with death certificates for companion animals, and Ag and Markets creating a registry. It'll trace it back to the puppy mill that will still be in existence whether we ban pet stores in New York or not; at least it's

a remedy. And many visitors to my office that originally threatened to picket outside my office, but when they came in and read my bill they liked it. They thought it was a solution to the problem. And I think that banning pet stores is not a solution to the problem, but I do agree that cruelty to animals is a terrible thing and should never be permitted. It -- it -- our companion animals should be treated like our children.

So I commend the sponsor for trying to find a solution to the problem, but I don't believe that banning pet -- banning the sale of companion animals unless they're from a shelter by any pet store in New York is not a solution to the problem and it's never going to shut down any puppy mill throughout the United States. Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Thank you.

Ms. Byrnes.

Before -- Ms. Byrnes, before you start if I could just ask for members to -- to sit in their seats and if staff can go to their -- their seats, also. It's getting a little loud and we want to move these debates along. Thank you.

Ms. Byrnes.

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

ACTING SPEAKER CUSICK: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER CUSICK: The sponsor yields.

MS. BYRNES: Thank you. Thank you, ma'am.

Excuse me. I just want to verify that legitimate breeders are absolutely exempt from this law.

MS. ROSENTHAL: Are what?

MS. BYRNES: Legitimate breeders are exempt from this law.

MS. ROSENTHAL: Yes.

MS. BYRNES: All right. No matter how many females they have, no matter the number of litters or puppies, if they're a legitimate breeder in the State of New York selling out of their own premises, they're exempt.

MS. ROSENTHAL: Absolutely.

MS. BYRNES: Okay. Thank you.

MS. ROSENTHAL: Thank you.

MS. BYRNES: Yeah, I can talk at this hour of the night. If I could be heard on the bill.

ACTING SPEAKER CUSICK: On the bill.

MS. BYRNES: I appreciate where this is coming from. I am going to be voting and supporting this bill. This is my concern, and for future reference, I believe that this bill is excluding a whole market of the sales of animals where, in my area, most of the, for lack of a better expression, sick and defective animals come from. Most of the animals in my area, which are -- frequently as you drive down the roads, you'll see a sign tacked up on a pole saying, *Puppies*

*for sale, X-amount of dollars, just go up the road;* or you'll see an ad in the Penny Saver. And what it is, is a lot of it, in my area, is Amish farms and people that are under the radar. They are not legitimate breeders, but they are selling off of their own property, using the same animals over and over. They are sick, it's a terrible situation. There's not enough animal resource officers in order to take care of this problem.

And I just wanted to make the point that this is not going to cure any issue, at least in my area of the State, because the sick, injured, horrible situations that Ms. Rosenthal is talking about, in my area are not coming from puppy mills, *per se*, as we define them in all of the articles we read, it's coming from just some local person breeding and rebreeding and rebreeding the same animals to a point of exhaustion and death, selling them and innocent people not knowing or understanding, and insufficient resources to manage it.

So I hope that in the future, as Mr. Manktelow was saying earlier, that we start looking into the resources that are actually necessary, especially in the rural areas; literally, there could just be a sign on the road with an arrow where to go to find dogs.

Thank you.

ACTING SPEAKER CUSICK: Mr. Fitzpatrick.  
(6:21:40).

MR. FITZPATRICK: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. FITZPATRICK: First, before I begin I just -- a brief housekeeping item. My colleague to the left asked me to get up and just correct her bill that's A.6560. She mistakenly referred to the sponsor's bill.

ACTING SPEAKER CUSICK: I think, sir, we'll stick to the bill-in-chief.

MR. FITZPATRICK: Yes.

ACTING SPEAKER CUSICK: Thank you, sir.

MR. FITZPATRICK: (Inaudible) correct that. Do her a favor. Thank you, Mr. Speaker.

I -- I remember a conversation I had with a couple of the advocates for the sponsor's legislation when they visited my office a while back and, you know, like everybody here I oppose puppy mills just outright. They're wrong, they're bad operations. They're operated by bad players in this industry. But are they -- are they the majority? I'm not so sure. But what struck me is that in the discussion we had, I said, *Why aren't we putting the necessary pressure on the FDA through our members of Congress and get them to do the job that the Federal government should do?* And it kind of struck me because this is -- basically what transpired is really what made up my mind to oppose this bill is that -- well, we're not happy with what the FDA is doing. So we'd rather go after the states and shut down the retailers. And I said, *What about the people who work at these institutions? Whether they be full-timers, part-timers. You know, people who, you know need their job.* And I was, quite frankly, bothered by the

indifference, the utter indifference that they expressed toward the suffering that these people will go through when their employer is shut down and goes out of business because of this legislation. So I think there is a better way, whether it's my colleague's bill here and what she offers, or maybe doubling your efforts for lobbying the Federal government through our members of Congress. After all the Senate Majority Leader in Washington is our Senator from here in New York so we know we have a sympathetic ear down there to get action on puppy mills at the Federal level. But I will not vote to put small business people out of business and cause suffering for all of those employees. I'm a pet lover. I grew up with dogs, cats and rabbits. I had all three growing up. And, you know, enjoy a dog today. But I will not throw people out of work when a little extra effort at the Federal level is what's needed. So let's not take the path of least resistance and hurt the small business person and their employees and their livelihoods when we could do a better job of lobbying the Federal government. Let's call our Senate Majority Leader and have him make something happen.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1130. This is a Party vote. Any member wishing to be recorded as 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 is generally opposed to this legislation for the reasons mentioned by my colleagues. Those who support it are encouraged to vote yes on the floor or by contacting the Minority Leader.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The Majority will be voting in the affirmative. Anyone that wishes to be an exception I urge them to call the Majority Leader's Office and we will announce their name accordingly.

Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. All of us want to make sure that dogs and cats and rabbits that our friends and neighbors may purchase as pets are healthy and will make great pets for many years to come. On that we all agree. Where we disagree is how do we deal with those situations where there are unscrupulous breeders. My recommendation and I think the recommendation that we usually follow is we ask our Department of Ag and Markets to

utilize their authority and go after unscrupulous breeders and unscrupulous suppliers. But what this bill does is it shuts -- essentially shuts down the entire industry. It shuts down every pet store from having the ability to sell pets, the most common pets. Now imagine if we applied -- applied that theory in other areas. Imagine if we said, *You know, we had a recall of some meat because there's salmonella, so what we're going to do is we're going to ban all meat sales from every grocery store. Or, We had a problem with a drug and so we're going to ban drugs from all pharmacies.* This is overkill. We're killing an entire business instead of regulating it, for which we already have the authority to do. And we can go in and we can correct the problem without throwing innocent employees and well-run, conscientious pet store owners out of business. You know, once in a while we'll have a bad attorney. We don't ban all attorneys. We don't ban all doctors for one or two. And we shouldn't ban pet stores from being allowed to sell pets instead of addressing the issue directly.

Thank you, sir. That's why I'm voting in the negative.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker, to explain my vote. Certainly, I appreciate the points that have been raised and, you know, I don't take this bill lightly. We know it's been around a number of years, has gotten across the -- you know, passed in the Senate, hasn't gotten across the finish line here. But there's definitely

no question, we have a problem in the State. There's a store down on Long Island that has been gone after by the Attorney General's Office recently and had -- had been investigated and sued by the Attorney General's Office years ago when I was an intern there, yet -- yet are continuing to operate in that manner. You know, I think that when we look at this issue I certainly appreciate the business owner side of it. But -- but like I said, I think we have a problem that needs to be addressed. And I -- I certainly look at this differently than maybe I would have a few years ago when I, you know, look at a local animal shelter where I adopted my dog from, Carter, who was, you know, one of -- one of just the great, I guess, joys in my life, as -- you know, hey, he greets me when I come home from Albany, sometimes with more enthusiasm than my wife does, but he's always waiting for me. But we need to I think try to address this problem and the tragic things that in so many of those shelters throughout New York State, there are many, many dogs in there that sit there for years and years and years and never get that opportunity that Carter got and being adopted into our home. And I hope that this will start to address that problem. Like my colleagues said, there -- there are other things I think that we can do to try to address that problem, but this is really about cutting down on that market for those puppy mills to sell their dogs.

So I -- I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. Just to explain my vote. We've been going through many, many bills here in the last several days and I was really encouraged last night when we had some -- some talk across both sides of this building, this Chamber, talking about working together. I want to thank the sponsor for bringing this bill forward because I do agree with her that we need to address these bad actors, these bad puppy mills. And this is what it's all about. Not whether we're Republicans or Democrats, but making sure we accomplish what we're called to do here, and that's working together. Getting the dialogue together, debating on this floor, coming up with good points from both sides of -- of the issue. And I -- I, too, want to move this thing forward. I think we can do it internally with our own animal control officers, working through Ag and Markets and let them push it and let's do this in the right way. Let's protect our businesses, but also at the same time, Mr. Speaker, let's get these bad actors. We could do the (inaudible) of the animal control officer faster than anything else to make this happen quickly, and that's the direction I want to go, I want get these bad actors, get them out of here so we can take care of this in making sure our families have good, reliable pets coming into them that they're spending their money on.

So again, thank you, Madam Sponsor, for your bill and for discussing this with me. And if we can make a few changes and look at the other bill that Mr. Pretlow has, I think we can make this work. And I want to support you, but right now there needs to be a few minor changes. And if we can do that and make an amendment,

I'm right with you. So thank you, Mr. Speaker. Again, thank you, Madam Sponsor, and I'll be voting in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Yes, ma'am.

MS. GIGLIO: Okay. So, being a local elected official for ten years and seeing what was happening in our animal shelters we decided to privatize our animal shelter, which was a big step because the -- the dogs that we had in there, the cats that we had in there, they really needed better care. And so we privatized it and they are getting better care that they deserve. But as far as pet stores getting -- getting the (inaudible) animals from shelters and selling them in their pet stores, I don't see that happening. And I think it's a great thought, I think it's a great idea, but I don't think that that's going to happen. I -- I really hope that the Governor will take a look at my bill, A.6560, and I hope that my partner over there in the Assembly will also take a look at A.6560 and speak with some of her people that are just as concerned as I am about cruelty to animals and puppy mills. And finding a way to actually track the pets that are being sold out of our pet stores in New York back to puppy mills and shutting those puppy mills because we'll have a register. We'll know how many pets in New York have come from these puppy mills because we'll have

Ag and Markets tell the animal control officers and tell the local animal control and ASPCA to go into those pet stores and look at the paperwork and match the paperwork up to the pets that are in the store and make sure that they were not bought from a puppy mill. And if they were, that's the solution for the problem. But this is just keeping New York in a little shell and the rest of the country is going to continue to buy from puppy mills, and even New Yorkers will buy from puppy mills unbeknownst to them. I'm sure of it.

So if the Governor will please look at my bill A.6560, maybe my partner over there on the other side of the aisle will work on a chapter amendment for this so that we can track down these puppy mills and shut the puppy mills down. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Giglio in the negative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. You know, this has been a tough bill for me because there's been a lot of, you know, support for it in my district. There's been some opposition, but primarily substantial support from people down on the Island. And I have to tell you that the reason why this bill had to come about is because of two components; first, the United States Department of Agriculture and Markets has failed miserably in regulating and inspecting the out-of-State puppy mills. Because that's where the bulk, the large majority of all these puppies and other animals are imported from, from Tennessee and from down South and other

states, and they're purchased by the pet stores here in New York and they're sold. I never heard too much of a problem with puppy mills in the State of New York, but I'm sure a few exist. And then we go to our New York State Department of Agriculture and Markets, another miserable failure by them as a State agency, for never dealing with the situation. And as my colleague from out east just indicated, go into these stores, conduct random inspections, look at their manifest, look at their invoices. Every county as far as I know, and I could be wrong, has an ASPCA and they go out and investigate all these types of things but they're weak in some places. And down on Long Island ours work, especially out in Suffolk County. They break up a lot of animal fighting rings and things of that nature. But all we needed was that the Governor regulate these stores and this situation could have never gotten out of -- out of the control that it is now. So unfortunately, a whole line of businesses have to be affected.

But I will support the piece of legislation because until we can get it under control this seems to be the only alternative so I'll vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Schmitt.

MR. SCHMITT: Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. SCHMITT: Anything that we can do to expand adoption of animals in the State of New York and discourage the puppy mill trade is critically important. My family and I and many of

my constituents are big supporters of the "Adopt, Don't Shop" campaign. Mr. Speaker, you know myself, of course (inaudible) I've had my own adopted dog Quincy, Quincy the Assembly Dog, sit in this Chair and helping advocate for that campaign across -- across the Hudson Valley. I am happy to cast my vote in support of this legislation and encourage everyone to use their position here in the Assembly to advocate for our kittens, dogs, rabbits and other animals who are need of a loving forever home.

Thank you.

ACTING SPEAKER AUBRY: Certainly. Mr. Schmitt in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker. Thank you for allowing me to explain my vote. This was a very tough vote because I had many activists come and rally, picket at my office. Most of them thought this bill meant that the -- we were shutting the puppy mills. I don't know how many e-mails I got where people said, *You have to shut down the puppy mills.* And I said, *I would love to but this bill doesn't do that.* So -- and I had a lot of people, I know people -- I did like a just on a mom's page I did a (inaudible) years ago when I first got here, and so many people brought their puppies or kittens from the local puppy stores and they had great experiences. My Chief-of-Staff has -- had bought four dogs from my local puppy store. Great experience. So this is a tough vote. But what I did in 2021 is I sent out a constituent survey and I put this question on the

survey. And it was 49 percent supported it and 35 percent opposed it. So although I'm mixed and although I have spent a lot of time with puppy store owners, I've gone to stores to see how they are and I don't think they're -- they're -- I don't know if they're bad actors, they certainly don't appear to be. And I do not think we should shut down businesses. I don't think that's the answer here. I do like -- you know, I am interested in the other bill I've learned about this afternoon, but because I have the 49 percent of constituents who support it, that's my job to support constituents, it's not my vote, it's a vote for my constituents so, therefore, I vote in the affirmative. But I do feel that this is a -- is a really tough vote because I don't think either vote is the correct way to go.

Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. The legislation that we are voting on now is -- is about shutting down the puppy mill pipeline into New York State. It is not an attack on businesses or reputable breeders. It is not restricting a consumer's ability to purchase the type of pet they want. It's a measure to end the cruelty that goes on in puppy mills across the country which are supplying pet stores here in New York State. We know how terrible these mills are. They keep animals in cramped and filthy conditions. They forego veterinary care for the animals. They

breed them over and over again until they are no longer of use. A pet store may claim that they only source from USDA-inspected facilities, and that may sound reassuring to an unsuspecting customer, but we know that the Federal rules are so lacked and unenforced that a USDA-inspected facility is also a puppy mill. When a family goes into a store and purchases an animal only to go home and discover that the animal is sick or genetically damaged and will require thousands in veterinary care, they are heartbroken. They have fallen in love with their new puppy or kitten and consider it part of their family.

So today we are one step closer to ending the puppy mill to pet store pipeline and protecting both animals and consumers from the harm that this pipeline brings. I must say, this bill is a bipartisan effort. Many of my colleagues across the aisle, I've had many conversations, input from them, they support it and of course many of my colleagues on this side of the aisle have as well. Passing the bill has been a long-fought battle. I must thank a few of the organizations that I've worked on this with. The ASPCA, the Humane Society of the U.S., the New York State Animal Protection Federation, Voters for Animal Rights, the Animal Legal Defense Fund, the Companion Animal Protection Society and many, many more. And I want to single out my friends, Bill Ketzer, Libby Post, Ryan Shapiro and Alley Felden-Taylor for their years of dedication and work on this bill to help save animals who are helpless without our -- our interference.

(Buzzer sounds)

I'd also like to thank my Chief-of-Staff, Lauren Schuster; Nick Guile, my Legislative Director; and all my previous staffers or anyone who's helped work on this bill to see it pass and to see New York State trying to be the leader on animal welfare issues. And I'm just so grateful to all of you. Thank you and I vote in the affirmative.

**ACTING SPEAKER AUBRY:** Ms. Rosenthal in the affirmative.

Mr. Goodell.

**MR. GOODELL:** Thank you, sir. Please record the following colleagues in the affirmative: Mr. Brabenec, Mr. Keith Brown, Mr. Kevin Byrne, Mr. DeStefano, Mr. McDonough, Mr. Mikulin, Mr. Schmitt, Mr. Simpson and Mr. Smith.

Thank you, sir.

**ACTING SPEAKER AUBRY:** So noted.

Ms. Solages.

**MS. SOLAGES:** Thank you. Can you please record our colleague Mr. Cymbrowitz in the negative?

**ACTING SPEAKER AUBRY:** So noted.

**MS. SOLAGES:** Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you. Can we please take up these three bills: Rules Report No. 505 by Ms. Simon, Rules Report No. 726 by Mr. Conrad and Rules Report No. 442 by Mr. McDonald.

ACTING SPEAKER AUBRY: Thank you.

Page 12, Rules Report No. 505, the Clerk will read.

THE CLERK: Assembly No. A10239-A, Rules Report No. 505, Committee on Rules, Simon, Cruz, González-Rojas, Otis, L. Rosenthal, Lupardo. An act to amend the Criminal Procedure Law, in relation to releasing individuals charged with a crime under non-monetary bail conditions in order to receive mental health screening or be admitted to a hospital as a result of a mental illness which is likely to result in harm to such individual or others; and to repeal subdivision 3-c of Section 500.10 of the Criminal Procedure Law relating to the release for mental health assessment and evaluation and involuntary commitment pending release.

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

MS. SIMON: Thank you, Mr. Speaker. This bill would make clarifying changes to the Criminal Procedure Law as it relates to conditional release and the use of mental health assessments to ensure that individuals who are before the court are afforded the necessary and appropriate civil protections when they're involved in such assessments.

So this bill has Statewide support from over 21

mental healthcare advocates, organizations, public defenders, public interest lawyers and disability rights lawyers. We are moving forward with this legislation because we believe it's necessary to correct some of the unintended consequences of the process that was created in this year's enacted budget.

ACTING SPEAKER AUBRY: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker.

Would the sponsor yield for some questions?

MS. SIMON: Certainly.

ACTING SPEAKER AUBRY: Ms. Simon yields.

MR. TANNOUSIS: Thank you, Ms. Simon. Ms. Simon, I just want to clarify some things, okay? So, under the current Criminal Procedure Law there are two different sections. In Section 730 that provides that a defendant -- a judge can order a defendant either be released or not released to receive a mental health assessment. There is also another section, 330.20, which allows a judge to send a defendant, post-conviction, for a mental health assessment whether released or not released.

MS. SIMON: Mm-hmm.

MR. TANNOUSIS: Can you please explain to us the difference between this bill and the two sections that are already written in the Criminal Procedure Law?

MS. SIMON: Yes. Well, those provisions actually affect people who are other than the kinds of people that are -- that would be provided for in this bill, right? So this bill doesn't apply to

people who would be captured under either 330.20 or 730 of the CPL. So this would be utilized when someone is brought before the court to be arraigned, and presumably the court and the attorneys have evidence that such a person may have -- has mental illness and may be likely to harm themselves or others, and then they can be -- that can be used as a condition for release as long as they go through an assessment. One of the problems and one of the main reasons that I wanted to do this is because we see people cycling through the system, and the current Criminal Procedure Law doesn't provide what is needed for a host of people who need psychiatric assessment. What's happening now in many cases, particularly in New York City, is that when somebody comes before the court it's clearly -- presents evidence of having serious mental illness, they need to be treated, and what the courts do is give them a voucher and say, *Here, go -- we're sending you for a psych eval. Call this number and set up an appointment.* And somebody who is seriously mentally ill and likely to harm themselves or others is not going to pick up the phone and make that appointment. This allows the court to send someone -- someone to a facility, whether it's a hospital or a community psychiatric center, for example, that would actually provide that evaluation. It would competently done by people who know how to do this, because not every hospital knows. And then that person would be able to get treatment, they might be voluntarily or involuntarily treated and they would definitely get from the very beginning after-care planning so that people can then provide them

with resources including, for example, supportive housing.

MR. TANNOUSIS: But Ms. Simon, you would agree that under the current law as is written in the Criminal Procedure Law it's actually incumbent upon the attorney and the prosecutor to be able to set up these mental health screenings on behalf of the defendant as is currently the law. I understand you gave a situation where a defendant is handed a card, et cetera, but it's actually -- there's actually things in place right now that actually are able to assess a defendant, a criminal defendant, in such a case. And I -- and I appreciate your bill and I understand the intent behind it, but at the end of the day it is in the discretion of the judge, correct, who is the best familiar with the fact as presented and it does basically do the same thing as the bill you're presenting before us, correct?

MS. SIMON: So, thank you. Number one, my bill pulls in the protections of the Mental Health Law which provides much better and is more -- competently addresses the actual situation of the -- of that defendant. What you're talking about is whether somebody is competent to stand trial. That's not what we're talking about here. Right? We're talking about people who are likely to be a danger to themselves or others, and that is a different standard and it is an appropriate standard to provide the referrals to get that assessment. So it's a -- it's a competent assessment and a competent plan going forward for that individual, whether they come back to the criminal court and for what in the future. This is something that immediately addresses those very significant issues. And so while they're already

exists a law in the Criminal Procedure Law, it is wholly insufficient for this population.

MR. TANNOUSIS: Thank you for your response. I just want to be clear about something. Now, this is assuming an individual goes before a court, correct --

MS. SIMON: Mm-hmm.

MR. TANNOUSIS: -- and due to the crime or that individual's history it basically at this point would give the judge the ability to set bail on that individual; is that correct?

MS. SIMON: These are -- these are for those non-monetary bail situations.

MR. TANNOUSIS: Okay. So that's my question.

MS. SIMON: Alternatives.

MR. TANNOUSIS: This is a situation where the judge does not -- instead of setting bail that he's able to do, then does not set bail and sends them for a screening or does this only apply to cases or to situations where bail -- he does not qualify for bail? He or she does not qualify for bail?

MS. SIMON: Well, first of all, just because somebody qualifies for bail doesn't mean that the court would actually set bail. I'm sure you're familiar with that -- that fact. And, in fact, many times courts do not because the person's -- the better response is a non-monetary bail situation. In this case we're talking about people who are -- are -- about non-monetary bail release conditions, and one of the conditions would be that they get a competent psych evaluation

which would then help with the course of what would be those other potential conditions. Right?

MR. TANNOUSIS: Okay. So just to clarify and I appreciate your response, this law would apply to situations where an individual otherwise would qualify for monetary bail?

MS. SIMON: It could.

MR. TANNOUSIS: It could.

MS. SIMON: It doesn't have to.

MR. TANNOUSIS: Okay. That, by the way, that situation is what's on the law right now as a result of what the Legislature passed in 2019, correct? So --

MS. SIMON: That's a very broad statement so you're going to have to be much more specific.

MR. TANNOUSIS: Sure. Let me -- let me rephrase that.

MS. SIMON: So here's -- here's the thing. This is really not about the debate about bail or no bail. This is about people, seriously mentally ill, likely to cause harm to themselves or others. These are people you don't want just like running around the street, not getting the psych eval, not getting the treatment, not getting the conditions that would help them improve their lives such as housing, such as access to food, et cetera, et cetera, et cetera. They're also people who would not be well-served by sitting in Rikers for a year. They're only going to -- that's only going to further their mental illness. So that's not -- that's not a viable option.

ACTING SPEAKER AUBRY: Ms. Simon, Mr. Tannousis, there's been a request that you actually talk into the microphone because other people are actually interested in hearing this.

MS. SIMON: I apologize, Mr. Speaker.

ACTING SPEAKER AUBRY: No, we understand (inaudible) between lawyers. I -- I get that. But share with those of us who may not possess the degree.

MR. TANNOUSIS: Thank you. I appreciate your statement and I understand the need for a mental health assessment. But just to -- just --

MS. SIMON: I'm sorry.

MR. TANNOUSIS: No, it's okay, I'll repeat. I said I appreciate your assess -- your -- your desire in this bill in regards to mental health. The question I have for you is that prior to 2019 there were laws, there was no conditions as to what a judge could set bail on, correct? Prior to the laws enacted in 2019 --

ACTING SPEAKER AUBRY: I don't want to have to tell you 100 times, but you're talking to her, you're not talking to the mic.

MR. TANNOUSIS: Sorry, I'll turn this way.

ACTING SPEAKER AUBRY: Thank you.

MS. SIMON: I'm actually not particularly concerned about the law before 2019. I'm concerned about the law that we have now.

MR. TANNOUSIS: No, I -- I understand that -- I understand that, Ms. Simon. But I just want to -- I just want to clarify, okay, for my colleagues and for the public. The -- this Body enacted changes in 2019. As a result of the changes that this Body enacted there were laws that previously a judge could set bail on but now a judge is not able to set bail on; is that correct?

MS. SIMON: That's true.

MR. TANNOUSIS: Okay. Since then, this bill pertains to those charges --

MS. SIMON: Could.

MR. TANNOUSIS: Could pertain to those charges that a judge can set bail on today, correct?

MS. SIMON: Could. A judge need not set bail on anything, of course, as you know.

MR. TANNOUSIS: Correct. Correct. But this bill does apply in regards to that, correct?

MS. SIMON: Could apply -- apply mostly to those, in fact, that are just general non-monetary bail situations.

MR. TANNOUSIS: Thank you. Now, I know that you mentioned the support that was received for this bill. Did this bill receive any support from any district attorneys around the State or the District Attorneys Association?

MS. SIMON: Not to my knowledge.

MR. TANNOUSIS: Okay. Did this bill support -- receive any support from police departments around the State or any

police unions?

MS. SIMON: Not to my knowledge, but I'm sure they would actually prefer that judges have at their disposal and their knowledge, in their tool kit, many of the programs that currently exist that they may be very unfamiliar with where to refer people, and this really helps the court.

MR. TANNOUSIS: Instead of speaking hypotheticals of what they think, anybody -- did anybody reach out to them to see what they actually think about this bill?

MS. SIMON: Not to my knowledge.

MR. TANNOUSIS: Okay. Thank you. Thank you so much, Ms. Simon. It's been a pleasure.

On the bill, Mr. Speaker.

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

MR. TANNOUSIS: Thank you very much. As we're very, very well aware, in 2019 this Body enacted certain laws. It took a judge's power away for setting bail on certain offenses. Now since then we have a law here that would give a judge the ability to not set bail and to send the defendant for a mental health screening. There's no question that we have a mental health crisis happening in our community. The only question therein lies is the fact that when an individual is shown to be a danger to themselves and potentially to others, is it really the best situation and the best move to release that individual out into the public as they go for their mental screening? I

submit to you that there's already two sections in the Criminal Procedure Law which I'm intimately aware with; Section 730, which is for pre-plea screening, and 330.20, which is for post-health -- mental health screening. A judge has that -- has those two tools in his or her arsenal to send a defendant for mental health screening right now. I don't think this bill is necessary. And as we continue, I believe that as we continue with these different types of laws within New York State we are having the opposite effect of continuing to put our residents in danger.

I vote no on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 10239-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague when he spoke into the microphone, and -- but there may be those who support it, in which case we encourage them to vote yes here on the floor or through the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. This is a Party vote. The Majority members will be voting in the affirmative. If a colleague wished to be in the exception, we encourage them to call the Majority Leader's Office and we will announce their name accordingly.

Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to make clear something that was perhaps not made clear in the debate, and that is that one of the sections cited by my colleague is relevant only for someone who is post-verdict and has entered a plea and not responsible by reason of mental disease or defect. We are talking in this instance about people who have just come to court and are being arraigned. It is not a post-conviction issue at all. We are also not talking about people who are deemed to be incapacitated because they lack the ability to assist in their own defense or are unable to understand the court proceeding against them. We are not at that stage in the process. And so this would affect people who are not included under our current Criminal Procedure Law to get them the help they need and for the court to be able to assist and for them to then be able to stand trial if that is what

is found subsequently. But this will get people that -- that evaluation by competent personnel and also deal with aftercare planning from the very beginning. This is a really, really important thing. It's one of those gaps in our current law that we are seeking to respond to and to fill, and to do it in a way that is just and fair for all the parties involved.

So I thank you for allowing me to explain my vote, Mr. Speaker, and I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Solages.

MS. SOLAGES: Can you please list our colleague Mr. Colton in the exception?

ACTING SPEAKER AUBRY: Certainly. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 726, the Clerk will read.

THE CLERK: Assembly No. A09958, Rules Report No. 726, Conrad, Thiele. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 5 of Article VIII of the Constitution, in relation to the exclusion of indebtedness contracted for sewage facilities.

ACTING SPEAKER AUBRY: Read the last section.

Oh, on a motion by Mr. Conrad, 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 8931. 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 11, Rules Report No. 442, the Clerk will read.

THE CLERK: Senate No. S04870-B, Rules Report No. 442, Senator Breslin (A03040-B, McDonald, Blankenbush, Tague, Walczyk, Brabenec, Gottfried, Jackson, Stirpe, Gunther, Griffin, Steck, Lupardo, Buttenschon, Woerner, Fahy). An act to amend the Education Law, in relation to the definition of the practice of pharmacy.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4870-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh. I'm sorry.

MS. WALSH: No, I'm sorry. You're choking up there. Are you okay?

ACTING SPEAKER AUBRY: I'm good.

MS. WALSH: You're all right? Okay. Thank you, Mr. Speaker. I just wanted to briefly explain my vote. So, originally we laid this bill aside but upon further inspection and talking to a few people I'm very satisfied that this bill's fine. So basically there's -- there are JD juvenile delinquency proceedings in family court and then there are PINS proceedings. PINS means person in need of supervision. That's PINS. And usually those PINS proceedings are maybe a kid that's truant, a child that's got some -- oh, this is a different bill. Wait a minute. I'm so sorry. Oh, God. I thought this was a different one. Hold on.

ACTING SPEAKER AUBRY: Hold on. Ms. Walsh, I distracted you with my coughing. It worked once again.

(Laughter)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Everyone is in -- in anticipation. Would you recall the roll call votes so that we can ask a few questions on this?

ACTING SPEAKER AUBRY: Roll call vote is recalled.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome.

Shall we start again?

MR. GOODELL: Sure.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S04870-B, Rules Report No. 442, Senator Breslin (A03040-B, McDonald, Blankenbush, Tague, Walczyk, Brabenec, Gottfried, Jackson, Stirpe, Gunther, Griffin, Steck, Lupardo, Buttenschon, Woerner, Fahy). An act to amend the Education Law, in relation to the definition of the practice of pharmacy.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. McDonald. We finally got it back on the track. Good.

MR. MCDONALD: We're good to go. So thank you because this bill allows pharmacists to administer injectable medications for a substance use disorder and mental health medications, otherwise known as long-acting injectables.

MS. WALSH: Mr. Speaker, will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mr. McDonald is happy to yield.

MS. WALSH: Thank you so much. I -- I apologize for making you confused about what the heck was going on, but I do have a couple of questions about this bill, just a few. So, I know that pharmacists over the years have been allowed the opportunity to do different injectables, like I'm thinking of flu shots or, you know, COVID vaccines, there was a lot about shingles. But is -- this struck

me as a little bit different. Can you talk about what specifically this type of injection would be and what it would be for?

MR. MCDONALD: Sure. Thank you. And first of all, thank you for the conversation. I was literally on pins and needles thinking about this. You on the pins, I'm on the needles. You get it? Okay.

MS. WALSH: (Inaudible).

MR. MCDONALD: A little humor goes a long way in this House, right? So, you know, you're absolutely right historically, and last year we actually passed legislation to allow pharmacists to continue administering vaccine injectables. This bill speaks to non-vaccine injectables. And they're otherwise known as long-acting injectables. Many used for mental health, many used for substance use. And the beauty of these medications, as much as many people treat mental health conditions with oral medications, we find that it adheres to the major challenge in many populations. (Inaudible) many individuals would be going to the mental health clinic and they'll get an injection once a month, once every two weeks. As the pandemic had shown, pharmacy was there and open every night of the week and was on the front line in many aspects. Unfortunately, many medical practices and clinics had to shut down during the pandemic and many individuals who were trying to get their long-acting injectables had no access. So this legislation's intention is to add another option. If a prescriber feels that a patient, it would be better for them for access issues, whatever, to receive the

medication at their local pharmacy, a order would be written say, *John, go to Marra's Pharmacy* and we see that injection and *John, you, the pharmacist, you need to report back to me on if the patient received it and if there were any side effects.* It's a very prescriptive approach to this. It's not like anybody can just walk down the street and say, *Hey, I'm going to get an injection today.* It's something where a patient with the provider's permission goes to the pharmacy to receive the injection.

MS. WALSH: Well, and I -- I want to thank you not only for your answer but for also injecting a little bit of humor into the debate. I appreciate that.

MR. MCDONALD: You made your point.

MS. WALSH: It was very sorely needed. There definitely are some safeguards that have been built into the whole process, and you mentioned one of them is that the -- the pharmacies report back to prescribing health provider to say, *Yes, this -- I -- I did perform this pursuant to your script and it's -- and it's done.* I also noticed that there's training that's required, there's educational materials that need to be provided as far as possible, you know, side effects and that kind of thing. There has to be consent, there has to be a private location for the injection. I mean, all of that is great. I think that that's all really wise. What -- what I wanted to just talk about a little bit is that to -- to me when I was reading this, there seemed to be - and I think that the Medical Society kind of agrees with this, too - there's a -- there's a difference between, like, a runoff. Like going in

and getting a flu shot or going in and getting two pieces of a shingles vaccine, you know, separated by time. Or -- or even like a COVID vaccine and then coming back for a booster, something like that. Here, is -- isn't it feasible that this patient who requires continuing mental health treatment could be coming back to the pharmacy, would it be like every 30 days or how -- roughly, how frequently would this be? You said it's long-acting. How long does it last?

MR. MCDONALD: So, it could be -- actually, patients come back to the pharmacy all the time to get their prescriptions refilled. In this situation the patient would continue to come back to receive their injection. But understand there's two components here: First of all, there's the actual prescription for the actual medication and that will have refills. You know, obviously, no refills, we'd need to be in contact with the physician. And at the same token, the prescriber - and this is really to address concerns raised by the Medical Society - can be very prescriptive. *I want this patient --* and first of all, we recommend that this only be instituted once a patient's been stabilized on the medication, because there are some times when there's a titration process, and that's important for the prescriber to see that and to be observing it and their office. But at the same token, once the patient is maintained, we want to continue that. We want to make sure that there's no barriers to receiving that. You know, a lot of people just can't run down to the county health clinic between nine and four on, you know, Monday through Friday to get their vaccine or their injectable. So let's make sure it's successful.

And the prescriber can very easily could say, *I want this order to go on for three months or six months* or whatever it may be. It's up to the prescriber. Does that answer your question?

MS. WALSH: Okay. It does. I -- I think that where -- where I was kind of going with this, and I'll just -- I'll kind of read a little bit from the -- the memo of opposition from the Medical Society, because what they were saying kind of struck a chord with me as well. It said, *MSSNY is concerned that this legislation would set a significant new precedent of pharmacists providing medical treatment, particularly when a prescriber and a pharmacist can be in the same healthcare location such as a chain store pharmacy.* So that blurring -- maybe that blurring of a line is -- I think they're concerned about between providing a service like providing the injection itself versus creating almost a physician-patient relationship between the pharmacist and the -- and the individual getting the -- the actual injection. So can you -- can you just speak to that a little bit?

MR. MCDONALD: Well, there's a couple things. And actually, you know, I've worked closely with the Medical Society as well. Let's go back. This is something, first of all, patient consent but physician-driven. The physician is still in the driver's seat. He or she decides if the patient is going to go to John's pharmacy or not, and he or she is going to make the decision if they don't go there. It's really about -- it's about -- this is not going to be something that is used 20, 40 times a day in one pharmacy. Very unlikely. It's going to be for those situations where a physician says, *You're right. Your*

*schedule doesn't work well for getting to my office or to my clinic.*  
And by the way, a lot of physicians don't like dealing with the inventory. Most of these long-acting injectable medications cost thousands and thousands of dollars, and they don't like the fact that the refrigerator can go bad and then they can lose the product. So a lot of physicians are actually asking pharmacists to be part of this network and be part of this -- this system. So I'm a little bit confused by the -- the -- that comment because I made it very clear that this is a physician-led process and, therefore, a physician-led physician can keep it going or throw the flag and stop it.

MS. WALSH: So after -- after the injectable is done and the pharmacist reports back to the physician or the practitioner that this was done, is there any -- is that it as far as the report back? It was done, or do you also -- are there comments that you're able to make as far as, like, the appropriate dosage (inaudible) or if there were any -- and rash at the site or any apparent, you know, side effects that were experienced by the -- by the patient? I mean, how detailed is the report that you would give back?

MR. MCDONALD: So, in -- in the bill we speak to the fact that, you know, the -- the Education Department, working with the Department of Health and OASAS where appropriate, depending if it's substance use, OMH for mental health, they'll be more prescriptive on exactly what's to be reported back. But things that you could expect, more observations. If the patient had an allergic reaction that be notated in that message going back. But we

leave that to the Health Department and the Education Department to develop exactly what type of information should (inaudible). It's more -- it's not just about to your point, they receive the injection, they'll be back in two weeks. It may be that and it may be additional information if there's any observed side effects. Now, I've seen in some opposition memos the fact that this is leading to pharmacists diagnosing, which is really a false comment. We, as pharmacists - and I still practice pharmacy on a regular basis - the majority of the phone calls we get are patients calling up about side effects. They come in, they'll show you their rash, the whole nine yards. We're not diagnosing it, but we observe it. And what we do is we notify them to -- either we'll contact the doctor, maybe there's a dosage adjustment. We'll send you to the ER or urgent care depending on what it is. So, you know, the comment that it's getting into diagnosing is not really an accurate comment from my perspective. I think it actually respects the relationship that the Medical Society is always advocating for.

MS. WALSH: What would happen if -- and I imagine this -- this could also be true with some of the other vaccines or shots or injections that are already given, but what is the pharmacist's responsibility if there is anaphylaxis or if there is a significant observable problem? Is it something that the pharmacist is able to provide care for, or is it -- are you just directing them to urgent care or how does that work?

MR. MCDONALD: It's already invented in law. It's already something we deal with right now when we provide a COVID

vaccine or a flu vaccine or now it's Hep B, Hep C, whatever it may be. Basically if there's an anaphylactic reaction we have the ability to administer epinephrine, provide Benedryl if that's what's only necessary, call 911. Those are -- we -- we are required - and I think most people may realize this but it bears repeating - in order to provide that we have to take CPR every two years, but we also have to have an anaphylaxis protocol. And when the order is written it will include that information on there, *If this reaction happens, here's what you are to do.* It's to actually follow the protocol, or as most people in our pharmacy know, follow the recipe, as pharmacists have always done throughout the beginning of time.

MS. WALSH: And so under this piece of legislation then there will be best practice and guidelines that will be developed as part and parcel to -- to implement it?

MR. MCDONALD: Yep.

MS. WALSH: Okay.

MR. MCDONALD: And of course the Medical Society and any other society is more than welcome to comment on that as well.

MS. WALSH: Yeah. I appreciate that. Well, thank you very much for answering my questions.

And, Mr. Speaker, on the bill.

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

MS. WALSH: On the correct bill. So, I -- I

definitely did have some misgivings, but based on the sponsor's answers to my questions and the fact that there will be guidelines and best practices and there are already so many safeguards that are built into the bill as it's written, I am comfortable recommending this to my colleagues. I will be voting in the affirmative.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative. Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4870-B. 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. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. I would like to thank you, I would like to thank our Higher Ed Chair for helping shepherd this important piece of legislation through the process. We hear very often that there are many populations that struggle with getting access to healthcare, and in the mental health field and substance use field that is completely true. The bottom line, and we learned this through the pandemic, pharmacy has been on the front line. They've stepped up when others weren't able to, and we want to recognize the fact that we want to expand care responsibly.

And this is what's important in this legislation, it respects the traditional approach of the physician directing the patient's care and working with various healthcare partners. I think sometimes it's lost on population that - not for me, and I graduated 30 years ago - but for the last 15 years every pharmacist graduating a pharmacy college in the State of New York is a Doctor of Pharmacy. Well-trained, very capable of being a critical part of the healthcare team.

And I want to thank once again the Chair, the Speaker and my colleagues for supporting this -- this important healthcare initiative. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. We will continue our work with these following bills: Rules Report No. 747, Ms. Joyner; Rules Report No. 676 by Mr. Santabarbara; Rules Report No. 749 by Ms. Niou; and Rules Report No. 518 by Mr. Pretlow.

ACTING SPEAKER AUBRY: Page 18, Rules Report No. 747, the Clerk will read.

THE CLERK: Assembly No. A010349, Rules Report No. 747, Committee on Rules, Joyner. An act to amend the Workers' Compensation Law, in relation to enacting the Justice for

Injured Workers Act.

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

Mr. Goodell.

MR. GOODELL: Party vote, please.

ACTING SPEAKER AUBRY: Party vote, sir? Oh, good.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9149. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this for the reasons I hope to explain in a moment.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you. I'd like to remind my colleagues that is a Party vote. Majority members will be voting in the affirmative. If there is a Majority member that wishes to be an

exception we encourage you to call the Majority Leader's Office and we will record them as a negative.

ACTING SPEAKER AUBRY: Certainly. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. There's a longstanding principle in judicial proceedings called collateral estoppel. And in English what that means is you get one bite at the apple to prove your case. And so if you appear in court or you appear in an administrative hearing where you have a full and fair opportunity to present your case and an independent hearing officer makes a determination, that determination is binding on both parties in any subsequent action involving the same facts. And, indeed, that's the way it works in many situations. So what this bill does is say that if you have a hearing in front of the Workers' Comp Board and it's a fair and an independent hearing and everyone has an opportunity to present all the facts and witnesses and everything else they want, under current law the decision by the Workers' Comp Administrative Law Judge is binding on the parties not only in that proceeding, but in any proceeding involving the same facts. And what this says, if we adopt it, is that even though all the parties had a full and fair opportunity to present all the facts, that decision is not binding on the parties in other litigation. Which means if this passes and becomes law we'll have multiple trials on the exact same issues, which is very expensive for both parties. Now, as much as I love all my brethren in

the law field, I am also very sensitive to the needs of my clients. And so like all my other attorneys, if we can save our clients money by only trying a case once, everyone comes ahead. And this bill says you don't try a case once, you try it twice because the first trial isn't binding on anything else.

And so for that reason I would recommend against it and I and many of my colleagues will vote against it as well. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker, to explain my vote. To dovetail on my colleague's comments just now, as you know, Workers' Comp cases are very, very complex. The Workers' Comp Law administrative judges are very well-trained in the area they -- they practice -- you know, they hear cases in, and the lawyers that appear before them are specialized in that craft. And the Workers' Comp judge determines not only the liability if the accident occurred during the course of the workday or coming within that hour to and from work, but what the employee's liability is and then he determines the damages based on a set schedule that -- that affects that part of the body. So every part of the body on a chart has an assigned monetary value, and based on the percentage of damage to that part of the body a determination is made and then the award is paid. And one of the things to consider is not only that was just pointed out about the

cost of having additional proceedings in a Supreme Court to try the same issues is those judges of the Supreme Court, while they handle accident cases and stuff like that, they may not find the same (inaudible) Workers' Comp -- Compensation judge finds and the expenses will -- will be just -- again, you know, what you're going to pay. So, therefore, Workers' Comp premiums for the employers will go up continually. They're very high to begin with now, depending on the type of business you run. Whether it be you're a roofer, you're a painter, you're a construction worker, you (inaudible) additional charges onto that, these businesses will not be able to pay for that coverage. And the Comp system was established to give employees an avenue to get redress at minimum cost because the lawyers' fees are usually fixed at 15 percent, to be expedited in the proceeding and to -- and to guarantee them continued medical care throughout that proceeding, and if necessary, post-proceeding and some cases for the rest of their lives. So I think this will do an injustice to the employees and certainly cause a very serious financial setback for businesses through the Workers' Comp rates.

For that reason I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Solages. No, I'm sorry. Ms. -- Ms. Joyner.

MS. JOYNER: Thank you, Mr. Speaker. Just wanted to clear up -- clarify a couple of statements that were made earlier and I'll be brief. So basically, this is just codifying the Court of

Appeals' decision that already bars collateral estoppel and Workers' -- to Workers' Comp proceedings. It will not do anything to raise premiums. Workers' Comp already has to look at whether an injury -- if it was a work-related injury what the -- the degree of the disability, and it focuses only on the loss of work during that time period. This leaves many injured workers with no opportunity to go into a separate court proceeding and to go after pain and suffering, loss of future earnings, loss of enjoyment in life, future medical costs. And, you know, negligence actions, they focus on determining fault. Workers' Comp Board proceedings do not look at fault. And why we're codifying this decision today which a Court of Appeals already ruled on is because lower courts were making decisions that were chipping away at this current way. So this -- we're just codifying law right now and we're -- we're ensuring that there's different forums with different jurisdictional purview and we are ensuring that injured workers have the ability to go out to third-party wrongdoers in a separate proceeding, and that's the purpose of this bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. The sponsor of the bill just did a very nice job summing up what I was going to say. As someone who actually practiced this exact area of law where I handled Workers' Compensation and personal injury cases, I can tell you that the standards applied in the Workers'

Compensation Board and the administrative proceeding are different than are applied in a civil proceeding. You can't sue your employer in New York, so this has absolutely nothing to do with Workers' Compensation action. It merely applies to whenever a civil action may arise in say a Labor Law or -- or a motor vehicle situation. I think this is clarifying what had been longstanding confusion in the Appellate Divisions and codifying, as the sponsor said, what happened in the 2013 case in the Court of Appeals.

So I commend the sponsor, I thank her very much and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Jacobson.

MR. JACOBSON: To explain my vote. I want to thank the sponsor because I practiced Workers' Compensation Law for over 20 years, I was a Comp judge. And a lot of times what happens is that you have a truncated proceeding. Collateral issues are not fully developed, negotiations are made to settle the Comp case as far as outstanding issues, and you have these other things that were said on the record and not -- and not fully adjudicated. And so that's wrong to try then to have decisions based on something that was not truly adjudicated.

So this is a very -- this is a very important bill and I commend the sponsor and I will be voting in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Well, we're going to call our colleagues to the Committee meeting, Ways and Means. Those members who already can, they go to Room 354 and if they're on Zoom you can just log on to -- or they can be moved into the correct room. And then after that we are going to do Rules, and then on the floor we're going to continue with the bills that we have. We're going to continue with Rules Report No. 676, Mr. Santabarbara.

ACTING SPEAKER AUBRY: Committee on Ways and Means followed by the Committee on Rules. Ways and Means, Rules in 345 for those of you who are here. Others who are on Zoom, you'll be switched into the Ways and Means, I presume.

And, Ms. Solages, I didn't get the bill that you wanted to bring up. I -- there was some discrepancy between us and you.

MS. SOLAGES: No problem. I'm going to read the list of the three bills that we have on the docket. Rules Report No. 676 by Mr. Santabarbara, Rules Report No. 749 by Ms. Niou and Rules Report No. 518 by Mr. Pretlow.

ACTING SPEAKER AUBRY: Thank you so much, Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 4, Rules Report No. 676, the Clerk will read.

THE CLERK: Assembly No. A02499-A, Rules

Report No. 676, Santabarbara. An act to amend the Public Service Law, in relation to information cable television companies must provide to subscribers regarding availability of required equipment at retail.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2499-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons I hope to explain shortly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: This is a Party vote?

ACTING SPEAKER AUBRY: Yes, it is.

MS. SOLAGES: This is a Party vote, so Majority members who want to - long day, colleagues - Party members who want to -- Majority members will be voting in the affirmative. Those who would wish to vote in the exception, call the Majority Leader's Office and we'll announce your name accordingly.

ACTING SPEAKER AUBRY: Thank you, Ms. Solages. If this is a party it's feeling a lot like torture.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for some very practical reasons. This bill requires cable television companies to provide all of their subscribers with information on how and where the subscriber can purchase equipment at retail that's not sold by the cable company. The problem is cable companies, which are often very large companies, really don't have the knowledge of where or how you might -- their customers might buy their competitors' equipment and their locality. That's not a database that companies generally keep. And so this is kind of a funny bill where we say to the cable company, *Hey, you have to tell your subscribers where and how to buy your competitors' equipment in each locality.* It's -- they just don't have the data or that knowledge. And I might say they're not really excited about learning it. The second thing it does is it requires information regarding what retail equipment is compatible with the cable television company system. And, you know, five or six years ago when technology was different, that was a straightforward question. But nowadays, as you know and we know, there are so many different types of equipment that you can use to access your cable network, equipment that didn't even exist five years ago. And so it's impossible for a cable -- a cable company to tell you what type of equipment that

you might have that might work on their system that's not theirs.

And so for those very practical reasons the Republican Conference is generally opposed to this statutory mandate. Thank you, sir.

ACTING SPEAKER JONES: Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker. This is a pro-consumer bill. It requires cable companies to provide information on what equipment they would need to lease, and most people lease their equipment from their cable company and they end up paying a fee every month that actually at some point costs more than actually going out and buying that same equipment or compatible equipment. And some people have had the same cable company for years and years, some people even up to ten years, and end up paying for through the leasing fees much, much more than they could -- they could actually go out and buy new equipment. So the cable company would have to provide this either in the bill or in the contract or sometimes those little pamphlets that come in the -- in the mail when they send you the bill. I just started doing this myself not too long ago. I ended up buying a Roku box or something that worked with my cable company and it reduced my -- my overall cost of my cable. I think this, again, is a pro-consumer bill. The cable company would have happier customers because they would save a little more or at least realize they could if they decided to buy their own equipment, and I think the consumers would be happier because they could save a

little money on their cable bill.

So with that, I encourage my colleagues to vote in the affirmative and I cast my vote in the affirmative. Thank you. Mr. Speaker.

ACTING SPEAKER JONES: Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

A-Calendar, page 18, Rules Report No. 749, the Clerk will read.

THE CLERK: Assembly No. A10371-A, Rules Report No. 749, Committee on Rules, Niou, Fall. An act to amend the Public Authorities Law, in relation to the appointment of members of the Battery Park City Authority.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Senate bill 9031. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons I hope to explain shortly.

Thank you, sir.

ACTING SPEAKER JONES: Ms. Solages.

MS. SOLAGES: The Majority will be in the affirmative. Anyone that wishes to vote in the negative should call the Majority Leader's Office and we will announce their name accordingly.

ACTING SPEAKER JONES: Thank you.

Mr. Goodell to explain his vote.

(The Clerk recorded the vote.)

MR. GOODELL: Thank you, sir. This legislation would change the Board of Directors of the Battery Park City Authority by increasing the board membership and providing that the majority of the board would be tenants of the City Authority. The Battery Park City Authority has a seven-member board and was created back in 1968, so about 50-some years ago. And it is charged with the responsibilities of a public benefit authority to develop and maintain a balanced community of commercial, residential, retail and park space with its designated 92-acre site on the lower West Side of Manhattan. The site's worth probably upwards of three-quarters of a billion dollars. So this seven-member board has been doing an admirable job by all accounts over the last nearly 50 years, and have maintained their mission of providing high-quality opportunities for

the residents in that area while also producing fairly substantial revenues to the City and the State of New York. And there's a concern that if the Board of Directors is changed so that the majority of the members have a conflict of interest because they directly benefit, that you would see a change in the way the revenues are allocated in a way that would be detrimental to the City and the State and ultimately to their overall mission. And for those reasons, certainly, the - no surprise - the existing authority is opposed to this change and recommend that we follow what has been a successful model for the last 50 years.

Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Ms. Niou to explain her vote.

MS. NIOU: Thank you so much, Mr. Speaker, for giving me a moment to be able to explain my vote. This may or may not actually be my very last speaking moment in this Body, and it is obviously very appropriate because this is a bill that is about representation, access and transparency for my constituents. So I wanted to clarify that, you know, actually -- we had actually my very first year here in 2017 changed the amount of representation from tenants on the Board. So actually, that was a change that we all passed. This bill would affect only a specific State authority that is responsible solely for the management of Battery Park City, a neighborhood in my district. This bill would establish residency as a requirement for a majority of members appointed to the Board of

Directors of the Battery Park City Authority and provide for the expeditious appointment of replacement board members, both upon vacancy within an unexpired term and upon a term's expiration.

The Battery Park City Authority was designed to facilitate the development of the site; however, now that the site is fully developed it is necessary that the Authority be modified to best maintain and protect the land and support the established community. No one is better suited to understand and address the diverse needs of -- and issues experienced by the Battery Park City community than the residents themselves, and it is therefore necessary that as the Board adapts to the Authority's new role, it feature a greater number of community voices. And for this reason, the bill would increase the number of residents on the Board from the currently-required two out of seven to a majority. Communities are best served when they have a say in their governance. It is with that democratic maxim in mind that this bill was drafted. This is a hyper-local issue of significant importance to concerned community members who eagerly await a greater voice.

I want to also say thank you, because it has been an incredible honor serving with all of you. The honor of my life, actually. And I would like to thank my Speaker and my Leader and all of my colleagues and especially my constituents for allowing me to serve you.

Thank you. And I would like to vote in the affirmative.

ACTING SPEAKER JONES: Ms. Niou in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the main Calendar, page 13, Rules Report No. 518, the Clerk will read.

THE CLERK: Assembly No. A01773-C, Rules Report No. 518, Pretlow. An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to State Gaming Commission occupational licenses.

ACTING SPEAKER JONES: On a motion by Mr. Pretlow, 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 JONES: The Clerk will record the vote on Senate bill 1443. 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.)

ACTING SPEAKER AUBRY: Ms. Walsh.

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

Will you please record the following members in the negative on this bill: Ms. Giglio, Mr. Mikulin, Mr. Michael Reilly, Mr. Doug Smith.

Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Ms. Solages.

MS. SOLAGES: Can you please record our colleague Mr. Barnwell as a negative?

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Will you please advance -- advance the B-Calendar?

ACTING SPEAKER AUBRY: On a motion by Ms. Solages, the B-Calendar is advanced.

Ma'am.

MS. SOLAGES: Thank you, Mr. Speaker. We're going to continue our work with the following bills: Rules Report No. 415 by Mr. Carroll, Rules Report No. 539 by Mr. Carroll, Rules Report No. 687 by Ms. Joyner, Rules Report No. 692 by Ms. Joyner, Rules Report No. 400 by Ms. Solages, Rules Report No. 591 by Ms. Bichotte [sic], and Rules Report No. 600 by Ms. Reyes.

ACTING SPEAKER AUBRY: Thank you.

Page 9, Rules Report No. 415, the Clerk will read.

THE CLERK: Assembly No. A08858-A, Rules Report No. 415, Carroll, Englebright, Dickens, Gottfried, Zebrowski, Hevesi, Simon, Paulin, Cruz, Epstein, Dinowitz. An act to amend the Election Law, in relation to voter registration.

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

An explanation is requested, Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. This bill brings the voter registration deadline to the constitutional minimum of ten days.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Will the sponsor yield for a couple of questions, please?

ACTING SPEAKER AUBRY: Mr. Carroll, will you yield, sir?

MR. CARROLL: I do, Mr. Speaker.

MR. NORRIS: Thank you, Mr. Carroll. If we reduce the period of time from 25 to 15 days then the receipt from 20 to 10, would that allow the Board of Elections enough time for the registration roles to be prepared, particularly considering we are doing early voting now ten days prior to Election Day?

MR. CARROLL: I -- I believe so. Other states have shorter time periods and they're able to effectuate and properly run their elections and early voting.

MR. NORRIS: So if it's received, though, at the tenth day prior to the poll books need to be still prepared, at least electronic data needs to go into those polling books, it's a very tight time frame for a board of elections to prepare it, particularly for early voting. It -- practically with less than 24 hours.

MR. CARROLL: You're right, Mr. Norris. First, that voter will of course be able to vote via an affidavit ballot and he or she when they vote by that affidavit ballot, when that ballot is opened they will see that they had properly registered to vote within the time period and that vote will count. But also there are technological advances that I believe will allow for the Board of Elections to make sure that they're able to update those electronic voting -- those electronic poll votes as quickly as possible.

MR. NORRIS: All right. Thank you very much, Mr. Carroll.

On the bill.

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

MR. NORRIS: Thank you, Mr. Speaker. This is a -- the language is very simple. It's reducing the period of time from 25 days prior to an Election Day to 15 to be postmarked and then received by the board 20 under current law to 10. I believe the current law is still the appropriate mechanism to allow our Board of Elections proper time to ensure that the voter rolls are ready to go for that particular election. This would be, I believe, a burden on our Board of

Elections and would not permit enough time for them to run the checks versus the entire Statewide database to ensure that there's not people who are double-registered in the State of New York.

And so for those reasons I will be opposing this bill and I encourage my colleagues do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section -- the Clerk will record the vote on Senate print 2951. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons mentioned by my colleague.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is going to be in favor of this piece of legislation. However, there may be some of us who would desire to be an exception. They should feel free to call the Majority Leader's Office if they're not in the Chambers. If they're in the Chambers they can press their vote themselves. Thank you.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. Last year this Chamber tried to pass a constitutional amendment and had it adopted by the public to allow for same-day registration. The voters across the State of New York rejected that. What is concerning about this bill and the push to reduce the time frame is that I can give you a very real example from this year. In my district, petitions were filed for a candidate who was registered to vote in the State of New York but happened to live in the State of New Jersey and also registered to vote in the State of New Jersey, and in fact when looking at voter records voted in two states in the same general election on the same dates. The Board of Elections needs the opportunity to review applications and confirm someone's eligibility. There's no reason to reduce that time frame, and in fact the voters of the State of New York last year, in their wisdom, rejected same-day voter registration for a reason. All that should be done is to seek to ensure that people who are truly eligible to vote in the State of New York file an application and that application is reviewed and approved. That's not asking too much. And I think given the time frames, given the complexities, it is imperative that the Board of Elections have an opportunity to review every application and verify whether or not somebody --

(Buzzer sounds)

-- is eligible to vote.

So I vote in the negative and I encourage everybody

to vote in the negative and respect the will of the people of the State of New York who spoke clearly on this last year.

ACTING SPEAKER AUBRY: Mr. -- Mr. Lawler in the negative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I would just like to explain my vote by saying that this is a bill that is an important bill that will increase the ability for people to vote in New York State. What we want to do, of course, is to have more people vote. That is the quintessential American franchise. Examples of people who may have committed election fraud or a Board of Elections that didn't catch somebody under the current rules means that in fact the time frame is completely irrelevant. If the Board of Elections is doing what the Board of Elections should be doing, they should be catching those things and that is a different issue and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 539, the Clerk will read.

THE CLERK: Senate No. S05472-A, Rules Report No. 539, Senator Hoyleman (A07876-A, Carroll, Walker, Gallagher, Barnwell, Jones, Anderson, Stern, Rozic, Quart, Paulin, Cymbrowitz,

Gottfried, Dinowitz, Griffin, Nolan, Abinanti, Santabarbara, L. Rosenthal, McDonald, Lavine, Thiele, Otis, Hevesi, Davila, Seawright, D. Rosenthal, Lupardo, Jacobson, Fernandez, O'Donnell, Cusick, Kelles, Burdick, Fahy, Galef, Steck, Magnarelli, Woerner, Barrett, Stirpe, Simon, Hunter, Durso, Gandolfo, Niou, Cruz, Mikulin, Montesano, Englebright, Gibbs, Colton. An act to amend the Real Property Tax Law, in relation to requiring disclosure of information concerning flood insurance on residential leases.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: This will be a Party vote, sir.

ACTING SPEAKER AUBRY: No problem.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5472-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you. The Republican Conference will be generally opposed for the reasons I hope to explain in a moment, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally support this legislation. However, there may be others who decide to be an exception. They can call the Majority Leader's Office and we will make sure their vote is recorded.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This legislation would require that every single residential lease in the State of New York provide notice of information related to the flood history and the current flood risk of a leased premises, including an evaluation of whether the property is within a designated flood zone, along with information about the importance for tenants to have flood insurance. This is a great idea for property that is actually in a flood zone, and confusing to consumers and a substantial additional expense for all those properties that are not in the flood zone. And thankfully, the very vast majority of residential property in the State of New York is not in a flood zone. In fact, in my county, which is hilly, very, very little, thankfully, is in a flood zone. If you live above the first floor, presumably the first floor might be in a flood zone. Probably the top floor is outside of it. The cost, however, of getting a certification that your property is not in a flood zone even if it's on top of a hilltop is significant because they have to pull out all the official records and do the analysis and type up the report and give it to you. So this is a great

idea for all those areas that are prone to flooding, and a substantial and unnecessary expense for everyone else.

One other thing to point out. If the property is not in a flood zone the tenant cannot buy flood insurance. The flood insurance is subsidized by the Federal government. It is only available if your property is in a flood zone. And so if you're telling every tenant in the State of New York about the importance of buying flood insurance it's going to create a lot of confusion that's unnecessary.

And so because of the -- this bill is Statewide to every single residential lease as opposed to being tailored to those that need it, I'm recommending against it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. This is a simple piece of legislation that gives renters the right to know about whether the apartment that they are going to lease is in a flood zone or is prone to flooding. Unfortunately, many of you are aware that last year in Queens and other places in New York State, many, many tenants lost their lives when there were flash floods in New York City. This legislation is based off of legislation that has been adopted in many, many states, and many of those states are gulf states or states controlled by Republican legislatures and they've implemented these types of laws. It makes sense for New York to implement these types of laws because tenants have a right to know if there's a flood risk.

We made sure that when someone purchases a home, they have a right to know about a flood risk. Tenants deserve that similar right to know, and I will be voting in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Reilly in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 687, the Clerk will read.

THE CLERK: Assembly No. A07178-A, Rules Report No. 687, Joyner. An act to amend the Workers' Compensation Law, in relation to schedule in case of disability.

ACTING SPEAKER AUBRY: On a motion by Ms. Joyner, 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 8271-A. 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 numbers

previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons I'll explain in a moment. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Democratic Conference is going to be in favor of this legislation; however, there may be some that would like to chose an exception. They can do that by calling the office or pressing the button. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, both.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill modifies the Workers' Compensation Law to increase the minimum amount of compensation that's paid for a temporary or a permanent or a partial disability. The reason we have a concern over this is because the increase will be about 225 percent over the current level; more than double the current level. Right now, unfortunately, Workers' Comp costs are a huge burden on all of our employers that are struggling to recover from COVID and the government imposed shutdown. In my county, my employers are competing directly with companies in Pennsylvania and Ohio, and their Workers' Comp costs are just a fraction of ours.

So this has a very serious impact because as we dramatically increase the cost of Workers' Comp on New York employers, many of them reduce the number of employees. And so in order to maximize the number of employees working in New York State, we maximize the likelihood that our employers will survive the current problems they're facing, I would recommend that we not double -- more than double the minimum amount paid. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 692, the Clerk will read.

THE CLERK: Assembly No. A07570-C, Rules Report No. 692, Joyner, Reyes, Gottfried, Septimo, Gallagher, Dinowitz, Seawright, McDonald, Niou, Burgos, Davila, Epstein, Simon, Cruz, Barnwell, Mitaynes, Forrest, Carroll, Fahy, González-Rojas, Mamdani, Burdick, Fernandez, Hunter, Meeks, Solages, Jackson, Paulin, Abinanti, Otis, Aubry, Pretlow, Bichotte Hermelyn, Kelles, Cunningham, Quart, J. Rivera, Zinerman, Tapia, Walker, Bronson, O'Donnell, Clark, Glick, Anderson, Benedetto, Woerner, Taylor, Cook. An act to amend the Executive Law, the Real Property Actions and Proceedings Law and the Real Property Law, in relation to establishing the New York State Office of Civil

Representation to provide access to legal services in eviction proceedings.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Would the sponsor yield for questions?

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: Ms. Joyner yields.

MR. GOODELL: Thank you, Ms. Joyner. I understand that the purpose of this legislation is to create the New York State Office of Civil Representation; is that correct?

MS. JOYNER: Yep, that's the --

MR. GOODELL: And the purpose of this Office of Civil Representation is not to represent poor landlords who are struggling to keep their apartments open, correct?

MS. JOYNER: It's in -- it will be to help tenants have access to attorneys.

MR. GOODELL: So they will not represent the landlords, for example, mom and pops who are facing bankruptcies from tenants that aren't paying?

MS. JOYNER: No. Individuals who are at the risk of losing their housing.

MR. GOODELL: I see. And is there an income threshold for the representation that's provided by this office?

MS. JOYNER: Income that is at or below 80 percent of the area median income.

MR. GOODELL: And what is the New York State median income now?

MS. JOYNER: It varies by region.

MR. GOODELL: I'm sorry?

MS. JOYNER: It varies by region.

MR. GOODELL: Okay. So well -- we're not talking about based on poverty level or anything of that nature?

MS. JOYNER: No.

MR. GOODELL: And according to this, am I correct that the attorneys, this -- the purpose of this program is to provide attorneys to these tenants?

MS. JOYNER: Correct.

MR. GOODELL: And am I correct these attorneys can actually initiate lawsuits against landlords?

MS. JOYNER: No. This is in response to a landlord who initiates a proceeding.

MR. GOODELL: But I see on page 4, line 13 there's a reference to enforcing warrants of habitability, right? That's -- that can be a defense, but it can be also its own cause of action, correct?

MS. JOYNER: That's correct; you're right.

MR. GOODELL: And so am I correct then that what this would do is have taxpayer money being used to pay an attorney to sue landlords?

MS. JOYNER: If they are violating the warrant of habitability, yes, that's correct.

MR. GOODELL: And is the expense of the attorney dependent on the success of the lawsuit? I mean, a lot of times we have laws that say the successful party will have their legal fees paid for; is that the case here?

MS. JOYNER: No.

MR. GOODELL: So we pay for it even if they lose. The taxpayers would pay for the lawyer even if the lawyer loses, the case is lost, is that --

MS. JOYNER: Correct.

MR. GOODELL: -- correct? Now, don't we already have a legal services program designed specifically to help litigants, including tenants that are below certain income thresholds.

MS. JOYNER: That is correct, but there's no requirement under law right now that tenants are advised of a right to an attorney if they're eligible for one. So this will allow -- create that, and there is a right to an attorney but not in all civil cases, so we are extending that for housing court proceedings.

MR. GOODELL: Well, under the Tenant Protection and Security Act of 2019, isn't it an affirmative obligation that any proceedings for an eviction include a notice that the tenant may have legal representation?

MS. JOYNER: Yeah. So this is going to create a Statewide unified program, not ad hoc. So it -- there will be dedicated

funding, again, subjected -- subject to appropriation for these proceedings.

MR. GOODELL: But we already have funding in the current budget, correct, for the --

MS. JOYNER: There is -- there are other funding streams, yes.

MR. GOODELL: Yes. And we already require by law that landlords tell tenants they can be represented, correct?

MS. JOYNER: That -- I'm not sure if that's uniform across the board --

MR. GOODELL: I see, and --

MS. JOYNER: -- that there's a requirement for landlords.

MR. GOODELL: -- I'm correct under the Tenant Security Act that tenants are automatically granted a two-week extension whenever they show up for an eviction, presumably to obtain legal counsel, correct?

MS. JOYNER: Under this bill yes, 14 days.

MR. GOODELL: And it's also the current law, correct?

MS. JOYNER: Yes.

MR. GOODELL: Okay. Now, what do you anticipate the expense is of providing free legal services to all the tenants who are below 85 percent of median income?

MS. JOYNER: Again, it will be subject to

appropriation. This year we included \$35 million for this.

MR. GOODELL: And what is your estimate for the cost?

MS. JOYNER: I would say at least 100 million.

MR. GOODELL: At least 100 million?

MS. JOYNER: Yes.

MR. GOODELL: I see. So we're going to spend 100 million of taxpayer money to pay lawyers to represent tenants to sue landlords who haven't been able to maintain their property because we told them that the tenants didn't have to pay for two years, is that about --

MS. JOYNER: This is to help tenants who are at the risk of losing their housing which is, of course, you know, where -- we're having savings from people going into the homeless shelter system. This is an overall long-term investment in -- in -- in -- in folks that we need to help.

MR. GOODELL: I see. And how is this different than the current law that requires, or makes available through the current appropriation services through Legal Aid?

MS. JOYNER: So this is going to set up a State agency that will be working in conjunction with OCA in terms of providing notice, and then the State agency will also be responsible for submitting annual reports at -- requesting an annual budget, working with community partners and legal representation organizations to help develop a unified program that we can

adequately see the need and where -- where -- where -- where in our State tenants are suffering the most.

MR. GOODELL: I see. I think you touched base on this, but I just want to make sure, in order to be eligible the tenant has to be at or below 85 percent of the median income, correct?

MS. JOYNER: Yes.

MR. GOODELL: But as you know, a lot of our smaller landlords, their net income is also 85 percent or more below the median income. If a landlord whose median income, net, is below 85 percent, will they be able to obtain reimbursement from the State if they are successful in evicting the tenant or defending against an action brought by the tenant?

MS. JOYNER: Right. That's outside of the scope of the bill. A great idea that maybe someone else should take up, but it's not addressed in this bill, no.

MR. GOODELL: Okay. Thank you very much. I appreciate your comments in clarifying this bill.

MS. JOYNER: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: You know, New York has just dealt a devastating blow to our landlords all across the State. We implemented an almost unrestricted moratorium on rent for upwards of two years. If you now want to go into court representing a landlord, I brought an eviction action in October and the courts were so backed

up they told me that even though the tenant hadn't paid in months, the earliest they could see or hear the case was in January of the following year. And when we show up in January, the first thing the tenant did was ask for a two week adjournment, entitled to it, got it automatically. Two weeks later, the tenant shows up with a new lawyer from the Legal Aid paid for by the State of New York and they ask for another two weeks adjournment so they can review the case. After I think six or seven adjournments, we finally had the case heard and there was no defense. I mean, there just wasn't any defense.

So we take all the income stream from all these small landlords, in my district most of them will have one or two or maybe three or four apartments, we take all their income for months on end and then the State of New York, having deprived them of income for months, hires lawyers to represent the tenants to sue the landlord because the landlord hasn't been able to maintain the property because he hasn't been paid in a year-and-a-half. And if the landlord wins, too bad, he pays his own lawyer. And if the tenant loses, it doesn't matter, the State of New York and all its taxpayers pay lawyers to sue landlords on behalf of tenants.

We have a huge and looming housing crisis because it appears as though the State of New York is determined to drive out of business the landlords, especially the small landlords who put their life savings into providing housing for the working-class poor. I mean, honest to goodness, you couldn't design a system better to drive people out of the business. And if you look at the numbers, you see

that for the first time in decades the number of new apartments being built in New York City are less than the number of apartments that are legal.

My friends, let's treat both landlords and tenants fairly. Let's treat them both fairly. Let's provide that if the tenant needs help, as we do now, by the way -- under the current system if a tenant needs legal help, we do provide it for them. But what we don't do and what this bill would do is pay lawyers to sue tenants -- I'm sorry, pay lawyers to represent tenants bringing a lawsuit against landlords, including our small mom and pop landlords. It's just not a fair bill. It's just not the right message and it's going to exacerbate our housing crisis by forcing many small landlords out of the business. For that reason, I would recommend against it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7570-C. 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.

And Mr. Goodell, would you like to tell us the position you're going to take on this bill?

MR. GOODELL: Thank you, sir. For those who

didn't understand my earlier comments, but just to make it clear, the Republican Conference is generally opposed to this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally in favor of this legislation.

ACTING SPEAKER AUBRY: Thank you, both.

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. This -- this bill hopefully, you know, repeat this a lot because I know there's a lot of legislation coming, this did not pass the Senate. I just wanted my colleagues to know. Thank you.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 400, the Clerk will read.

THE CLERK: Assembly No. A05115-E, Rules Report No. 400, Solages, Magnarelli, Aubry, Cruz, Taylor, Gibbs, Cunningham, Simon, Montesano, Gottfried, Stirpe, Buttenschon, Fahy. An act to amend the Education Law, in relation to enacting the

"New York Collegiate Athletic Participation Compensation Act."

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

An explanation is requested, Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The New York State Collegiate Athletic Participation Compensation Act prevents any college or athletic association from preventing an athlete from earning compensation for the use of their name, image, and likeness - and moving forward, we'll call it an NIL.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: Ms. Solages yields, sir.

MR. RA: Thank you, Ms. Solages. So let's, if we can just quickly go through where we are right now for my colleagues, I think many may be aware, there was a U.S. Supreme Court decision last year which cleared the way, really, for the NCAAs have to permit this, but right now like many states, our State laws are silent as to how this would work. So you know, when I originally read the bill, which I think I told you, I was wondering why we needed to do this because if our law is silent, you'd be able to do it. But I think you, very importantly, pointed out that right now we have no laws on the books.

So what are we trying to accomplish to allow this to move forward with this bill?

MS. SOLAGES: And my colleague is correct, it's very important that we build a framework. As we know, many of these student athletes work very hard not only on the field, but also in the classroom. And so, you know, there was a court case, NCAA v. Alston in which the Supreme Court ruled that student athletes were able to get compensation because we saw, and this is a quote, "conspiring with competitors agreeing with competition to pay no salaries to workers for making the school billions of dollars on the theory that consumers want the school to pay the workers nothing," and adding that "it seemed circular and even somewhat disturbing," and that's a quote from Supreme Court Justice Brett Kavanaugh.

So this a bill that ensures that student athletes have the ability to profit off of their name, their image and likeness. And within this bill, we also make sure that we put some parameters in to protect the student athletes, especially when we talk about our D1 athletes, our most competitive athletes. We want to make sure that they're getting, you know, other, you know, other benefits such as financial literacy, because many of these athletes are particularly going to be getting cash compensations and other deals and so we want to make sure that they know how to use that money to help, you know, help a fund. There's different initiatives within the bill, so we want to make sure that they're just, you know, being smart about the name, image and likeness.

MR. RA: All right, thank you. So I mean what we're essentially talking about with name, image and likeness is, I mean, maybe more expansive than that, but, you know, endorsement type deals that we -- we see from our professional athletes often get.

MS. SOLAGES: Yeah, it's -- it's a gauntlet of things. It's a, you know, the -- the deals. So you know, it's the press deal, branding deals, but it's also the ability for the athlete to use their name, image and likeness in other facets. So if they are, you know, a guitar player, an author, a motivational speaker, they're allowed to do that and -- and be able to get compensation. And to note, many of these athletes come from marginalized communities, so they might not have the means to really be, you know, pay for books or for housing. I know many of them get scholarships, but that doesn't cover the other costs associated with going to school. And so being able to have an NIL, they can use that compensation to be able to, you know, fund their lifestyle.

MR. RA: Thank you. And -- and then I -- I wanted to just ask in terms of there's something that many universities with -- with athletic programs have set up for called collectives which, essentially, you know, a lot of ways raise money, sometimes maybe from alumni and people who are supportive of their programs, and they utilize that for the student athletes and -- and essentially, you know, rather than I guess in this type of situation rather than say, you know, a clothing brand or a shoe brand or some other person that wants to, you know, hire the -- the athlete or -- or have them make an

appearance or whatever, it's actually, I guess the school itself that is, you know, having their -- their athletes make those type of appearances. So does this speak, in particular, to those types of things, the collectives?

MS. SOLAGES: Yes, definitely. This bill addresses collectives and even goes even farther. It puts protections so, you know, there's no impropriety. It's strictly a conversation between the student athlete and there's no pay-to-play. We've -- we actually ban collectives within this legislation so that's not going to be a worry so -- and then in addition, just for the record, the NCAA actually came out with a ruling about two weeks, guidance that says that, you know, collectives are considered pay-to-play and that is a violation of the NCAA. So not only are we going to be putting that in statute, but that's also within the bylaws of the NCAA.

MR. RA: Great. Thank you very much, Ms. Solages.

Mr. Speaker, on the bill.

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

MR. RA: Thank you. I appreciate the answers to the questions, you know, because I did have some concerns with this bill and -- and the collectives, in particular, in some ways are -- are somewhat concerning as a, you know, I'm -- I'm a college sports fan. I have heard, I have to do for the record, do have to say this, you know, I have heard some say that we have one, like, real big time sports program in New York State, and that being Syracuse, but as a graduate of a fellow, you know, long time Big East School, St. Johns,

I -- I think our basketball program is just as good and -- and can compete. So this is obviously something as my colleague next to me I know is a, he just said St. Bonaventure, I know he's -- he's a big fan; our Western New York members appreciate that.

But, you know, this is really a seat change in amateur sports, and it's an opportunity for these student athletes to profit off their name, image and likeness, you know, get compensation that up until this point, it's a big industry and the students themselves were not really able without obviously violating the rules and -- and causing trouble for themselves in terms of their own eligibility to -- to profit off of that. So I -- I do now get the importance of us having some regulatory structure so that within the confines of what this court decision said and what the NCAA allows, we have some protections in our laws to -- to help let this situation develop, make sure also that these student athletes are being provided with services that will help them, you know, develop both, you know, from a financial standpoint and -- and be provided other resources.

So I think by and large, we're trying to strike a balance here and -- and I think -- I think we're doing that. So thank you.

**ACTING SPEAKER AUBRY:** Read the last section.

**THE CLERK:** This act shall take effect immediately.

**ACTING SPEAKER AUBRY:** The Clerk will record the vote on Senate print 5891-F. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to is to contact

the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Keith Brown in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 491, the Clerk will -- 591, the Clerk will read.

THE CLERK: Senate No. S09351, Rules Report No. 591, Senator Sanders (Committee on Rules--Bichotte Hermelyn--A10459). An act to amend the New York City Charter, in relation to opportunities for businesses owned by women and minorities.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Bichotte Hermelyn. On Zoom.

MS. BICHOTTE HERMELYN: An explanation. This bill authorizes the City of New York to increase the contract amount for awards, businesses certified as Minority- or Women-owned Businesses, also known as MWBEs, from 500,000 to \$1 million and adjust the report requirement accordingly. This bill is a New York specific bill. The original first increase in threshold for MWBE contracts was established in 2017. It went from 25,000 to

150,000. That threshold was then raised to 500,000 in 2019. The existing report requirement for discretionary purchases have remained at 150,000 despite the dollar threshold increases. And according to the 2018 City of New York disparity study, the Equal Protection Clause of the 14th Amendment of the United States Constitution has been interpreted to require that the creation of the State or local race-based classification must be narrowly tailored in a further compelled interest. This was cited in the Richmond v. Croson case and it found that the local governments had a compelling interest in assuring that public dollars drawn from the tax contributions of all citizens do not serve to finance the evil of private prejudice.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Mr. Speaker, will the sponsor yield?

ACTING SPEAKER AUBRY: Ms. --

MS. BICHOTTE HERMELYN: Yes.

ACTING SPEAKER AUBRY: -- Bichotte, will you yield?

MS. BICHOTTE HERMELYN: Yes, I will yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So you know, you mentioned that just a couple of years ago we increased this threshold, you know, by a somewhat sizeable amount. So really, my -- my main question is why are we doing such another large increase, \$1 million, and really what -- what my problem with this bill is \$1 million is a very large sum to have -- be able to be awarded without any type of competitive

bidding.

MS. BICHOTTE HERMELYN: Well, first of all, \$1 million is not a lot, okay. The MTA currently has a \$1.5 million discretionary threshold that we all passed in the budget this year. And you have to think of the decades and decades of racism, discrimination, exclusion, people of color, women have been raped and stripped from their economic fair share of resources. They are taxpaying citizens, as well. And it's been a slow catchup. The 25,000, the 150,000, the 500,000 is still not enough. It also showed that in the COVID-19 it revealed that many of the businesses owned by minority women were shut down, okay, there were about 41 percent of Black-owned businesses, 32 percent of Latino-owned businesses, 26 percent of Asian-American businesses were temporarily and permanently shut down. White-owned businesses, you know was not as affected, 17 percent.

So this threshold, again, this increase is just a small step. If it was up to me, I would increase it by 10 million and probably even more and -- and that's to reflect the number of people who are paying tax dollars and still not getting their fair share. So the increase is to, again, help these MWBEs get a fair share of their economic pie.

MR. RA: Thank you. And I mean, I certainly appreciate that and, you know, the reason we do some of these types of provisions are obviously to help, you know, encourage these -- these types of businesses to, you know, make -- make bids and do

business with -- with our governments, whether it's, you know, a public authority or agency or -- or the City of New York in this instance. But I, again, I think \$1 million is -- is a high number.

Now, you said with the previous increase there was a jump in the average award, and that makes sense obviously, they -- they can, you know, do different types of contracts with a larger amount of money. So is there anything like, you know, general idea you have of the types of contracts with firms that the City of New York gives out that right now because of the \$500,000 number, you know, an MWBE wouldn't be able to access, but they will with \$1 million?

MS. BICHOTTE HERMELYN: I think the construction industry is a place that's been very challenging and burdensome, specifically because there is a higher working capital that's needed, and insurance and just a number of high liability. So I think that plays into that. But there are other opportunities that Minority and Women Business Enterprise do well in. It's not only -- it's not only a focus on the construction industry, but there's the professional services. There's the education services, which we've had -- had a challenge. The DOE, Department of Education, has one of the largest procurement budget in New York City, but have found that the amount of procurement given to MWBEs, awarded to MWBEs has been significant -- significantly low. And so I think that's also an area where MWBEs can thrive through education, professional services and so forth.

So the opportunities for Minority Women Business Enterprise to perform cuts across all different industries. Its service industries, its professional services, its construction, engineering, technical, non-technical. And I can say that the program has -- have helped already increase in threshold. In Fiscal Year '21, only half of the 100 prime contractors had -- were valued between 500K and 1 million, about 37 million could have been awarded to MWBEs. They have seen a jump in terms of more Minority and Women Business Enterprise getting access to awards. And again, that's because the process is already convoluted. It still continues discrimination. The disparity study have shown verifiable, quantifiable data which is certainly needed to prove a compelling interest, and it's at its highest strict scrutiny under the 14th Amendment analysis. So it's needed. That's why we have the program. We still have a lot of barriers to break.

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

Mr. Speaker, on the bill.

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

MR. RA: So quickly, again, I -- I think \$1 million is a large sum without a formal competitive process, regardless of whether we've done it for other entities or not; I don't necessarily agree with doing it for any other entity either. You know, we have competitive bidding processes when it comes to all kinds of public entities for a reason. It's so that there is a transparent process and it's so that the entity that is spending taxpayer dollars gets the best price.

So we -- we have obviously tried in numerous ways over the years to help different types of businesses, MWBEs, veteran-owned businesses, with different initiatives.

So something like a non-competitive bid, you know, threshold is one such example. Maybe some type of set aside that some percentage of contracts are going to be awarded to a certain type of entity is another example. But \$1 million without a formal competitive process is -- is a lot of money. It may not be relative to the size of, you know, New York City's budget or the State budget, but -- but it is a large sum of money and -- and for that reason, I'm not comfortable with doing another sizeable jump in this just a couple of years after -- after we just increased to \$500,000. Thank you, Mr. Speaker.

**MS. BICHOTTE HERMELYN:** Mr. Speaker, on the bill.

**ACTING SPEAKER AUBRY:** On the bill, Ms. Bichotte Hermelyn.

**MS. BICHOTTE HERMELYN:** All right. Thank you. Mr. Speaker, this bill amends Section 311 of the New York City Charter and the purpose is to increase the discretionary MWBE threshold from 500,000 to 1 million. The City's MWBE program continues to be a thriving program that will continue to help break the economic barriers among minorities and women business owners. It has proven again and again with qualified data through the disparity studies that discrimination in procurement, government procurement

continues to affect MWBEs in getting their economic fair share, and that the discrimination was exacerbated by the economic effects of COVID-19 pandemic. As mentioned there was a national analysis that revealed that as a result to the pandemic, a large majority of these MWBEs were permanently shut down.

I'd like to say that since the -- since March of 2018, the mayoral agencies have utilized a discretionary method to directly award 3,500 contracts worth over \$32 million to MWBEs, and after the State Legislature raised the City's discretionary cap from 150K to 500K in 2019, the average size of a contract awarded to MWBEs rose by 20 percent.

As mentioned, if I could raise the threshold to tenfold, \$10 million, that still would not be enough because it's been years and decades of economic resources stripped from minorities and women due to and based on, with evidence, of discrimination. My colleague mentioned that \$1 million is -- is too high to not participate in the competitive process, but for all these years, minority women have been facing discrimination where their friends, you know, these White businesses have been selected, sole players, not having to go through a competitive process for -- with -- with a contract of 20 million, 30 million, 40 million. So how could one person argue that 1 million is too much? One million is not enough if you were to ask all of us.

The State and the City of New York minority and women makes up more than 60 percent. That means that more than

60 percent of the tax pool that funds all of these White, male owned businesses are coming from the back off of minority and women in the State and in the City of New York.

So I go back to saying that I think it's time that we raise it to 1 million. I hope next year we could raise it to 2 million and so forth. This bill would allow the City to procure a broader range of contracts from MWBEs and build on the City's previous successes using these methods. I want to thank you, Mr. Speaker, for -- and the Assembly staff for giving us an opportunity to move this forward. I want to thank Mayor Eric Adams and the staff and the Mayor Office of MWBEs. I also want to thank my colleagues in continuing in this journey for economic justice. And I encourage all my colleagues here to vote in the affirmative. I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9351. 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: Thank you, sir. I unfortunately gave the wrong message to the Chair. This should be a Party vote for

the reasons mentioned by my colleague, Mr. Ra.

ACTING SPEAKER AUBRY: We will withdraw the roll call.

MR. GOODELL: Please.

ACTING SPEAKER AUBRY: Try it all over again.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9351. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

MR. GOODELL: Thank you, sir, for --

ACTING SPEAKER AUBRY: Mr. --

MR. GOODELL: -- for allowing us to correct that oversight on my part. I apologize to my colleagues. The Republican Conference is generally in the negative and for the reasons mentioned by Mr. Ra and for reasons I hope to elaborate on shortly. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our Conference is generally going to be in favor of this piece of legislation; however, there may be some who would like to be an exception. They're perfectly able to call the Majority Leader's Office if they're not in the Chambers. If they're in the Chambers, they

can make their selection on their button. Thank you, sir.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. As mentioned by my colleague, this bill would allow bid contracts to be awarded up to \$1 million with no competitive bidding at all, none at all. And to put that in perspective, that's several times more than we allow for any other public works. So it's an opportunity unfortunately to have favoritism or prices that are significantly higher than you would get if it were competitively bid. Now, right now we allow threshold of 500,000 specifically to help MWBEs. This would raise it to \$1 million. I would also point out that unfortunately, one of the most difficult things you can do in the State of New York is to successfully obtain certification as an MWBE. And I will tell you that certainly in my county, I have more cases involving people spending months, if not years, to be certified as MWBEs, including companies that were run by the woman's mother and she was the vice president, she takes over as president and it's just an absolute shame. And as a result, when you eliminate competitive bidding there aren't the number of MWBEs that we would hope to have out there bidding and trying to get this business.

So instead of ignoring our competitive bidding laws on contracts under \$1 million, which is a lot of money in my -- my

district, let's focus on getting more companies certified in a timely manner so we can move this program forward effectively. Thank you, sir.

(Pause)

ACTING SPEAKER JACOBSON: Mr. Aubry to explain his vote.

MR. AUBRY: Well, I've tried so very hard to stay on the rostrum, it just, but you know, the magnetism of the floor just pulled me back in. I am supportive of this for a number of reasons. I was the Director of Economic Development for the County of Queens for some six, seven years. And during that period of time, I watched the process of which the City of New York spent money and who came to the table for that dollar. During the times that the Mayor of the City of New York was of the Majority, we never saw minorities coming to the table for major contracts. When the Mayor became David Dinkins, all of a sudden companies showed up with any number of people of color on their staff. Same companies, but we only found them when that -- when the Mayor changed the color of the City.

The disenfranchisement of women and minorities in the City of New York and the country has -- we don't need to discuss that because we've talked about that, and you understand the history of that so I'm not going to go back there. The fact that we need to correct that and use the tools of public dollars to do that I think is unrefutable. The idea that we might think that unworthy people will get too much money. So \$1 million contract, how much do you think

you make off of \$1 million contract? Ten percent maybe if you're doing a bid right, right? Maybe ten percent, which means that maybe you make \$100,000 on a job. I don't think they're going to run away and buy Paris with that kind of money, but I do think that you need to be able to create and cause individuals, women and minorities, to know that they can have an opportunity to compete in the world of business. You cannot lock them out in a country that is changing its characteristics over the period of time that we've seen. They need to be a part of business. Much of the social discussions that we have about poverty and what we give away to people because they can't do is tied to the fact they don't get an opportunity to participate in the business of business. In America, that's what we do. In order to raise our families, to build our communities, to restore the losses that people have taken in their lives, business is how that gets happened. I believe that.

I'm not unabashedly a person who believes in Capitalism, how about that? Because when it's applied fairly, it lifts all votes. But if we decide that we don't want those who've been held back to catch up to us, then we're not right because then you're saying, *I just want it to stay the way it is and don't let them become competitive to us.* I don't believe this Body should believe that, I don't believe this Body should think that we can allow that to continue in the United States of America, in the great State of New York, anywhere in the world. That's not who we are. Free opportunity, but recognizing that I can't run the race with you if I've got a shackle on

my leg. If you've been running free for 300 years and I am for 200 years had a ball and chain on mine, I'm not going to catch you. And this is about allowing those who have been shackled, women, right? Not a part of the Constitution and not in order to vote, slaves not a part of that, Brown people, not a part of that. If you want this to happen, if you want equity to happen, then this is where it happens. Those of you who believe in Capitalism should recognize that. Should say, *Yeah, man, this is how we do it.* I don't want to give away money to somebody. I want them to come and earn it. I want to -- to give them their God-given right to work and develop and build their own communities. A million dollars today, one street, half a street in the City of New York if you tried to repave it, it's \$1 million. It's \$1 million, never mind the MTA. You can't even build a staircase on the MTA trains for \$1 million. I think we ought to think about maybe what you think it sounds like and then what the reality is. I vote in the affirmative.

(Applause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir, and thank you for your comments. Please record my colleague Mr. Reilly in the affirmative.

ACTING SPEAKER AUBRY: Mr. Reilly in the affirmative, so noted.

MR. GOODELL: And you're always welcome to join us. You are always to join us down below here on the floor.

ACTING SPEAKER AUBRY: It becomes more and more attractive.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 600, the Clerk will read.

THE CLERK: Senate No. S06373-B, Rules Report No. 600, Senator Savino (Reyes, Abbate, Dinowitz, Epstein, DeStefano, Jean Pierre, Cruz, Simon, De La Rosa, Gottfried, Colton, Darling--Assembly No. A02020-A). An act to amend the Workers' Compensation Law, in relation to claims for mental injury premised upon extraordinary work-related stress.

ACTING SPEAKER AUBRY: On a -- read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6373-B. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This will be a Party vote. The Republican Party will generally be in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in support of this legislation; however, there may be a few that would choose not to. They should feel free to contact the Majority Leader's Office and/or press their own button. Thank you, sir.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir, to explain my vote. Since 2017, we have had the current law which provides that police officers, firefighters, certain EMTs and others that deal in a very high stress environment could collect Workers' Comp benefits without having to show that the stress was greater than what they would normally expect for that type of job. For other individuals, you can only collect Workers' Comp based on the stress claim if the stress was greater than what was normal for the job. So if you had extraordinary stress and extraordinary stress that was more than what was normal, then you could collect, but if you were in a high stress job and you suffered from stress that was considered part of what you signed up for, if you will.

What this does is eliminate any reference to police officers, firefighters, emergency medical technicians, paramedics or other individuals and our first responders, and it extends the provision for Workers' Comp based on stress without any finding that the stress

was unusual for that job. And so it's a very substantial increase, or a potentially substantially increase in Workers' Compensation at a time when our Workers' Compensation costs in the State of New York are amongst the highest in the nation and our employers are struggling to keep employees employed and staying in business. For that reason, we think this is the wrong time to add a new mandated coverage and expense on our employers. Thank you, sir.

And, sir, I hope you're not in a high stress position up there.

ACTING SPEAKER AUBRY: I'm well beyond that. I'm sorry. Mr. Lawler, are you explaining your vote, is that what --

MR. LAWLER: Yes.

ACTING SPEAKER AUBRY: I'm so happy to hear you come on.

MR. LAWLER: I'm not going to be able to do it much longer, so savor it while you can. The bill title says it relates to claim for mental injury premised upon extraordinary work related stress incurred at work. I think after the last three days, all of us can file a claim if this bill passes.

I will, however, be voting no.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Ms. Reyes on Zoom to explain her vote.

MS. REYES: Thank you, Mr. Speaker. I have to, for

a moment, agree with Mr. Lawler, but this bill (audio interruption) ordinary circumstances for workers to file work related stress, and not your typical work related stress because all work has some stress (audio interruption) but this really (audio interruption) other types of physical injuries and I highlight some examples of that. For example, if you have a worker can -- that has an injury related to operating a (audio interruption) and then has anxiety and every time they go that will impact their work performance. We have workers who go into workplaces, and we have seen this in our country more recently with all these mass shootings, I'm sure that the cashiers in Buffalo were not expecting to witness and experience a mass shooting when they went into work at a supermarket. I'm sure that the hospital workers in Tulsa were not expecting to experience the trauma when a gunman opened fire on a doctor, and I'm sure that -- I'm sure that the school teachers (audio interruption) were not expecting to experience that kind of trauma at work with the -- with the unfortunate shooting in a school. So for those reasons, I think that it is important to expand this definition to other workers and I will be gladly voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I just want to take this opportunity to congratulate the sponsor of this legislation because sometimes we don't realize how

stressed people can be on their job. And clearly for the last couple days have been a bit of stress around here, but I can assure you that it is nothing, nothing like the stress that 50 or so associates from Tops Market went through two weeks ago, those that survived, and these are part-time workers. Some of them work other jobs in order to make their incomes meet. They don't have access to the kind of insurance that we have that will get them the kind of mental health services that they need. So I'm hopeful that the legislation that's offered by the sponsor could be a possible reprieve for some of them who are still looking for opportunities to get counseling so they can get back to a normal life.

Now, I'm not saying that Tops is not providing counseling for them, they are, but they're providing it on a group basis and sometimes this kind of traumatic counseling needs an individual one-on-one on a much longer basis than their meager insurance will allow them to have. And so we never know what kind of stress might be brought to us on our job, whether it's something we do day-to-day or something that my constituents had to suffer a few weeks ago. So I want to honor the sponsor, again, for this legislation and vote in the affirmative.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and colleagues, just a little bit more work, stress, however you want to call it, but we're going to go to Rules Report No. 598 from Mr. Bronson; Rules Report No. 526 by Mr. McDonald; Calendar No. 219, Mr. Eichenstein; Rules Report No. 491, Mr. Gottfried; Rules Report No. 4 -- 643, Ms. Glick; Rules Report No. 653, Ms. Joyner; Rules Report No. 661, Ms. Reyes; and Calendar No. 181, Mr. Schmitt.

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

Page 17, Rules Report No. 598, the Clerk will read.

THE CLERK: Senate No. S00768, Rules Report No. 598, Senator Gounardes (Bronson, Reyes--A01118). An act to amend the Workers' Compensation Law, in relation to defining temporary total disability.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Bronson, will you yield, sir?

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Bronson. This bill, as you know, changes the definition for a temporary total disability. What is the current definition?

MR. BRONSON: I'm sorry, I can't hear you, Mr. Goodell. Could you speak up, please?

MR. GOODELL: This bill changes the definition for temporary total disability for the Workers' Compensation Law. What is the current definition?

MR. BRONSON: Well, the current -- there's not a current statutory definition. Currently what happens is that a person who is determined to be disabled, they have to prove that they cannot perform not only the pre-injury job, but any job in order to continue to have the temporary total disability.

MR. GOODELL: And this changes it by saying that a determination of temporary total disability would apply if they can't perform their current job or a modified job with the same employer; is that correct?

MR. BRONSON: Yes. Pre-injury employment duties or any modified employment offered by the employer consistent with the employee's disability.

MR. GOODELL: Thank you for that clarification.

On the bill, sir.

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

MR. GOODELL: As my colleague mentioned, under current disability law, you are classified as temporary -- having temporary total disability if an injury prevents you from working at all, and that would be for other employers as well. So sometimes

what happens is a person is injured on the job and they may have a recovery period where they are capable of doing light duty, if you will, but can't do their original job. And so if you're a larger employer, and most of our larger employers do this, they do their best to arrange for light duty while you recover. The problem is if you're a small employer, there's often no opportunity for light duty. If you only have a few employees or the nature of your business is that all your employment is pretty much the same type of work, there's just no opportunity for light duty with the same employer, even though that employee could very well do light duty work elsewhere.

So by tying temporary total disability to the ability of the same employer to provide light duty, we really discriminate against small employers who have no ability or no flexibility to provide that light duty employment within the same -- same company. And that is why organizations that represent small businesses, like the NFIB or the Business Council, point out that this would dramatically increase the cost to small businesses that can't comply with this narrower definition at a time when those employees could get partial disability if they took a part-time job with a company that could offer them light duty.

And for that reason, I and many of my colleagues will be opposed to this because we want to see as many small businesses as possible recover, and we encourage all employees to take light duty, because the data shows that those who go into light duty not only do better financially, but recover faster and reenter the wage

boards faster. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 768. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons I mentioned, most of the Republican Conference will be voting against this legislation, but certainly those who want to vote in favor can do so here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of legislation that supports those with disabilities; however, should a colleague be -- desires to be an exception, they should feel free to contact the Majority Leader's Office. We'll make sure their vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 526, the Clerk will read.

THE CLERK: Assembly No. A05337-A, Rules Report No. 526, McDonald, Jones, Santabarbara, Lupardo, Morinello, J. M. Giglio, Ashby, Darling, Fahy, Jacobson. An act to amend the Real Property Actions and Proceedings Law, in relation to authorizing special proceedings to convey title to abandoned commercial and industrial real property to a city, town, or village; and providing for the repeal of such provisions upon expiration thereof.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

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

MR. GOODELL: This is an interesting bill because it authorizes municipalities to obtain title to vacant commercial or industrial real property with no apparent obligation to pay for it, which unless it's covered by some other provision of law would be an obvious violation of due process and it's considered confiscatory. But even if they were obligated to pay for it, the process is remarkably

absent of due process.

First of all, what it would do is say that a municipality could start an action to -- to acquire this title and it says, of vacant commercial or industrial real estate, upon a finding that, for example, the tax on the property was one year in arrears. Well, if you're a commercial landlord and you've just come out of COVID, unfortunately that's pretty common or, for example, that the property might have zoning viola -- code violations. And again, if you've gone through two years without income from tenants, then you might have some code violations that you hope to correct as quickly as possible. Or perhaps it would be triggered by the fact that the place sits vacant for three months. Well, the challenge you have if you have commercial property, particularly if it's larger, is there's not a line of tenants waiting to rent commercial property, you often have to market it.

Now, if the municipality finds that it's abandoned, they can start this proceeding without actually giving you notice. You might say how can that be? Well, this says that they can post the notice on the door and send it to you at your last known address by regular or certified mail. Well, those of us who are lawyers know that substitute service, nail and mail, is only allowed after you have diligently pursued all other methods. Because, you know, if it's a commercial property, it's not like the landlord is living there and he might not ever see the notice. And then following an expedited procedure, the municipality is entitled to record a deed. No

obligation, by the way, for any appraisal or any payment whatsoever. And when they acquire the deed, this statutory provision says they acquire an estate in fee simple absolute, and all persons including, by the way, the State of New York, infants, incompetents, absentees, non-residents who may have had a right title or interest in the property, those who have liens on the property or have an equity of redemption are barred and forever foreclosed of any right, title, interest, claim, lien, or equity of redemption.

That, my friends, is just an absolutely astounding conclusion. Imagine, the owner passes away. He has some beneficiaries that are infants. And so there's a Surrogate Court proceeding to appoint an administrator and an attorney for the children. And after just three months they could lose their entire inheritance without actually having any notice. Or imagine that the commercial owner began the process of fixing the code violations, exactly what we hope he would do, and he hires some contractors. And until they're paid, they put on a mechanics lien to make sure they're paid. Under this law, their mechanics lien is wiped clean. Or maybe the municipality, remember, the one that's owed at least one year of taxes, that could be your school district or fire district or library district. Their tax lien is wiped clean.

So in addition to really obvious, I think, to most of us, due process issues, compensation issues, lack of jurisdiction, imposition on the Surrogate Court's authority over infants, not protecting mechanic lienholders who are working on the property, and

an extraordinarily short time frame, just three months to start this process that can result in the entire loss of a commercial building.

So my friends, if a municipality under current law wants to acquire an abandoned building so that they can redevelop it, they have many existing tools, including eminent domain, and when they utilize eminent domain, there's a process. They require an appraisal, they must actually notify the owner, the owner can accept the appraised value or contest it. The due process provisions are all laid out there under current law. Any municipality that wants to acquire abandoned property can do so upon paying the fair market value. We can't simply eliminate all due process rights, all rights for an appraisal, all the provisions dealing with eminent domain simply because the property has been empty for three months while the owner, who is behind on his taxes, is seeking to re-rent it. And for that reason, I can't support it and I would recommend my colleagues also vote against it. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So I think that many of us are very familiar with the term zombie property and we know the work that has been done through the Legislature to address residential zombie properties. And I think that we also know, especially those of us who

-- well, I don't, but those of us who represent cities, old cities like Albany where we are now, are very familiar with examples of old, blighted eyesore properties. We drive past some of them on our way to -- to this very Chamber.

So I absolutely understand the -- the desire to create a mechanism that maybe is a little bit more streamlined or maybe a little bit easier than the eminent domain procedure that the previous speaker alluded to, but I think that my issue with the bill, which I've expressed to the sponsor, is that when you -- when you lift language from the residential zombie property statute and you import that into a statute that's going to deal with commercial and industrial property, it doesn't always make sense. It doesn't always jive. And I think that's the problem that I have with this bill.

I think that the overall desire or objective is a good one, I just don't think that the language works. And I think my recommendation would be that rather than force it this year, I think that it would be better to take a closer look at the language and develop a bill that would make sense for commercial and industrial properties rather than just, as I said, lifting and applying residential language to a very different situation. I think we would eliminate some problems from the beginning rather than have to maybe fix them later.

So I won't be able to support this bill, although I support the concept, but I won't be able to support it in its current form. And I would urge my colleagues to think about that and to also

vote in the negative at this time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker, and I want to thank my colleagues for their comments. I'd like to add a little bit of commentary to it. The legislation amends the Real Property and Proceedings Law by adding a new article, Article 19-B, as in boy. Currently, and actually for the last 40 years, we've had Article 19-A which, as my colleague referenced, establishes a procedure to convey title, abandoned properties to cities, towns or villages for residential properties. This has currently been the law of the land of the State of New York for over 40 years for residential properties, absent one or two family owner-occupied properties.

All we are doing in this legislation and, to be clear, we actually tried to just insert commercial residential in the Article 19-A, but it got a little bit clumsy, so we created Article 19-B. And, as my colleague pointed out, we basically modeled it, lifted, copied, pasted, whatever it may be, but basically followed the same path. Because, at the end of the day, blight is blight whether it's residential, commercial, industrial, it's blight. People say, *Well, what does this look like?* All of you come to Albany from the South, the West, the North, you drive by this several hundred thousand square-foot empty building called the Central Warehouse Building which you can't see right now, but at the rate we're going, you'll be able to see it when

you're leaving tomorrow morning, is this big clunker of a building that has been vacant for over 50 years. It is ugly, it is unappealing, it is blightful, and it has been a challenge because that tool that one of my colleagues mentioned, and there are many tools, that tool hasn't been there for commercial and industrial properties, which that fits.

This is what this bill is doing, quite simply, that's what it's doing. It has a very elaborate, extensive, long-sought out process. This is legislation brought to me by the New York State Conference of Mayors which, as you know, represents all the villages and cities throughout the State of New York. And it was brought to me with the realization that this just isn't going to be done willy-nilly. This is going to be done when the community is struggling with a long-term blight where you have a property owner who has refused to respond to any notices. And still after many notice provisions in this bill, there's a lengthy process. So it's not something that is going to be used quite regularly. I think it's going to be used only when it's really going to be effective, which is to remove blight in our communities to bring some sanity back to some of these neighborhoods, to bring properties back on the tax roll, particularly in our cities, especially in Upstate New York, and also prevent demolition by neglect, which sadly happens far too often here in the State of New York, particularly in our well-established communities with such beautiful historic structures.

So Mr. Speaker, I want to thank you. I want to thank our Judiciary Committee and the Program and Counsel staff who

worked very diligently on this legislation. And I strongly recommend to my colleagues to consider joining me in passing this bill. Thank you.

ACTING SPEAKER JACKSON: Mr. Lawler.

MR. LAWLER: Yes. Will the sponsor yield for a quick question?

ACTING SPEAKER JACKSON: Sponsor, will you yield?

MR. MCDONALD: The sponsor will yield.

ACTING SPEAKER JACKSON: The sponsor yields.

MR. LAWLER: Okay. So with this -- this would ultimately be in lieu of eminent domain proceedings? Or it would create kind of a --

MR. MCDONALD: As one of our colleagues said, we have many tools. Eminent domain is a tool, this is another option.

MR. LAWLER: But is it -- is it similar, or what is the -- what's the objective here? Because you said there would be somewhat of a lengthy process. What would be the objective here as opposed to going through eminent domain?

MR. MCDONALD: The objective here is to give local governments a different option that they can choose. Right now they have familiarity dealing with residential properties. This is just expanding to commercial/industrial. Some communities, I don't think -- I'm not going to try to anticipate your question, I learned a long time

ago just answer the question, so go ahead and finish your question.

MR. LAWLER: Okay. So I actually have a potential example of this. So prior to COVID, there was a property in my community that was operating as a hotel and conference center. It was owned by a foreign company. The foreign company basically, once COVID hit, the operations of the facility closed due to the restrictions. The company ended up going into bankruptcy proceedings in the foreign country. And since that time, the property has basically been abandoned. Eminent domain has come up as part of the discussion. What would this bill allow the municipality to do that eminent domain would not, or how would it expedite the process of dealing with this property that is seemingly vacant? It's a commercial property.

MR. MCDONALD: It's a commercial property. It would allow them to proceed with acquiring this parcel. And at the end of the day, you know, with eminent domain obviously there's a process in place where there's an appraisal done. In this situation if the property owner or any of the interests, and this legislation goes into great depth and detail about notice provisions. I know it was kind of casually mentioned that it could be something like a notice posted to the door. There's a lot more to be done before we get to that aspect, to be very clear.

MR. LAWLER: Right.

MR. MCDONALD: So you know, it basically gives a process full notice, *Hey, we need you to pay attention to this*

*property.* That's all we're asking to do. Now, the reality at some point if the community feels they want to go and redevelop this property and they choose not to take the route of eminent domain and choose this route, they may want to do that. Because the sad part is and, as you might know, I served as the Mayor of an old, industrial mill town for 13 years. We call it a mill town, although it's a city, but that's beside the point. And I can tell you that, you know, I dealt with a place called Harmony Mills, 700,000 square feet of old mill space that was left vacant and was starting to become neglected. Water would get in to the roof and to the gutters, you started to see bricks going away. And the community was like, *Well, we can -- want it to be fixed, but it's going to cost us a quarter of a million dollars.* And that's not fair to the taxpayers, to be honest with you.

So this is the tool, another tool that they can choose. You know, I know there's the inference that they may be able to take a property for free. Nothing's free in this world anymore because, quite frankly, for a local government to go down this road and to go after -- to go after trying to get this property into responsible hands, there's the risk and exposure of spending several hundred thousands of dollars to that local government. So although there is a reference that there might be a taking of a property, the reality is, and I can say this as a former mayor, I can either sit on my hands and do nothing and nothing will ever change, or I can take a shot and try to get something done.

MR. LAWLER: So -- and just so I'm clear, yes, there may be obviously legal costs and other costs associated with the town,

but through an eminent domain proceeding there would be an appraisal, there would be ultimately a payment of fair market value. If the town or municipality opted to go down this road, they would be able to ultimately, at the conclusion of that proceeding --

MR. MCDONALD: Take title to the property.

MR. LAWLER: -- take title to the property without paying fair market value?

MR. MCDONALD: Possibly, yes. You know, I think part of the missing link here, and this has been the problem with blight throughout our State. If the responsible party engages, a lot can be done.

MR. LAWLER: Right.

MR. MCDONALD: And this is a tool to get them to engage. So this image of property being taken is really, I think, unfair unless they have lost all interest in the property and want nothing to do with this. And then, listen, I can tell you as a mayor, I have many property owners come in, take the keys and say, *Here, here's the property, have at it; I don't want a penny for it.* This is the problem we deal in local governments with abandoned property. So if that is what happens, they take it at no cost, that's what happens. But there are several months, if not years, of time imbedded into this process.

MR. LAWLER: Thank you.

On the bill.

ACTING SPEAKER JACKSON: On the bill, sir.

MR. LAWLER: Thank you. I do want to commend

the sponsor. I think, you know, I served as deputy town supervisor in my town and the example that I presented to you is a real life example that the town is currently dealing with. And this certainly seems like a tool that would apply for this particular situation, but I think it's a tool that many municipalities would agree is necessary because you do have these commercial properties at a time where they are abandoned, where they are not being used. And eminent domain is certainly a procedure that can be used. You can also use, you know, kind of a request for proposal, you know, process to get potential buyers engaged and try and get the property owner to the table to -- to make a sale.

But this seems like another vehicle to help expedite that process, which I think is needed at times throughout the State of New York, in municipalities Downstate and Upstate. I do hear my colleagues' concerns with respect to the potential taking property without paying fair market value, but I think to your -- your point, ultimately this is a vehicle to kind of force the landowner, property owner, to the table. And they may decide they just want to turn over the keys and be done with it for whatever the reason.

So certainly, I think this is a good tool to expedite that process if that ultimately is where it -- where it needs to go. So I thank the sponsor and will be voting in the affirmative.

ACTING SPEAKER JACKSON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JACKSON: The Clerk will record the vote on Senate print 9470. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this, although I'm sure I'll have at least one member voting for it, maybe others, and they can do so by voting here on the floor or by contacting the Minority Leader's Office. Thank you, Madam Speaker.

ACTING SPEAKER JACKSON: Ms. Hyndman.

MS. HYNDMAN: Madam Speaker, the Majority Conference will be in the affirmative on this bill. If there are any members that choose to vote in the negative, they can contact the Majority Leader's Office at the number previously provided. Thank you.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 40, Rules Report No. 219, the Clerk will read.

THE CLERK: Assembly No. A06576-B, Calendar No. 219, Eichenstein, Carroll, Pheffer Amato, Weinstein, Colton. An

act to amend the Education Law, in relation to pendency placements in a school district in a city having a population of one million or more.

ACTING SPEAKER JACKSON: Read the last section.

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

ACTING SPEAKER JACKSON: The Clerk will record the vote on Assembly print A657 -- 6576-B. This is a fast roll call. Any members who wish -- 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. Walczyk.

MR. WALCZYK: Thank you, Madam Speaker. This -- this is another bill that did not pass in the upper House, and they've adjourned this Session. So I just wanted -- for the good of the group.

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

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 491, the Clerk will read.

THE CLERK: Assembly No. A10034-A, Rules -- Rules Report No. 491, Gottfried. An act to amend the Tax Law, in relation to the Empire State Film Production Credit.

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

Mr. Ra.

MR. RA: Madam Speaker, will the sponsor yield for a couple quick questions?

ACTING SPEAKER JACKSON: Will you yield?

MR. GOTTFRIED: Yes.

ACTING SPEAKER JACKSON: The sponsor yields.

MR. RA: Thank you. So my understanding of this bill is it would allow certain shows to still qualify for the tax credit. Now, a couple of years ago we changed some of the types of shows that could qualify for this tax credit, but we allowed ones that were in production prior to continue to qualify. So my understanding is this is a limited, really, provision that will allow a show that remains in production with, I guess, the back end staff, but changes perhaps names and on air talent; is that correct?

MR. GOTTFRIED: Yes.

MR. RA: Okay. And do you know how many shows this might impact?

MR. GOTTFRIED: I'm aware of one.

MR. RA: And then at that point, any other show, you know, if there was another similarly situated show, I guess, prior to March 31st of next year they would also presumably be able to

continue to receive the tax credit; is that correct?

MR. GOTTFRIED: Yeah. If there is another show that complies with all of the half a dozen or so detailed provisions of this bill they, too, would be covered by the bill.

MR. RA: Okay. Thank you very much, Mr. Gottfried.

MR. GOTTFRIED: You're welcome.

MR. RA: Madam Speaker, on the bill quickly. So for my colleagues, what this essentially does we, like I said, prior to April 1st, 2020 if you were qualified for this tax credit, variety shows, sketch shows or any talk programs, you are still able to qualify. Now, this in particular relates to what is now *The Wendy Williams Show* which is changing hosts and re-branding as *The Sherri Shepherd Show*. And the name is changing and, as a result, they would no longer qualify for this tax credit. This does have some provisions which I think are good in that, you know, I think the point of this tax credit despite, you know, many of our problems that many of us do have with the tax credit, but the point of it is really the back end, the staff that work on these shows and putting them to work in our State. And it requires that I believe 80 percent of the staff from the prior season remain even though the name of the show has changed.

So I do think that, you know, if you look at it from the perspective, we have franchises out there that are shows that the host could change, but because they're franchises, the name remains the same. This because the names change and they would lose the

eligibility. And my understanding is this particular show has -- may actually leave if they weren't able to -- to do this with the State. Like I said, I have had plenty of objections to this tax credit over the years, but I appreciate, you know, the sponsor's attempt here to preserve the jobs of those individuals who work on the show. Thank you.

ACTING SPEAKER JACKSON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JACKSON: The Clerk will record the vote on Assembly Num -- Senate print 8829-A. This is a Party vote. Any member who wishes to be recorded as an exemption to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this. Of course, those who support it can vote yes on the floor or by contacting the Minority Leader's Office. Thank you, Madam Speaker.

ACTING SPEAKER JACKSON: Ms. Hyndman.

MS. HYNDMAN: Madam Speaker, the Majority Conference will be up on this piece of legislation. Should there be any members that wish to vote in the negative, they should contact the Majority Leader's Office at the number previously provided. Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER JACKSON: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. As all of us know, the Republican Conference has expressed a great deal of concern about a budget bill that goes through every year that subsidizes multi-millionaire Hollywood producers and television actors and whatnot, and we give them a subsidy that's roughly \$420 million every single year. Now, we're not subsidizing our agricultural community by 420 million, we're not -- we're not putting anything, I mean zero dollars, to offset the huge debt that was incurred on the Workers' Comp program, but if you're one of the rich and famous and you come to New York, we will subsidize you to the tune of \$420 million every year. The only thing we ask is that you stay here, and what this bill says is unless, of course, you don't want to and then we'll just pass another law and continue the subsidy.

And I can't support the original subsidy, and I can't support breaking the rules of engagement, the commitment that we expected when we gave it in the first place. For that reason, I will be voting no and recommend the same to my colleagues. Thank you, Madam Speaker. And I doubt, by the way, that any of those multi-millionaire Hollywood stars are going to call me up and thank me tonight, but that's okay. Thank you, Madam Speaker.

ACTING SPEAKER JACKSON: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.  
Please record my colleague Mr. DeStefano in the affirmative. Thank you, Madam Speaker.

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

(The Clerk announced the results.)

The bill has passed.

Page 21, Rules Report No. 643, the Clerk will read.

THE CLERK: Senate No. S08994-A, Senator Stavisky (Committee on Rules--Glick--A10426). An act to amend the Education Law, in relation to certificates of residence required of community college enrollees.

ACTING SPEAKER JACKSON: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER JACKSON: On the bill, sir.

MR. GOODELL: This bill -- this bill is fairly straightforward. What it does is it amends the Education Law to allow students who are enrolling in community college to apply for certificates of residency electronically as well as in person. And when they do so, this bill would prohibit the county from requiring non-resident students enrolling in community colleges to disclose or furnish their Social Security Number. The concern that some of the counties have is that it appears that this would make it more difficult for the counties to verify residence. Although a lot of applications are

now done online and we're moving in that direction, hopefully that in implementing this process that the counties can still require sufficient documentation to establish residency.

The second aspect is that it bars counties from asking non-resident students for a Social Security Number. I think that's really designed to make it easier for non-residents who are here without documentation to sign up for community colleges. It's not an issue in terms of the operation of the community college unless, of course, the community college happens to want to help the student with part-time employment or grants or aids, all of which typically require Social Security Numbers. So without that Social Security Number, those students won't be able to be helped, but if they don't have a Social Security Number, they wouldn't be eligible anyway.

So I appreciate it. I suspect my caucus will be split on this. We had a number of no votes in Committees, and a number of yes votes. So it's one of those interesting dilemmas where no matter how I call it, I suspect a number of my caucus will be disagreeing. I don't have any particular issue with it so we'll go with a fast vote, and I'll tell you in a few minutes whether I called it right.

ACTING SPEAKER JACKSON: Read the last section.

THE CLERK: This act shall take effect July 1st, 2023.

ACTING SPEAKER JACKSON: The Clerk will record the vote on Senate print 8994-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.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Please record the following colleagues of mine in the negative: Mr. Keith Brown, Mr. Montesano, and Mr. Walczyk. Thank you, Madam Speaker.

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

(The Clerk announced the results.)

The bill has passed.

Page 23, Rules Report No. 653, the Clerk will read.

THE CLERK: Senate No. S09427-A, Senator Ramos (Committee on Rules--Joyner--A10477). An act to amend the Labor Law, in relation to requiring employers to disclose compensation or range of compensation to applicants and employees.

ACTING SPEAKER JACKSON: Mr. Goodell.

MR. GOODELL: This will be a Party vote, Madam Chair, for the reasons I will explain after you call the vote.

ACTING SPEAKER JACKSON: Read the last section.

THE CLERK: This act shall take effect in 270 days.

ACTING SPEAKER JACKSON: The Clerk will

record the vote on Senate print 9427-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Chair. As I mentioned a moment ago, the Republican Conference is generally opposed to this for the reasons I'll mention in a moment. Thank you, sir -- ma'am. Thank you, ma'am.

ACTING SPEAKER JACKSON: Ms. Hyndman.

MS. HYNDMAN: Thank you, Madam Speaker. This will be a Majority vote in the affirmative. Any members choosing to vote negatively will be recorded as soon as -- or they can call the Majority Leader's Office. Thank you. It's late.

(The Clerk recorded the vote.)

ACTING SPEAKER JACKSON: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker. This bill would require all employers in the State of New York that advertise a job opening or a promotion or transfer opportunity to publish the range of compensation and a job description, if such a description exists.

The problem with this is multi-faceted. First, especially with small businesses, the actual compensation is a matter that's negotiated between the employer and the employee, and

typically reflects the extent of experience that the employee has. So in a small business, the actual nature of your job and how much you're paid and how much you do often depends on your background and experience. And so you may have an opening, for example, I was a managing partner for many years of a law firm. I might have an opening for a paralegal. Some paralegals were great at answering the phone and copying documents, others could do a complete real estate closing. And so the range is meaningless when you have that amount of range.

The second problem with it is it requires that the job description be posted. With a larger company, that's not an issue because they have a personnel department and they have accurate job descriptions. For smaller businesses, they don't have a personnel department and it's sometimes difficult or impossible to fully describe the job.

The third problem is that many employers don't want to have to advertise what they're paying employees because they're in competition with others. And so they obviously are very much focused on getting the best employees that they can afford, but they don't want all their competitors to know all their inside information and what the personnel status is and who is doing what and what they're paying.

And so for all of those reasons, but primarily to protect smaller employers and provide flexibility for employees who have those extra and unique talents to negotiate a better range or a

better salary for themselves, I will be opposing this and recommend my colleagues do the same.

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

(The Clerk announced the results.)

The bill is passed.

Page 24, Rules Report No. 661, the Clerk will read.

THE CLERK: Senate No. S09450, Senator Gianaris (Committee on Rules--Reyes--A10492). An act to amend the Labor Law, in relation to employer violations of certain provisions allowing for workplace safety committees.

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 Senate print 9450. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons I hope to explain.

ACTING SPEAKER AUBRY: Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, the Democratic Conference will be in the affirmative on this vote. Should any members wish to vote in the negative, they can call the Majority

Leader's Office at the number previously provided. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. A few years ago, we - well, last year to be precise - last year we created a statutory mandate on all employers in the State of New York to create a employee labor management committee to focus on workplace safety. And that committee was authorized to meet at its employer's expense and on employer time once for at least up to two hours. So that's where we start with the current law.

What this bill does, it says that the employer must recognize within five business days the creation of that committee or face a fine of \$50 a day. Well, I think the time frame is very tight, and much tighter than necessary, especially for a small business. So imagine this: You're the sole proprietor, you have a small business, maybe a dozen employees. They decide they want to have a labor management safety committee and they form it while you're on vacation. And you come back and find out that you've been fined \$50 a day because you didn't meet with them within the first five days.

A more appropriate time frame I would suggest, Mr. Speaker, is within the first quarter since the committee itself only has to meet once every three months. The committee only has to meet once every three months, it's seem unreasonable to start imposing a

significant fine on the employer after just five days. And for that reason, I won't support this legislation, but I would support legislation that requires it to meet within 90 days. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Ms. Reyes to explain her vote on Zoom.

MS. REYES: Thank you, Mr. Speaker. I just wanted to clarify the record. My colleague did mention that this was an employee labor management committee. The New York Hero Act that we passed in 2021 created an airborne infectious disease standard, and it also created a mechanism for (audio interruption) -- workplace health and safety committees, not labor management committees. These are two very different things. And what we've seen is that employees have been trying to form these committees and employers are refusing to recognize them.

So this is a piece -- this is a part of the New York Hero Act that was carved out in our initial negotiations, and we realized that we needed to add a mechanism for enforcement so the DOL is able to enforce and hold to account those employers who are unwilling to recognize the health and safety, the committees that were created in statute under the New York Hero Act. I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Reyes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 38, Calendar No. 181, the Clerk will read.

THE CLERK: Assembly No. A05585-A, Calendar No. 181, Schmitt. An act to amend the Town Law, in relation to authorizing the Town of Chester, County of Orange to establish community preservation funds; to amend the Tax Law, in relation to authorizing the Town of Chester to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Schmitt, 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 1810-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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. It's a pleasure for me to vote in favor of this community preservation fund for the Town of Chester, and in my bucket list is to visit the Town of Chester and appreciate this community preservation fund benefit. It's not yet at the

top, it's still a little bit below Paris, but it's in the bucket. But I also wanted to acknowledge that this is probably the last bill that Mr. Schmitt will have with us here in the Assembly. He's moving on to run in Congress. He's been a great asset to my caucus and to all of us here on the Assembly, especially appreciate his wisdom and thoughts on issues that are important, including hunting, veterans, economic development, and those types of issues.

So just a great appreciation for his service and as you always say when we introduce a former member, once a member, always a member. Great to have this member as part of our family and wish him the very best on his new endeavor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(Applause)

Seems to be a lot of Congress going on in that row.

(Laughter)

VOICE: No, there's not.

ACTING SPEAKER AUBRY: You never know.

(Laughter)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Apparently not in his bucket list is the Town of Chester for my colleague Mr. Tannousis.

So apparently you can record him as being no on this particular bill.

ACTING SPEAKER AUBRY: So noted.

Mr. Schmitt to explain his vote.

MR. SCHMITT: Thank you, Mr. Speaker. This legislation has been supported by the greater Chester community for many years, very proud to bring it to a vote here this evening and have overwhelming support and send it to the Governor's Office for approval. This critical legislation will help the local community help chart its course to protect local land, protect local water resources, other natural resources and historic landmarks. It is widely supported by the community and it's been an honor to work through this process with local and State colleagues to ensure its passage here this evening. Very proud to cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Schmitt in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Also please record my colleague Mr. Gallahan in the negative. Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, we are now going to go -- going to go to the following bills: Rules Report No. 766 by Mr. Dinowitz; 767 by Ms. Griffin; 437 by Mr. Cahill; 285 by Mr. Dinowitz; 289 by Ms. Buttenschon; 443 by Mr. Dinowitz again; and 454 by Mr. Epstein. Thank you.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Page 22, Rules Report No. 766, the Clerk will read.

THE CLERK: Assembly No. A10522, Rules Report No. 766, Committee on Rules, Dinowitz. An act to amend the Real Property Actions and Proceedings Law, in relation to the definition of heirs property for the purposes of partition.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9230. 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: Thank you, sir. The Republican Conference is generally opposed to this for the reasons I will mention shortly.

ACTING SPEAKER AUBRY: We'll take that over again.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly [sic] 9230. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Consistent with calling this is a Party vote, I think it's appropriate to mention that we now have ice cream, with sprinkles. And so after the Republican Caucus generally votes no, they can continue the party off the floor, but if they want to vote yes, they have to stay on the floor and vote accordingly. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly.

Ms. Hyndman.

MS. HYNDMAN: The Majority Conference will be in the affirmative on this piece of legislation. If any member chooses to vote in the negative on this bill, please contact the Majority Leader's Office at the numbers previously provided. Thank you.

ACTING SPEAKER AUBRY: Thank you, both.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you. And in the spirit of flexibility and compromise and all those great things, this is an amendment to a bill that we passed in 2019 that imposed a number of very significant changes on partition actions as it might relate to relatives who inherit property. And back in 2019, the vote was 103 in favor and 38 nos, mostly Republicans who thought that the current

process worked quite well and there was no need to come up with an entirely new process.

This is an amendment that makes it clear that the 2019 legislation was only intended to relate to commercial or, I'm sorry, residential or agricultural properties. And so for those of us who were upset or concerned or didn't support the initial legislation, this legislation narrows the first, and so people might vote yes on this even though they voted no on the original because this makes the original narrower.

For me, I will be voting no because what it does is it sets up two entirely different processes for partitioning property involving the exact same people. So if you're an heir and your parents perhaps pass away and they own both residential and commercial property and you wanted to do a partition action, you would now have to use two entirely different procedures to deal with both properties. And so I always liked the simple procedure that was in the law for decades, and I still recommend that we use that same procedure and hope that at some point we can return to the simple procedures that apply to all properties rather than having different procedures for different properties depending on their classification. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Rules Report No. 767, the Clerk will read.

THE CLERK: Assembly No. A10524, Rules Report No. 767, Committee on Rules, Griffin. An act extending the time within which certain appointed officers may take or file their oaths of office or official undertakings.

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

An explanation is requested, Mrs. Griffin.

MRS. GRIFFIN: This bill permits certain officers appointed to a county position who fail to take or file their oath of office, or official honor taking within the prescribed period to continue to serve if they take or file the required oath or honor taking within 30 days.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MRS. GRIFFIN: Sure.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you, Mrs. Griffin. So you know, I know we have had bills before this Body before involving elected officials when an oath wasn't filed -- filed, but they've been in circumstances that, you know, said exactly what the situation was they

were trying to deal with, the name of the municipality and all that. So can you enlighten me as to whether this is for a specific situation? It's broad language, but the, you know, the dates and all of that seem very specific and narrow.

MRS. GRIFFIN: Well, I think it could be applied to different situations. So in the time that we, you know, different people might need to, you know, are going to take an oath formally but maybe they have a sickness, maybe they had COVID, and that's gone on in many cases for the past two years. So -- on some occasions, people may miss taking their oath. And, you know, in Nassau County there are people in this situation why they -- why we have this bill and there could be other instances across our State so that's why it's general to anyone that may have missed their oath during this period that they now have 30 days to take that oath.

MR. RA: Okay, so --

ACTING SPEAKER AUBRY: Mr. Ra, I don't want to interrupt, but why don't we let Mrs. Griffin's staff get to her so she has available.

MR. RA: Sure, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

(Pause)

You guys ready? Good.

MRS. GRIFFIN: Yeah.

ACTING SPEAKER AUBRY: Mr. Ra proceed.

MR. RA: Thank you, Mr. Speaker. So -- okay. I

want to look at some of the language of this bill because as we know, both for us as elected officials and for appointed officials in this State, submitting, signing, filing an oath of an office is a precondition of you taking that office. So let's go through then what this means. So county position is the term that's used, any officer appointed to a county position. Is that term defined in existing law somewhere? Because I know it's not defined in this bill. Is that term defined somewhere?

MRS. GRIFFIN: What's the term that you would like defined?

MR. RA: It says somebody appointed to a "county position."

MRS. GRIFFIN: Right. I think a -- I don't know if it's -- I don't believe it's defined here, but someone that's appointed to a county position, of course, or State it could be various positions. I don't know every position. Boards of different areas, like there's all different -- all different -- every county could have numerous positions that are appointed.

MR. RA: Okay. So since we're passing a law here and we don't have a definition, can you elaborate with regard to that for the record so that it's there, you know, in the future what's meant by this? Do you have any examples of who would be somebody that's appointed to a county position?

MRS. GRIFFIN: Well, this is intentionally generic because it could fit different people, different occasions. A bill

similar to this, I don't have the number, was done for the City. So it's -- it's a generic, you know, if it was really specific then maybe other people couldn't, would not be able to apply this to them. So it's generic, purposefully generic so people across the State who may have been appointed to a county position may have missed the timeline for their oath can now have 30 days to do just that.

MR. RA: Could it -- would it be somebody that is appointed by the governing body of a county, whether it was a county legislature or a board of supervisors? Would it be somebody that's appointed by the county government or legislative Body?

MRS. GRIFFIN: Yes, it could be someone for sure, that's appointed by --

MR. RA: Could be, or it would have to be somebody who is appointed in that manner, or also by an executive.

MRS. GRIFFIN: I mean, I can't think of a scenario of who else would be appointing them.

MR. RA: Okay. And so now you're saying this is generic --

MRS. GRIFFIN: If you can -- if you can hold for a second, I'm just going to review that.

(Pause)

Yeah, so in this bill I don't have that it's an elected person, but it likely would be. But we've used this language before where it's any officer appointed to a county position. So typically it would be likely that an elected official would be the one that did the

appointing, but there could be scenarios where that wouldn't be the case.

MR. RA: Okay. So -- now, you said this is generic and I would agree that it's very generic, general language, and we don't even -- you know, we don't have a definition exactly of what it is, but then it goes into a window of dates and it's a very, very specific window of dates of December 15th, 2021 to January 31st, 2022. So if we think this may be applicable to any kinds of different situations, is there some specific thing that was going on in that month-and-a-half that happened that we think we need to make sure we can encompass for many different people who may be impacted by having not filed an oath?

(Pause)

MRS. GRIFFIN: In this case, it made sense. I mean, if you -- you don't want this to, you know, go on for a year where someone may have missed their oath and then they have a couple of months to take their oath. So the timeline was a bit purposely to have a window where, okay, here's the window. You may have, this year, you may have gotten appointed, now you have 30 more days to do it. That just made sense for the bill that was being drafted.

MR. RA: But really, it's the window within which the person was appointed, correct? It's not the window in which they were supposed to submit the oath, because the oath has to be filed within 30 days of the appointment.

(Pause)

MRS. GRIFFIN: Yeah, so it's the window in which they were appointed and then they have 30 days after that.

MR. RA: So now under -- under this bill if it were to be passed here and signed by the Governor, a person who was appointed during that window, right, would now have, what, a new 30 day period from this being signed into law within which to file that oath, or is it retroactively accepting a late oath? What is this -- what is the function of this once it's enacted into law?

MRS. GRIFFIN: Once it's signed into law, it will be within 30 days.

MR. RA: So I guess my -- my remaining questions are about this. So we said it's generic, but it's a very narrow window of time and you're saying this is not for a specific situation, this is for any -- this is made to be for anybody within this window of time who would've been appointed by any county in New York State and failed to file an oath of office.

MRS. GRIFFIN: Yes.

MR. RA: So are you familiar with the litigation that's currently ensuing regarding the Nassau University Medical Center?

MRS. GRIFFIN: I'm vaguely familiar, as in I know that there is litigation. I haven't really followed the -- been really too busy to dive into that -- into that issue.

MR. RA: Okay. Are you aware that there is a challenge regarding somebody who was appointed by the outgoing county executive with regard to them filing an oath of office card?

MRS. GRIFFIN: Like I said, I really -- I have been busy here so I really haven't engaged in what's happening with Nassau County in -- in that respect. But since you brought it up, I would say that if the outgoing county executive that was elected by the people of Nassau, if she -- if that's -- if that's part of this litigation, because I honestly don't know, I would say yes, that's part of the reason for this bill if in that time when there's outgoing Nassau County exec and there's an incoming Nassau County exec, the people elected our Nassau County executive for four years, her term was up I guess it was January 4th or 7th. So yes, anyone she appointed should be taken in because the people of Nassau voted her in. Now we have a new Nassau County executive. So anyone that he puts in when there's a spot open for them, then he has that -- he has that opportunity because the people elected that -- the new county -- Nassau County executive.

MR. RA: So I guess my last question with regard to the specificity of it is do you know if this then would cure that failure of that individual to file their oath of office card?

MRS. GRIFFIN: I expect that this bill -- this bill will -- if there's someone there that this fits their situation, yes, it will help them, as well as help anyone else that in a short time period this year has missed taking their oath of office.

MR. RA: Okay. Thank you, Mrs. Griffin.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So again, I have trouble believing that this

isn't designed for a very specific situation because you have generic language and then a very specific window of time that it prescribes. Now, as I said, we have done this in the past for maybe an elected official, I think we did one earlier this year for a judge, we've done one -- we did one a few years ago for a town supervisor. The bill specifically said what it was designed to do. It named the municipality, it -- it was very transparent. This is not transparent at all.

So here's what I see here, and we've done this a couple times this Session. Back in the budget there was a whole bunch of things that were done because I think one party that controls our State government suddenly didn't like the party that was controlling the county that I represent. And there is no secret to any of us in Nassau County, things going on with regard to control of our hospital board. There have been numerous attempts to try to find ways to retain control from the outgoing party. There was a bill passed down the hall that would have changed some of the appointments and things of that nature, it doesn't look like we're going to see that here, thankfully. But there's litigation that's ongoing right now and was argued. And there's a decision that we're waiting for. And what I'm concerned with and what I think is going on here is that, I don't know, maybe those arguments didn't go too well in court, but it certainly seems to me like we're trying to decide that case in the State Legislature because the right party controls our State Legislature and our State government to make sure that the outcome that they're

looking for in that lawsuit is achieved.

I think that's wrong. We keep seeing this in this Body that because one party controls, we want to stack the deck in a certain way. We've seen it on election bills, when we have Lieutenant Governor who suddenly needs to be replaced on the ballot. Well, the right people are there to -- to correct this for him, so great. And here we are again doing this, and -- and saying that it's generic, saying that it could apply to -- yeah, it could apply to anybody who happened to be appointed between December 15th, 2021 and January 31st, 2022. Now, it's incumbent on a person when they're appointed to an office, just like any of us when we're elected, we have to sign an oath of office. And, you know, when it's an elected official and people have come to the State Legislature and like I said, done in a transparent manner, yeah, you don't want to undo the results of an election. So it makes sense that we allow that person to correct that, but we do have laws for a reason, and that an individual gets appointed by somebody in the waning days in office, and I wanted to mention to everybody, part of the history of this whole issue was that a prior county executive had appointed somebody and there was the same issue with the oath of office card. And I didn't see any attempt to fix that coming -- coming from this Legislature. So we're doing it for one and not for the other.

I think this is something that is beneath this Body to be doing on the last day of Session with all the work that we need to be doing. And we're only doing it because the right political party

letter is next to the name running this government. So I would urge all of my colleagues to vote in the negative. Our county isn't asking for this, this is being done, again, in a non-transparent manner. This bill, we're doing a Senate sub, but this bill was just introduced the other day in this House, it was rushed through the Ways and Means Committee because the other Committees were shut down, and it's beneath this House to be doing this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Montesano.

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

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

MRS. GRIFFIN: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Griffin yields.

MR. MONTESANO: So, Ms. Griffin, you -- you alluded to the fact before after Mr. Ra asked you a question that this is pertaining to a particular employee or appointee at Nassau County Medical Center; am I correct?

MRS. GRIFFIN: Well, it -- it seemed -- like I said, I am really not very well engaged in the politics of Nassau County.

MR. MONTESANO: Okay.

MRS. GRIFFIN: What I can say is if anyone who was our Nassau County Executive in December and they made an appointment, they were elected by the people of Nassau County.

MR. MONTESANO: Right.

MRS. GRIFFIN: If they made an appointment -- I -- I'm not really -- I don't --

MR. MONTESANO: Okay. I understand that part --

MRS. GRIFFIN: I'm not even involved in the litigation of -- of that. But I think whoever made the appointment, who was ever in office, that appointment should go through. And we have a new County Executive that he can make appointments as of the day he took office.

MR. MONTESANO: Right.

MRS. GRIFFIN: So whoever was in for -- in December, it's not about their party at that time. That's the person who was our County Executive for four years. So that's as far as I really am involved in --

MR. MONTESANO: Well, I understand your view that because the outgoing county executive made the appointment, the person should serve. However, the appointee failed to execute an oath of office and, therefore, vacated that position on their own. So the new incoming county executive has the right to fill that position again. So my question to you would be, if I may, since you just introduced this bill, at whose request did you introduce this bill?

MRS. GRIFFIN: I was asked by Senator Thomas' -- Senator Thomas' office.

MR. MONTESANO: Okay. And did he indicate to you who the employee is?

MRS. GRIFFIN: No.

MR. MONTESANO: Okay. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. Mr. Speaker, we've dealt with this situation a few times in my tenure here, which is 12 years, where we've had some public officials elected to office fail to execute an oath of office and they were deemed to have vacated their seat and -- and a bill was brought before this House and the Senate to correct that problem. But if my recollection is correct, the bill discloses who the individual is, what position they're serving in and why they failed to execute the oath of office. There has to be some reason why they forgot to do something or failed to do something that they're asking us to correct. This bill has nothing in it except a window of time, and it's trying to generalize that it's multiple people involved and it isn't. And I think, you know, there's -- none of these have no transparency. I think that this Body is being misled, you know, by the sponsor of this bill to accomplish a goal, you know, for political reason and not, you know, to -- for justice and fairness for a person that got a position. Because we've had judges that have failed to execute an oath of office, and if they didn't get corrected they're out. We have people in this Body that have been -- gentlemen, please? That we have people elected to this Body that if they can't -- if they don't execute their oath of office they're out, the job is vacated. So I don't see why we should be doing this correction when the

information is not being straightforward. We have no idea why this person didn't execute their oath of office. Were they sick? Were they out of the country? Were they prevented from doing it? Did they do it and somebody threw it in the garbage? We'd like to know who the person is, what position they're serving in. So I would think for all of these reasons that this doesn't deserve, you know, to pass in this House, that we shouldn't be taking part in some, you know, politically-motivated type of situation that deprive the current county executive from making the appointments he's entitled to make. This -- this appointee that was appointed by the prior administration before they vacated office by her own hand, their own hand, vacated their position by not executing an oath of office which is the simplest thing to do when you walk in on the first day. They give you the oath card, like we get it, you sign it, they notarize it, you submit it, it's done.

So this is due to the own person's -- this person's failure that cannot be explained to us, and I think for those reasons I will ask my colleagues to vote in the negative and with me to put a stop to this type of activity that goes on. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker -- thank you, Mr. Speaker. Would the sponsor yield for some questions, please?

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

MRS. GRIFFIN: Yes.

MR. DURSO: Thank you, Ms. Griffin. I just have a couple of questions, because obviously I'm just finishing my first term. I haven't had to deal with many of these which extend the time for someone who did not fill out their oath of office in time. In the past have bills -- and you -- you've been here, you've done some of these, I'm assuming. You -- you had said to my colleague before that we passed these before. Are they usually this big or are they specific?

MRS. GRIFFIN: I personally have not -- this is the first time I have introduced a bill like this. But I -- I'm only in a term before you so, I don't have a big tenure here. But in my tenure here I am aware and other people have told me that various bills like this have been here -- have been introduced before and have passed. You know, and I don't -- I don't know offhand which ones they were and what year and what -- that I know is true that bills like this -- this isn't -- this isn't the first time that a bill like this is being introduced. And as it's been explained by Member Ra and Member Montesano that, you know, I'm not even as -- as privy to all the information in Nassau County that they seem to be. But if the person, on a technicality for whatever the reason because I don't know what the reason is, if they didn't fill out their oath it seems like it's a technicality. So if that's what the whole lawsuit in Nassau County is about, it seems -- I don't know, it seems like if this was the person that the people who elected Laura -- Laura Curran as the Nassau County Executive at the time she was, she's entitled based on behalf of the people of Nassau County to select someone. And for whatever the reason was, it was a

technicality that they didn't perform their oath of office. And so I -- I don't feel that this is some -- something that's not transparent. This is something that anyone in the county that in this time period -- maybe they'll be another time when they have to have another bill like this, but this bill is for a shorter time period for anyone that might have fallen into this situation.

MR. DURSO: So just -- just jumping off of what you just said, though, so then -- so this -- this bill is specific to Nassau County?

MRS. GRIFFIN: No, I'm not saying it's specific to Nassau County, but I'm saying there are -- this -- if --

MR. DURSO: If -- if someone in Nassau County falls into this subject they would fit.

MRS. GRIFFIN: They -- they fall in and there could be other people that fall in. There could -- but this type of -- this is something that wouldn't make sense to just keep open, so it has a beginning and an end. So maybe in two years there'll be another scenario and then someone else would introduce this legislation and --

MR. DURSO: But --

MRS. GRIFFIN: And I would keep this open.

MR. DURSO: -- in that -- in that same vein, so wouldn't -- but wouldn't that be a specific scenario, then? I mean, this -- and -- and the reason why I ask is because this is very general, and as my colleague had stated the dates of January 1st, 2022 through March 31st, 2022 are obviously very specific dates. So with the

generality of the language in this bill, if there's anybody else throughout the State of New York that did not file their oath of office in time and fits within this date, it doesn't matter where in the State of New York they are because the language of this bill is so, you know, so broad, would they all fit into this category?

M.

MRS. GRIFFIN: I wouldn't know the answer to that, but what -- what -- what I've been told is this has been done before with a -- a small window, a specific timeline just because that makes more sense for legislation like this. So if there are people and there are other people across the State that fit into this timeline, the -- then they can -- they can take advantage of this as well.

MR. DURSO: So that -- so -- so this is, like I said, it's a broad bill -- bill so that if anybody falls within this time period throughout New York State because this bill that yourself and -- and Senator Thomas carry, they fall into that category, they can automatically then be included within this language?

MRS. GRIFFIN: Yes.

MR. DURSO: Okay. So and again, just for the legislative record, this bill as far as you know and you're introducing it here in the Assembly, it's not specific to a county position within Nassau County?

MRS. GRIFFIN: It's not specific to any one scenario. But different people -- you know, that --

MR. DURSO: Well, I --

MRS. GRIFFIN: -- job is generic. Anyone in New York State could -- this could -- they could fall into this.

MR. DURSO: Right.

MRS. GRIFFIN: This date time frame.

MR. DURSO: The -- there's a reason why I ask you, it's just obviously we get calls to our office all the time, everybody in here. It gives us ideas for bills. Right? So that's where the genesis of a bill comes from. This seems to kind of pop out of thin air. I mean, there's -- there's no specific person, county, position or anything within this bill. It's literally just language of this date timeline. Anybody throughout New York State that falls in this timeline that just decided, *Hey, I didn't want to fill out my oath of office*, as my colleague said they weren't sick, they weren't in the hospital, there wasn't a -- an extenuating circumstance, we're just leaving it up for grabs for everybody. And -- and again, like I said, so there's no genesis of this bill to your understanding. You -- you were not contacted and say, *Hey, I need this bill put through*.

MRS. GRIFFIN: Excuse me. This -- you know, sometimes you have a bill -- I had bills that I really wanted to get to the floor if they were bills that were my idea. This bill was a same-as, which sometimes that happens. A senator says, *Hey, do you want to take this bill?* He's looking for another Nassau County member because he knows me. I, you know, I -- I deal -- do a lot of bills with Nassau County senators so, you know, it makes some -- they often come to me when they --

MR. DURSO: So the Senator brought it to you, you're carrying it in the Assembly --

MRS. GRIFFIN: Yeah, yeah.

MR. DURSO: Is what you're saying.

MRS. GRIFFIN: Yeah. So I -- I wasn't involved in the genesis of this bill.

MR. DURSO: Okay. So it -- so -- so this is for an elected position, this specific bill?

MRS. GRIFFIN: This is -- this is for an elected official who makes an appointment.

MR. DURSO: Okay. So -- but the bill specifically states to someone not filling out the oath of office, correct?

MRS. GRIFFIN: Right, right.

MR. DURSO: So do we know who specifically? Is it an elected official or is it an appointed official, specifically for this bill?

MRS. GRIFFIN: Well, in one scenario that has been mentioned here tonight it -- it is a scenario of a Nassau County Executive, the prior Nassau County Executive who -- and the person that she selected. And I don't know, that's one scenario and that person, I have no idea if that -- what the reason is -- if they -- for them not taking the oath of office. But they were some -- someone that clearly -- if they're clearly appointed by an elected official, and I don't -- I don't know the answer to why they didn't take the oath of office, but now this is -- this bill gives them an opportunity. And one of the

things I do know is that this isn't the first time we had a bill like this. There's -- there's been other bills like this for other -- other times, other places, other situations.

MR. DURSO: And I completely understand that. And like you have said and other of my colleagues have said, we've done these bills before but they're usually specific to a county official, a -- a elected -- you know, a -- an appointed position in a village or somewhere out throughout the State. Again, nobody's named in this, not a county, not a town, not a village. Nothing. So again, it's just very general. So just one quick question about the genesis of the bill since you said it wasn't brought to your attention from anybody else other than it being the same-as and the Senator carrying it. So when you spoke to Senator Thomas, did he happen to say what this bill was about or he just asked you if you could carry it in the Assembly?

MRS. GRIFFIN: Yeah. I mean, he -- his office actually called my office and said, *Does -- you know, does Judy want to carry --*

MR. DURSO: Just carry this.

MRS. GRIFFIN: *-- carry the bill?* Yeah.

MR. DURSO: Right.

MRS. GRIFFIN: And so I said yes.

MR. DURSO: Okay. Let me just check while I have -- for one more second. I do apologize.

MRS. GRIFFIN: No problem.

MR. DURSO: Just let me see if I have any other

questions. No, Ms. Griffin, I appreciate your time answering my questions.

MRS. GRIFFIN: Okay.

MR. DURSO: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DURSO: So again, like I had said to my colleague here, and again thank you for taking my questions, I've -- this is just my first term so I haven't seen a lot of these bills. But just looking through bills that we look at every day and looking at this one, I mean, this is very broad. I mean, there's -- there's literally -- we're doing a Statewide bill here that is for everybody that decided not to do what they were supposed to do. This is not specific to any town, county, village. I mean, listen, we've all heard the debate so far. We all know what this is about. I mean, I'm surprised that I didn't get an accidental e-mail asking me if I thought this was a good idea.

So, I mean, once again, we're supposed to be transparent in this Chamber. We've talked about it a hundred times in here. We're supposed to be working together and doing things for the right reasons, and transparency is one of them. I've actually heard the Governor herself say that she's going to be the most transparent Governor. Well, if she signed this, I mean, she might as well do it in the dark of the night, kind of like we're at now, almost 12:00 o'clock at night when we're trying to pass this bill that has nobody named specifically in it, no position named in it. The sponsor doesn't know why she's carrying it. The Senator didn't speak to her about it. And I,

again, didn't get any e-mails from party bosses asking me if I thought this was a good idea.

So I'm going to vote no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Mikulin.

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

ACTING SPEAKER AUBRY: Ms. Griffin?

MRS. GRIFFIN: Sure.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MIKULIN: Let's just go back with -- because, you know, it's kind of hard to understand here. Why have you proposed this piece of legislation?

MRS. GRIFFIN: Can you repeat that? I can't hear you.

MR. MIKULIN: Why have you proposed this piece of legislation?

MRS. GRIFFIN: You know, it's interesting that there's so much, *It's not transparent, there must be some big mystery to this.* This is something that happened. There -- there have been bills here that are generic bills that cover anyone in a situation. Then there are other bills that are specific sometimes that come across where it's specific to a certain town or a certain city, just a certain one county. So these -- this has been done before. The timeline of three months is also pretty routine. So there's routine matters that -- you

know, this is something that -- I -- I wasn't the one that drafted this bill, but there are certain protocols that take place. So if you were involved in bill drafting and having bills here you would learn that -- sometimes I have a bill, I think it's a great idea and then I'm told, *Oh, it has to be done this way or it has to be done that way* because there's a certain way things are done. So the three-month window is just a general time frame. Three months. It's not like oh, it -- there's some other mystery and something else must be going on. In this case it's general because there are --

MR. MIKULIN: All right.

MRS. GRIFFIN: -- different people across the State that could be involved.

MR. MIKULIN: All right.

MRS. GRIFFIN: So, that's my answer to that.

MR. MIKULIN: In the beginning of this, though, you did mention when one of my colleagues asked, you did mention why are we doing this and you said that there was some specific situations across the State and you did mention even before it was mentioned to you, one in Nassau County. And then you said that you didn't really know about it. So can you just clarify that for us?

MRS. GRIFFIN: Well, I -- this is -- um, there -- there -- it could be specific to Nassau County, it could be throughout the State. So this bill, Senator Thomas asked me to carry it, so likely, you know, for him it -- someone from Nassau County asked him, but I don't know that for a fact, but that would make sense.

MR. MIKULIN: But when you --

MRS. GRIFFIN: But why this bill is done -- done like this is it could be someone from Nassau County, but there also could be someone that was appointed through, in this case, for this bill, a decision was made to make --

MR. MIKULIN: So when --

MRS. GRIFFIN: -- a generic bill to include anyone that might have fallen into this situation --

MR. MIKULIN: So when --

MRS. GRIFFIN: -- of being appointed to office but not taking their oath of office for whatever reason.

MR. MIKULIN: So when you proposed this piece of legislation, then, you had -- what idea did -- did you have because there was a specific date included with it.

MRS. GRIFFIN: Like I said, I didn't draft this. Sometimes, you know, if you -- you know, your -- your side of the aisle isn't very involved in this part of the legislation here. So sometimes the legislation is your very own idea, you work with people in the Assembly staff and you draft a bill and you have the idea. In this case it didn't come from me. That's what Senator Thomas and his staff did. So there was no -- I, Judy Griffin, did not have an idea and -- and then brought this up. This was something that I agreed to carry because Senator Thomas asked me.

MR. MIKULIN: So -- so you're saying that you -- you didn't have the idea, but then why did you bring it up? You're

saying that --

MRS. GRIFFIN: You're talking very low. If you could speak a little louder.

MR. MIKULIN: You are saying that you did not have an idea of what this piece of legislation --

MRS. GRIFFIN: No, I --

MR. MIKULIN: -- stated or -- or you didn't have an idea about it. So then --

MRS. GRIFFIN: No, I --

MR. MIKULIN: -- why did you propose it?

MRS. GRIFFIN: I think you misunderstood. I meant this -- this legislation I'm doing a same-as. So I didn't generate this -- this legislation.

MR. MIKULIN: But whether or not you're doing a same-as or not, I mean I -- I would expect that you would know what's in the bill and why it is you're proposing that piece of legislation.

MRS. GRIFFIN: Yeah, I have a -- a general idea why this was being proposed.

MR. MIKULIN: And -- and --

MRS. GRIFFIN: I don't know all the --

MR. MIKULIN: -- what was that general idea?

MRS. GRIFFIN: Yeah, I have a general idea. Which is -- is what I already said. And the other members that have spoken tonight seem to know --

MR. MIKULIN: And that -- and that --

MRS. GRIFFIN: -- much more about Nassau County politics.

MR. MIKULIN: Okay.

MRS. GRIFFIN: I'm -- I don't.

MR. MIKULIN: So that general idea had nothing to do with NUMC and -- and what happened with -- with that board?

MRS. GRIFFIN: It -- it very well could have. You know, it very well could have. You know, I already said that. I already -- I already stated that I don't -- I haven't taken a deep -- deep dive --

MR. MIKULIN: So -- so then --

MRS. GRIFFIN: -- into what's going on in Nassau County.

MR. MIKULIN: So then why is it -- this happened in Nassau County on the NUMC board in the specific time for which this bill states. So then why wouldn't we put the actual person, their position and what had happened and why that person failed to file the oath of office?

MRS. GRIFFIN: That seems like an awful lot of information for legislation that isn't being done for one situation. This legislation was purposely made generic for -- to be able to include other people that may fit into this profile. As I said, this is the first time I'm carrying legislation like this. But what I'm told is they -- we have had other legislation like this. I don't ever know if they specifically in this situation named --

MR. MIKULIN: All right -- I -- I think that's from our other colleagues that have --

MRS. GRIFFIN: -- a person. And named the --

MR. MIKULIN: -- stated that it -- it has in the past and it just seems to be such a local issue that this should have been made even a local bill because it's quite specific to the same situation in a county you and I both represent.

MRS. GRIFFIN: Yeah. This --

MR. MIKULIN: Whereas -- do we have any other knowledge of anywhere else in the State where this applies?

MRS. GRIFFIN: Yeah. Yeah. I -- I feel like -- it's a little hard to hear you, so maybe if you get closer to your microphone. But other than that it seems like you're asking the same questions that the other members have asked.

MR. MIKULIN: Okay.

MRS. GRIFFIN: And I answered them.

MR. MIKULIN: Well, it -- it just seems like to me you haven't answered them because we don't have any clarity to actually just (inaudible) for why it was proposed.

MRS. GRIFFIN: Yeah, I don't have the specifics on why it was proposed and that -- I already -- I already stated that.

MR. MIKULIN: But if you don't have the specifics then why are you proposing it?

MRS. GRIFFIN: I answered that already. So it's the same answer that I said about four times already.

MR. MIKULIN: Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MIKULIN: This is quite obvious. And if you are listening here in the Chamber we know that this is a local issue that is coming unambiguously into this House simply for a political reason. We in this Body, just because one side does not like the results of an election shouldn't mean that they continually try to take control of what it is that they had lost. This is a specific situation regarding NUMC, regarding the board, and yet we're here and nobody is admitting -- or the sponsor is not admitting what it actually is. She claims that she doesn't know. Well if you don't know what it is, why are you proposing the legislation to begin with?

So with all due respect I ask my colleagues to vote in the -- the negative because this is not transparent and this is not what good government does. Thank you so very much. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Would the sponsor please yield for a couple of questions?

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

MRS. GRIFFIN: Yes. Yes.

ACTING SPEAKER AUBRY: Ms. Griffin, that is a question.

MRS. GRIFFIN: Yes, I will.

ACTING SPEAKER AUBRY: Okay.

MR. GANDOLFO: Okay. Thank you. So just so I'm clear, this -- this is a Statewide bill, correct, it's not a local bill?

MRS. GRIFFIN: Yes.

MR. GANDOLFO: Okay. And you've mentioned before that it's a generic bill, but I'm -- I'm reading it and seems both generic and oddly specific. Do you -- it would allow any officer appointed to a county position in the State of New York as of December 15th, 2021 through January 31st, 2022 if they failed to file their oath of office to continue serving when they file it. Do you know how many county officers were appointed during that time period throughout the State?

MRS. GRIFFIN: No.

MR. GANDOLFO: Okay. Are you aware of any that were appointed during that time period?

MRS. GRIFFIN: No.

MR. GANDOLFO: You're --

MRS. GRIFFIN: I mean, I'm -- of course people were appointed to office but I don't have a number.

MR. GANDOLFO: Okay. So some people. You -- you're just not sure of any specific people who might have been appointed to county office during through December 15th, 2021 through January 31st, 2022? Okay. All right. Not aware of anyone. So if it's a Statewide bill, I mean, if it's a specific time period I'm just

not understanding the purpose of it. Do you know if the Senator just woke up and thought, *Just in case someone throughout the State of New York did not file this oath maybe we should just open up this very short specific window and apply it Statewide?*

MRS. GRIFFIN: Yeah, as -- as I said before, this is typical of legislation for situations of -- of -- they have had these before and this is typical that it would be a window, a timeline that is a short window.

MR. GANDOLFO: Yeah, I -- I know we've done legislation like this before, actually this year for the New York City Comptroller, but that bill was much more transparent. We knew we were doing it for the New York City Comptroller, I believe it was referenced either in the bill text or the bill memo. So I'm just curious, why is no specific person mentioned here?

MRS. GRIFFIN: What was that question?

MR. GANDOLFO: When we did this bill for the New York City Comptroller earlier in the year it was very specific to that position and to that individual. So you referenced that we've done this before, but when we've done it they've been much more targeted and specific, where this applies to really, according to you because you don't know of anyone who was appointed, it applies to no one. So why do we do -- and I'm just -- because I'm a Suffolk County person, I don't know of anyone in Suffolk County this would apply to so I -- I'm just trying to get a better idea of what exactly I'm voting on.

MRS. GRIFFIN: Well, for one the -- the City bill did

not -- it might be another City bill you're speaking about that named a person. But the City one wasn't specific to one person.

MR. GANDOLFO: Okay. So I thought maybe the sponsor was just a little more forthcoming.

MRS. GRIFFIN: Yes.

MR. GANDOLFO: Mr. Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GANDOLFO: We have here possibly one of the most generic but also strangely specific bills I think anyone's ever seen. I think everyone kind of knows what's going on here. There was an appointment made in Nassau County. The sponsor seems to be pleading the Fifth on that or knowing that person even exists. Something's just extremely fishy with this bill. I don't think the sponsor wants to admit it. Maybe some of her other Nassau colleagues could shine a light on it, but I just have no idea what's going on here with this. I'm going to have to vote in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

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

MRS. GRIFFIN: Yes.

MR. LAWLER: Thank you. So, earlier this year Speaker Heastie introduced a bill that was to address what was widely reported as a situation with the New York City Comptroller and his

failure to file certain oaths of office in the City of New York with the City Clerk. And I -- I just want to read the language within that bill and then we'll get to your bill. So, under that bill --

MRS. GRIFFIN: That's on the bill then? So --

MR. LAWLER: No.

MRS. GRIFFIN: I'll sit back down.

MR. LAWLER: You can sit, that's fine. I'll just read it for this purpose. *Notwithstanding any law, rule or regulation to the contrary, any duly-elected or appointed officer or officers within any city in the State of New York as of January 1st, 2022 through March 31st, 2022 who failed to take or file their oath of office or official undertaking within the statutory proscribed period shall be permitted to continue to serve in such capacity for the duration of their term upon the taking and filing of their required oath of office or official undertaking consistent with Sections 10 and 11 of the Public Officer's Law within 30 days of the effective date of this act. Such elected and appointed officers who have taken and filed their oath of office or official undertaking shall be deemed to have been continuously serving in office as of January 1st, 2022 or the date proscribed by their election through March 31st, 2022. This act shall take effect immediately.* I believe we passed this roughly on March 28th. It was widely reported what that was about because the New York City Comptroller requested this Body to act, so the Speaker and the Senate Majority Leader introduced that. Your bill is a little different. Your bill says, *Notwithstanding any law, rule or regulation to the contrary*

*any officer appointed to a county position in the State of New York as of December 15th, 2021 through January 31st, 2022 who failed to take or file their oath of office or official undertaking within the statutory proscribed period shall be permitted to continue to serve in such capacity for the duration of their term upon the taking and filing of their required oath of office or official undertaking consistent with Sections 10 and 11 of the Public Officer's Law within 30 days of the effective date of this act.* It goes on but you get the point. There's -- there's a discrepancy here. So the bill that was introduced by the Speaker was for any elected or appointed officer within any city in the State of New York from -- who was supposed to be taking office January 1st through March 31st. To my colleague's point, your -- your bill is oddly specific in talking about when somebody may have been appointed. And I think as has been discussed it is specific to Nassau County. So even though you're saying this is not a local bill, it's a Statewide bill, it really is specific to what occurred in Nassau County. So my question to you is, given the fact that there are no other examples that you can cite outside of Nassau County that we're all aware of, did anyone from Nassau County in county government -- did anyone in County government ask you to introduce this bill?

MRS. GRIFFIN: First, I just wanted to correct, the New York City bill did apply -- apply to appointed offices. So were you saying --

MR. LAWLER: I - yeah, no, no, no. I said -- I said the New York City bill applied to elected and appointed. I said yours

only applied to appointed in a very specific time frame.

MRS. GRIFFIN: Okay. What was your other question?

MR. LAWLER: Considering that there are no other examples that anyone can cite and considering that based on this discussion it's very clear that this is about the Nassau County appointment that was made by the former County Executive during the time period of December 15th, 2021 and her expiration of her term, did anyone from Nassau County government - County government, not the Senate - did anyone from Nassau County reach out to you and ask you to introduce this seemingly local bill?

MRS. GRIFFIN: No, they didn't. And also, this bill -- I -- there's many examples but I -- I'm not going to carry a notebook around with the various bills that are similar to this that we may have passed in the last ten years. That -- that's not something that we need to have here. It's not really germane to what we have that, you know, might have been this time or this bill that did something similar. So --

MR. LAWLER: Well --

MRS. GRIFFIN: You -- you're stating that but that's not really a fact.

MR. LAWLER: No, but usually -- I -- I think you would agree, usually the member who is introducing this type of bill has a specific reason for doing so. We don't just broadly introduce a bill and say any possible person in the State who failed to file their oath should be able to rectify that problem. Usually it's because the

local municipality has asked for assistance from the State to not withstand Public Officer's Law Section 10. So --

ACTING SPEAKER AUBRY: Mr. --

MR. LAWLER: That is usually why --

ACTING SPEAKER AUBRY: Mr. Lawler, asked and answered. How many times are you going to ask her the same question?

MR. LAWLER: Well, it --

ACTING SPEAKER AUBRY: The sponsor -- if you don't like the answer I understand that. But she answered the question that you asked, so --

MR. LAWLER: But -- but --

ACTING SPEAKER AUBRY: We're getting to the point where we're going to beat her up because she -- you don't like the answer?

MR. LAWLER: It's not a question of beating up. It is, respectfully, every time a bill like this has been introduced there is a specific reason it's been introduced. It is not a broad bill to just introduce and notwithstanding a section of the Public Officer's Law.

ACTING SPEAKER AUBRY: The -- the sponsor said where she got it from.

MR. LAWLER: Right. But nobody locally requested it, correct?

ACTING SPEAKER AUBRY: And -- and that point has been made.

MR. LAWLER: Okay. In general, do you believe that a county executive has the authority to appoint someone to a county position?

MRS. GRIFFIN: Yes.

MR. LAWLER: Okay.

MRS. GRIFFIN: When -- when they're in office. While they're in office they have that --

MR. LAWLER: Right.

MRS. GRIFFIN: Of course they do.

MR. LAWLER: Do you believe that if a vacancy occurs, the county executive that is currently in that office has the authority to fill such vacancy?

MRS. GRIFFIN: Who -- the person that's in office has the authority to appoint someone when they're in office.

MR. LAWLER: So in -- in this particular instance, if someone -- putting aside this law, would you agree the only reason that we would potentially need to do this law is because somebody failed to file their oath and therefore a vacancy occurred as a result of the failure to file oath?

MRS. GRIFFIN: Yeah, I can't say that because I don't know the -- the specifics of this case, but certainly --

MR. LAWLER: In the broad -- in the broad aspects of the law if someone fails to file their oath, does a vacant -- does it trigger a vacancy?

MRS. GRIFFIN: Yes.

MR. LAWLER: Okay. So if a vacancy occurred, the current county executive would have the authority to fill that vacancy, correct?

MRS. GRIFFIN: That's why this legislation is here because one -- one of the most important things is while someone is a County Executive, Nassau County, and she was elected and she served four years. So she was appointed to someone when she was still in office. She was elected by the people of Nassau County. So while she's in office that -- that person should -- if she -- she --

MR. LAWLER: She --

MRS. GRIFFIN: -- selected someone they should be the person that -- that gets the position.

MR. LAWLER: Okay. So -- so we agree on the example. So the former County Executive appointed -- the individual that she appointed was required legally under Public Officer's Law Section 10 to file an oath of office. That individual did not file an oath of office. Just a moment ago you agreed if somebody doesn't file an oath of office, a vacancy occurs, statutorily. When that vacancy occurred, who is the county executive? Is it the former county executive or the current county executive?

MRS. GRIFFIN: The bill's truthfully about filing the oath. It's not about what the county did, didn't do, it's about filing the oath.

MR. ABINANTI: Mr. Speaker --

ACTING SPEAKER AUBRY: Mr. Abinanti --

MR. ABINANTI: (Inaudible)

ACTING SPEAKER AUBRY: Mr. Abinanti, you're going to have to ask somebody to yield. You just can't stand up and --

MR. LAWLER: Yes, yeah -- -

ACTING SPEAKER AUBRY: -- and inject yourself into the conversation.

MR. LAWLER: Yeah, I -- I'm not yielding my time, so thank you --

MR. ABINANTI: I have a point of order, Mr. Speaker.

ACTING SPEAKER AUBRY: And your point of order is?

MR. ABINANTI: Is that we're supposed to be talking about a particular bill, not about theoretical other circumstances that are not mentioned in the bill.

ACTING SPEAKER AUBRY: And your point of order is well taken. Thank you.

MR. LAWLER: So, we acknowledge that a vacancy occurs when someone fails to file the oath of office. Is somebody who is no long -- when -- when a vacancy occurs, is somebody who is no longer in office empowered to do anything about that vacancy? By law.

MRS. GRIFFIN: Yeah, can you repeat that question?

MR. LAWLER: Yes. If a vacancy occurs in the year 2022, is somebody who was previously in office in 2021 empowered

by law to do anything about that vacancy?

MRS. GRIFFIN: Yeah, that -- you're asking a lot of questions but they're really not pertaining to the legislation that we are debating.

MR. EPSTEIN: Mr. Speaker?

ACTING SPEAKER AUBRY: Mr. --

MR. EPSTEIN: Yeah, I -- I --

ACTING SPEAKER AUBRY: Why do you rise?

MR. EPSTEIN: A point of order. This is not germane to this bill at all and I want to raise that back to the Speaker's attention.

MR. LAWLER: It is germane.

ACTING SPEAKER AUBRY: I'm allowing the conversation to proceed because I'm ruling it germane to the bill. Thank you.

MR. EPSTEIN: Thank you.

MR. LAWLER: Thank you, Mr. Speaker. I'll put a fine point on it. The vacancy legally occurred in 2022. The current county executive is legally empowered to fill said vacancy in 2022. And so in the example that we all know, the current county executive did act and fill that vacancy. So I'm -- I'm not really sure why this bill is necessary.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Thank you. I appreciate the sponsor

having to stand there and -- and take the barrage of questions. I -- I know it's not easy and she -- I understand why the bill was introduced on her end of it. But at the end of the day, someone failed to take their oath of office, a vacancy occurred. Legally speaking there was only one person capable of filling the vacancy, that person filled the vacancy so I don't know why we would try to undermine that statutory authority to fill a vacancy that occurred in the year 2022. I can only surmise that this is political in its nature or we would not even be dealing with this bill. Any time this type of bill has been introduced there has been a -- a example cited by the bill's sponsor as to why this was necessary, and it is usually at the request of the county or municipality for the elected official that would be involved in it. That does not seem to have occurred here, and it just doesn't seem to -- to need to be passed at this time.

So I would encourage everyone to vote no.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GIGLIO: My apologies to my colleague over there who was put on the spot by asking to carry this bill for obvious reasons; a mistake that was made. And we can all admit we're human and we make mistakes. So, under U.S. Senate type of legislation under the Federal rules and procedures this is a private bill providing benefits to one individual. It's not specific, it's one individual. A

mistake was made. Mistakes are made. We should admit that. We're human. This -- you know, growing up I was taught honesty is the best policy, and to be honest and saying that an appointment was made, they didn't sign the oath of office or whatever it is, anybody that tries to remove that person from office because they failed to sign the oath of office would be shamed because that person is either good for that position or they're not good for that position. And it's up to the person who is putting this bill before this House, turning this Chamber into this embarrassment. Should say, *Listen, I'm -- I'm here to fill this position, and if you're saying that I'm not capable of doing it then I shouldn't be here.* But that should be proven by an old county executive, new county executive. It's -- I mean, to listen to this for the last hour-and-a-half or however long it's been, when honesty is the best policy a mistake was made, and mistakes have been made in the past when it came to picking a Lieutenant Governor or it came to a district attorney not signing an oath of office. I mean, it's -- it happens. Respect should be given across the aisle. And I'm sorry that you were asked to carry this without just an honest discussion. A mistake was made.

So I think that I don't have any problem with this bill. If the new County Executive has a problem with the person that was appointed by the former County Executive has a problem with this person then they should express that. I'm sorry that this was put in your lap. Really, I am. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9162-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this particular bill. Those who wish to support it are certainly welcome to vote in favor if you're on the floor of the Legislature or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is generally in favor of this piece of legislation. Those who desire to be an exception could call the office and we'll be happy to record -- properly record their vote and while they're in Chambers. This is a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you both.

Mr. Goodell, are you explaining your vote?

MR. GOODELL: No, thank you.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 437, the Clerk will read.

THE CLERK: Senate No. S03034-A, Rules Report No. 437, Senator Parker (A00873-A, Cahill, L. Rosenthal, Thiele, Simon, Colton, Englebright, Otis, Solages, Lupardo). An act to amend the Public Service Law, in relation to utility intervenor reimbursement; and to amend the State Finance Law, in relation to establishing the Utility Intervenor Account.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: An explanation, please.

ACTING SPEAKER AUBRY: Mr. Cahill, an explanation has been requested.

MR. CAHILL: Thank you, Mr. Speaker. This legislation amends the Public Service Law to provide a mechanism for the reimbursement of expenses for intervenors in utility proceedings and establishes a Utility Intervenor Account.

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

MR. CAHILL: Absolutely. Happy to.

MR. PALMESANO: Thank you, Mr. Cahill. Good morning.

MR. CAHILL: Use the ones I gave you, though.

MR. PALMESANO: I know we talked a little bit about this before, I just wanted to just ask a few questions on this

issue with you, if I may. Right now, before this bill would become law, assuming it becomes law (inaudible), wouldn't these non-for-profits or group of individuals (inaudible) -- right now --

ACTING SPEAKER AUBRY: So, we need a little quiet back there, please. Members? Thank you.

MR. PALMESANO: So right now we're -- you're trying to (inaudible) intervenor account, right now these groups and individuals or non-for-profits, right now they have the ability to petition and weigh in on a proceeding, whether it's a rate proceeding or a regulatory proceeding. Right now they have the ability to -- to do that, correct?

MR. CAHILL: Yes, they have the ability to do that, correct.

MR. PALMESANO: But this bill would basically set up a mechanism now where the utilities or other companies would have to provide funding for these groups to come in and get funding so they could make their advocacy before the PSC for whether it's a rate case or regulatory case, correct?

MR. CAHILL: They would be subjected to the possibility of funding intervenors who applied successfully and went through the vetting process by the Public Service Department in accordance with very strict rules that are listed in this statute. If all those things happen then the answer to your question is yes.

MR. PALMESANO: Okay. So is there -- from a dollar perspective, is there any type of cap or just -- can it be any

amount of money? Is that -- is that all basically determined by the Public Service Commission?

MR. CAHILL: No, in fact -- in fact, the -- the bill pushes the amounts down. It says they have to be -- they have to be substantially related to the decision. They have to be at market rate. They have to be no greater than would have been the expenses that any other party, including the department or the utility would have incurred. So if anything this pushes it down, not up.

MR. PALMESANO: Okay. Right now there are a number of groups and organizations that we talked about just in Committee. There's a Public Service Office of Consumer Services, there's a Utility -- Utility Intervention at the Department of State. There's also -- the Attorney General's Office has a department. Aren't these organizations, these State agencies which are paid for with taxpayer dollars, aren't these available to -- to advocate on behalf of the ratepayer and don't they have the ability to do that and don't they do that right now?

MR. CAHILL: Phil, it's 20 minutes after 12 so I'm going to give you the short version. No.

MR. PALMESANO: Okay.

MR. CAHILL: They provide some services but they don't provide the -- the range of services that are necessary to represent consumers without compromise. One, let me give you a couple of quick examples, and I -- I will keep it quick. The Utility Intervention Unit, which was robust right on through the early parts of

the Cuomo Administration, in fact, they had the authority to take the Public Service Commission to court. Governor Andrew Cuomo stripped their powers away and took away about 80 percent of their funding. The former ability of independent advocates to solicit funds in a bill by simply putting a piece of paper in the -- in the bills we used to get in the mail, or now would be a banner on the website, was eliminated by Governor Pataki. That raised millions of voluntary dollars across the State over the years for people who said, *We want this representation there*. The -- let's talk about the latest one. The latest one was the Office of -- I'm trying to find this one here -- the Special Council of Ratepayers Protection. A former colleague of ours, Rory Lancman, was the first person to serve in that office and he was also the last person to serve in that office and he stepped down. The website is gone, the office, for all intents and purposes has not been filled. That doesn't exist anymore. The Office of Consumer Protection -- Consumer Services within the Public Service Department, their job is to mediate individual disputes between ratepayers and their utility, not to represent -- in fact, specifically not to represent ratepayers. So I could go on, but I think I'm making the point that nobody's doing what this bill would provide for.

MR. PALMESANO: All right, Kevin. Now, what about non-for-profits? If they're receiving funding from the State, would they be eligible like -- like, in the budget we had \$800,000 that was put in for the Public Utility Law Project. Would they still be eligible to apply for funds through the intervenor unit?

MR. CAHILL: I'll take -- I'll do you one -- I'll take that and I'll raise you one. A municipality that we give money to could get money from this fund. Another group of people that we give money to could get money from this fund. A lot of people could get money from this fund, but nobody gets a nickel from this fund unless the Department of Public Service says that they've met all of those very strict criteria I laid out before, and nobody can get duplicate money. Nobody can get the same money twice.

MR. PALMESANO: All right. So but -- so here's another question for you, then. So this -- all this money is going to be paid for -- ultimately, it's the utilities paying for it and then ultimately borne by the ratepayers?

MR. CAHILL: Wrong.

MR. PALMESANO: How -- how -- how is that wrong?

MR. CAHILL: Well (inaudible) --

MR. PALMESANO: And the utilities have to go and petition when they go for the rate increases, they -- they -- these things all get paid through the rates increases, so (inaudible).

MR. CAHILL: Here's the interesting point there, Phil and Mr. Speaker. I'm sorry I'm talking directly to you, breaching protocol. But you're my friend and I like you --

MR. PALMESANO: Of course.

MR. CAHILL: -- and I like the way we talk to each other.

MR. PALMESANO: Absolutely.

MR. CAHILL: Here's the interesting thing. Right now every single person in this room is paying, and a lot of money, for their utilities to go into those rate hearings to get your bills raised. That's what our bill -- that's what our bills are paying for now. What this bill would do is say, *Hey, Public Service Commission, Public Service Department, take a look at the big picture. We're going to bring in this expert that's going to demonstrate to you that our rates should be lower.* Or -- and this is the other part that the utilities didn't put in any of their memos -- that it shouldn't be put on the ratepayer's shoulder. That maybe once in a while, once in a while we should take some of that guaranteed ten percent profit away from utilities and cut the return to the shareholders. How would that be for a change? Instead of raising our rates by ten percent every year we tell the shareholders they've got to take a one percent change this year.

MR. PALMESANO: All right, Mr. Cahill. Now, I under -- I can understand even though I may disagree with the approach you're taking here, how this might be applied to (inaudible) operating under the traditional rate of return regulation. Why is this being applied to cable and internet providers who really operate in an open and competitive marketplace? How does that work and why would they (inaudible).

MR. CAHILL: You are a brilliant man and you do your research and I want to take that question. You know, Phil, the -- the rates that -- the proceedings that we have before the Public Service

Commission -- and by the way, there are strict limits here that talk about electricity, water -- electricity, water, gas and steam, but for some proceedings -- you're absolutely right. For some proceedings the -- this could be used in the case of our telecommunication utilities who claim to be operating in a competitive environment. Well, we only have one broadband supplier in our town. How about you? You've got multiple broadband suppliers in your town?

MR. PALMESANO: There's a couple.

MR. CAHILL: Yeah, there might be a couple. You live in a rich area, I don't.

MR. PALMESANO: Yeah.

MR. CAHILL: So -- so in a lot of places there's only one internet provider, and in a lot of places that I represent it's not broadband, it's narrowband. And that may be why you want to go have a rate hearing. So -- or -- or go to a proceeding. You may want to get those services to your communities. Or how about this one? How about the fact that one of our utilities - I won't name names, but it starts -- rhymes with Verizon -- puts up poles all over the place, it puts up lines all over the place and then doesn't replace those lines like they should. So when one of my people who works on my campaign calls me and they say, *Hello, Kevin, this is* (making inaudible sound), I don't know who it is because I can't hear. And I said, *Why don't you fix your phone*, and she said, *I did, it's the line a quarter of a mile down the road and the phone company won't come and fix the line*. Do you think that we shouldn't have consumers be able to go there,

have the expertise to get that line fixed? I think they should.

MR. PALMESANO: I do want to ask you another question. I know you keep saying it won't (inaudible) on the investor, it will come out of the profit, but ultimately it could come from the ratepayer. So now if we -- we want the -- the broadband companies to invest in broadband and put more research out there. We want the energy companies to invest in more energy efficiency.

MR. CAHILL: Yes.

MR. PALMESANO: So if they're spending money for these intervenor accounts to -- to give to non-for-profits who are petitioned -- who have petitioned before us and now they're getting money from the utilities which ultimately, I believe, comes from the ratepayer, aren't we just -- aren't we just taking away the tracking from the broadband investment or the energy efficiency investment, which we all want to see happen from -- from an operational perspective?

(Inaudible)

MR. CAHILL: I don't want to answer a question with a question and I don't want to turn this around on you, but have you ever gone to a rate hearing? Have you ever asked the Public Service Commission to do something about a utility personally? Have you ever done that?

MR. PALMESANO: I have not personally.

MR. CAHILL: I have. And when -- some of those times when I went I said to the Public Service Commission, *Make them spend more money. Make them spend more money clearing*

*trees. Make them spend more money having crews in our community. Make them spend more money to upgrade our facilities. It's not always about telling them to cut back. Sometimes we have to go there to make them spend the money that they say they want to spend.*

MR. PALMESANO: And -- and -- and I'm glad you mentioned that. I know there was legislation on the floor last year (inaudible) storm (inaudible) and resiliency which it needs for those investments to improve our lines, especially as there's going to be more and more demands on it.

MR. CAHILL: Yup.

MR. PALMESANO: Mr. Cahill, I really appreciate your time. I'll just -- I'll just finish up on the bill (inaudible).

MR. CAHILL: One last thing.

MR. PALMESANO: Sure.

MR. CAHILL: No children were harmed in the making of this bill.

(Laughter)

MR. PALMESANO: Well, it's still early, Kevin. Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER STERN: On the bill, Mr. Palmesano.

MR. PALMESANO: I wasn't going to go there. I -- I wasn't going to mention the Congo, but he just said it, so, sorry. Listen, I -- I can appreciate the intent of the legislation. I know where it's coming from, but I definitely disagree. I think the approach -- I

mean, I know we need several State agencies that are supposed to be operating to protect the ratepayer. There's -- you know, they're paid for with taxpayer dollars. If they're not doing that then something needs to be looked to address that. I think this is not the right approach. I think it's ultimately we're asking -- it almost seems like to me we're going to put this burden -- because if this money is coming from the utilities, if it's coming from the telecommunication companies, it's going to increase the rates on the customer. So it's almost like we're increasing rates on the ratepayers to pay these intervenors to advocate not to increase the rates and it doesn't really make sense to me. It's like we're asking -- we want the private sector to invest in broadband but at the same time we're going to ask them to pay for not-for-profits to advocate as well. And I think it just doesn't make sense to me, especially when you're talking about -- even when you get into like we were talking about, the -- the -- the broadband and the internet companies, you know, they're not -- they're not the traditional rate of return model. They compete in an open marketplace. How does that happen and why does that seems contradictory. And it seems like if that money is not going for broadband development and energy sufficiency, if it's going to pay not-for-profits to -- to be able to compete and, if we got the -- again, like I know the Public Utility Law Project just got \$800,000 in the State budget which is supposed to be used that money to advocate for the utilities. Why should they be able to come back and get more money from the ratepayers to do more advocating to -- which is going

to increase rates, while they'll advocate not to increase rates. I just think it's kind of contradictory. I -- I know the sponsor, I know what his intention means -- is -- is in the right place but I just think this bill is headed in the wrong direction. I think we have these agencies in place that could be operating if these positions aren't filled. I mean, like, I know you -- well, he mentioned the Office of the Special Council of Ratepayer Protection, which is really charged with looking out for the interests of residential and commercial customers. Why it's not working that way, then let's do something about it. There's just dollars being paid for these things. That has a responsibility back to the taxpayer. But I think we have some of the highest utility rates in the country and this is just going to increase those rates more, from my perspective. Certainly, they're going to be evaluating this further.

So I just think this bill is a step in the wrong direction. That's why I'm going to be opposing it and I'm going to urge my colleagues to do the same -- do the same. But I just want to thank the sponsor who I know where his heart is on this, but that we just respectfully disagree. Thank you, Mr. Speaker.

ACTING SPEAKER STERN: Read the last section.

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

ACTING SPEAKER STERN: The Clerk will record the vote on Senate print 3034-A. 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 numbers

previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this legislation for the reasons mentioned by my colleague, but those who'd like to vote for it can certainly do so here on the floor of the Assembly or by contacting the Minority Leader's Office.

Thank you.

ACTING SPEAKER STERN: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is generally going to be in favor of this piece of legislation. However, colleagues who decide to be an exception should they like, they can call the Majority Leader's Office, we'll make sure their vote is properly recorded.

Thank you, sir.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 285, the Clerk will read.

THE CLERK: Senate No. S02012-A, Rules Report No. 285, Senator Jackson (A00992-A, Dinowitz, Gottfried, L. Rosenthal, Cook, Benedetto). An act to amend the Administrative Code of the City of New York, the Emergency Tenant Protection Act

of 1974 and the Emergency Housing Rent Control Law, in relation to prohibiting surcharges for the installation or use of air conditioner units in housing accommodations subject to rent regulation.

ACTING SPEAKER STERN: An explanation has been requested, Mr. Dinowitz.

MR. DINOWITZ: I will be happy to give you an explanation. So, this bill would prohibit, prohibit a landlord from imposing a surcharge on a tenant for the use of a tenant-installed air conditioner if the tenant pays for the electric utility service. This applies to rent-regulated apartments in New York City.

ACTING SPEAKER STERN: Mr. Fitzpatrick.

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

ACTING SPEAKER STERN: Will the sponsor yield?

MR. DINOWITZ: I will.

ACTING SPEAKER STERN: The sponsor yields.

MR. FITZPATRICK: So, under current law if the tenant installs an air conditioner, washing machine, refrigerator or any appliance, under the law there -- a \$5 per month surcharge is permitted; is that correct? Currently.

MR. DINOWITZ: I -- I would say more like under DHCR regulations the surcharge is permitted.

MR. FITZPATRICK: Okay. And -- and why are they allowed to levy that surcharge when a tenant installs their own?

MR. DINOWITZ: Well, pretty much because they've allowed tenants to get ripped off. Now, think about this. Think about this for a minute. So, it's the end of June, it's getting really hot. So somebody decides, *I'm going to go buy me an air conditioner*. So they go to the store, they spend \$3-, \$4-, \$5-, \$600 on an air conditioner. They schlep it home, they pay more money to have somebody install it. They plug it in, turn it on and then at some point a few weeks later they get an electric bill and they pay the electric bill. Now while all this is happening, what's the landlord doing? The -- the landlord is sitting on his butt doing nothing except collecting extra money which I would call a windfall profit. I don't have a problem with a landlord making the profit if they earn the profit, but they did nothing whatsoever to earn that extra profit. Nothing. The tenant bought the air conditioner, they paid to get it installed and it pays the electric bill. There is no cost whatsoever to the landlord, there is no damage to the landlord's property. There's nothing. So why should the landlord in this particular case get anything from the tenant?

MR. FITZPATRICK: Well, let me -- let me -- let me offer this, because the -- the landlord is assuming the responsibility or the liability, rather, for perhaps an erroneous or a poor installation. If there is a malfunction and there is damage done to the owner's property, which is the building, does the tenant step up and say, *It's my fault, I'll offer to pay the damages?*

MR. DINOWITZ: What damages? What are you talking about?

MR. FITZPATRICK: Maybe damage from a poor installation. It may be bad wiring, you could have a fire, you could have, you know, water damage or fluid leakage from a poorly-installed machine or a defective air conditioner or appliance and damage is done to, you know, the interior of the building or the exterior. So the tenant is not going to step up and say, *Gee, sorry, you know, my fault. I'll pay for the damage.* That's not going to happen, and that's why the charge is levied to cover that additional liability. If there's poor or inadequate --

MR. DINOWITZ: Well, I don't think that's --

MR. FITZPATRICK: -- installation, the -- the property owner is on the hook for that liability and that's why that charge is allowed to be levied. The DHCR understands that.

MR. DINOWITZ: Well, I don't know if DHCR understands or doesn't understand, but I don't remember seeing anything in their regulations which indicate that that's the reason why they allow that charge to be levied. Now, the logical extension of what you're saying is that, well, maybe the landlord would've maybe charged \$5 if he installed a television, because after all these days, you know, you put the television on the wall and maybe the building will collapse if they put the nail in the wrong spot. Maybe the landlord will be able to charge \$5 a month for some other kind of installation. The point being, the landlord is entitled to make money on his building or her building. The landlord gets the amount of money that is allowable under the law, and this just a windfall profit for what is

these days not a luxury, but a necessity. Given all the global warming that some of your friends over there are causing around here in the climate, you need an air conditioner. Let's be honest, you need an air conditioner. This is not a luxury. And why should anybody pay \$5 a month year round, by the way, for the privilege of having an air conditioner so they don't suffocate during the summer?

MR. FITZPATRICK: Well, let me explain. Okay, that's -- that's enough hot air for now. Thank you, Jeff.

On the bill, Mr. Speaker.

I -- I always enjoy my conversations with -- with Mr. Dinowitz. We -- we -- we find it hard to agree when it comes to housing issues. But the reason there is a -- the landlord is already not receiving a fair rent to pay -- to cover their expenses under the rent stabilization laws now. That has been exacerbated by the pandemic with people unable to pay their rent, for failing to pay their rent. To describe a \$5 surcharge to cover the liability and the potential cost of repair due to potential damage from a poor installation or -- or a defective machine is -- I would not describe as a windfall profit. That is money that is going into the repair and upkeep of the building that is already very difficult for that landlord to undertake because of rent stabilization. So it's not a windfall at all. It's -- it's just another -- it's a source of revenue to help offset the ever-increasing cost of running a building; the cost of electricity, the cost of water, the cost of waste -- solid waste removal, among other things. So DHCR, this is why DHCR allows for a \$5 surcharge when -- when a tenant installs their

own appliance to cover the additional cost of that -- of that liability and any -- and any other costs. So a windfall I would not describe it at all, but just a little extra to try and offset because the landlord cannot cover their cost or are finding it -- especially smaller landlords are finding it very difficult to cover their costs due to rent stabilization and the additional burdens placed upon them by the problems caused by the pandemic.

So for that reason I would ask my colleagues to consider voting against this. It's, I know, well-intentioned. I know how passionate the sponsor is about tenants. We all like tenants. And I don't think landlords are bad people at all. They provide a quality product at a reasonable cost which is becoming increasingly more difficult to provide, given the restrictions placed upon them by rent stabilization. And so I would ask my colleagues to please consider maybe voting against this legislation and I would ask the sponsor to go -- you know, kind of be a, you know, don't be so mean to the landlords. They're good people. Thank you.

ACTING SPEAKER STERN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER STERN: The Clerk will record the vote on Senate print 2012-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it are certainly encouraged to vote yes on the floor or by contacting the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER STERN: And Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you -- thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation, although there could be a few of our members that would like to be an exception. They should call the Majority Leader's Office, we'll be happy to record their vote.

Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER STERN: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. Many of us here have never been a landlord. I have. I operate a building where I had central heat, I provide central heat to my tenants and I also had window air conditioning units. And what I discovered is when I put in window air conditioning units, I had to also upgrade the basic electrical infrastructure. I had to upgrade the circuit box, the capacity of the building because air conditioners use a lot of electricity. What I also discovered is that during the winter the heating bill went up unless I personally went around and removed the air conditioners,

because if you don't remove the air conditioners in the fall there's a lot of air leakage around it which drove up my utility bill. And so unfortunately, even when a tenant buys the air conditioner and puts it in the window, the landlord incurs costs in maintaining the building, upgrading the electrical infrastructure and addressing the different utility issues that relate to heating and the building. So a small monthly charge offsets those costs. And that's why I'm not willing to force more cost on the landlord without any compensation.

Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Assembly No. A01940-E, Rules Report No. 289, Buttenschon, Galef, Williams, Abinanti, Conrad, Stirpe, Abbate, Zebrowski, Sillitti, Solages, Magnarelli, Woerner, Jackson, Gunther, Jones, Braunstein, Gibbs, Sayegh, Lavine, Griffin, Cruz, Darling. An act to amend the Vehicle and Traffic Law, in relation to the maintenance of records of catalytic converters.

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

Mr. Goodell.

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

the sponsor yield?

ACTING SPEAKER STERN: Will the sponsor yield?

MS. BUTTENSCHON: Yes.

ACTING SPEAKER STERN: The sponsor yields.

MR. GOODELL: Thank you, Ms. Buttenschon. It's my understanding that the purpose of this legislation is to tighten, if you will, controls on the recycling of catalytic converters. As we all know, catalytic converters are very expensive. They contain some very valuable metals, and we want to reduce the ease in which thieves could fence catalytic converters, right, and that's really what your aiming at?

MS. BUTTENSCHON: Correct.

MR. GOODELL: And so you have restrictions on how they can be recycled, who can recycle them and, in particular, your objective, as I understand it, is to require that these be recycled through licensed recycling companies, right? Recycling --

MS. BUTTENSCHON: Well, basically there is dismantlers and then there is the scrap processors. So this bill would provide that they would have to document. Nothing new for the scrap processor at this point. This is a process that they utilize at this point. The difference would be with the dismantlers, as they would have to keep records of the catalytic converters as they come in and report that every 60 days to the Department of Motor Vehicles.

MR. GOODELL: And of course your bill defines a

catalytic converter as a, quote, "major component part of a vehicle." And some of the catalytic converter -- I -- I'm sorry, some of the certified scrap processors point out that with that definition it triggers a different section of the law that requires them to seek identification and a VIN in order to recycle a, quote, "major component part." How would you address that concern? In other words, as a scrap -- the certified scrap processors are saying, *We like your bill. I think it's a great idea. But we have this problem because a different section of the law appears to impose restrictions on this.* How would you respond to that concern?

MS. BUTTENSCHON: Currently this is what they are doing. They are collecting this information as anyone would bring a product in. So this is not anything new. I believe you're referring to the comment regarding the certificate. It's actually called the Certificate of Title, but a certificate of title is attached to a whole vehicle, it's not attached to a part. So those clearly are what an individual would be bringing a vehicle in is where the Certificate of Title is. But we're talking about a catalytic converter is a part of a car, so that is why it's identified as a major component part at this point, again, where the dismantler would be collecting information to be reported to the Department of Motor Vehicles on a 60-day cycle versus the scrap processor. This is something that they would be doing. For example, you're cleaning a barn out, and as you clean the barn out maybe there's a couple catalytic converters there. Those products would be coming in, it would be nothing different.

MR. GOODELL: So it's -- the section I'm looking at is the Vehicle and Traffic Law Section 415(a), subparagraph 14, and it says restrictions on scrap processors, and a certified scrap processor shall not purchase any material which may have been in -- which may have been a vehicle -- sadly, that describes mine -- or a major component other than from a dealer or the government or an insurance company or -- and this is the trigger -- a person in whose name a Certificate of Title or other ownership document has been issued for such vehicle. And so the scrap dealers are saying, *Do we need to see a Certificate of Title for the entire vehicle in order to accept this major component*, and your belief is with this legislation that would not be necessary?

MS. BUTTENSCHON: No, they would be holding the same process, again, as -- the possibility of -- of a few converters being in that scrap pile. I do have the fortunat of -- of talking to a local one within my district that identified every single one of these steps they are handling at this point.

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

Sir, on the bill.

ACTING SPEAKER STERN: On the bill.

MR. GOODELL: It's always amazing when we -- we draft legislation how -- how one piece of law can affect others, and so -- and the bill that we're looking at here, it describes a catalytic converter as a, quote, "major component of a vehicle", and that then

triggers a whole different section in the Vehicle and Traffic Law which says that a certified scrap dealer, when receiving a major component from an individual, has to look at the Certificate of Title. And of course there is no Certificate of Title for a catalytic converter, and if your vehicle doesn't have one you're not allowed to drive it to the scrap dealer anyway. So there's a little bit of a dilemma. And I think -- and I appreciate the sponsor's comments. We may need to come back and clarify this in a chapter amendment, but I think the -- the fact that we are clear on this law that we anticipate that certified scrap dealers will be handling this particular component and we all know there's no Certificate of Title, that the fact that we're looking at passing this tonight means we are aware of the issue and we want this new law to govern without obviously having no impact over any other ambiguous references in other sections.

So with that clear understanding, I appreciate the sponsor's position and will support her efforts on this bill. Thank you to the sponsor; thank you, Mr. Speaker.

ACTING SPEAKER STERN: Read the last section.

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

ACTING SPEAKER STERN: The Clerk will record the vote on Senate print 9428. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Buttenschon to explain her vote.

MS. BUTTENSCHON: Thank you, Mr. Speaker.

Since 2021, a 400 percent increase in the theft of catalytic converters has occurred. This is a very significant issue that we are facing. This legislation's purpose is to look at ensuring that it is supply, and thus the demand will come down. So with the reporting of catalytic converters that come in to our scrapers as well as our dismantlers in the State of New York, it is the attempt to ensure, again, that these parts which are now identified as parts that are priority within the sense of the Department of Motor Vehicles.

I do want to thank the leadership as well as the staff. As -- as you can see that this was a -- a difficult process and one that needed to be addressed this Session, as well as an individual within my district, Mr. Mastrangelo, that faced as a small business owner numerous thefts of catalytic converters on vehicles that he was working on.

So thank you, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Buttenschon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 443, the Clerk will read.

THE CLERK: Assembly No. A03166-A, Rules Report No. 443, Dinowitz, Englebright, Simon, Dickens, Sayegh,

Gottfried, Otis. An act to amend the Public Service Law, in relation to requiring the registration of energy brokers and energy consultants.

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

An explanation has been requested, Mr. Dinowitz.

MR. DINOWITZ: I'm glad you asked. So, this bill relates to energy brokers. Energy brokers and energy consultants sell energy to end-use customers on behalf of ESCOs; that's energy service companies. But due to the lack of regulation of these brokers and consultants there have been cases of bad actors taking advantage of customers. For example, brokers or consultants dishonestly representing the price that a customer will pay for the energy or the broker or consultant being underqualified. And there have been even cases of a broker or consultant taking kickbacks from landlords at the expense of the tenants. This legislation would remedy this situation by requiring energy brokers and consultants to register with the Public Service Commission to sell energy on behalf of ESCOs and to hold them accountable in their dealings with customers.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Will the sponsor yield just for a couple of questions?

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

MR. DINOWITZ: Sure.

MR. PALMESANO: Thank you, Mr. Dinowitz.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. PALMESANO: I know we tried to talk about this a little bit before. I --

MR. DINOWITZ: Before you go --

MR. PALMESANO: Sure, go ahead.

MR. DINOWITZ: -- if you wouldn't mind projecting

--

MR. PALMESANO: Sure.

MR. DINOWITZ: -- and speaking slightly more slowly so that I can actually understand you.

MR. PALMESANO: Absolutely. I will do that. I know we -- I appreciate it. I know we spoke a little bit about this the other day, and I -- I generally like your bill. I just had some questions and, you know, they were brought to my attention. I just wanted to make sure I understand the intention behind it because you -- you know, the bad actors are out there and I know that's the whole purpose of the legislation. I just -- it was brought to my attention that there might be some concerns that this might actually lump in ESCOs with the brokers, and so I kind of wanted to clarify it just a little bit about that. So, I know you mentioned if there's a broker or a consultant that's out there independently, acting to promote and sell people to get to an ESCO that's -- that's -- that would be included in that -- that area, correct?

MR. DINOWITZ: Well, yes. The bill deals with

brokers and consultants -- by the way, it's a little noisy -- brokers and consultants, so the ESCOs aren't the object of this bill.

MR. PALMESANO: Right. And so the -- the other question I had is because I know like in the language where it talks about if they're -- if they're doing -- doing contractual and, you know, for the selling of the service, how about, like, tele -- telesales agents and whose who have worked for an ESCO? Because I know the ESCOs are regulated by the Public Service Commission and follow the Uniform Business Practice Code. Would those teleservice agents that work for the ESCO, if they're talking to customers, you know, on -- on the phone, working actually for the ESCO and not independent, would they have to register with the Public Service Commission and disclose their compensation as well?

MR. DINOWITZ: If -- if you look at the bill, if they fall within the definition, as indicated in the bill, of a -- of a consultant or a broker then the answer would be yes. But otherwise, no.

MR. PALMESANO: Okay. So just to clarify -- so just to clarify, so if they're working for the company as an actual employee doing the tele -- telesales, they would not have to register as a broker or they would have to register as a broker, in this case their compensation?

MR. DINOWITZ: If they work for the company and they're doing the type of activity that is defined in here as a broker or a consultant, then they would. But if they worked for the company they're not doing what's defined in here as a broker or consultant then

they would not.

MR. PALMESANO: All right. So technically, there would be some employees that would have to register as a broker and disclose their compensation if they work for the ESCO then, correct?

MR. DINOWITZ: I'm having a little trouble understanding because of the noise on that side of the aisle.

MR. PALMESANO: That's okay. That's -- that's all right. I think it -- so basically, technically, if there are some employees, if they work for the ESCO, that are doing the work and trying to sell, telesales agents trying to sell them -- to sign up with an ESCO as an option, those individuals would have to register but other ones wouldn't -- might not have to. And -- and when they register they would have to disclose compensation that they're making as well, correct?

MR. DINOWITZ: Correct.

MR. PALMESANO: And as -- they would register that information that would be public with the Public Service Commission, correct?

MR. DINOWITZ: They have to disclose that to the customer. It's the customer who needs to have that information.

MR. PALMESANO: All right. Thank -- thank you, Mr. Dinowitz. I really appreciate your time.

On the bill.

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

MR. PALMESANO: Yes, Mr. Speaker. I really appreciate the sponsor's time. I just want -- you know, there's nothing -- this is not a bad bill. I -- I understand the intention behind the bill, trying to, you know, obviously get people to register and to make -- you know, make sure there's no unscrupulous dealings going on because there's definitely been documentation of that. I think the question now is trying to bring out is there are some concerns about lumping ESCOs into this to get employees that are working for a company and they're covered under the, you know, Public Service Law and regulated by the Public Service Commission and are following Uniform Business Practice, I think that's where some concerns might have come into play. You know, ESCOs being lumped into the definition of this. I think that's where some of the concerns I was hearing as far as how that might work. But I would expect a number of members on our side of the aisle to not vote for this bill. But I think those are some of the concerns that I was hearing that I just kind of wanted to get on the record for the discussion. But I really the sponsor's time and his intentions with this legislation because I think there are -- are bad actors out there that need to be addressed and I think that's what he's trying to do with the legislation. I just wanted to clarify a few of those points for the record, so I thank you, Mr. Dinowitz, for your time and certainly explaining the bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: I saw -- I was an ESCO agent for a company for a number of years and I can tell you that this isn't true. There's not a lot of unscrupulous junk going on with these people. Most of them are mom-and-pop people, they sell it. In order -- there's about 55 ESCO companies in New York State. In order to sell that energy to a home or a business, they have to have it in writing exactly what they're going to do for the length of time. It's not where they can just say, *Oh, I'll give you up to four kilowatts an -- kilowatts an hour, four cents or whatever.* That's not true. They have to tell you in writing exactly what it is and for the length of time. That's the law. So if somebody -- if one person misrepresented and that's why we're doing this bill, it's garbage - no offense - because this isn't happening. And I've dealt with a lot of ESCO companies in my business. So when it comes down to what the price is, what the kilowatt hours is, what the wattage is it's got to be in writing and then they have to give you an update at least yearly and tell you what you spent, what your savings were or if you didn't. And when the rates go up they have to notify you about that also because energy costs fluctuate. And depending on what grid you're in in your community, I could -- I remember one time I was paying 4.2 cents a kilowatt while three miles down the road they were paying seven cents a kilowatt for electric. So when they -- when it was from the four cents the company has to tell

you, well, we're just -- we're selling it at five cents. So when you were paying four you wouldn't take it, but if you're paying seven you're going to get a savings. So I don't know why we're doing this bill because most of these people are mom-and-pops, trying to make a few extra dollars, and now we're going to tell them they've got to go and register with the -- with the DEC or whoever. That's way overkill. It's overkill. It's useless. It doesn't do anything except make these people -- put them in a hardship. I don't know if this bill is going to make them have to pay a fee now to be registered as brokers, go through training, maybe take a test. For what? It's all -- it's ridiculous.

I'm urging a strong no vote. At 10 after 1 in the morning we should not be doing this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9414. 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: Thank you, sir. I have the great pleasure of being the Floor Leader of a Conference that has a lot of experience and expertise and different ideas. As one of my colleagues

mentioned, this is a bill that he supports because it requires energy brokers and energy consultants to be registered with the Public Service Commission and have that type of oversight that has been helpful in so many other areas. Another one of my colleagues noted that this is another way that the State of New York extracts money from people, including small business people, because it has a \$500 registration fee and he knows that these energy consultants are already regulated and already provide a great deal of information. I've -- I've asked for a fast vote because the vote in the committees were generally in favor of this, but I think both my colleagues make great arguments and I look forward to seeing how my Caucus ends up on this bill.

Thank you so much, sir.

ACTING SPEAKER AUBRY: Thank you, sir. All hail democracy.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 454, the Clerk will read.

THE CLERK: Assembly No. A07770-C, Rules Report No. 454, Epstein, Taylor, Quart, Seawright, Kelles, González-Rojas, Cruz, Forrest, Gottfried, Simon, Reyes, Burgos, Jackson, Meeks, Steck, Tapia, Ramos, Fernandez, Aubry, Gibbs, Solages, Weprin, Fahy, Niou, J.D. Rivera, L. Rosenthal, Thiele. An act to amend the Insurance Law, in relation to an immigration bail business.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I appreciate the sponsor's desire to increase the availability of bail bonds for immigrate -- immigration recipients or people who are facing deportation and to reduce the cost. And in fact if you were to ask someone who is facing a deportation proceeding and has to post bond, what they would want to see, I think this bill does a great job in describing what a person seeking a bond would want. And so this bill says the fee cannot exceed ten percent. And if you're seeking a bond, of course the lower the fee the better, and some of these fees in the private sector or out in the market can be as much as 20 or 25 percent. And this bill says that the bail bondsman can't require you, as a condition of issuing the bond, to wear an ankle bracelet. And of course if I were looking for a bond I wouldn't want to wear an ankle bracelet because it really kind of interferes with my own sense of privacy. The problem, though, is that these restrictions where we cut the income for these bonding companies sometimes in half and make it harder for them to locate the defendant if the defendant doesn't show up will result in a reduction in income and a likely increase in their expenses. A bail company's expenses include the fact that they lose the entire amount of their bond that they post if the defendant doesn't show up and they can't find them. And unfortunately, when it comes to undocumented immigrants they

present special challenges to locate. Unlike a U.S. citizen, they don't have Social Security numbers and so you can't track them that way. They don't have credit cards because they can't get a credit card without a Social Security number. They don't have a driver's license address that you can access through DMV because that by law is confidential now. So all the typical ways that you would use to track down someone who failed to show up are not available to you. And by their very nature, you're dealing with people who are being deported because they have successfully typically been able to live underground, off the grid. So they're not being paid with tax dollars or money that's reported to the government so you don't -- can't track them with their Social Security number. And so they've been (inaudible) with living under the radar, if you will, which makes it very difficult for bonding companies. And by their very nature, most of them have friends or relatives from their home country and that presents a special problem for a bail bondsman because if these immigrants were here without legal documentation go back home to their foreign country, it's likely they will travel the same way they got to the United States which means undocumented. That presents a problem for the bail bonds company because if they don't show up and they went to their home country and they can't document it, they can't get them back to show up and they lose the entire bond. The reason these bail companies require an ankle bracelet, or at least some of them do, as a condition of getting the bond is so they can get the defendant back to court if they don't show up and they don't lose their

bond. So the real problem that we have with this bill is by cutting the income, and sometimes more than in half, and increasing the risk of loss by barring the techniques they use to locate these defendants you're going to have a very serious impact on the availability of these bonds. And so the unfortunate consequences that what we're going to find is there aren't going to be enough bonds out there anymore because people are losing too much money and they'll take the money and invest it somewhere else. And so the solution for this situation is to recognize that we're dealing with the -- the basic economics of supply and demand. And so if we want to reduce the cost of bonds for immigrants we need to increase the competition and we need to reduce their risk of loss so that they can make a reasonable profit while charging less. And so we have to look at how we can help them locate defendants so they don't lose the bond and how we can help them reduce their costs so that they can charge less. And if we focus on the underlying economics we'll accomplish the objective that this bill hopes to achieve. But unfortunately, coming from the other direction is simply cutting the revenue in half and increasing their risk of loss is going to result in fewer bonds for those who are lucky enough to get them, and the rest of them unfortunately will not be able to get a bond and will have to languish in Federal jail where they still have bonds.

And so while I -- I fully support the objective of this legislation, I think that unfortunately it will actually cause the opposite result. And for that reason I can't support it and would recommend

against it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: In order to take this bill further, on a motion by Mr. Epstein the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7475-B. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Although we support the objective we're opposed to this approach. But those who want to support it are certainly encouraged to vote in favor here on the floor of the Assembly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. However, there may be a few colleagues that would like to be an exception. They're welcome to call the Majority

Leader's Office and we will be happy to record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Actually, to explain my comments a little bit more accurately. I didn't want anyone to think that my knowledge of a bail bond is as a result of being a defendant that was facing deportation. But I actually started my career in Washington, D.C. working in immigration work full-time - not quite the same amount of time each day that we had this week - and I had the good fortune to work with Dave Crosland, who was the head of Immigration Services under President Carter. And so when he joined our law firm he couldn't practice in front of Immigration Courts for two years under the ethics rules. And so I had the good fortune of becoming our law firm's immigration expert for two years - I didn't survive the two years - but during that time period working for Mr. Crosland. But I'm very sympathetic to the challenges of addressing the immigration issues and -- and I hope that we can address this problem in a way that results in more bonds being available for those who are facing deportation.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to

explain my vote. I mean, every year in New York State there are thousands of immigrants who come here. Many end up in detention centers and they can spend months or years behind bars. One way to get that is to get an immigration bond, and they end up going to bail bonds people who, even though it was a \$10,000 bond, may spend \$40- or \$50,000 in fees to pay back to the immigration bond company. This is the way the -- through the Department of Financial Services that we regulate an unregulated industry. We protect vulnerable New Yorkers who in the moment really say, *Well, it's a \$10,000 bond. I want to get my family member out with his (inaudible) money*, thinking that it's just \$10,000 when it ends up being way more. In addition, we've heard from companies, the large companies who practice this. They want these regulations. We believe regulations will bring more people into this industry. And we also have non-profit partners who are currently in this space who would take up the slack once this legislation is passed.

So this is a good bill. It's good for New Yorkers, it's good for our immigrants who get locked up in detention, and it's good policy. I encourage all my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can ask colleagues to call their attention to Calendar No. 643 by Ms. Weinstein; Calendar No. 573, Mr. Gottfried; Rules Report No. 203, Ms. Clark; Rules Report No. 487, Mr. Thiele; and Calendar No. 209, Ms. Clark.

Thank you, sir. In that order.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Page 53, Rules Report No. 643, the Clerk will read.

THE CLERK: Assembly No. A09975, Calendar No. 643, Weinstein. An act to amend the State Finance Law, in relation to the liability of a person who presents false claims for money or property to the State or a local government.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, 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 8815. 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 numbers previously provided.

Mr. Ra.

One minute. I think we need to know what position the Party is going to take and then Mr. Ra can go.

MR. GOODELL: I was looking forward to hearing Mr. Ra so I can tell you that the Republican Conference is generally opposed to this legislation.

ACTING SPEAKER AUBRY: I share your excitement, and we will hear him.

Mr. -- Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote. The Democratic Party is generally going to be in favor of this piece of legislation. However, colleagues who would like to be an exception should feel free to contact the Majority Leader's Office, we'll make sure their vote is properly recorded.

Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Well, let's -- let's -- it's a correctable error. Mr. Ra, are you speaking on the bill or explaining your vote?

MR. RA: (Inaudible)

ACTING SPEAKER AUBRY: You're a wonderful man. Mr. Ra on the bill.

MR. RA: Thank -- thank you, Mr. Speaker. You're a wonderful man as well. To quickly explain my vote, this bill was subject of a previous veto. It amends the Fair Claims Act, but it is very broad for a couple of reasons that I just want to state. Number one, it uses the term "obligations" in addition to statements which is

not completely defined. Currently you could be sued for basically, you know, filing a false return. This might include somebody who didn't file a return and that's a piece of concern. Second, these new amendments would authorize Fair Claim Act claims not only against taxpayers who knowingly avoid, decrease or conceal their tax obligation, but also against third-parties such as tax advisors or preparers who routinely rely on the good faith interpretations of the Tax Law when rendering advice to their clients. Third, there's a concern that it might apply retroactively because it does effect -- take effect immediately and the statute of limitations on these types of claims is ten years. Fourth, it requires currently to knowing failure to file a tax return and it's not consistent with the Tax Law provisions which require willful failure to file. And fifth, the protective language in the (inaudible) does not offer protection against unwarranted investigations and lawsuits. So it is very broad, and there's a concern that it may apply, you know, much more context of playing just for that reason. And because the language does not address the previous veto I'm voting in the negative.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 50, Rules Report No. 573, the Clerk will read.

THE CLERK: Assembly No. A09604, Rules Report

No. 573, Gottfried, Sayegh, González-Rojas, Reyes, Hevesi, L. Rosenthal, Quart. An act to amend the Public Health Law, in relation to enabling certain persons to consent for certain medical, dental, health and hospital services.

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

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So, this bill authorizes homeless and runaway youth to consent to medical, dental, health and hospital services. Currently under Section 2504 of the Public Health Law -- okay, under 2504 of the Public Health Law states that effective consent for medical, dental, health and hospital services may be given by any person who is 18 years of age or older or is the parent of a child or has married. We would think of it in the -- we've heard the term before of, like, emancipated minor. It would be something akin to that, although New York doesn't, you know, necessarily define it that way. So, I'm going to just break it down a little bit more so you can understand what this -- what this bill is really doing, how old -- how young a child be to come under this bill. Well, you have to take a look at the definitions for both homeless and runaway youth to figure

that out. Under the Executive Law, runaway youth is defined as a person under the age of 18 who is absent from his or her legal residence without the consent of his or her parent, legal guardian or custodian. But this statutory definition does not define how long a runaway youth must be absent in order to be deemed a runaway youth. Homeless youth is defined as a person under the age of 18 who is in need of service and is without place or shelter where supervision and care are available. Or person who is under the age of 21 but is at least age 18 and who's in need of services and without a place of shelter. So this bill does not exempt or carve out any medical, dental, health or hospital services that the youth could consent to. So I'm going to use the example of an abortion. So under -- under current law in New York, if you're a minor under the age of 18 you do not need the permission of your parent or guardian to get an abortion as long as you're able to give informed consent. So what this bill does is it adds and authorizes homeless and runaway youth to the list of those young people who can give informed consent to medical, dental, health and hospital services including abortion. So this bill, therefore, would give children who are old enough to become pregnant the ability to give effective consent to an abortion if they are a runaway youth within the meaning -- or homeless youth within the meaning of the Executive Law.

So the reason I can't support this bill is that it is an expansion of abortion services to young people who could, under the wording of this bill, run away and it doesn't define in there how long

you have to run away for, you just have to run away, and if you do that, even if you're the age of 14 or 15 or 16, if you're old enough to get pregnant, you can consent -- you could give effective consent under this bill to an abortion. And so I can't -- I can't support an expansion of abortion services in that way. Now, this bill, I'll -- I'll note doesn't even mention the word "abortion", but it is a health service. It is a medical service. It might require a hospital service. I'm fine with the concept of this bill allowing a homeless or runaway youth to get a dental cleaning, to get an eye exam, to take care of routine medical things. But heart surgery, cancer treatment, abortion, these are things that are very serious things. And, you know, in this Chamber over the last few weeks particularly, we've talked a lot about what youth can and cannot do, what their brain capacity is and isn't. What they're able to -- to understand and not understand as we've taken up so many different bills. So I would say that this bill, by allowing this kind of expansion of abortion services and, frankly, other very serious medical decisions to people that are so young to our youth simply because they choose to run away in order to get those services and be able to have that -- the abortion or that medical service is -- is just something that this Body should not be taking up, and particularly at 1:45 in the morning in -- in the cover of darkness.

So I -- I'm not going to be supporting this bill and I would encourage my colleagues to think about what this bill really does and to join me in saying no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, I would be actually proud to be the sponsor of a bill to give minors consent to an abortion. The problem with that proposition is, as Ms. Walsh said, minors in New York State have had the -- the legal authority to consent to their abortions for almost as long as I have been in the Assembly. It goes back to the early '70s. So this bill, while I'd be delighted if it was granting minors the authority to consent to abortion, it really does not do that because that's been the law in this State for almost half a century. But I -- I do want to comment a little on the word "consent", because packed into those seven little letters is -- is a lot of meaning that I think needs to be put into the legislative record. Just as an adult under the section we're amending has the right to consent to healthcare, that's not a simple word in that context because that -- that adult needs to have the mental capacity to understand the nature of the care and the alternatives and -- and to -- to understand and give informed consent. And just as the word "consent" means all that in this section when it refers to an adult or an emancipated minor, it also has the same meaning when it -- when it will refer, if the Governor signs this bill, to homeless youth, runaway youth, et cetera. In other words, a homeless youth who has -- who will be under this bill have the right to consent, that homeless youth would still under the word consent have to have the mental capacity to understand the nature of the service, the alternatives and the mental capacity to give informed consent. So it -- it's just important that we all understand what's packed into the word

"consent." And if anyone's ever interested in the -- in the legislative intent here that that be understood as it is already in the section that we're amending. It is a word that has more meaning than its simple seven letters. So, again, the word "consent" is not a simple term. It -- it has packed into it a requirement of the mental capacity to understand the care and give informed consent. And number two, this bill does not grant anyone the authority to consent to an abortion. That's been the law in New York for almost 50 years. As I said, I'd be proud if I were the person whose bill was giving that consent, but that's been the law for a long, long time in New York.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Will the sponsor yield for a question, please?

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

MR. GOTTFRIED: Yes.

MRS. PEOPLES-STOKES: Thank you, sir. I just want to be clear on the intent of your legislation. It does or it does not mention the words young people will have access to go and consent to an abortion?

MR. GOTTFRIED: Young people will have the capacity -- the authority to consent to an abortion whether this bill becomes law or not. This bill -- if young people did not already have authority to consent to an abortion this bill would give it to them. But they already have that authority.

MRS. PEOPLES-STOKES: Okay. I get it. So -- so in other words, the fact that it's being alluded that this is all about giving -- incentivizing young people for abortions it's not necessarily correct. They already have that authority should they need it.

MR. GOTTFRIED: Absolutely.

MRS. PEOPLES-STOKES: Okay. Thank you, sir. And I just wanted to mention on another note, I had the opportunity to work in a youth detention center before, and most of the youth that were in there were in there because they were runaways. And what they were running away from, or what they thought they were running to, is safety because where they lived, who they were being raised by or who their parents were allowing folks to be around them was not safe for them. It was not good for them. And so sometimes they have to run to be safe. And if they do that, while they're out there they should have access to services that will keep them healthy because at some point they're going to be an adult. And what we would like for them to be is a responsible contributing adult rather than one that is sick, not healthy at all and making very poor decisions because they don't have the ability to take care of themselves from a health perspective.

So I actually would like to congratulate the sponsor of this legislation. Supportive services are important no matter what stage of your life and whether or not you're with a responsible adult or not. If you have control of your life because you've been pushed out because of abuse, you need to have the ability to make sure that you

stay in a healthy condition. So thank you, sir, for sponsoring this legislation. I look forward to taking a vote on it as well.

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

Ms. Byrnes.

Gentlemen? Thank you.

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

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, ma'am.

MS. BYRNES: Thank you, Mr. Gottfried. Parents are legally obligated to provide health insurance for their children, and we are talking about underage children. Is there any requirement in this bill to see if parents are available, if parents already have health insurance for the children so that they're already covered under another policy, even if it's Child Health Plus, or otherwise covered in some form rather than the State assuming responsibility of all the health care costs?

MR. GOTTFRIED: This bill does not deal with the topic of insurance. Legally if an insurance company has a policy that would pay for the -- for health care services for the -- the minor involved here, that -- that contract would still be enforceable. So if

the -- if the child, if the runaway or the homeless youth has health insurance, that insurance would be obligated to pay for care that the minor consents to.

MS. BYRNES: So if the parent's health insurance is going to be required to pay for services, why is there no obligation to reach out to the parents so you can even get an insurance card, insurance information to know if insurance does or doesn't exist. I mean, I guess I'm confused, sir, as to why -- I understand that these children are runaways in some way, shape or form, but they may very well have parents that are there who care, who want to be part of their lives; we don't know what did or didn't lead them to exit the home. So is there any effort to reach out to the parents before medical and other care is given to their children that they're the ones legally obligated to care for?

MR. GOTTFRIED: Well, the bill does not create any obligation to reach out to parents. Part of the reason there's a need for the bill is that in many of these cases of homeless or runaway youth, reaching out to the parents would be -- would be highly either useless or -- or -- or harmful. Interestingly in the early stages in the life of this bill, early drafts of this bill went on for pages and pages and pages dealing with a lot of related pieces like insurance coverage. We decided, "we" being me and -- and advocates I was working with, decided to leave those pieces for another time so that we could concentrate on the core piece of -- of the minor's ability to consent. But, you know, the bottom line here is that if the child has health

coverage with or without this bill that health coverage would be obligated to pay under the terms of a policy --

MS. BYRNES: It's my under --

MR. GOTTFRIED: -- for the care.

MS. BYRNES: Excuse me, sir. My apologies. It's my understanding though that if a child needed, putting aside for a second runaway status, if the child's living at home and something happens, they -- they twist their ankle playing soccer, they need to go to the emergency room, usually the parent accompanies them and medical procedures aren't done without the parental information, parental consent. And so I'm just trying to figure out why there's not even an effort to reach out to the parents so that they can make those decisions as to whether or not they -- they do or don't want to consent depending on what it is. You know, we don't -- we don't know, we're speculating and thinking parents did something bad and that's why kids run away, and that's not necessarily the case and it just seems, sir -- excuse me, let me just go on the bill. Thank you, sir.

MR. GOTTFRIED: Yeah.

MS. BYRNES: I appreciate your courtesies.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BYRNES: With the deepest of respect, it just seems that parents should be involved in their children's lives and that they should, when it's possible, to locate them and to incorporate them into decision-making. Parents should be a central figure in determining the care for any child. And it just worries me that this bill

totally excludes parents, will make parents pay for any procedures, dental, whatever. Whatever it is, the parents or their insurance would be obligated to pay for it and in any other time, the parents would have to consent, would have to know what's going on, but that -- through this bill, if a -- a kid just had a temper tantrum and ran out the door because the parent took away their iPhone, they could all of a sudden, you know, get all sorts of services that the -- maybe they don't even need and the -- the parent would prefer them not to have.

So for that reason, I think that the removal of parents as an instrumental part of their children's lives is a reason I can't support this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Byrne.

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, sir.

MR. BYRNE: Thank you, Mr. Gottfried. I don't want to be redundant, but just to circle back to -- to a point that was raised earlier by our Assistant Minority Leader Pro -- Pro Tem. The runaway youth typically understood as defined as under the age of 18 years old who is absent from his or her legal residence without his parent, her parent, or legal guardian. Is there a minimum age to your knowledge in existing law? So how -- how young can a child be to be

considered a runaway?

MR. GOTTFRIED: Well, the answer is there is no numerical limit on how young a child can be and still be considered runaway or -- or -- or homeless youth. But as I said earlier, no matter how -- no matter the age of the child between zero and 18, under this bill the word "consent" still carries with it the requirement that the child have the mental capacity to understand the nature of the care and the alternatives, and -- and to give informed consent, just like an adult would have to meet those tests. So chances are if a seven-year-old runs away from home, that seven-year-old is not going to be consenting to their health care because chances are that seven-year-old does not have the requisite mental capacity to consent, just like some adults don't have the mental capacity to consent. And in those cases, somebody else, whether a family member or a -- or a court ordered guardian has to do the consenting.

MR. BYRNE: Thank you, Mr. Chairman. Now, we did discuss a little bit I think in the Health Committee and you just alluded to it that it could be somebody else if they lack that mental capacity. So there's typically a list of people that could then help provide that consent. You did say other family member. So is it your -- your understanding that if we have a runaway child that is -- is, for this example, seven years old, lacks the mental capacity because they're not mature enough to offer that consent, that still someone other than the parent will be helping provide that consent for whatever elective procedure they're looking to get?

MR. GOTTFRIED: Well, I think what would have to happen in that case is that somebody, some adult would have to go to court on behalf of the seven-year-old and get a court-appointed guardian who would then have authority to -- to make decisions. In -- in actual practice if you were dealing with a child that young, the doctors involved or others would also, in almost any -- any case you could imagine, be trying to reunite that seven-year-old in some way with the parent but, you know, if that were not practical, you would -- you would be going to court. Also, if it was an emergency as with someone of -- of any age, there are special rules giving health care providers the authority to act in an emergency often even without anybody's consent.

MR. BYRNE: Correct. I was actually going to make that point, too. So when someone looks at this bill and this language and they think of a child who is a runaway who needs emergency care, they could already get that right now. This issue of consent is not really a barrier if it's an emergency as you just stated; is that correct?

MR. GOTTFRIED: That is correct, but many, many urgently needed pieces of care do not elevate to the level of emergency and -- and, therefore, you need legislation like this, just like adults need the capacity, need to have authority to consent and the law, of course, gives it to them because adults often need care that is not an emergency. The same is true for minors under the age of 18.

MR. BYRNE: Yes. Thank -- thank you, Mr. Chairman.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: Thank you to the sponsor for answering my questions and towards the end of our exchange, actually mentioned about emergencies and emergency care, and it's just kind of timely because I remember about the pandemic how some of these elective procedures that aren't emergencies at first, they actually can become emergencies at -- in time if they're left untreated, so that point is not lost on me. But some of the concerns that were raised by my colleagues in the Assembly Minority are something I've raised, as well. There's no minimum age for what we're talking about here with runaways, we're talking about very young children. There's also not a real -- there's no minimum time for when is it -- when are they considered a runaway, after they -- 24 hours, 48 hours, a week, two weeks? And I see, as someone looking at some of the policies coming out of government, that -- and it's a concern that's been raised by some of my constituents and I -- I would imagine by some of the people across the State in our colleagues' districts about removing parents from some of these decisions. And we want parents to be engaged in the upbringing of their children. I want parents to be engaged in the decisions that are the -- that involve the health of their child. And I want to make sure that we don't rush away a parent's obligation to be engaged in some of these very important decisions. There's a lot of different elective procedures and health decisions that can be affected without the consent or involvement of a parent, even if the parent's

insurance is paying for the child's care.

Now, if they're the beneficiary, the sponsor is right, they should be getting that care, but I think the parent, and the parent should also be informed to some extent. And it is important to note, as the sponsor has acknowledged, that the -- the child can get that emergency care now, too. So that is important because I don't think anybody would want to impede or put another obstacle from a child who needs emergency that is in their care. But on that note, Mr. Speaker, I will be voting negative for the concerns that I've outlined, and my colleagues have outlined already, and I will be recommending a negative vote. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- hi, Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I think there's been a little bit of confusion between the ability to make consent from a intellectual capacity, or incapacity, and the ability to make legal consent. And so in a very short nutshell and a very simple example, our law is very clear that a child under the age of 18 cannot consent to having sex with an adult who is over 21. But it doesn't matter whether they're the best student in the class and they know the other person and they're madly in love, we simply say, *You don't have the legal capacity to make that decision.* And we do that to protect the children.

And in the same way, in the exact same way, Section

2504 of the Public Health Law in this exact same way says that unless you're 18 years or older, or meet certain other criteria, you don't have the legal right or capacity to make a decision. Now, let's not be confused. You could be 40 years old and be completely incompetent and not have the right to make a decision, as well, but the section of the law that we're talking about, Section 2504, makes it clear that no matter how sharp you are, if you are a child under the age of 18 you can't consent to medical procedures, with a few exceptions.

So what's this bill do? This bill says you can't consent to have sex with an adult if you're under age 18, but you can consent to major surgery. You can consent to an abortion. You can consent to any number of other major health decisions without involving your parents if you're a runaway. I have three daughters. I can assure you they would consult with me and I would expect them to consult with me before they gave a kidney away, or before they had open heart surgery, or before they went in for radiation therapy or cancer treatment, or before they had an abortion. And as their parent, that is my right under the law when they're under 18, and that's the way it should be.

So let's not just say that as long as you run away from your parents, you can have whatever medical treatment or services you want the day after you run away. That's not the way we want the law in New York, that's not safe for our kids, and it's not the right policy. And for that reason, I'll recommend against it to my colleagues. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8937. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleagues, but certainly those who support it are welcome to vote here in favor on the floor of the Assembly or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. People-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is generally going to be in favor of this piece of legislation; however, there are some of our colleagues who may want to be an exception. They should call the Majority Leader's Office or use the button on their desk in the Chambers. Thank you, sir.

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

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. I just want to make is two quick points: One, I want to acknowledge the leadership of Governor Hochul on this issue. This bill got drafted in response to the fact that the Governor's budget legislation submitted in January included authority for homeless and runaway youth to make health care decisions. It was taken out of the budget not on the merits, but because many people felt that it was a policy issue that didn't have a relationship to an appropriation and, therefore, should be taken out of the budget. But at the time, a lot of us said yes, but we'll do this bill right after we get finished with the budget, and that gave rise to this bill.

Secondly, you know, in a -- in an ideal world or even in a good world, parents would be involved in making the health care decisions for their children. Unfortunately, homeless and runaway youth do not live in an ideal world or a good world. They live in a world in which getting a requirement for parental consent for their care can have extraordinarily detrimental effects on their health care and on their welfare. And it's because we live in a real world not an ideal world that legislation like this makes sense and is needed. And so I am delighted to sponsor this bill and to vote in the affirmative, and I'm glad it's going to pass both Houses and go to the Governor.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to briefly explain my vote. I appreciate what the sponsor has done here, and I agree that most youngsters who run away do so because the conditions that they are living in become intolerable or perhaps dangerous to them. And the notion that they would run away in order to obtain an abortion, perhaps they don't get consent from a parent who, in fact, is the perpetrator of the pregnancy. So that -- that's a reality.

So I think that it's important for young people with the capacity to make a decision about health care, to get that health care, and kids who live on the street may, in fact, have been abused in some way and may need to get some sort of health care for perhaps a venereal disease that is not necessarily something that they contracted as a result of, you know, positive sexual, but rather a rape or something. So I think that it's -- it makes sense.

But I also rise to just thank the sponsor for his years of commitment to the people of the State of New York, for his intelligence and his commitment to health care, and everything that he has done here in Albany and the work that he has done back home in -- on the West Side of Manhattan, for which we are eternally grateful for everything that he's done. And I don't know if this is the last bill, but I didn't want to take a chance and I just want to thank the sponsor for all he's done.

(Applause)

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker, to

explain my vote. I -- I just want to echo the comments of the last two speakers. You know, having had experience in law enforcement and having dealt with runaways and these types of situations, these children who already are receiving services from licensed and authorized providers, you know, for -- for runaway and homeless youth and different programs that they -- they're taken in by to help them, so it would be logical that these places arrange for them to get the medical care and dental care and things that they need.

And as just -- was spoken about by the last speaker, many of them are runaways because of particular problems at home. Either they're sexually abused, physically abused, there's alcohol or drugs going on in the home, they're beaten. Some of them come in from out-of-state possibly through the Port Authority Bus Terminal. I mean, there's many reasons why young people would run away, but they shouldn't be deprived all kinds of medical care and services because of that situation. It's like punishing them, re-victimizing them one more time.

If you look at the recent publications in the newspapers in the last month, we have so many children that are found in -- in squalor living conditions, beaten, abused, starved, malnourished by their own parents, by foster parents, by the mother's new boyfriend and the mother's -- the father's new girlfriend, and it's just a horrendous lifestyle. So for us to turn around and compound it and say, *Well, because you're under 18, you're not entitled to medical care*, just serves no logical point, you know, in my mind, you know,

whatsoever. As was stated, if they came from a normal home, we wouldn't be having this discussion.

And I know what the Public Health Law requires, and this particular bill is amending the Public Health Law to add the specific provision in here that they're -- that they're able to give consent as long as they're able to do so and if not, these service providers that are taking care of them will go into court, take out a guardianship petition, get an order and then step in the place of the parents to get them the proper care that they need. So I'll be supporting this piece of legislation and voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Montesano in the affirmative.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleague Mr. Barnwell in the negative on this piece of legislation?

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 5, Rules Report No. 203, the Clerk will read.

THE CLERK: Assembly No. A08102-A, Rules Report No. 203, Clark, Seawright. An act to amend the Criminal Procedure Law and the Family Court Act, in relation to requiring the court to order the search for and immediate seizure of certain firearms

when a defendant willfully refuses to surrender such firearms.

ACTING SPEAKER AUBRY: On a motion by Ms. Clark, 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 6363-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.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference, this should be a Party vote, sir.

ACTING SPEAKER AUBRY: The --

MR. GOODELL: If you would --

ACTING SPEAKER AUBRY: I -- I must have mistaken the F for a P. Which one did you raise? You put F, that's "fast."

MR. GOODELL: Yes, and the other side, which is the one I was looking at, was the right one.

ACTING SPEAKER AUBRY: Yeah.

MR. GOODELL: And I -- I couldn't understand --

ACTING SPEAKER AUBRY: I have thick glasses, but they don't see through paper.

MR. GOODELL: And, sir, I couldn't understand --

ACTING SPEAKER AUBRY: So we will recall --

MR. GOODELL: -- here I am looking at it --

ACTING SPEAKER AUBRY: I understand.

MR. GOODELL: (Inaudible) -- in the wrong way.

ACTING SPEAKER AUBRY: At two something in the morning, mistakes are made. Would you like us to withdraw that roll call and go to a Party vote?

MR. GOODELL: That would be very nice, sir.

ACTING SPEAKER AUBRY: Certainly.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6363-A. 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 numbers previously provided.

And now, Mr. Goodell.

MR. GOODELL: Thank you, sir. I was actually much more efficient at two in the afternoon than at two in the evening -- or in the morning. This is a Party vote, thank you for making that clear, and the Republican Conference is generally opposed to this legislation for reasons I will hope to explain in a moment. Those who want to support it, of course, are encouraged to vote yes on the floor or yes by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be some of our colleagues who would like to be an exception. They should feel free to do so. We've had a lot of explanations about these topics for a long time over the years, as well as over the last couple of days. I'm not so sure if there needs to any more conversation, but people do have an opportunity to vote. I would encourage the Majority Conference to vote yes. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, both.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Under current law, if a person is the subject of a order of protection or even a temporary order of protection, the court may, in its discretion, order the immediate search and seizure of any firearm in the possession of the respondent, particularly if they have certain risk factors. But what this legislation does is eliminate the judge's discretion and requires the court to order the immediate search and seizure for a firearm even in the context of a temporary order of protection. And for those who are fortunate enough not to know what a temporary order of protection is or how it's issued, a temporary order of protection is issued before there's any determination of any guilt or innocence. And so it's typically issued on the complaint of one person without any hearing.

And so what this bill essentially says is just based on the complaint without any hearing, without any finding of merit, without any finding of guilt, the court must, without considering any other factors, must order the immediate search and seizure. And of course, unfortunately, this violates the search and seizure provisions of the U.S. Constitution, amongst other things, and due process because it's -- would be required before there's any hearing. And that's just not the way we want to respond in an appropriate manner dealing with these fundamental Constitutional rights.

So I believe, sir, that having some level of discretion with the court is the right way to balance these issues, and that's why I will be voting no and recommend the same to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Clark to explain her vote.

MS. CLARK: Hello. Thank you, Speaker. I mean, I can start with a few stats: 70 women are killed every month in domestic violence cases by guns, over a million women have been shot at one point in their life in domestic violence situations, and 4.5 million women in our country have already been threatened by a gun. We know the overwhelming damages and we -- that are done by gun violence when domestic violence is taking place in the home.

An order of protection is issued by a judge because someone is in danger. This -- this particular order, it's not a, by law, as current law as already been stated, when this order of protection is

issued, a defendant is to supposed to surrender their firearms. The only time this kicks in is if they willfully refuse to, which actually triggers our normal search warrant laws anyway. So it doesn't go into the Constitutional Fourth Amendment as stated before. We know that the time that an order of protection is issued is the most risky time for someone. Removing guns from that is not only the law, but is what we need to do to make sure people are safe. This is -- we are just hours past Gun Violence Awareness Day, domestic violence is the number one way guns are used to kill people, even in mass shootings as we have seen. In 60 percent of mass shootings the first victim or one of the victims is a domestic violence or intimate partner and eight -- almost 80 percent is a family member.

So we need to make sure we are keeping people safe and when situations like this arise and there's an order of protection ordered by a judge and we already know guns have to be removed, we need to make sure it's happening. Thank you. I vote in the affirmative.

ACTING SPEAKER BRONSON: Ms. Clark in the affirmative.

MR. GOODELL: Thank you, Mr. Speaker. Please record the following colleagues in the affirmative: Mr. Durso, Mr. Gandolfo, Mr. Morinello, and Mr. Ra.

ACTING SPEAKER BRONSON: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER BRONSON: Are there any

other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 487, the Clerk will read.

THE CLERK: Assembly No. A09824-A, Rules Report No. 487, Thiele, Lavine, Englebright, Stern, DeStefano. An act to amend the Civil Practice Law and Rules, in relation to the statute of limitations for public water suppliers to commence an action, civil claim, or cause of action for injury to property.

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

(Pause)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BRONSON: The Clerk will record the vote on Senate bill 8763-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.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker, to briefly explain my vote. So this bill provides that in any action by a public water supplier involving an emergent contaminant barred because of

the expiration of the statute of limitations, it would be revived so that the action can be commenced within one year and six months. And then the bill goes on to define emergent contaminant as a physical chemical microbiological or radiological substance that has ever or ever will be identified or is listed under the Public Health Law.

So I personally am going to be supporting this bill, but I think that I wanted to point out that there will be possibly some colleagues who won't with the idea that, first of all, it's important to have a statute of limitations that is defined, it's for the benefit of everybody, including the businesses that choose to make a large investment to create a water system in a particular community, they want to know what their liability is going to be. But also, because -- there's already under the CPLR certain tolling provisions and some people are going to feel like maybe that's already adequate. So I'll be supporting the bill, but others may not. Thank you, Mr. Speaker.

ACTING SPEAKER BRONSON: Ms. Walsh is in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. The number one issue in my county, long-term for the health of my county is economic development, which is bringing in and expanding businesses. My county has about double the manufacturing percentage than most of the counties in the State of New York. We also have one of the highest number of farms in the State of New York. And unfortunately one of the side effects of manufacturing is that they use chemicals,

whether it's painting the products that we make, or cleaning them. And one of the side effects of farming is that they also use chemicals, whether it's pesticides or herbicides or just spreading manure on the field.

And so what this bill does is it says that even though you're complying with every single environmental standard at the time and you may even had every permit that you ever needed, that some time in the future, the State of New York could look back with no limitation whatsoever and initiate a lawsuit against you for contaminants that you didn't know existed and weren't regulated or were and you were within compliance. That's what an unlimited statute of limitations says.

And so if you're thinking about making a major investment in the State of New York, would you come here? Would you spend that money with a Legislature that opens it up? It's like that television station -- or show, *Purge*. If you're familiar with it, I only saw it once, where the government said, *Gee, for one year you can do whatever you want* -- or one night, I think it is. We can't do that and have long-term economic development decisions being made. And for that reason, I can't support it, but I do recognize that for those who are on Long Island and are wrestling with contaminated water supplies, this is an important issue for them. Thank you, sir.

ACTING SPEAKER BRONSON: Mr. Goodell in the negative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker. So representing a district that is surrounded by or has the former Grumman Corporation facility within the district and having dwellings and residences around that facility that have private wells for drinking water and where these contaminants have gone into their homes, it's very important that you be able to take action for somebody that has caused detriment to the environment and to the drinking water, and where the people are expecting to be connected to public water and the municipalities may not be able to bear the cost to extend public water to these residents. So I fully support this bill and I thank the sponsor for bringing it forward. Thank you, Mr. Speaker.

ACTING SPEAKER BRONSON: Ms. Giglio in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleagues Mr. Keith Brown and Mr. Friend in the negative. Thank you, sir.

ACTING SPEAKER BRONSON: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 52, Calendar No. 609, the Clerk will read.

THE CLERK: Assembly No. A08105-B, Calendar No. 609, Clark. An act to amend the Criminal Procedure Law and the Family Court Act, in relation to orders of protection.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER BRONSON: On the bill.

MR. GOODELL: Thank you, sir. What this bill does it requires a court to inquire of a defendant as to the existence and location of any firearm, rifle, or shotgun reasonably believed to be owned or possessed by the defendant in consideration of a temporary order of protection. The amazing thing about this is as all of us know, every defendant has a Fifth Amendment right against incrimination, yet, this requires a court to question the defendant when he has an absolute Constitutional right not to say anything.

Second, it doesn't provide any Miranda warnings at all, because apparently when you're in this context you don't have any Miranda Rights under this law, anyway. And it goes on to say that if you do say you have any rifle, they are to immediately confiscate them because apparently you're not entitled to any due process. And if you don't cooperate, there's a penalty for your nondisclosure. So in one law we manage to violate the Fifth Amendment against self-incrimination, the Fourth Amendment against search and seizures, the First Amendment that protects your right to free speech or not to speak. We throw out the Miranda warnings that the Supreme Court

upheld, and we do it all on a temporary order of protection that precedes any hearing or any determination of any guilt. Now, I know in the process I almost forgot to mention the Second Amendment, which we trample on. The good news is it looks like the Third Amendment and maybe the Seventh and Eighth haven't yet been violated in one simple law.

Please, my friends, there is this Federal Constitution out there and we ought to be at least mindful of the fact that you shouldn't violate multiple provisions in one simple statutory provision and accordingly, I can't support it. Thank you, sir.

ACTING SPEAKER BRONSON: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Will the sponsor yield for a question, please?

ACTING SPEAKER BRONSON: Will the sponsor yield?

MS. CLARK: Yes.

ACTING SPEAKER BRONSON: The sponsor yields.

MRS. PEOPLES-STOKES: Thank you, Ms. Clark. For the last couple of pieces of legislation that's been in front of us, we have heard the opposition describe the bill before the sponsor had an opportunity to tell us what the bill is and what it does. So Ms. Clark, would you please explain to us what your bill does?

MS. CLARK: I'd love to explain what this bill does.

So by statute if an order of protection is issued in a court, there are supposed to be a surrendering of guns in the house. Right now, that would be the assumption, then, that that question would be asked of a defendant and also, potentially, asked by that person pushing for -- who is asking for the order of protection, but it doesn't always happen. And so what we're trying to clarify, it is already statute that the guns are supposed to be surrendered under the order of protection. So we're not changing that law, that law already exists. What we're saying is that when it's issued that the judge asks the -- if guns are present in the home and we went out of our way in this bill to carve out and make sure we are protecting the person who is asking for the order of protection, that they will be asked outside of the presence of the defendant that they're filing the order of protection against to keep themselves safe.

We know that judges may often assume if there are guns present, someone may volunteer that information, but it's not happening, whether it's because the person filing is afraid or intimidated, or has been bullied. We are already know the dynamics of domestic violence so we're trying to fix that and make sure that this is done and that the law is followed.

MRS. PEOPLES-STOKES: Thank you very much.

MS. CLARK: You're welcome.

ACTING SPEAKER BRONSON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BRONSON: The Clerk will record the vote on Senate 6443-B. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Party is generally opposed to this litigation. Of course, we encourage anyone who supports it to vote in favor of it here on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER BRONSON: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. And in spite of the illusion the opposition would like us to believe about this piece of legislation, the Democratic Conference is going to be in support of it. I would encourage colleagues who would like to be an exception to feel free to contact the Majority Leader's Office, we will make sure their vote is properly recorded. Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Lavine to explain his vote. Quickly.

MR. LAVINE: Thank you. Yes, very quickly. This just says the court -- the court, the judge is supposed to inquire of the defendant and the prosecutor about the presence of guns in a home

where there's an order involved. Now, we hear in this Chamber a lot of comments by people from a lot of parts of the State, but from a lot of the rural areas, the nonmetropolitan areas, about the need to have guns. And we respect that. There is a Second Amendment. But I kind of worry that judges who come from those parts of the State and may have that same attitude that we hear so often in this Chamber are not going to be too interested in trying to make sure that someone who is seeking an order is actually protected. It's just a worry on my part; perhaps unfounded, but it's really founded.

So I think this is really a good bill. Let's make our judges protect the people who seek the protection of the courts. I'm very pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Clark to explain her vote.

MS. CLARK: I will be super quick. I just wanted to make sure I added, as well, that if somebody would like to challenge a temporary order of protection in a hearing, they have up to -- they have to be given a hearing within 14 days, up to 14 days. So this whole argument about due process, it just really doesn't pertain to this particularly, as we know, in the sensitivity of domestic violence cases. So there is the option to have that hearing that -- that ever elusive hearing to argue your case if this is not something that should be happening. But in the meantime, knowing how risky it is the moment these orders of protections are issued, we need to make sure we're

protecting the victims and those who are -- the victims of domestic violence. So I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Durso, Mr. Gandolfo, Mr. Morinello, and Mr. Ra. Thank you, sir.

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

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Now, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. And colleagues, this is a -- the final list of debatable bills. After that, we're going to consent, hopefully it will go a little faster. The bills that we're going to debate now will be Rules Report No. 675 by Ms. Paulin; Rules Report No. 745, Mr. Zebrowski; Rules Report No. 436, Mr. Zebrowski; Calendar No. 239, Mr. Gottfried; and Rules Report No. 681, Mr. Gottfried. In that order, Mr. Speaker. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Page 4, Rules Report No. 675, the Clerk will read.

THE CLERK: Assembly No. A01125-A, Rules Report No. 675, Paulin, Gottfried, Thiele, Galef, Cook, J. Rivera,

Seawright, Dinowitz, Bichotte Hermelyn, Barrett, Kelles, Hevesi, McDonald, González-Rojas, Sillitti, Dickens, Reyes, Mamdani, Rozic, Englebright, Forrest, Epstein, Jackson, Steck, L. Rosenthal, Niou, Quart, Carroll, Burdick, Simon, Burgos, Lunsford, Gallagher, Lavine, J. D. Rivera, Clark. An act to amend the Education Law, in relation to the dispensing of self-administered hormonal contraceptives.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1125. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This is a Party vote with the Republican Conference generally opposed to this legislation for reasons I will mention shortly.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is going to be in favor of this legislation. There may be a few of us who would like to be an exception, they should feel free to contact the Majority Leader's Office or if they're in Chambers, activate their no button. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill would enable the dispensing of self-administered hormonal contraceptive by licensed pharmacists without the need for a person-to-person, face-to-face assessment by a licensed physician. And the way they do that is they say that a licensed physician can give a general order that can be filled at any time. Unfortunately, what it does is it jeopardizes the health of women in this blind brush to support abortion or birth control regardless of the impact on individuals. And we all know that a lot of these drugs have a serious impact on the body, and for some women it can be very dangerous.

And so for those of us who are really concerned that we don't authorize the injection of large doses of hormonal contraceptives without a physician's direct involvement, we will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Mr. Speaker, the Senate gavelled out a couple days ago and throughout the entire Session didn't take this bill up. So despite it not having the opportunity to go to the Governor and be signed into law, I'll be voting no as well with the Conference.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Ms. Paulin.

MS. PAULIN: Yes, thank you. In light of the fact that the Supreme Court, we assume, is going to be issuing a decision that will take access to reproductive rights from many women in this country, I feel very proud to be sponsoring a bill that gives even more access to New York women. And just for the record, it is the physicians, the prescribers, who support this bill. They believe that an unwanted pregnancy is much -- of much greater risk to a woman's health than being able to get birth control pills by a licensed pharmacist with a non-patient specific script.

I want to thank the Chair and the Speaker for putting so much effort into this bill, and it's disappointing that the Senate did not take it up, but I feel sure that ultimately, this bill will become law in New York. Thank you.

ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Mr. Friend to explain his vote on Zoom.

MR. FRIEND: Thank you, Mr. Speaker. I'd just like to mention that my wife, who has birthed four children, is a practicing active physician, does not support this bill of allowing pharmacists to administer this medicine. I will be voting no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Friend in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 745, the Clerk will read.

THE CLERK: Assembly No. A10261, Rules Report No. 745, Committee on Rules, Zebrowski. An act to amend the State Finance Law, in relation to prohibiting State agencies from assessing certain additional collection fee charges on certain outstanding student debts.

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

THE CLERK: This act shall take effect April 1st, 2023.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7862-B. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed for the reason I will mention momentarily.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is in favor of this piece of legislation; however, there may be a few who would like to be an

exception. Please feel free to contact the Majority Leader's Office, we will make sure your vote is properly recorded, or use your no button in the Chambers. Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you. This bill requires minimum training requirements that are fairly extensive for code enforcement officers, or building safety officers. And certainly everyone in this room wants to ensure that our code enforcement officers are well qualified, but there's a couple of zingers in here that are of great concern, especially -- especially when we get to the right bill.

(Laughter)

And I can't understand why -- I can't understand why this Body keeps bringing up the wrong bills for Mary Beth and I.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Goodell, we're just out of control.

MR. GOODELL: But having spoken on the need for code enforcement, some of whom may incur student debt, if I may talk about that for a moment, as well.

The challenge with this bill is it eliminates the ability of our own Attorney General to collect the actual, get reimbursed for the actual cost of collecting on student debt. And as you know,

student debt collection has been quite a political issue. And so you can be assured that our Attorney General who is running for reelection is not going after students who can't or are unable to pay because of their circumstances.

But from time to time, the Attorney General does bring lawsuits on collection matters where they think -- the Attorney General's Office thinks the students can or ought to pay, or they otherwise make the internal decision that a judgment would be appropriate. So under current law they are authorized under Section 5 of -- subparagraph 5 of Section 17 of the Public Finance Law to get the actual, their actual collection cost, not to exceed 22 percent of the loan.

Now, if the student has \$100,000 loan, that means they get their actual cost not to exceed 22,000. If they only have 1,000 loan, they get the actual cost not to exceed, you know, \$220, which doesn't even cover the filing fees. This would eliminate the ability of the Attorney General's Office to get reimbursement for their actual expenses when collecting student debt, which means then that that expense of collecting the student debt falls on the taxpayers who never borrowed the money in the first place. And for that reason, I would recommend that we not adopt this. We'll talk about code officers later, but not adopt this and allow the Attorney General to collect out-of-pocket reimbursements. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 436, the Clerk will read.

THE CLERK: Senate No. S00532-A, Rules Report No. 436, Senator Persaud (Zebrowski, Lawler--A00276-A). An act to amend the Executive Law, in relation to minimum standards for code enforcement personnel.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 532-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this bill for the reasons I will continue to explain, having been interrupted by that previous bill.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is in favor of this piece of legislation; however, there may be a few of our colleagues that would desire to be an exception. They should feel free to contact the Majority Leader's Office and/or press their no button in Chambers.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. As I was mentioning, there are some students that may or may not have student debt, but they are obligated to take a fairly extensive training to --

ACTING SPEAKER AUBRY: It ain't funny at 3:10.

MR. GOODELL: I'm covering all my bases.

(Laughter)

ACTING SPEAKER AUBRY: The bill on the board, please.

MR. GOODELL: Yes, they may or may not have student debt, but this bill would require them to take extensive schooling in code enforcement. And the idea of having well-trained code enforcement officers is a -- is a great idea, and certainly one that all of us hope to achieve. There are, however, a couple zingers in this bill that are problematic, especially for our smaller, rural Upstate towns.

Upstate, being able to find a qualified code enforcement officer is sometimes a challenge. And, of course, if you have one that's been with you a long time and they retire, you have to find another one and it's not like you pick up the phone and say, *Hey, I'm looking for a certified code enforcement officer that's got all their training up-to-date.* Rather, what typically happens is they look at a

pretty capable contractor and say, *Hey, would you like to work for the town, you know what you're doing, you're familiar with us, you're comfortable looking at plumbing, electrical and everything else, would you like to be our code enforcement officer?*

And what this bill says is even though you find a qualified contractor and a person that's been doing this for decades and knows their way inside and out and actually knows the code probably better than any code officers, they cannot begin to work for the town, can't start until they complete the State mandated training. And for a small town, that could be an extensive delay.

And so we need to be sensitive, then, in small towns. You don't look in the Yellow Pages for certified code enforcement officers. You look for the people that are the best qualified in the town that have that practical common sense experience, you get them on board as soon as you can, you arrange for the certification as soon as you can to make sure you cover all your bases, but you really need to get them in. And the last thing any of us want to do is create a scenario where town governments or village governments don't have any code enforcement officer, pending training, when you have a qualified person that's ready to step in.

So I would like to work with the sponsor and hopefully we can address some of these issues and have another shot at correcting this, or addressing the bill's concerns. And again, thank you, for the sponsor because I know your heart and mind's in the right place, but I can't support this as drafted. Thank you, sir and thank

you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Keith Brown in the affirmative. 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.

Page 41, Calendar No. 239, the Clerk will read.

THE CLERK: Assembly No. A07326-A, Calendar No. 239, Gottfried, Brabenec, Cymbrowitz, Dickens, Englebright, Gallagher, Hevesi, McDonald, Montesano, Otis, Paulin, Simon, Taylor, Thiele, Zinerman, Lavine, Davila, Forrest, Fernandez, González-Rojas, Goodell, Seawright. An act to amend the Public Health Law, in relation to protecting the confidentiality of vaccine information.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6541-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.

Page 5, Rules Report No. 681, the Clerk will read.

THE CLERK: Assembly No. A05613-A, Rules

Report No. 681, Gottfried, Lavine, Simon, Sillitti, Davila. An act to amend the Social Services Law and the Civil Practice Law and Rules, in relation to recovery of overpayment of certain assistance; and to repeal certain provisions of the Social Services Law related thereto.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

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

MR. GOODELL: Just checking to make sure I have the right one. This bill amends the Social Services Law to make it much more difficult and, in some cases, impossible for the taxpayers to recover overpayments that were made to welfare recipients that were not eligible because they had excess of assets or income. And so these are the changes it makes: First, it says that public welfare officials cannot bring any collection action if they were the ones, through some bureaucratic error, that made the mistake. And so you

know, it's like, *Well, you made the mistake so we get to keep all the money.* Second and, by the way, there's no offsetting counterclaim that, yeah, you knew it was a mistake and you kept the money anyway, doesn't matter.

Second, unlike almost any other lawsuit, this would require a certification of merit signed by an attorney setting forth not only the claim, which is typical, but also supported by all the evidence. And as most of you know, when you bring a typical lawsuit, you don't file evidence, you just file the claim. Four, if the person who fraudulently obtained a welfare benefit, was under the age of 21, good news for them, they don't have to pay it back at all. Apparently it's okay if you're under 18 to consent to any medical procedure, but not competent to be responsible for any old payments. Five, instead of a typical three-year statute of limitations, this one has a little bit of a trap because this one is only two years statute of limitations. Well, the interesting thing is even if you go ahead and get a judgment having satisfied all those restrictions, unlike the statutory nine percent interest that applies in every other judgment in the State of New York, this one is limited to the one-year treasury bill which I think just broke one percent. Now, if you caught the person cheating the government and you brought a collection action during COVID and they paid at least half of it back, well, good news, you get a 50 percent off and you don't have to pay the other half. And finally, if you say, you know, I just don't have the money to pay it back, well, that's good enough to stop the lawsuit, too, because if you allege

undue financial hardship, you get a free ride.

My friends, when somebody collects money from the taxpayers that they're not entitled to, it's not unreasonable to say you ought to pay it back, and you ought to pay it back just like you ought to pay back any other money you get from any other source that you're not entitled to. And so this bill makes it extremely difficult for the taxpayers to recover money from people who may have lied or cheated on their application and got money they weren't entitled to. We aren't fiduciaries for the taxpayer, this is not the type of legislation we should support. For that reason, I'll recommend against it to my colleagues. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4540-A. 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 numbers previously provided.

Mr. Goodell.

MR. GOODELL: The Republican Conference is generally opposed to this bill, but those who would like to support it are certainly encouraged to call or vote on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this legislation; however, there may be a few of us who would like to be an exception. They're welcome to call the Majority Leader's Office or push their no button in Chambers.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. I just want to make one point about the bill. A lot of concern, you know, is raised in this context about people who have committed fraud or are consciously cheating the public assistance system or the Medicaid system. This bill does not interfere in any way with the mechanisms that are used for dealing with fraud, which is primarily not handled by Social Services officials, but fraud cases are basically handled by our criminal justice system, the local DA, et cetera. This bill does not touch that whole process and, therefore, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I realize in my last announcement of floor activity that I

mentioned that we were done with the debate list, but in lieu of the fact that there's a gentleman who has served us and served the 75th Assembly District for 52 years, we're going to be adding at least two other pieces of his legislation. I hope that folks will be kind to him in their challenges of this legislation. I can assure you that if he introduced it, it's good. He's probably been the most progressive legislator, and I will say in my term, the best and only Chair of the Health Committee who has done just a fabulous job. And so he's leading our health issues, we need to try to listen. So to his credit, we want to do Rules Report No. 698 by Mr. Gottfried and Calendar No. 599 by Mr. Gottfried. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 8, Rules Report No. 698, the Clerk will read.

THE CLERK: Assembly No. A08473-A, Rules Report No. 698, Gottfried, Simon, Thiele, L. Rosenthal, Glick, Mamdani, Mitaynes. An act to amend the General Obligations Law, in relation to allowing for compensation for noise pollution by rotorcraft; and to amend Chapter 592 of the Laws of 1998, constituting the Hudson River Park Act, in relation to the use of certain heliports in the City of New York.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7493-A. 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 numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be in the negative on this particular piece of legislation for the reasons that I'll state in a moment. Thank you. Oh, if anybody wants to vote in the affirmative they can do so in the Chamber or by calling the Minority Leader's Office and then we'll properly record your vote.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is a yes on this one; however, there may be some colleagues who would like to be a no. They can press your button in the Chambers or call the Majority Leader's Office and we'll be happy to record your vote.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: To explain my vote briefly, very briefly. This bill provides compensation for helicopter noise pollution and the reasons why our Conference is largely not going to be

supporting this piece of legislation is that it -- well, it's basically -- I feel like an attorney traitor or something, because I mean, this is like -- this is like Christmas day for attorneys, I guess. This is like one more cause of action that could be brought, you know. This could be lucrative. The bill also provides a penalty of 1,000 to \$10,000 every day that the helicopter creates an unreasonable level of noise at ground level. I don't know what that measurement's like, but anyway, it just authorizes a private right of action for noisy helicopters and apparently the sponsor also thinks that helicopters are a threat to the environment. I don't support the bill, I don't think many of my colleagues will, as well. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker.

Mostly I want to note for the record an important point about legislative intent here. Like most bills, this bill does not have a specific severability clause, but I want to make clear the legislative intent that -- that if any provision of the bill or the application of any provision of the bill is held to be invalid or in violation of Federal law, particularly, for example, Federal aviation regulations, that that would not affect the rest of the bill, and that its provisions are therefore to be considered severable.

Just to note, the bill does not apply to all noise created by helicopters. A, it only relates to flights over New York City and it only relates to noise that is created by helicopters that are

either for sightseeing purposes or for, essentially, recreational photography. So all of the other things that helicopters are legitimately used for would not be affected by the bill, although there may be people who wish it did. So having noted all of that, I am proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 51, Calendar No. 599, the Clerk will read.

THE CLERK: Assembly No. A06579, Calendar No. 599, Gottfried. An act to amend the Public Health Law, in relation to a review and recommendations of reimbursement adequacy and other matters relating to Early Intervention.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5676. 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. Byrne, to explain your vote?

MR. BYRNE: Yeah, thank you, Mr. Speaker. First, I want to make it clear that I support this piece of legislation from the sponsor. It is a good bill and I want to make sure that people know how important, you know, this type of study is, but also the trust and faith that we have in all of our public health institutions, including our State's Department of Health. And while I explain my vote and I believe this is a great bill, this is a bill that passed the Senate and it was important that it passed this Chamber. I had introduced a hostile amendment that was attached to this several weeks ago to make this good bill even better than it is now, because I truly believe by adding language that would have put in a bipartisan investigation into the nursing home tragedy during the COVID-19 pandemic was absolutely warranted. Our State has gone through so much, so much, and this piece of legislation, it's bipartisan, the language was actually introduced by a member of the Majority has failed to be given a vote, and we've gone through so much together, whether it was public hearings, investigations, the Judiciary Committee had impeachment investigations, we had analysis reviewed by the Empire Center, the Attorney General, the Comptroller's report. And yes, I know that we now have the Governor saying that she's going to review an independent analysis, but when is the People's House going to start serving the people and not advocate its responsibility to the Executive? I'm sorry, I'm not going to hold my breath for Governor Hochul to do an independent analysis.

Again, I don't want that taken away from this bill. I

wasn't going to keep a hostile amendment to a good bill with a risk that it could kill it. I'm going to be voting in favor of this bill, but I really do sincerely hope that this Body takes up that piece of legislation that we were referencing earlier. It's bipartisan, I believe that it had a strong amount of support, not just from the Assembly Minority Conference, but I'm pretty confident a lot of Democrats would have voted for it, too. Thank you, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to consent both the A- and the B-Calendar, but the B- first.

ACTING SPEAKER AUBRY: On the B-Calendar, page 3, Rules Report No. 769, the Clerk will read.

THE CLERK: Assembly No. A05413-A, Rules Report No. 769, Dinowitz, Seawright, Hevesi, Cook, Benedetto, Fernandez, Bichotte Hermelyn, Reyes, L. Rosenthal, Septimo, Byrnes. An act to amend the Education Law, in relation to the registration of nonresident pharmacies, manufacturers, wholesalers and outsourcing facilities that deliver prescription drugs to other establishments, authorized prescribers and patients residing in this State.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9448. 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. A08659-B, Rules Report No. 771, Otis. An act to amend the Public Authorities Law, in relation to Metropolitan Commuter Transportation Authority establishing and implementing a vegetation management policy.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9432. 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. A10466, Rules Report No. 772, Committee on Rules (Cusick). An act to amend the General Municipal Law, in relation to providing a special accidental death benefit to the parents of certain deceased members.

**ACTING SPEAKER AUBRY:** On a motion by Mr. Cusick, 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 9085. 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. Cusick to explain his vote.

**MR. CUSICK:** I apologize for slowing things down, but this -- this may be the last time I can get up and speak on one of my bills. So I just want to urge folks to vote in favor of this bill. This is a bill that would provide a death benefit to the parents of fallen police or firefighters or City workers. Particularly this year, we lost a police officer and a firefighter whose families will fall under this bill

and this is something that I think this House does, we take care of our citizens, we take care of those who take care of us. And it's a good bill and I urge you to join me in voting yes. And it's been a pleasure serving with all of you. Thank you so much.

(Applause)

ACTING SPEAKER AUBRY: The kid from Staten Island will always be welcome back.

Mr. Tannousis to explain his vote.

MR. TANNOUSIS: Thank you, Mr. Speaker. Just to be very brief, I wanted to thank the dean of our delegation, the sponsor of this bill, for putting this bill in for our heros. And also want to thank him on behalf of the delegation for his 20 years of service. You know, in Staten Island we have a healthy two-party system, but as many people say, we are our own tribe. So with that, thank you to the sponsor, and wish him the best of luck. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Tannousis in the affirmative. Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you. Thank you, Mr. Speaker, to explain my vote. This is a great bill and I commend the sponsor for putting it forward, but most of all I rise because Mike Cusick is not only a colleague, he's a long-time friend. Long before I was in office, I got to know Mike and we worked on many issues when I was an advocate. And his guidance and his friendship will always be close to

my heart, and I wish him the best. And thank you for your service, Mike.

(Applause)

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. I also want to commend the sponsor for this legislation as we pay the due respect to our heroes. But I also want to give my best wishes to my dear friend Mike Cusick, who was a classmate of mine. We came in together, we served together in the Irish Legislative Society serving Irish causes here in the Legislature and over in Northern Ireland and in Ireland. He is a dear friend, he's a very special individual and, you know, we've had a lot of fun over in Ireland on a number of occasions when we traveled together. He will be missed. There's no one like Mike and, you know, our friendship will continue, but he's a very special individual and one of the best friends you could ask for, and a great legislator, too. Michael, best wishes. Godspeed.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. So I also think that this is just a very appropriate final bill for this sponsor to put in, because he generally is very, very caring for our law enforcement. And I just want to thank him. When I came to Albany six years ago with my wonderful Chief-of-Staff, and I'm speaking for her, as well,

we had the great good fortune of being located on the 7th floor across the -- across the hall from Mike and his fantastic staff, and just felt a very warm and welcoming embrace; figuratively, you know. And -- and it just -- just really appreciate that. When you first come -- when you first come, you don't know what you're doing and we always felt like we could go across the hall and find out. And Michael was just always so wonderful in sharing -- your whole team has been so great to us. So just want to say thank you. We're going to be so sad to see you go because you, obviously you can tell from all the buttons being pushed just how well loved you are. So hopefully this is not goodbye. I still want that trip to Ireland with you guys, so you're going to have to come back for that. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Ms. Pheffer Amato.

MS. PHEFFER AMATO: Thank you, Mr. Speaker.

On the bill. This bill is fitting for Mr. Cusick's last bill as he's a person who is always taking care of others and put other people before himself. So this bill is fitting. But I would like to say thank you to him for being an excellent friend, for being a true mentor for us and I'll say as my colleague, Mary Beth, as we got here, you were a true mentor to a lot of us in helping us know the ropes. But as the Jewish member of the Irish-American Legislative Society, I do want to thank you for letting me be part of that society. It's been a wonderful experience. It will continue on without you, but it will not be the same. But I do have to say that over this time we've developed a great

friendship and I'm happy to see you go, because you have a beautiful family that is waiting for you to spend time, go to soccer, and have a really great time in Staten Island. And to my colleagues from Staten Island, he's still going to be the King of Staten Island and the toll master and only in his shoes can I follow to make sure that my borough gets a free toll just like Staten Island. So I wish you the best, Michael.

(Applause)

ACTING SPEAKER AUBRY: When I go to Staten Island, I'm McAubry.

(Laughter)

When Cusick comes to Queens, he's Jazzy Mike.

Thank you, my friend. It has been great serving time with you. People don't know all the depth that you have, but I do and I really appreciate it and thank you for the service.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I don't know this gentleman to have ever introduced a piece of legislation that wasn't worthy of not only his constituents, but for the constituency across the State of New York. And so it is kind of bittersweet to see him go. I do know his family, I watched his little girl run his whole life at the last Irish-American dinner, and I think it's a great thing that he is going to go and do that, but it is bittersweet because when I was sworn in to this Chambers, he was sworn in at the same time. And so we have served together over the years and

actually started out with 11 of us, not many of us left, although Leader Barclay is still here, Mr. Fitzpatrick is still here, Mr. O'Donnell is still here. And now Mr. Cusick is leaving, so I will miss you. I consider myself a member of the Irish-American Association, too, because of him and my Senator Kennedy, because I haven't missed one of those dinners; in fact, I look forward to traveling with them to Ireland at some point this year.

And so all I can say to Mr. Cusick, also want to call him the party guy, because he's always going to get a party going around him, enjoy your life. It's your turn. It's not that you didn't enjoy your life here, but you're going to enjoy it even more with your family. Some of us are going to be envious and some of us are just going to respect your decision to take care of you and your family. God bless you, brother; God bless you.

(Applause)

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

(The Clerk announced the results.)

The bill is passed.

(Applause)

The Clerk will read, 773.

THE CLERK: Assembly No. A10520, Committee on Rules (Cunningham). An act to amend the Facilities Development Corporation Act, in relation to the transfer and conveyance of certain property to a housing development fund corporation.

ACTING SPEAKER AUBRY: On a motion by Mr. Cunningham, 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 9349. 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 will read, 770.

THE CLERK: Assembly No. A07535-D, Rules Report No. 770, Jones, Simpson, Englebright. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article XIV of the Constitution, in relation to conveying land to Debar Pond Institute, Inc. in order to facilitate the preservation of historic buildings.

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 Concurrent Resolution 7 -- 7535-D. 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.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: I actually just rise, Mr. Speaker, to congratulate the gentleman on this piece of legislation. I know sometimes this creates a little consternation for some folks, at least in my community, but I think this is a good piece of legislation and I'm proud to support it. Thank you, sir.

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

On the -- oh. The bill is passed.

On the A-Calendar, page 3, the Clerk will read the title of the Concurrent Resolution, 2871.

THE CLERK: Senate No. S02871, Senator Stewart-Cousins (Heastie--A01073). Concurrent Resolution of the Senate and Assembly proposing to establish the Joint Legislative Task Force on Diversity, Equity, Inclusion and Tolerance, and providing for such task force's powers and duties.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MRS. PEOPLES-STOKES: Absolutely.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker, I will yield, and stand in for that for both the Speaker and the Senate

Majority Leader Andrea Stewart-Cousins.

MR. GOODELL: Thank you very much, Mrs. Peoples-Stokes, I appreciate it. I note that this creates a joint legislative task force with 30 members, 15 appointed by the Temporary President of the Senate and 15 by the Speaker of the Assembly. Is there a reason why there are no appointments from the Minority, which represents nearly a third of the State of New York?

MRS. PEOPLES-STOKES: Well, I think the assumption is that the Speaker and the Senate Majority Leader will now select the Minority to be one of those 15 perspective appointments that they have. I wouldn't assume that, I think they would include the Minority in that.

MR. GOODELL: Thank you very much, Madam --

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

MR. GOODELL: I always appreciate the grace -- graciousness of our Majority Leader, even at four in the morning. And so thank you for that comment, and I will support this. Again, thank you so much.

ACTING SPEAKER AUBRY: The question is does the -- this House concur with the Senate on the resolution. All those in favor signify by saying say aye; opposed, no. The resolution is adopted.

Assembly Resolution No. 1074, the Clerk will read.

THE CLERK: Assembly Resolution No. 1074, Rules at the request of Mr. Heastie. Assembly Resolution amending

Assembly Resolution R 2002 of 2008 establishing a plan setting forth an itemized list of grantees for the New York State Capital Assistance Program established pursuant to an appropriation in the 2008-09 State Fiscal Year and in Part QQ of Chapter 57 of the laws of 2008.

ACTING SPEAKER AUBRY: The Clerk will read -- the Clerk will record the vote on Assembly Resolution 1074. 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 resolution is adopted.

The Clerk will read, Resolution No. 1075.

THE CLERK: Assembly Resolution No. 1075, Rules at the request of Mr. Heastie. Assembly Resolution establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-23 State Fiscal Year for grants in aid for services and expenses of the Education Department, human services organizations, criminal justice organizations and municipal entities, health and mental health programs and providers, public parks and recreational programs, veterans' organizations services, older adults programs, various not-for-profit entities, and Edward Byrne Memorial Grants.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Assembly Resolution 1075. 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 resolution is adopted.

Page 4, Rules Report No. 677.

THE CLERK: Assembly No. A03403-B, Rules Report No. 677, Stirpe, Englebright, McDonald, Hevesi, Sillitti, Galef, Taylor, Abbate, Woerner, Simon, Stern, Zinerman, Lupardo, Zebrowski. An act to amend the Elder Law, in relation to creating the Office of Older Adult Workforce Development within the Office for the Aging.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 555-C. 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. A04139, Rules Report No. 678, Abinanti, Smith. An act to amend the Highway Law, in relation to State liability for defects in highways.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04386-B, Rules Report No. 679, O'Donnell, Epstein, Dickens, Colton, Gottfried, Glick, Thiele, Abinanti, Lawler, Otis, Zebrowski, Stern, Englebright, Carroll, Lupardo. An act to amend the State Finance Law, in relation to requiring the construction of certain parking facilities to be capable of supporting electronic vehicle charging stations.

ACTING SPEAKER AUBRY: On a motion by Mr. O'Donnell, 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 23-B. 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. A04460-A, Rules

Report No. 680, Abbate, Englebright, Dinowitz, Pheffer Amato, DeStefano, Colton, Galef, Jean-Pierre. An act to amend the Retirement and Social Security Law, in relation to transfer of retirement membership for certain employees of SUNY within the professional, scientific and technical bargaining unit.

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

**THE CLERK:** This act shall take effect immediately.

**ACTING SPEAKER AUBRY:** The Clerk will record the vote on Senate print 8959. 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. A06300-A, Rules Report No. 682, Galef, Paulin, Lavine, Gottfried, L. Rosenthal, Hyndman, Simon, Dickens, Epstein, J. Rivera, Cruz, Fernandez, Sillitti, McDonald, González-Rojas, Gallagher, Jacobson, Burdick, Magnarelli. An act to amend the Domestic Relations Law and the Executive Law, in relation to designating lay individuals to solemnize marriages.

**ACTING SPEAKER AUBRY:** On a motion by Mrs.

Galef, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 739-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.)

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: To explain my vote. I'm not -- I'm not necessarily a big fan of the bill, but I'm a huge fan of the sponsor. And I think -- I think we know that Sandy Galef served 30 years in the New York State Assembly, and that's a pretty big achievement. And she served 13 years, I believe, as a county legislator before then; 43 years as an elected official, wow. I mean, it's not Gottfried, but it's pretty damn good.

(Laughter)

And when I came here, you were already here when I came here and I just want to say that you've been terrific. I learned a lot. And you got a lot of stuff done, and you didn't do it by yelling and screaming, you did it with dignity, with grace, and you were very effective all these years. So I think that all the people of the State of New York owe you a tremendous debt of gratitude for your great service to the Assembly and to the people of New York. So Sandy,

thank you so much.

(Applause)

ACTING SPEAKER AUBRY: Not to be outdone, Sandy will not give you the last words. Sandy Galef.

MRS. GALEF: Anyway, I just -- first of all, thank you very much on behalf of this bill. And it started in 2006 so for those of you think that everything happens here quickly, it doesn't always necessarily happen that way. So it's great to have this as my last bill. But I just want to thank all of you. It's, you know, I was thinking today, I'm sitting here and I'm thinking we live in a democracy, we live in a great State, we live in a great country. We have a debate for 17 hours today. I mean, it's incredible. Everybody was basically kind and gentle to one another. I mean, that says a lot for our legislative Body.

And all of my colleagues, you know, I really have enjoyed and loved being with all of you. You all learn from each other. And when I think about when I came up here, I actually didn't know a lot about New York City issues, I didn't know a lot about rural issues and farm issues. I knew Westchester issues, so I kept learning. Buffalo issues. You know, our whole State is so fantastic, and I think we're here to all learn from one another. And I think we've learned about diversity, which has been so important. We have great staff here on all sides and they have helped us and made us look good, whether it's the photographer, whether, you know, it's staff helping us with our bills so we can go out and tout all the good things that we

did, the communication, we're just so fortunate to have had this experience.

So I've enjoyed 30 years, not always in the Holiday Inn Express, or whatever, of course sleeping. Well, we're going to have maybe a bed tonight, I don't know, the brown couch or, you know, a hotel room but, you know, it's just -- it's been a pleasure. So I just want to thank you for your friendship, and may it always continue. And you'll start with the new people coming in and may they have just as much joy as we have all had and experienced in the Assembly. So thank you very much.

(Applause)

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, on the bill. I think there have been other iterations of this bill and attempts to drag us into the dubious honor of marrying people, but I figure with the divorce rate, you know, it's a 50/50 chance whether people are going to appreciate it or not. So I never really liked the idea of the bill, but the one thing I have to say about Sandy Galef is that she just has the most irrepressible sense of energy and ebullience about enjoying being here and enjoying the experience and doing things with great aplomb. And it's been a pleasure to serve with you. I came in just, I think, in the class after me and you just have had such style and grace. It's been wonderful to serve with you and I wish you the very, very best.

(Applause)

ACTING SPEAKER AUBRY: Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker, on the bill. Like my colleagues before me, I don't like the bill. I do like the sponsor. I'll vote for it anyway.

(Laughter)

I had the honor in 1992 of getting elected to this Body at the same time as Sandy and, at the time, one of the largest classes since the Democrats took over the Assembly. And it was a great class, both the Democrats and Republicans. We all had a bond throughout our entire tenure, except for the four years that the voters asked me not to be here.

(Laughter)

But for the rest of that time, we were all very close. And I will always remember that our class had a particularly unique fascination with the Real Property Tax Committee. I remember Speaker Saul Weprin at the time was just -- had a stunned look on his face when more than none of us went into his office and said, *Can we serve on the Real Property Tax Committee*. And I ended up being on it with Jake and, ultimately, Sandy became the leader of that Committee for life. I mean, you ran the Committee and you took on those issues. Those are the issues that mattered when we took office.

So fascinated were the two of us with the Real Property Tax Committee that one -- I had a bill, we all have a bill, but I had a bill that Sandy liked a lot and she said, *Would you come to my district and talk about your bill? We'll gather some people at the library*. And I said sure. And it was one of those winter/spring nights

and we get down to the -- I get down to Westchester County and there's an ice storm. And I figured it was going to be Sandy and me in the library for two hours, but she had a crowd. We had a crowd that was overflowed into the next room. And it was -- it was a testimony to Sandy, not to the issue, because I think they followed you everywhere, Sandy. I remember leaving that night and the words I used to describe the night were not good. I take them all back now as I tried to climb the hill in the ice leaving the library.

But I will always, always remember another aspect of Sandy Galef's tenure, and our colleagues on the Republican side may not have had been treated to this so many times, but in our Democratic Conferences, Sandy was famous for revealing to our membership the poll that she took of her members -- of her constituents and how her constituents felt about an issue. And, you know, *Oh, well, Mr. Speaker, I don't know how I'm going to vote on the death penalty because my constituency is exactly evenly divided.* I'm making that one up, by the way. But every day Sandy -- every once in a while Sandy would come into the conference and tell us that maybe we should be informed by the voters.

I remember another colleague who is no longer with us who once said, *Don't be fooled by what people say they are when they get elected. People will tell you they were elected as reformers, but that's just how they were elected.* Sandy Galef is the real thing. She's the real deal. She came here as a reformer and she stayed for her entire tenure as a reformer. And coincidentally, I happened to catch

one of her polls recently. And Sandy, I looked at a recent poll of your district and 100 percent of your voters are appreciative of your service, and so are 100 percent of your colleagues. Thank you for your time.

(Applause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. In a moment, I'll announce exceptions, but right now I just wanted to talk about an exceptional person. When I got up here, you know, there's so many new things you're seeing and you're impressed with the architecture and whatnot, and I was walking the halls and I saw Sandy Galef and I thought, wow, here's someone that I want to be around not just because of her smile and her personality, which is great, thank you, Sandy, for that great gift to us, but she was the President of the New York State Association of Counties when I was a little bit younger and before she came. And so when I saw Sandy I thought, wow, there are some really important people up here, what an honor it is for us to be here with them, just to be with them. Later I saw this tall, thin stern guy standing up there on the podium, I didn't know quite who he was, but I found out he was the Speaker and, you know, he may have been the Speaker, but he wasn't Sandy.

Sandy, thank you for all the blessings you have given us, thanks for your smile, your outgoing personality. It's been a real blessing. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Oh, you can sneak in an exception or two.

MR. GOODELL: Yes. And all my colleagues who love Sandy, nevertheless, need to be recorded in the negative on this bill.

(Laughter)

ACTING SPEAKER AUBRY: You didn't learn much.

MR. GOODELL: Mr. Byrne, Mr. Gandolfo, Mr. Norris, and Mr. Ra who also send their best to you.

ACTING SPEAKER AUBRY: So noted.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I will be very brief. But the brevity of my remarks does reflect the depth of my feelings and my affection for Sandy Galef. I was elected in November of 1991 to the Westchester County Legislature, so I started serving January 1, 1992. And one of my biggest disappointments was a few months later, Sandy Galef was elected to the Assembly and left me at the board of legislators. And I missed her even though I only had a chance to serve with her for a very short period of time. I missed her every -- from then on. And I know I'm going to miss her very much here. We have become very good friends over the years. I have worked with her, I've worked with her husband. Some of the things that she accomplished in Westchester as a county legislator and as an Assemblywoman really made the life of people in Westchester so

much better. She's one of the nicest people I have ever met, and she's never lost her League of Women Voters approach to government.

(Laughter)

Thank you, Sandy, for everything you have done and pointing me in the right direction and helping so much. Thank you. We're going to miss you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Mr. Speaker, Mr. Cahill referred to Sandy as a reformer, and I just want to mention a couple of reforms in our work here that Sandy was a persistent, persistent advocate for and -- and largely responsible for making happen. One is the movement away from paper bills to electronic bills. Now, most members here never remember the fact -- never were here when on our desks was a big, thick loose leaf binder of bills that were on the Calendar. And if you look under our desks, you see a shelf. Why is there a shelf there? Because that was where paper copies of bills would pile up. They were stitched together with, like, shoelaces, but they got to be, like, two stacks of two feet high piles of bills because under the Constitution, bills had to be on our desks. And we don't do that anymore, and that's largely thanks to Sandy's persistence.

The other is the fact that from the first year of a two-year Session to the second one, if bills have passed the Assembly but didn't pass the Senate, they come back on the Calendar instead of having to go back to Committee. And if bills move through the

Committee process in the first year of the two-year Session, they stay there and start there fresh in the second year of the Session, which has made our lives a whole lot easier. That set of reforms is also due -- due to Sandy Galef's persistent advocacy.

So she has made our work environmentally more friendly, but also just a whole lot easier and more productive than it would otherwise have been. So thank you, Sandy, for that, and for so much more.

(Applause)

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Sandy, I just want to add my thank you to you for your friendship and everything that you have done. You know, when you're -- those of us who are here a few years, after a few years you really, you know, feel part of the institution and this institution become a part of you. And one of the things I enjoy is, you know, the times that I've been part of the dinner group and gone out to dinner with you, the traveling that we've done, we've always had a good time with that. But you're the epitome of style, grace, and just kindness and I just want to thank you for your friendship, thank you for your service. Westchester and we in the Assembly are losing a great legislator and, you know -- but we'll always be friends. And but -- and yes, we're going to Italy one more trip. So -- but thank you very much for everything and you're one of the reasons this is a great place to work and great place to come to each week. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Sandy Galef will always have a special place to me and my service here because, you know, when I got here I was always scared to talk on anything, and Sandy had this bill for years about copyright and things in terms that we would go through with Sunshine Week every year. In the last few years, Mary Beth Walsh has taken over debating it for me, but I have an LLM in intellectual property law and so it was the first time, years ago, I was actually comfortable speaking on a bill and I'll always remember Sandy for that. And we've had conversations about trying to improve the bill and all of that over the years, but more than that, it's just, Sandy's been a colleague, a friend, somebody you can talk to. And certainly like all of my other colleagues here have said, you know, you go through years and years here and then you just -- we get to know each other, we get to know each other's families, we see family members visiting, we, you know, life milestones, all of it. And Sandy, I just wish you and your family well. Just like years ago when I first started when I was maybe one of maybe a handful of no votes on that copyright bill and then slowly I got my whole conference on board, I'm going to be voting in the negative on this bill --

(Laughter)

-- but I wish you all the best in retirement, and it's been an honor and a privilege to serve here with you.

(Applause)

ACTING SPEAKER AUBRY: Ms. Paulin.

MS. PAULIN: Thank you, Mr. Speaker. It's very difficult for me to -- to speak about Sandy leaving, graduating, retiring, because she has -- because she's just meant so much to me. I -- I feel like the -- you know, when I first came, I replaced someone who had been Sandy's mentor and helped Sandy learn about this -- not this place, they came in together, but just learn about life in politics. And I think that she then saw me as someone she felt obligated to help in the same way that Audrey had helped her. And what she has given me is confidence, she's given me love and support. I've watched someone who has had more integrity in the way she votes, in the way she acts, in the way she treats people. And I -- and what I am going to take from Sandy is hopefully giving that to -- to others here. You know, I -- I look at the new young women who have come in and it's because of Sandy that I feel that I can now give something to them because of what she's been able to give to me.

So I just want to tell her I'm going to miss her and I just appreciate everything that she's been to the Assembly and to me personally. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. -- Mr. Otis.

MR. OTIS: Sandy has been an advocate of good government well before she got here, and that's well known in Westchester. But I think there's a special gift that she gives everybody here, and you all know this to be true, which is Sandy always viewed

what anyone said in this Chamber with the best of motives. She never judged why someone took a certain position. She saw goodness and earnestness and sincerity in anything that anyone said in this Chamber. And so that is a gift of generosity that I know comes from your heart, and I think that that's something that is a lesson to everybody who serves in government and everyone who just exists in life to look at people in the best light. So thank you, Sandy, and -- but I'll see you in Westchester, I know.

(Applause)

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. I've been privileged to serve in this House with Sandy Galef for only six years, not 30, but I can tell you when I first got elected, one of the people that reached out to me was Sandy Galef because our -- our two districts are adjacent to -- to one another. We're the only two State Assemblymembers to represent Putnam County, and we also represent Westchester. But shortly after my election, we met at a diner, I think it was Mohegan Diner in Cortlandt and asked about what committees I was going to be on, always available for advice.

And something I've always been very proud about is being part of the Westchester delegation. Even though I'm a Putnam resident, all the members of the Westchester delegation meet together, they brainstorm things, they meet with various groups together. I have always been included, and Sandy was a big part of that, making those early introductions. We also represent some school districts together,

and the previous iterations of the legislative district I now hold used to have Putnam Valley in Sandy's district. And I can tell you as someone who came in and started serving Putnam Valley, people still love Sandy Galef there. They still love her in Lake Peekskill and Roaring Brook Lake. They know you, Sandy, for all the good work that you've done. And I can't say that I'm going to miss you here because I'm not going to be here either, but what I can tell you is I know our colleagues are and the people of Putnam County are definitely going to miss you. So thank you.

(Applause)

ACTING SPEAKER AUBRY: Thank you.

Mr. -- Mr. Lawler.

MR. LAWLER: I will be brief, but to say that Sandy's reputation always preceded her, and the comments here today all ring true. And though I have only served with you for a year-and-a-half, having served in Westchester County government, you always earned the respect and admiration of Republicans and Democrats alike. Living in Rockland and, you know, being in the same media coverage, you earned the respect of reporters. You earned the respect of the public. And you even earned the respect of tax assessors for -- for all of your efforts on the Real Property Tax Committee and keeping everybody in line and making sure that they -- they had their documents in -- in order.

But I think more than anything, you have earned the respect of not just the members in this Body, past and present, but the

people of the State of New York. They owe you a debt of gratitude and we thank you for your service.

(Applause)

ACTING SPEAKER AUBRY: Sandy, the folks on the 6th floor are going to miss you greatly. You know, you stayed with us down -- when -- when I think of you, I always think of love because I've seen you give that love over the 30 years that we've been here together. In all kinds of ways, in small ways, maybe not the grandest, big, but in small ways you've passed it on to all kinds of folks. And I know you've done that to your community. And -- but more than that, you've done it for us and I appreciate that and enjoy it, and we will miss it. But we think you'll still love us even when you're away from us. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Before I list our exceptions to Mrs. Galef's bill, I will say that it's been an honor to work with her, as well. When I became Chair of the Government Operations Committee, she's probably the only person I've ever been afraid to deal with, and mostly because she had so many pieces of legislation that previous Chairs of the Committee would not allow to get through Committee. And I was like, okay, she gonna get to me, I know she is. But she didn't. She didn't.

And when I had the opportunity to try and stop the

encroachment on the property taxes of my people who lived in the Fruit Belt District around the Medical Corridor, we wanted to put a cap on property taxes for seniors. She was like, *Oh, no, we can't do that, that doesn't work.* Her staff was telling me it wasn't possible. And some of us, we can hear no but we don't really like no. And so we had to keep pushing for it and eventually she got it, she was like, *Yeah, I see what you mean because if we don't do that, these people who have lived here generationally while a medical campus is growing around them, will be pushed out of their neighborhood.* Well, thanks to Sandy, my seniors in the Fruit Belt still live in the Fruit Belt, and they're going to be able to pass that property on to their generation, the generations that come after them.

So I appreciate you for helping me understand how the tax system works, what you can do and what you can't do, because there are some laws in place that prohibit these things from happening. Thank God it was not the case in the State of New York. And I appreciate your service and thank you very much for helping me learn to understand that you don't have to accept no and not to be afraid and concerned about people who have a different idea than you do and not be worried that they're going to try to push it on you even though you don't like it. I appreciate you. Thank you very much.

(Applause)

However, everybody loves you, but everybody doesn't love this bill --

(Laughter)

-- so we're going to have Ms. Weinstein as an exception to this one, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The Galef bill is passed.

(Applause)

I believe we're at Rules Report No. 683, the Clerk will read.

THE CLERK: Assembly No. A06363-C, Rules Report No. 683, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "MSgt Thomas P. Madison Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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 6551-D. 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. A06368-B, Rules Report No. 684, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State Highway System in the Town of Holland as the "Kalinowski Brothers Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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 6544-C. 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. DiPietro.

MR. DIPIETRO: Just real quickly on the bill, Mr. Speaker. This is actually five brothers. We're honoring all five brothers who have been -- who have died from World War II to the Korean War, to the Vietnam War. So it's an honor -- they're very well known and it's a great honor to honor them with this five brothers. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed, and congratulations, Mr. DiPietro, and to the brothers.

THE CLERK: Assembly No. A06379-B, Rules Report No. 685, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Specialist Peter J. Loretto, Jr. Memorial Bridge."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6379-B. 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. DiPietro -- oh, Mrs. Peoples-Stokes. Sorry.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I just wanted to rise and explain why I will support this legislation. I don't know these gentlemen that are named here, but I do know that the gentleman that's the sponsor of it has been on the, several occasions, I would say fairly disrespectful in this House in his manner of sharing his opinion on bills and of legislation and ideas and thought processes.

But here's an opportunity for me to treat people like I like to be treated and not like they may want to treat me. And so I'm happy to support these bills. I hope that these gentlemen who are having a ability to have a bridge or a road named after them are as honorable as the opportunity they're getting to have their name put on

it. Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07137, Rules Report No. 686, Smullen. An act to amend the County Law, in relation to the full-time status of the District Attorney of Hamilton County.

ACTING SPEAKER AUBRY: On a motion by Mr. Smullen, 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 2045. 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. A07184-A, Rules Report No. 688, Burke, Colton, Sayegh, Jean-Pierre. An act to amend the Education Law, in relation to allowing retirees of the New York State Teachers' Retirement System who suspend their retirement the

option of a benefit recalculation after two years of service.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9296. 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. A07231-B, Rules Report No. 689, DeStefano. An act in relation to authorizing the assessor of the Town of Brookhaven to accept an application for exemption from real property taxes from Al-Muneer Foundation, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, 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 4778-B. 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. A07349-B, Rules Report No. 690, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State Highway System in the Town of Aurora as the "Specialist Dale Sadowski Memorial Bridge."

ACTING SPEAKER AUBRY: On --

The Clerk will record the vote on --

Read the last section, I'm sorry. Getting tired.

Read the last section.

THE CLERK: This act shall take effect immediately.

(Laughter)

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A7349-B. This 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. A07554-B, Rules

Report No. 691, Cahill, L. Rosenthal, Thiele, Steck. An act directing the Department of Public Service to prepare a written report on the affordability of utility services.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5451-C. 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. A07831, Rules Report No. 693, Anderson. An act to amend the Public Housing Law, in relation to making certain community centers eligible for nonprofit infrastructure capital investment program awards.

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

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

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Senate print 3520. 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. Anderson to explain his vote.

MR. ANDERSON: Thank you, Mr. Speaker, to explain my vote. Nothing better to do than be here at 4:50 in the morning on a Saturday to support this very important piece of legislation. The New York City Housing Authority is in crisis and it's really important that our non-profits can do what they can to step in and support the infrastructure, upgrades and changes that are needed to Public Housing Authority. So this bill is a very simple bill that allows non-profits to be able to apply for that funding to address the needs of the development. So I hope that my colleagues will vote yes on this bill, and I will be supporting it as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07856-A, Rules Report No. 694, Manktelow. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Village of Weedsport; and providing for the repeal of such provisions upon expiration

thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7856-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.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Ramos, Ms. Wallace, Mr. Barnwell, and Ms. Buttenschon in the negative on this piece of legislation.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07873-A, Rules Report No. 695, Abbate, Pheffer Amato, Colton. An act to amend the Retirement and Social Security Law, in relation to automotive members of the New York City Employees' Retirement System.

ACTING SPEAKER CUSICK: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is

advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A -- Senate Bill 6985-B. 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 number 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. A07934-A, Rules Report No. 696, Mamdani, Mitaynes, Forrest, Gallagher, Epstein, Gottfried, Burgos, González-Rojas, Jackson, Cruz, Davila. An act to amend the Real Property Law, in relation to prohibiting landlords, lessors, sub-lessors and grantors from demanding brokers' fees from a tenant.

ACTING SPEAKER CUSICK: The bill is laid aside.

THE CLERK: Assembly No. A08025-A, Rules Report No. 697, Hawley. An act granting retroactive Tier III membership in the New York State and Local Employees' Retirement system to Steven R. Grice.

ACTING SPEAKER CUSICK: On a motion by Mr. Hawley, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on Senate 7240-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 number 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. A08523, Rules Report No. 699, Walczyk. An act -- an act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Chief Samuel A. Johnson, Sr. Memorial Bridge."

ACTING SPEAKER CUSICK: On a motion by Mr. Walczyk, 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 CUSICK: The Clerk will record the vote on Senate 748 -- 7497. 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's Office 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. A08528-A, Rules

Report No. 700, Sayegh, González-Rojas, McDonald, Dinowitz, Englebright, Kelles, Dickens, Galef, Simon, Paulin, Seawright, Gallagher, Jacobson, Magnarelli, Sillitti, Zinerman, Gottfried, Durso, Brabenec, Montesano, Lawler, J. M. Giglio, Cruz, Griffin, Colton, DeStefano, Norris, McDonough, Byrne, Gunther, Manktelow, Hevesi, Abinanti, Septimo, Morinello, Stirpe, J. D. Rivera, Wallace, Jean-Pierre, McMahon, Reyes, Fernandez, Salka, Peoples-Stokes, Epstein. An act to amend the Tax Law, in relation to establishing the Diaper Initiative Affordability for Parents and Elderly Remedy (DIAPER) Act.

ACTING SPEAKER CUSICK: On a motion by Mr. Sayegh, 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 CUSICK: The Clerk will record the vote on Senate 8033-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's Office 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. A08605-A, Rules Report No. 701, Morinello. An act to amend Chapter 19 of the Laws of 1985 creating the Volunteer and Exempt Fireman's Benevolent Association of Upper Mountain, Inc., and providing for its powers and duties, in relation to its purpose and the use of foreign fire insurance premium taxes.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A8605-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's Office 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. A08607-B, Rules Report No. 702, Morinello. An act to amend Chapter 363 of the Laws of 1982 relating to incorporation of the Volunteer and Exempt Firemen's Benevolent Association of Lewiston Fire Company No. 2, Inc., in relation to its purpose and the use of foreign fire insurance premium taxes.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A8607-B. 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's Office 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. A09142, Rules Report No. 703, O'Donnell. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing the State Parks Passport Program.

ACTING SPEAKER CUSICK: On a motion by Mr. O'Donnell, 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 CUSICK: The Clerk will record the vote on Senate 5031. 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's Office 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. A09162, Rules Report No. 704, Santabarbara. An act to amend the Mental Hygiene Law, in relation to establishing the Statewide group home families working group.

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

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

ACTING SPEAKER CUSICK: The Clerk will record the vote on Senate 7377. 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's Office 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. A09236-A, Rules Report No. 705, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "T Sgt. Walter Shearing Memorial Highway."

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A9236-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's Office 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. A09301-A, Rules Report No. 706, Fitzpatrick. An act in relation to authorizing the assessor of the Town of Smithtown, County of Suffolk, to accept from Mother and Unborn Baby Care of LI, Inc., an application for exemption from real property taxes.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A9301-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's Office at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Ms. Cruz, Mr. Mamdani and Ms.

Forrest in the negative on this one. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09596-A, Rules Report No. 707, Paulin, Woerner, Englebright, González-Rojas, Burdick, Griffin, McMahon, Sayegh, Dinowitz, Sillitti, Gottfried, Glick, Abbate, Simon, Hevesi, Lavine, Palmesano, Lawler, McDonough, J. A. Giglio, Wallace. An act to amend the Public Health Law, in relation to implementing a Statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault or other sex offense.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on Senate 7867-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's Office 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. A09614, Rules Report No. 708, Abbate, Buttenschon, Lupardo, Otis. An act to amend the Civil Service Law, in relation to independent hearing officers for certain disciplinary hearings.

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

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

ACTING SPEAKER CUSICK: The Clerk will record the vote on Senate 8481. 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's Office 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. A09697-A, Rules Report No. 709, Griffin, Reyes, Epstein, Braunstein, Sillitti, Solages, González-Rojas, Gallagher, Cunningham, De Los Santos. An act to amend the Public Health Law, in relation to establishing the nightlife opioid antagonist program.

ACTING SPEAKER CUSICK: On a motion by Mrs. Griffin, the Senate bill is before the House. The Senate bill is

advanced. Read the last section.

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

ACTING SPEAKER CUSICK: The Clerk will record the vote on Senate 8633-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's Office at the numbers previously provided.

(The Clerk recorded the vote.)

Mrs. Griffin to explain her vote.

MRS. GRIFFIN: Thank you, Mr. Speaker. This bill will authorize training and put life-saving treatment into the hands of nightlife establishment employees. In addition to providing opioid antagonist training for nightlife workers and making these treatments more readily available to people across the State, this program will supplement existing educational and awareness programs to reduce the ever increasing senseless and tragic overdose deaths, and curb the consumption of drugs by New York residents. This impacts every community across our State regardless of identity, region, or income. This program, which is optional, can and will save lives by bringing our existing resources together to work with our business community and health advocates.

I want to thank the Speaker, Chair Gottfried, the cosponsors in the Assembly, my Senate sponsor, Senator Leroy Comrie, and the Assembly staff for all of their support in getting this

commonsense, but truly life-saving bill to the floor this morning. I vote in the affirmative. Thank you.

ACTING SPEAKER CUSICK: Mrs. Griffin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09776-B, Rules Report No. 710, Montesano. An act in relation to authorizing Gurudwara Shaheedan, Inc. to file with the County of Nassau assessor an application for certain real property tax exemptions.

ACTING SPEAKER CUSICK: On a motion by Mr. Montesano, 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 CUSICK: The Clerk will record the vote on Senate 8752-B. 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's Office at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much. It's a real pleasure for me to support this particular bill, and it's a special pleasure to stand up and recognize that this is Mr. Montesano's last

bill that we are passing, so far unanimously, in the New York State Assembly. Mr. Montesano is leaving us. I suspect he'll become a judge, at which time he will be making twice as much as us and traveling half as much, which is just another sign of his wisdom.

Mr. Montesano, for those who didn't know, worked on -- in the New York City Police Department for many years. He then became a very successful private sector attorney, as well as one of our colleagues. As the Ranker in the Judiciary Committee, we looked to him for guidance on so many issues that come before that important Committee, and it's been a real honor and privilege for me to call Mr. Montesano my friend, my colleague, and for all you do as a fellow Assemblyman. Thank you so much, Mr. Montesano.

(Applause)

ACTING SPEAKER CUSICK: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Quickly, as well, I want to acknowledge my Nassau colleague. Mike got here about half a year ahead of me, but, you know, I came in as a -- as a young member. Mike was always a, you know, a mentor, a friend. And many of us know he -- he can bust your chops at times, but you know it comes out of a place of just really caring and love. You know, he's -- he's a great guy. He's going to hopefully make a wonderful judge in his next career and it's something he wanted for a long time and is very, very well-deserved. But he will always be a special part of my time in the New York State Assembly, and -- and I have certainly benefitted from learning from him, spending time with him, and -- and

working with him. So Mike, I wish all of the best to you, your family, and I hope you have nothing but success in your next tenure. But I can't say anything more than thank you for your friendship, for your mentorship, and for just helping me from the time I got here to -- to today, to being a better member and a better public servant. So God bless you. Thank you.

(Applause)

ACTING SPEAKER CUSICK: Ms. Walsh.

MS. WALSH: Well, I couldn't let this moment go by without recognizing Mr. Montesano. We served on the Judiciary Committee last year when it was a little bit busy, and spent the summer with Mr. Montesano and my colleagues in the Judiciary Committee as we took out the important investigation that we were doing. And I think what always has struck me about Mike is that he's just as genuine as -- as genuine as you get. He just tells it like it is and he is really, really, truly like one of the funniest people I met. Really, very funny. So I know he'll bring his wisdom and his genuineness and all of his talents to the bench and will make -- will make a big difference. So I just want to wish you well, Mike, and thanks for shepherding that Committee last summer, that was no easy task, so I appreciate it. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER CUSICK: Mr. Giglio.

MR. GIGLIO: I'd like to say Mike's okay, but let's not go overboard. Thank you.

(Laughter)

(Applause)

ACTING SPEAKER CUSICK: Mr. Cahill.

MR. CAHILL: I was going to say that about Giglio.

(Laughter)

I -- I got to know Mike very well in probably the most difficult of circumstances for any of us, and that is in our service on the Ethics Committee over many, many years during probably, I'm going to say, one of the most tumultus times for the Ethics Committee. And Mike and, Joe, too, of course, and others, we insisted that that committee under our tenure be a nonpartisan committee. It was a bipartisan committee, but we treated it as nonpartisan. We did not have, in my time on there, a single majority vote. We only had unanimous votes, we only had consensus votes, and that was because of the integrity of the members of that committee. And Mike Montesano has demonstrated his bipartisanship so many times here on the floor, oftentimes I'm sure to the dismay of the various Republican leaders, did exactly the same thing in the committee. And, Mike, you taught us all a lot, and looking forward to see -- if I can think of anybody that I'd like to see become a judge, it's you. Congratulations and good luck.

(Applause)

ACTING SPEAKER CUSICK: Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I am -- did not realize that Mr. Montesano was not coming back and I'm

shocked and disappointed. And I want to make the -- the sincere goodbye bipartisan. We developed a good working relationship and it's -- I'm going to miss you, I really am. Thank you. Thank you for your service.

(Applause)

ACTING SPEAKER CUSICK: Ms. Simon.

MS. SIMON: Thank you. I also did not know that Mr. Montesano would be leaving us, but in my short tenure Chairing the Ethics Committee, I have really appreciated his ability to understand the issues, to talk about them, to be encouraging, and to also have this experience of really having, both in the Ethics Committee and the Legislative Ethics Commission, thought applied to every situation and the ability to communicate with everybody, work very collaboratively with everybody. And also reach, those, you know, unanimous votes so often. And I really appreciated his comments and his guidance and I have enjoyed working with you. Thank you so much.

(Applause)

ACTING SPEAKER CUSICK: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. I just also want to wish Mike the very best. He is -- he will be an outstanding judge for the simple reason is that he's an outstanding guy, he's a good friend, and he is always levelheaded, always calm and gives great advice. Michael, best wishes and Godspeed.

(Applause)

ACTING SPEAKER CUSICK: Ms. Weinstein.

MS. WEINSTEIN: I, too, didn't realize that Mr. Montesano was leaving -- leaving us here in the Legislature. As -- when I Chaired the Judiciary Committee, he was one of the most active members. He raised the issues and they weren't partisan issues, he'd raise issues and we'd sometimes pull a bill and take his comments into consideration and would come back with a different version -- version of the bill. And lately, as he's joined the anti-park alienation group of the Ways and Means Committee, so he's seen the light in that way. And, you know, Mike, I would say to you I know you're going to be out -- you'll be out on the Island, but I'll meet you halfway with a box of hamantaschen if you'd like.

(Applause)

ACTING SPEAKER CUSICK: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I literally just asked John a few minutes ago, is anybody else leaving? And we didn't quite know, but I do know one thing for sure about this gentleman, is that he's not -- he's not hyper-partisan. He believes in his principal position as a Republican, I respect that. And because he's not, I know he's going to be a great judge. And I never want to be in front of you, but I know you're going to be successful.

(Laughter)

God bless you.

(Applause)

ACTING SPEAKER CUSICK: Are there any other

votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

THE CLERK: Assembly No. A09778-A, Rules Report No. 711, Manktelow. An act to amend the Tax Law, in relation to authorizing Wayne County to impose a hotel, motel or seasonal rental occupancy tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER CUSICK: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A9778-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's Office at the numbers previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleagues Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Ramos, Mr. Stirpe, Ms. Wallace, Mr. Barnwell, and Ms. Buttenschon in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Durso in the negative. 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.

THE CLERK: Assembly No. A09779-A, Rules Report No. 712, Byrne. An act to amend the Executive Law, in relation to designating Lake Peekskill as an inland waterway.

ACTING SPEAKER AUBRY: On a motion by Mr. Byrne, 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 8888-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.)

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. This is Mr. Byrne's last bill as an Assemblymember. You may not realize this, but he is Irish. And I discovered that when I saw him once walking with what I later identified as a kilt. The only one that I'm aware of that's come to the floor and not been stopped by

Wayne for wearing a kilt. He also played a bagpipe, and was quite proud and quite accomplished.

Here on the floor of the Assembly, of course, many of us know he has developed a considerable expertise under the tutelage of Assemblyman Gottfried as serving as our Ranker on the Health Committee. For me, it's a special blessing because when we're looking at a debate list that we get a few minutes before we start, and whenever I see something that's gone through the Health Committee, I know I can reach out to Mr. Byrne and receive a very thoughtful discussion and questions. He is leaving us, hard to believe, to become the County Executive in Putnam County. And again, one more smart Assemblyman who is going to be working locally in his own county and I'm sure he will miss working around the clock, but perhaps he'll have that opportunity as County Executive in Putnam County.

Thank you very much, Mr. Byrne, for all your service to our Conference, to our State, and for all you're doing in the future as County Executive.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. So a few years ago, Mr. Byrne arrived in the New York State Assembly and unfortunately, or fortunately, I hope he thinks fortunately, he was assigned a mentor in our Conference which was me. And, you know, Kevin came in probably much like I did 12 years ago as a, you know, younger guy, but, you know, ready to -- to get to work. He's become,

you know, a tremendous public servant and he's going to serve the people of Putnam County very well as their County Executive, but it's also been just awesome to see him, you know, grow as a person. You know, he was -- last week he had his son, Braeden, and his wife, Bree, up with him and, you know, I'm happy for him that he's going to get the opportunity to go serve the people of Putnam County as their County Executive, but also that he's going home and is going to be able to spend hopefully a little bit more time. He's going to be probably busier than he is here, but he'll be home to watch -- to watch his son grow and be there with his wife, Bree. So -- and he has just been a good friend, as Mr. Goodell said, been great on the Health Committee; we had a great core group of us on the Health Committee for -- for years. And I'm certainly going to miss him, but I am tremendously happy for him.

So Kevin, all the best to you and your family. Do well, we look forward to seeing you for the budget hearing next year on local governments when you're begging us for money and mandate relief, and we will do our best to pay you lip service and then not do anything. So I wish you the best, Kevin. Take care.

(Applause)

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, over the last 35 years I've had I guess about a half a dozen Ranking Minority members on the Health Committee, and they have all been smart and responsible and genuinely cooperative and just a

pleasure to work with. And that has certainly been true of Kevin Byrne. He is a -- a star in that tradition. It's been great working with you, Kevin, and I wish you all the best, and thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker. Even though I've only served with Kevin for -- for 18 months, I will be forever grateful for his friendship and for his mentorship in taking me under his right wing as a member of the Health Committee. I think a lot of times we can look at issues in a polarizing fashion, but like Chairman Gottfried said, when we've discussed items of health policy, it hasn't been through a partisan lens, it's been through a lens of what we may believe is in the best interest of all New Yorkers. And when we look to debate policy in the best interest of the 20 million people who call this State home, it's important to follow the lead that Kevin has shown in his time that we may differ on the best policy, but working collaboratively with respect is the best way to get things done. And while I'm not a resident of Putnam County, I am there -- the residents are lucky that they will have a County Executive with a name of integrity like Kevin. So congratulations, Kevin, and I'll miss you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I already revealed that I was elected to the county legislature in 1991, but just

before that I was serving on the Greenburgh Town Board. And a young man was appointed to the Recreation Department at the time, he lived in Tarrytown. And he stayed with the Recreation Department and is now the head of the Recreation Department in Greenburgh. And a few years ago he called me and he said, *I want you to do me a favor.* I said, *Sure, what's that?* He said, *My nephew was just elected to the New York State Assembly and I want you to look after him.* So Gerry Byrne is still the Recreation Commissioner in Greenburgh and we're working together. Gerry has, in my mind, the advantage of being a Democrat --

(Laughter)

But as far as Republican goes, Kevin's great. We have included him in all of the meetings that we have as the rest of the delegation in Westchester is Democratic. He's not partisan, he works with us well, and I think he's going to be a great County Executive, unfortunately for us Democrats, but he's a great guy and I do wish him well and I think the people of Putnam County will find that they chose a very good -- a good County Executive. In fact, the Democrats aren't even running somebody against him, if I understand, right? So Kevin, good luck.

(Applause)

ACTING SPEAKER AUBRY: Kevin, I noted that Mr. Goodell gave much of your fashion wear applause, but for me it was the reporter 1940s hat that you would wear and would manage to bring it into the Chamber without Wayne coming and taking your

head off. So for that accomplishment alone, I think you deserve another round of applause. Kevin Byrne.

(Applause)

Mr. Ashby.

MR. ASHBY: It's been a pleasure to serve with -- with Kevin on the Health Committee and a few years ago, I had the opportunity to do a little traveling with him. We went to a tax policy conference in Michigan; now does that sound exciting, or not, but one thing that, you know, I found out about Kevin early on is that he goes -- he goes the extra mile for his -- for his constituents. And, you know, we definitely went a few miles during that trip, as well. And, you know, I appreciated him tolerating me during that trip and during his tenure here, and I have learned -- learned a lot from him. Thank you, Kevin.

(Applause)

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

MR. BYRNE: Thank you, Mr. Speaker. I thought we did this a day or two ago when we did the --

ACTING SPEAKER AUBRY: (Inaudible).

MR. BYRNE: Yeah, so apparently, you know, one of my goals when I got elected was I wanted to pass a lot of bills, so I learned how to become a prolific legislator in naming inland waterways. So Lake Peekskill is the last one, but also a pretty important lake for the community over there. So -- but I just want to

say thank you from the bottom of my heart to all of my colleagues, it's been a tremendous honor. To Chairman Gottfried to Leader Barclay, to the Speaker, really, to all the colleagues here, everyone's been a pleasure to work with and I am going to miss the people, I'm going to miss the work. It's very important work. I am not going miss being here at 5 a.m., and as far as the kilt goes, the first time I wore that tartan onto the floor, I made sure I got permission from the Sergeant-at-Arms to make sure that I would not be like, you know, sent out of the Chamber. But going to miss that guy, most of all, Wayne Jackson; he's just -- he's amazing. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

(Applause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Kevin's bill is passed. Thank you very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09784, Rules Report No. 713, Ashby, Woerner. An act to authorize Kimberly A. Cooney of the Village of Cambridge to take the Competitive Civil Service Examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer.

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

advanced. Home Rule message is the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record -- Senate print 8454 -- record the vote on Senate print 8454. 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: Thank you, sir. In an effort to make sure that we stay here at least through the weekend --

(Laughter)

-- I wanted to acknowledge that this is Mr. Ashby's last bill. And Mr. Ashby, for those of you who aren't as familiar with him, served our country in the military, and he is the real deal on every aspect. Of course, this is one individual that I always look up to --

(Laughter)

-- unless perhaps I'm going down the stairs and I'm at the top and he's at the bottom. Served our Conference as the Ranker on the Veterans' Affairs Committee, really played a key role in moving the Dwyer Program, the Peer-to-Peer Program, forward. And when you come in as a new legislator and you leave having put together a program with the help of others here that is actually affecting people's lives long-term, that is an incredible

accomplishment. Mr. Ashby, however, has decided that perhaps that smaller Chamber on the other side of the building might be a more appropriate place to reside, or perhaps Congress. I can't keep up with him. He's not yet running for Governor, but thank you, Mr. Ashby, for all you've done for us.

(Applause)

ACTING SPEAKER AUBRY: Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. And as many of you know, I share Rensselaer County with Jake and it's been a pleasure working with him the last couple years. As Mr. Goodell did say, he is a true gentleman. I, too, look up to him, as well; he's got a good eight inches on me. And, you know, yes, Jake has been very much there on veterans issues, but another area that's been very important to his district is the opioid crisis, and he's been a strong, strong partner there. So today, I can say to him good luck in your next endeavor.

(Laughter)

Yesterday I may not have said that, but today I do. Thank you for your service.

(Applause)

ACTING SPEAKER AUBRY: Mrs. Barrett.

MRS. BARRETT: Thank you, Mr. Speaker. I, too, want to thank Jake for his service and for his partnership on the Veterans' Affairs Committee and in sharing Columbia County, our very beautiful part of the Hudson Valley and the Capital District, and

it's been a real pleasure working with you and an honor. And I've learned a lot and I really appreciate the gentle way that you shepherd ideas and -- and difficult issues when you talk about them, and I really thank you for being such a great partner. What we were able to accomplish in the Veterans' Affairs Committee, but particularly in the establishment of the new department. So thank you, and good luck in your next venture.

(Applause)

ACTING SPEAKER AUBRY: Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. I just wanted to recognize Mr. Ashby for his service here, for his friendship, for his leadership. His military service clearly shines through in his governmental service. And he's somebody who traveled the State willing to talk about his personal story to help lift up others and I think that type of selfless service is not something that can be taught. It's something that comes through from the core and is a true asset to all New Yorkers. So thank you for your service, sir.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. So you know, I served with Mr. Ashby for a few years here. I seen him as somebody who -- and we're all in the business of politics, right, but some people are able to just work across the aisle and just be genuine about what they're trying to accomplish. Jake has always been that and, in particular, when it comes to serving our veteran populations. But last

fall or into the spring, really, Jake was doing a task force and I got to see him in a little bit of a different light as he was -- he came down to Long Island and he was speaking in a room full of veterans and telling his story. And you just can't have more passion for, you know, trying to take care of and serve your own than Jake does. So I'm not happy with him that he's seeking to -- to go down the hall, I wish he was staying here with us, but wherever Jake goes I think not just the veteran population, but the people of his district and the people of this entire State are better served by whatever Body that Jake Ashby is serving in. So I wish him well, I'm thankful for having had the opportunity to serve with him, and I just hope that whatever comes, you realize that you have made a tremendous, tremendous impact in this Chamber and on the people that you've served with. Thank you, Jake.

(Applause)

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. All of us come from different backgrounds, have different life experiences, and I think what makes this Body and legislatures all across the country unique is obviously we bring those experiences with us. And I think it is always important to have that diversity, but to have people, especially from our veteran community, to have a voice in the process and to lead by example. And Jake Ashby is one of those people. He stands above the rest, literally and figuratively. And he's just a genuinely good and decent person, somebody who has dedicated his

life and career to our country, to the people of this great State, and to serving a cause greater than his own self-interest. And I think he will continue to do that whether in the Chamber next door or in other ways throughout his -- his career. So I have learned a lot from him and very much appreciate his perspective and the work that he's really been able to done -- to get done working with our colleagues across the aisle to really focus in on important issues for our veterans, especially the Joseph P. Dwyer Peer-to-Peer Program and ensuring that it is fully funded, as well as the creation of the new Department of Veterans' Affairs. So thank you to Jake and his continued service on behalf of the people of the State of New York.

(Applause)

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Just to echo a lot of the compliments that are well deserved for my colleague, Jake Ashby, on his final bill. I hope Ms. Cooney appreciates Jake's work. I'm sure she does, because she'll be -- apparently be able to take the Civil Service exam to become a police officer. But Jake mentioned earlier about our trip to Michigan. What he didn't tell you was on the way home, and it was a long ride, the air conditioning in my 2011 Ford Escape got busted, so it was a hot ride back. And it takes a special kind of person to be able to tolerate me in a long trip like that in the blistering heat.

But Jake has been extremely accessible, valuable to me, to our colleagues on the Health Committee. It was mentioned

earlier he criss-crossed the State with a special task force to advocate for veterans. He came to my district to visit our Putnam residents, we have a veterans' home in Putnam County, the Pegasus Center, equestrian center that provides services to veterans. I actually have a resident and friend who served with Jake in the military, Andre, and I talk to him all the time and basically he just tells me, you know, how fondly he thinks of Jake. And I also saw him across the Hudson River in Orange County in Colin Schmitt's district.

So Jake is a worker and you're going to bring a tremendous amount of talent and skill and knowledge to the Senate, and we're all going to be better for it. So congratulations, Jake, best of luck.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. I will be brief. It's been a true pleasure to serve in this Body and the -- whatever accomplishments, you know, I may have it's because of the partnerships and the people here, and the constituents that I served. But I would be remiss if I didn't mention the Staff Sergeant Alex Jimenez Bill and the relationship that I got to build with my counterpart, Catalina Cruz, and being able to go down to Queens and meet Sergeant Jimenez's family and spend time with them. And that would not have been possible if it wasn't for Mike Cusick, my -- my neighbor up on the 7th floor who I initially went to with that bill, and helped initially shepherd that path. So I'm very, very grateful for the

relationship that we were able to have, and good luck to you, Mike, and thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Jake, it has been an honor and a pleasure to serve with you. You are a hero because you wore the uniform to serve all of us, and you're especially a hero to those who served here in the Assembly for veterans' causes. Best wishes and Godspeed. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, really quickly. *Not everything that is faced can be changed, but nothing can be changed until it is faced.* The first time I spoke to Mr. Ashby was because I made that quote on this floor. He came right over here and told me what an amazing quote and what an impact it had had on his life before he got here. I was really grateful to hear that and to know that there is meaning when you share these things. Somebody hears it, somebody believes in it, and somebody agrees with it. And so I've always looked up to him ever since then. And when he walked around in his cast, I empathized every time I saw him with his cast on. And so wherever he goes, there are going to be some other people who have been blessed because of his presence. So congratulations, sir.

(Applause)

ACTING SPEAKER AUBRY: Hear, hear.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Jake's bill is passed.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09786, Rules Report No. 714, Schmitt, Brabenec. An act to amend the Executive Law, in relation to adding to the definition of inland waterways for the purposes of waterfront revitalization.

ACTING SPEAKER AUBRY: On a motion by Mr. Schmitt, 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 9354. 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. A09790, Rules Report No. 715, Byrnes. An act to amend Chapter 373 of the Laws of 2019, amending the Tax Law relating to authorizing the County of

Livingston to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Byrnes, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8673. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Could you please record our colleagues Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Ramos, Ms. Wallace, Mr. Barnwell and Ms. Buttenschon in the negative on this piece of legislation.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09792-B, Rules Report No. 716, Mikulin. An act in relation to authorizing the County of Nassau assessor to accept an application for a real property tax exemption from Gurudwaa Shaheedan, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr.

Mikulin, 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 8689-B. This is a fast roll call. Any member who wishes to be recorded as 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. A09793, Rules Report No. 717, DeStefano. An act in relation to authorizing the Ruth AME Zion Church to file with the Town of Brookhaven assessor an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will the vote on Assembly print 9793. 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. A09795, Rules Report No. 718, Friend. An act to amend the General Municipal Law, in relation to permitting the Candor Central School District to establish an insurance reserve fund.

ACTING SPEAKER AUBRY: On a motion by Mr. Friend, 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 8706. 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. A09798-A, Rules Report No. 719, DeStefano. An act authorizing the County of Suffolk to alienate certain lands as used as parklands to enable Sunrise Wind, LLC to construct, maintain and operate a subterranean conduit and electrical distribution cable system, together with subterranean transition joint bays and link boxes, on county of Suffolk parkland located at Southaven County Park, Smith Point County Park and Smith Point County Marina and appurtenances thereto.

ACTING SPEAKER AUBRY: On a motion by Mr.

DeStefano, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8750-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.)

Ms. Hyndman.

MS. HYNDMAN: Thank you, Mr. Speaker. Please record our colleague Mr. Dinowitz in the negative on this bill.

ACTING SPEAKER AUBRY: So noted.

MS. HYNDMAN: Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09862, Rules Report No. 720, Hawley. An act extending the time certain within which certain elected officers may file their oaths of office.

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

THE CLERK: Assembly No. A09863-B, Rules Report No. 721, Friend. An act authorizing the City of Elmira,

County of Chemung, to alienate and sell parklands to Cerulean Holdings, Inc.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8743-B. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleague Mr. Dinowitz in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09892, Rules Report No. 722, Brabenec. An act to amend Chapter 368 of the Laws of 2020, amending the Tax Law relating to allowing for the establishment of an occupancy tax in the City of Port Jervis, in relation to extending the effectiveness thereof.

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

advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8860. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please record our colleagues in the negative on this bill: Mr. Conrad, Ms. McMahon, Mr. Ramos, Mr. Stirpe, Ms. Wallace, Mr. Barnwell and Ms. Buttenschon.

ACTING SPEAKER AUBRY: So noted.

MS. HYNDMAN: Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09901, Rules Report No. 723, Walczyk. An act to amend the Tax Law, in relation to the allocation of net collections from additional sales and compensating use taxes in the County of St. Lawrence.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8846. 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. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. It's my understanding that this may be Mr. Walczyk's last bill in the New York State Assembly. It's been an honor to serve with Mr. Walczyk. We were elected together, and prior to that we were staffers in the State Senate not too many years ago, but we -- we share many common threads, including service in a Reserve component of the United States Army. Mark is a great friend, a true leader for the Front Yard of America, a great part of the State of New York. He has a wonderful wife, a wonderful family, and I am just extraordinarily excited to see his future leadership down the hall in the -- in the State Senate. Know that his debating skills and rhetorical excellence will be missed in this Chamber, but I am sure he is going to shake up the State Senate in ways that are -- are desperately needed there, as well. So God bless Mark, and keep making us all proud.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. So what -- what to say about Mark Walczyk. You know, he -- he always has a

very interesting take on -- and a very interesting perspective that comes through in his debate that's different than -- than everybody else. He's obviously a very well-read individual. He's able to weave in a lot of outside literature and quotes and knowledge. He's -- he's just a really interesting, interesting man and I've really enjoyed working with him. And I -- I know that he'll do great things up the hall. But I, again, I'm -- I'm just -- I feel like I'm going to be very sad to not have him here in the Chamber because as we've said about a couple of the other people that are -- are leaving, Mark is one of those individuals that, you know, I could -- I could really rely on to go over to and say, *Would you -- would you take a look at this, you know, would you take a look at this and see if you want to debate it.* And invariably, he always said yes. He always was there to support the Conference. He was always there to do -- to do what he could and he always does it with a big smile on his face.

I love his family, too. I especially love his little one, I love Atticus so much. So I'm -- I'm, like I said, I'm sad to have Mark not in the Chamber here anymore, but I'm sure we'll be seeing a lot of him anyway in Albany. So Mark, best wishes as we go through the next few months and thanks a lot for your service here to our Conference and to the Body. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, and I'm starting to wonder if there's going to be anyone left in my Conference

after --

(Laughter)

ACTING SPEAKER AUBRY: It isn't you.

(Laughter)

MR. GOODELL: Some of you may know this and some may not, but Mr. Walczyk is actually Captain Walczyk, serves up in the Army, U.S. Army and is doing a phenomenal job when he's not here serving his country, not just his county, not just his State. He's the Ranker on Higher Ed and so when those bills come up, we look to him for guidance. And but -- but before that, he was the Ranker on Social Services. And I had a little bit of fun with Mark. He came to a hearing in Buffalo with his wife, they had just come from a game in Pittsburgh against the Buffalo Bills. The Buffalo Bills had won, and Mark warned me that his wife was a great fan of the Steelers. And so after he introduced me I went up to his wife, who's a very nice, gracious woman, and I said, *Oh, wasn't that game terrible*, and she goes, *Yes, the Steelers lost*. And I go, *Yay*.

(Laughter)

And Mark eventually forgave me. But it's always fun, isn't it, to hear a learned dissertation about the source and the background on our New York State seal, or the special clothes that represented his district, or the calorie count on all my favorite foods that I eat. Mark always brought a lot of wit, enthusiasm, energy and intelligence to our Chamber. Mark, thank you so much for your service to our State and to our country.

(Applause)

ACTING SPEAKER AUBRY: Mark, I always thought that you were just angry until I saw you with your family and then I said, *No, he's a softie like everybody else is*. Congratulations, sir.

And Mr. Mark Walczyk, please.

(Applause)

MR. WALCZYK: Well, thanks, Mr. Speaker, on the bill. And I -- I appreciate it. I was about to -- about to ask Mr. Goodell if he would yield and ask anybody else in the interest of time to unpress their buttons because I know everybody after this long Session is ready to just get home and -- and probably heard enough speeches. But I'm -- I'm planning on going right down the hall if the voters agree, and I just -- I just wanted to thank a few people. I thank Leader Barclay, thank our floor leadership here, Mr. Goodell and Mary Beth Walsh; you've been great mentors to me. I've had the privilege this Session in sitting in the back row of common sense with some great jokers who have taught me a lot. And Madam Majority Leader, from your quotes at the beginning of Session to little quips in the hallway, I've appreciated your leadership, as well.

For the good of the Body, there are some incredibly fine policymakers and legislators that are here. There are also some that kind of stink. I hope that the voters can sort out the difference this fall. Thank you, Mr. Speaker.

(Laughter)

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I -- I will wish my colleague success in his new job, but I would also remind him that sometimes in order to know something stinks, you have to know how to smell so...

(Laughter)

And some of colleagues would not like to support this legislation, so Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Ramos, Ms. Wallace, Mr. Barnwell, Mr. Dinowitz and Ms. Buttenschon are no votes on this piece of legislation.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09909, Rules Report No. 724, Schmitt. An act to amend Chapter 510 of the Laws of 2016, amending the Tax Law relating to the imposition of a hotel and motel tax in the Town of Woodbury, in relation to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8734. 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. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. I don't know that much about the hotel/motel -- I don't know that much about the hotel/motel tax in the Town of Woodbury, but I know that the individual that's carrying this piece of legislation (inaudible) Colin Schmitt, is going to be an excellent Congressman. And from the day that we were interns together and shared a conference room in the State Senate to this very day, I've watched this individual grow, excited that he got elected to the State Assembly and has represented his district very well and I know Federally he will do the same for us. So with that, I vote to support this legislation and will always support Colin Schmitt.

ACTING SPEAKER AUBRY: Mr. Walczyk in the affirmative.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please note our colleagues in the negative on this bill: Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Stirpe, Mr. Ramos, Ms. Wallace, Mr. Barnwell, Mr. Dinowitz and Ms. Buttenschon.

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.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please recall Rules Report No. 720 by Mr. Hawley; it's going to go straight to a vote.

ACTING SPEAKER AUBRY: Certainly.

Page 12, Rules Report No. 720, the Clerk will read.

THE CLERK: Assembly No. A09862, Rules Report No. 720, Hawley. An act extending the time within which certain elected officers may file their oaths of office.

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 Senate print 8775. 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. A09920, Rules Report No. 725, Abinanti, Darling. An act to amend the Mental Hygiene Law, in relation to requiring that applications submitted by individuals with developmental disabilities for eligibility determinations and service authorizations be processed in a timely manner.

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 on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8442. This is a fast roll call. Any member who wishes to be recorded as 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. A09981-A, Rules Report No. 727, Ra. An act in relation to authorizing the assessor of the County of Nassau to accept from the Mineola Union Free School District an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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 8940-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. A09997-A, Rules

Report No. 728, Durso. An act in relation to authorizing the Good Samaritan Hospital Medical Center to file an application for a real property tax exemption.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9997-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 votes? Announce the results.

(The Clerk announced the results.)

(Pause)

Oh, the bill is passed. I'm sorry.

THE CLERK: Assembly No. A10018, Rules Report No. 729, Zebrowski, Jean-Pierre, McDonald, Fahy, Barrett, Pheffer Amato, Lavine, Tapia, Griffin, Stirpe, Galef, Cusick, Woerner, Jacobson, Sillitti, Lawler, Conrad, Jones, Anderson, Magnarelli, Stern, Abinanti. An act to amend the Education Law, in relation to

authorizing school boards to include information regarding the installation of a panic alarm system in any school in the district in the district-wide safety plan.

**ACTING SPEAKER AUBRY:** On a motion by Mr. Zebrowski, 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 7132-B. 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.

**MR. LAWLER:** Thank you, Mr. Speaker. I want to commend Mr. Zebrowski for getting this bill passed in the final days of Session. The other day we introduced the mother of one of the victims of the Parkland shooting, and she wanted to see this bill passed this week. And it really is fitting that as we close out this legislative Session, Alyssa's Law will ultimately become law. And I want to thank the Speaker and the Majority Leader for helping shepherd this through. I think we've all seen across the country and here in New York State a lot of tragedy in the last few weeks, and this bill is important as we move forward to try and ensure that these shootings in our schools don't happen again. And so I want to thank Mr. Zebrowski for getting this done and all of my colleagues for

supporting it. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10024-A, Rules Report No. 730, Blankenbush, Walczyk. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Colonel Michael Plummer Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Blankenbush, 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 8726-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.)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10025-C, Rules Report No. 731, DeStefano. An act in relation to authorizing Ekklesia Long Island Center Ministries to file with the Town of Brookhaven

assessor an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, 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 Assembly print 10 -- no -- Senate print 8744-C. 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. A10032, Rules Report No. 732, DeStefano. An act in relation to authorizing the Town of Brookhaven, County of Suffolk assessor to accept an application for a real property tax exemption from the Brookhaven Fire District.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, 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 8872. 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. A10064-A, Rules Report No. 734, E. Brown. An act authorizing the Bais Tefila of Inwood to receive a retroactive real property tax exemption status.

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 10064-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. A10067, Rules Report No. 735, Schmitt. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Village of Highland Falls; and providing for the repeal of such provisions upon expiration thereof.

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

advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote Senate print 8845-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.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

Notwithstanding earlier congratulations for his last bill, this is his last because if anything else comes up, I'll lay it aside. But it's been a great pleasure working with Mr. Schmitt. Another one of the guys that I have to look up to. He's got a shocking career because he's the only one I know that's actually been struck by lightening. He serves as our Ranker on I think Local -- Local Government, yes? Passionate veteran, now running for Congress. He's done a great job for us and he will do a great job for us in Congress. Thank you so much, it was -- it has been a great honor working with you.

ACTING SPEAKER AUBRY: One last one.

(Applause)

So Mr. Schmitt, I lied. When you first passed a bill and I said you could forget about them standing up and clapping, so now we learn you passed the first one and the last one and you get claps.

Mr. -- Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. I think this may actually be my last bill. I appreciate all the kind words that have been spoken to me on the floor and privately. But I wanted to just take a -- a quick minute to, in particular, thank my wife, Nikki, my family, who have been amazingly supportive in the journey to -- to get elected to the State Assembly and to serve. It wouldn't be possible, as we all know, without the love and support of our family. All of my colleagues and leadership for giving me the opportunity to -- to grow professionally here in the State Assembly, my amazing staff present and who have served throughout my term, including Taylor, Sean, Andrew, Courtney and -- and so many others would have served in that district with honor and distinction. All my constituents who have truly given me the honor of a lifetime to serve for these last two terms to represent parts of Orange and Rockland Counties. I will not be returning in a public role in this Chamber after the election, but it would be my privilege to continue to serve in all available capacities, including in the military. Once we're done here I get to drive right to drill, and I appreciate serving with everybody. God bless. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

Are there --

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I do have a few other votes for the gentleman on his last bill. These are votes -- these votes are nos. You'll see that we probably

will see something similar when you get to your next office, but you know, we like to talk about not doing taxes, but we always like to have bills that create them. There are some people who don't agree with you: Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Ramos, Mr. Stirpe, Ms. Wallace, Mr. Dinowitz, Ms. Buttenschon, as well as Mr. Barnwell. They disagree with your bill, but...

ACTING SPEAKER AUBRY: So noted.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record Mr. Norris in the negative on this piece of legislation? Thank you.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10110, Rules Report No. 736, Jensen. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Sergeant Gary Beikirch Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Jensen, 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 9028. 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. A10133, Rules Report No. 737, Smullen. An act to amend the Public Officers Law, in relation to waiving the residency requirement for the information services director for Herkimer County.

**ACTING SPEAKER AUBRY:** On a motion by Mr. Smullen, 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 8790. 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. A10172-A, Rules Report No. 738, Committee on Rules (Lawler). An act to authorize the assessor of the Town of Ramapo, County of Rockland, to accept

an application for a real property tax exemption from the Spring Valley Church of the Nazarene.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, 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 8881-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. A10173, Rules Report No. 739, Committee on Rules (Salka). An act to amend Chapter 332 of the Laws of 2019, amending the Tax Law relating to authorizing the County of Madison to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Salka, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8905. This is a fast roll call. Any member

who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Although he's not here with us right now, Mr. Salka, this is his last bill. And I just wanted to recognize that. I know, I feel like there's not going to be anybody left, but I know that we'll have new people coming in next year, which is going to be awesome, too. But Mr. Goodell and, with his wit, suggested that I start out by saying that Mr. Salka, I have been 100 percent behind Mr. Salka, but... no, John. Actually, John came a couple years after I did and he's a great guy and a really good man. I really enjoyed talking to him since we've been so proximate over the last few years. And I wish him very well with his next steps, whatever they may be. So thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. We'll get an opportunity to say goodbye to Mr. Salka at another time, no doubt.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, some of our colleagues, again, don't agree with the bill that's in front of us, even though it is Mr. Salka's last one. Regretfully, we have nos: Conrad, McMahon, Ramos, Wallace, Barnwell, Dinowitz, and Buttenschon. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10196, Rules Report No. 740, Committee on Rules (J. M. Giglio). An act to amend the Town Law and the Public Officers Law, in relation to authorizing the town justice of the Town of Rushford, County of Allegany, to be a nonresident of such town.

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 10196. 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. A10207-A, Rules Report No. 741, Committee on Rules (Lawler). An act to amend the Tax Law, in relation to authorizing the imposition of an occupancy tax in the Village of Nyack; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr.

Lawler, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9060-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.)

MRS. PEOPLES-STOKES: Mr. Speaker, if we could record our colleagues Mr. Burke, Mr. Conrad, Ms. McMahon, Mr. Ramos, Mr. Stirpe, Ms. Wallace, Mr. Barnwell, Mr. Dinowitz, as well as Ms. Buttenschon in the negative on this piece of legislation.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10240, Rules Report No. 742, Committee on Rules (B. Miller). An act to authorize Donald Kane of the Village of Mohawk to take the Competitive Civil Service Examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Village of Mohawk Police Department.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9112. 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. A10253-A, Rules Report No. 744, Committee on Rules (DeStefano). An act in relation to authorizing the Town of Brookhaven, County of Suffolk assessor to accept an application for a real property tax exemption from Word of Truth Church, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, 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 9145-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. A10270, Rules Report No. 746, Committee on Rules (Cahill). An act to amend Chapter 463 of the Laws of 2000 relating to authorizing the Village of Saugerties to lease the waterfront park land and convey a right of way to the Hudson River Sloop Clearwater, Inc., in relation to the number and description of courses in the right of way easement.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9083. 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. A10360, Rules Report No. 748, Committee on Rules (Abbate, Cusick, Rozic, Barnwell, Nolan, D. Rosenthal, Braunstein, Hevesi, Fall, Cruz, Hyndman). An act to amend the Retirement and Social Security Law, in relation to allowing certain members of the New York City Police Pension Fund to borrow from contributions.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9327. 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. A10380, Rules Report No. 750, Committee on Rules (Lawler). An act to amend the Real Property Tax Law, in relation to extending limitations on the shift between classes of taxable property in the Town of Orangetown, County of Rockland.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, 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 9332. 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. A10391, Rules Report No. 751, Committee on Rules (Lemondes). An act to amend the Not-for-Profit Corporation Law, in relation to exempting the Camillus Volunteer Fire Department, Inc. from the requirement that the percentage of nonresident fire department members not exceed 45 percent of the membership.

ACTING SPEAKER AUBRY: On a motion by Mr. Lemondes, 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 7674. 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. A10399, Rules Report No. 752, Committee on Rules (Barclay). An act to authorize Donald Quehl to take the Competitive Civil Service Examination and be

placed on the eligible list for appointment as a full-time police officer for the Village of Pulaski, County of Oswego.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8951. 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. A10400-B, Rules Report No. 753, Committee on Rules (Lawler). An act to amend the Public Officers Law the Village Law, in relation to residency requirements for village justice of Chestnut Ridge.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, 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 9374. 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. A10414-A, Rules Report No. 754, Committee on Rules (Niou, Fall). An act to amend the Real Property Tax Law, in relation to authorizing eligibility for SCRIE and DRIE for tenants of properties located in Battery Park City (Part A); to amend the Real Property Tax Law, in relation to authorizing eligibility for the senior citizen homeowners' exemption (SCHE) and the disabled homeowners' exemption (DHE) for property in Battery Park City (Part B); and directing the Battery Park City Authority to extend its lease with the City of New York (Part C).

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly -- Senate print 9032-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Solages.

MS. SOLAGES: This morning we're saying goodbye to a lot of friends, but I also want to say goodbye to my friend, Yuh-Line Niou. You know, I got to know you as an E-board member of the Puerto Rican -- the Black, Puerto Rican, Hispanic and Asian Caucus. You know, there are many times where we sat long nights writing budget books, you know, meeting, workshops, wrangling members, and I've grown to notice that you're a very thoughtful and hard-working legislator. It's -- I've grown to appreciate your drive for truth and justice. They say courage starts with showing up and letting ourselves be seen, so whether it's for the AAPI community, tenants or survivors, you have always amplified those who were marginalized. You would be missed, good luck on your next steps, and tell Sam I love you, okay? Thank you and good luck.

(Applause)

ACTING SPEAKER AUBRY: Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I would just like to associate myself with the comments just made by Member Solages. As -- as we are seeing, there's a tremendous number of people of this institution who are leaving. But people don't leave, they go somewhere. And Yuh-Line, I know you're going to go somewhere because you have all the right stuff. And we spoke yesterday, you asked me if I was feeling sad for some reason because it was on my face, but it was because I was thinking that you were leaving and that made me sad. It's a melancholy moment to see all of

our colleagues who are moving on to new challenges, and you are a part of that pattern. It's part of the rhythm of our institution for -- especially that's the case for talented people and you have great intellect and have been a de facto member of the Environmental Conservation Committee even though you haven't actually been on that Committee, you have been engaged with all of the major environmental issues as they've come -- come up, and the depth of your intellect and the way that you have acted as a sounding board is something that I treasure and will always remember. Your talent will enable you to have the road open before you as you go to your next chapter of your service. But I hope you stay in touch with all of us and especially with me, if I can just be selfish. And also just want to point out we discovered that we have something in common; you live near the Fraunces Tavern where George Washington made history, and in my district George Washington came - he must have done a lot of drinking --

(Laughter)

-- but he came to another tavern, the Roe Tavern in Setauket. You're going to continue to make history, as well. Thank you for your service here and thank you for your friendship, and for being the sounding board on all of the environmental issues that we've had a chance to work on in the time you have been here.

(Applause)

ACTING SPEAKER AUBRY: Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker, to

speak on the bill, which is Ms. Niou. I am just -- we have been up for 20-plus hours and so many of our colleagues are leaving, but I wanted to just take a moment to just share how much we're going to miss Yuh-Line Niou and her representation that she brings to this Chamber.

I first met Yuh-Line when I was an activist and a candidate in 2019 coming up here for caucus weekend; yes, I was one of those folks knocking on all your doors trying to get you guys to get on this bill or that bill, and I was trying -- I think I was trying to convince her or some of the other legislators about HALT solitaire or one of the bills that was important at the time. And she welcomed me with open arms, she was kind, she was humble, she took photos with me and it just was a beautiful moment for me because I'm still learning, I'm still learning in that space, but it speaks to the character of the individual, someone who fights with her entire heart and fights with courage, and someone we're going to absolutely miss here in the Chamber, her impassioned speeches and everything that she contributes to this Body and everything she contributes to all of her colleagues and everyone that she pours into. It's been amazing to call you a colleague, a friend, and I wish you nothing but the best and good luck as you go on to your next journey and continue to fight for everything that you believe in. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Anderson.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I just want

to thank a fierce warrior and an amazing friend. I really didn't feel alone when you were here, I felt like you were fighting along side with me for what we believed in. I will miss you dearly and my heart goes with you wherever you go. Thank you.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Yuh-Line, you've have been a colleague, but you've also been a neighbor. Our districts have been next to each other, we have done some really good work together and I know that you're just a stone's throw away. So this isn't just, you know, this is goodbye to this place but this is just a brief farewell, and I'm sure that we will continue to cross paths and work together in the future. And of course, we all wish you the very best, but it's, you know, parting is, you know, bittersweet, but I don't think that it will be for long. So best of luck.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Mr. Speaker, I just want to commend Yuh-Line for being somebody with real personal courage and passion and deep commitment to strong progressive principles. It has served you and the Assembly well and I think we all wish you well going forward.

ACTING SPEAKER AUBRY: Little sister, who is going to stop and ask me how I feel? God bless.

Mrs. Peoples-Stokes -- excuse me.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to speak about Ms. Niou. I remember

when she first came here, all just great ideas and wanting things to happen fast, and just getting to the reality that even though you want it to go that way, sometimes it always doesn't. And so you just got to dig in, pick a lane, stay in it and keep going for it. And I had a chance to share many meals with her, I've even been to her house. I remember vividly, though, when the Speaker's daughter, Taylor, who is now a teenager was about, I want to say seven or eight, and our colleague, she's had her daughter here and I want to say Mr. Dilan had his two children here, and she had her service dog. That poor dog was running so hard from those children, they were running through the Chamber like -- so we actually had a baby caucus here before we got new babies. And they had such delight with Yuh-Line's dog. And I didn't really understand the purpose of service dogs until I understood her and I saw the relationship that she had with her dog. And I think it's a beautiful thing. For whatever reason the need is, it's a beautiful thing that's intended specifically for you by God so that other people can see that survival is possible even with an animal along side of you. So congratulations, Yuh-Line, do well and keep soaring.

(Applause)

ACTING SPEAKER AUBRY: Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. I don't think I should ever let Steve talk before me, but I just want to say thank you to all of you. I want to say thank you, especially to my Speaker, to my Majority Leader who took me under her wing when I first came, my colleagues, all of the staff who were able to help out for all of the most

difficult times, and especially I want to thank my constituents for allowing me to serve them; I think that that's the most important part. I have learned so much from all of you, but I think what I saw the most was that every single one of you care so much about your constituency that even if our viewpoints are different, even if we might differ in how we serve, and even if we differ in how we lead, that you're all using all of the gifts that you have in order to best serve the people that you care about and the places that you come from.

I have learned that in this Body we have a tremendous amount of talent. I have learned that, you know, all of us have different places that -- that are important to us, and all of our perspectives are right. I know that's strange, but it's how we make good policy is when we see things through different lenses and different perspectives. And that's how we make the policy that we do to make a better New York. And it was an honor, the honor of my life to be able to serve with this Body, and I just am so grateful that I had the opportunity and I hope that I will always be able to serve with you. Thank you.

(Applause)

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

(The Clerk announced the results.)

Yuh-Line's bill is passed.

(Applause)

THE CLERK: Assembly No. A10422, Rules Report

No. 755, Committee on Rules (Abbate). An act to amend the Retirement and Social Security Law, in relation to establishing an accidental disability retirement pension for deputy sheriffs employed by Nassau County.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 10422. 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. A10434-A, Rules Report No. 756, Committee on Rules (E. Brown). An act authorizing Chabad of Oceanside, Inc., to receive retroactive real property exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. Brown, 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 7906-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. A10435, Rules Report No. 757, Committee on Rules (Walsh, Woerner, McDonald, Simpson). An act to amend the Criminal Procedure Law, in relation to permitting the electronic appearance of a defendant in the County of Saratoga.

**ACTING SPEAKER AUBRY:** On a motion by Ms. Walsh, 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 9350. 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.)

Read the last -- Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10448-A, Rules Report No. 758, Committee on Rules (Lawler). An act to authorize the assessor of the Town of Ramapo, County of Rockland, to accept an application for a real property tax exemption from the Community Outreach Center.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, 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 9369-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.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. This is Mr. Lawler's last bill with us. It's hard to believe that he came in such a quiet, unassuming individual, shy even. And as the Floor Leader on the Republican side, it took all of my strength and ability to coax him out of that shell.

(Laughter)

And I'm still working on it because, as you know, it's just so hard to find out what he really thinks on any subject.

(Laughter)

But Mr. Lawler, having learned from the best of you

how to start to open up a little bit, is now running for Congress. And he's got his feet wet here, he's off and running and I'm sure he'll do a phenomenal job. And of course, in addition to sharing his thoughts with us, he's also served as our Ranker on Government Affairs and has done a fine job for us. Mr. Lawler, thank you so much for all you have done for our Caucus, for our State and for our country, and we look forward to great things from you in the future.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. I think normally we think of a freshman member and say, how did all his local bills end up on the last Rules Report, but I think that doesn't exactly shock us here. But I just want to wish my colleague well. You know, I go back with Mike in his previous capacity, you know, having had the opportunity to serve with him now here in the Assembly for this term and as he moves forward looking for, I don't want to say greener pastures, because -- good luck down there, that's a whole 'nother world and hopefully some of our colleagues here will be joining you on both sides.

But, you know, it's been a pleasure. You certainly have been a member of our Conference that jumped right into the debate and I think one area where we certainly share a lot of frustrations is -- is some of the functioning of the place and the hope to see it better for better government. So I hope you continue that passion. I know you will as you try to head down to D.C.. I wish you

a good summer, especially as I know you have a newborn to get home to and hopefully get to spend some time to -- time with despite being, I'm sure, very busy on the campaign trail. But I just want to wish you well, and thank you for your service here in the Assembly and for being a good colleague. All the best, Mike.

(Applause)

ACTING SPEAKER AUBRY: Ms. Hyndman.

MS. HYNDMAN: So this is a strange friendship we have struck up over the last two years, and so Mr. Goodell coaxed you out of the box and now we can't get you back in it.

(Laughter)

So as you move on down to D.C., I hope you don't forget about all that you've learned here in this Chamber, and sometimes keep some of those things, you know, in the box.

(Laughter)

But we wish you well, you know, be -- coming to know you over these two years, there's also parts of you I think are very sensitive and caring, and I don't think everyone knows that side but I think I've gotten to see that over the last two years. And congratulations on becoming a new father this time, a girl, and you know what that means. So from all of us here in the Assembly, what our Speaker Pro Tem always says is once a member, always a member so when you get down there, don't forget about us big shots up here. Take care.

(Applause)

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Thank you, Mr. Speaker. Mr. Lawler, you know, we've become friends, we have a nice little crew there. It's been great to get to know you, become friends. I'm just a little envious because those in D.C. will probably only get to listen to you for about two minutes --

(Laughter)

-- and I think all of us in a bipartisan fashion hope that the well wishes we give you leave you speechless.

(Laughter)

I vote in the affirmative.

(Applause)

ACTING SPEAKER AUBRY: Mr. Gandolfo.

MR. GANDOLFO: Having come in as a freshman with Mr. Lawler, I've gotten to know him pretty well over these last two years. And despite some of the rough edges --

(Laughter)

-- he is a very caring man who truly does and sincerely does care about his constituents and does everything he can to represent them in the best way he believes possible. And although it'll be a lot quieter in here next year with him gone, if you live within his media market, it's only going to get worse for you here.

(Laughter)

You're going to hear more of his voice and see more of his face than you probably ever heard before and can tolerate in a

hotly contested Congressional race, so you have my condolences for that. But in all seriousness, we're going to miss you, Mike, and enjoy spending time with your daughter and your wife.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you. So I think one of the most memorable things that I have ever heard spoken in this Chamber is that -- is when Michael got up and said that he was not elected to be a potted plant, he was not going to -- he was not going to come here and just be quiet, he was going to be here to try to make the difference that he wanted to make and to let us know what his thoughts were. And I -- I love having been just a few chairs over from Mike because he's wickedly funny and very smart, and when he does debate, you know, he gets right to the -- he gets right to the heart of it. He doesn't tiptoe around, he gets to the point a lot better than a lot of lawyers do, by the way, and myself included.

And he -- I mean, his political chops are really second-to-none, too, but I think what really has struck me about Mike that, you know, I -- I don't know, I think is -- is not something that we all have is that ability to just go around and talk to everybody. I mean, he's gotten to know probably every single person here. At one time or another, he's had a conversation with you. And not everybody does that, you know, I don't know why but it doesn't really happen. So I really admire that about Mike and if I have learned anything from Mike it's maybe to try to do that a little bit more. So obviously I'm

going to be getting your push polls and your texts and your e-mails, and I'm not going to be able to get rid of you and I don't really want to. So I wish you the -- I wish you the best. I know you're going to do a great job.

(Applause)

ACTING SPEAKER AUBRY: Mr. Cahill.

MR. CAHILL: Mr. Speaker, colleagues, I vote yes.

(Laughter)

(Applause)

Mr. Taylor.

MR. TAYLOR: Mr. Speaker. Mike, I have come to know you and appreciate our early morning discussions and Bible study, watching you do the work, preparing for your daughter, and that part of you -- and I think it was just said, you have been everywhere. You know, sometimes people have to usher you out, you're just everywhere. I believe that what I know most about you and I believe I know is from the heart and I appreciate those things, and I will say congratulations on your daughter, congratulations on your career choices, but continue to allow your heart to lead you. And I'll leave you with, *To whom much is given, much is required*, and don't be afraid to let your heart lead you sometime, it's okay, it's okay. They'll still keep you in that party. But if not, you're always welcome on the other one. God bless you and good luck.

(Applause)

ACTING SPEAKER AUBRY: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker. Mike, we came in together. We have come -- become very close over the past year-and-a-half although, you know, sometimes I'll leave it at that. But I have learned, all joking aside, I've learned a lot from you. You definitely know this business better than anybody I have ever seen, especially knowledge of the issues, and I wish you the best of luck in your route to Congress, on your road to Congress. And I just want to let my colleagues know that the real Michael Lawler going away party will be in January once we know he's gone. Thank you.

(Laughter)

(Applause)

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. So not only is Mike a great debater, but he also does have a very big heart. And if any of you have spent any time with him outside of the Chamber, you would know that he's great at karaoke, so I'm hoping for one last note, and he's got a heck of a dance kick. So if we could see that dance kick one more time, too, before you go, that would make my day. I know it's late, we're tired -- or early, but come on, Mike, one note and one kick, let's go.

(Laughter)

Thank you, Mr. Speaker. You will be missed, Mike.

(Applause)

ACTING SPEAKER AUBRY: Mike, I said this once to you. We were having a conversation, I said, *Don't waste your*

*talent; you could make much more with your heart than your noise.* I knew that when I saw the picture of you with your newborn. Those always tell me who the person is, and so take that, walk with that. Good luck.

(Applause)

Mr. Lawler, who could not --

MR. LAWLER: I can't resist. Let me -- let me say, if my words were ever too sharp or biting, for that I do apologize.

(Applause)

When my dad passed away, his last words to me were, *To whom much is given, much is required, and to always do God's work and to keep my moral compass.* And, Mr. Speaker, I did take your words to heart. I appreciate you, you are a man of character and I value your opinion. And I don't want to waste my talents and gifts, I don't think any of us do. And I've tried, however imperfect, to do that. So I do appreciate all of your comments. I think most of you do get me, and I take your -- I take your comments to heart.

I do want to say to our Leader, Will, thank you. I told you before and I'll say it again, I would not have run if you were not Leader, so I do appreciate your leadership and the work that you do on behalf of our Conference. And that of our staff, especially at 933. I want to thank Andy and Mary Beth who lead our floor debate and lead our Conference on the floor, and they do a fantastic job on behalf of not just their own constituents, but all of us, and I appreciate it. I also want to thank Michelle Pellegrini, wherever she is, because she does a

phenomenal job for all of us.

I want to thank each and every one of you. As colleagues, I have learned from you. I appreciate all of you. I think you all make a difference in this State. We all bring our own experiences, our own views, and that shapes us. And it shapes the debate and it shapes the things that we fight for. I also want to thank Speaker Heastie. He has a tough job and I think he handles it with dignity and grace. And I want to thank Crystal. I'm sure it's not easy at times listening to some of the debate, but I respect you, I think the world of you. And I think all of us collectively can do a lot, and we can do a lot if we're working together. I want to thank, also, Wayne Jackson. He is a wonderful, wonderful person and he keeps this place moving in the right direction.

Lastly, I do want to thank my constituents for giving me the opportunity to serve here for two years, and I want to thank my staff for all of their hard work. And lastly, I want to thank my wife and my -- and my daughter. So with that, thank you.

(Applause)

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

(The Clerk announced the results.)

I hope nobody else is leaving, we'll never get out of here. This is all day.

THE CLERK: Assembly No. A10456, Rules Report No. 759, Committee on Rules (Braunstein, Kim, Rozic, Pheffer

Amato, Vanel). An act to amend the Real Property Tax Law, in relation to authorizing a tax exemption and a tax abatement for alterations and improvements to multiple dwellings for purposes of preserving habitability in affordable housing.

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 10456. 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.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Mr. Mamdani and Ms. Forrest in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10473, Rules Report No. 760, Committee on Rules, (Manktelow). An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises.

ACTING SPEAKER AUBRY: On a motion by Mr. Manktelow, 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 9069. 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. A10487, Rules Report No. 761, Committee on Rules (Weinstein). An act to amend the Tax Law, in relation to application of a lien or pledge for the benefit of certain bondholders to amounts withheld from certain taxes, penalties and interest imposed by the City of New York.

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 10487. 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. A10495, Rules Report No. 762, Committee on Rules (Weinstein). An act to amend the Public Authorities Law, in relation to bonds issued by the New York City Transitional Finance Authority.

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 10495. 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. A10507, Rules Report No. 763, Committee on Rules (Stirpe, Bronson, Woerner, Buttenschon, Lunsford, Cahill, Clark, Magnarelli, McDonald, Otis). An act to amend the Economic Development Law, in relation to allowing for eligibility of Green CHIPS projects in the Excelsior Tax Credit Program.

ACTING SPEAKER AUBRY: On a motion by Mr. Stirpe, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Kathy Hochul, Governor.

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 Senate print 9467. 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. Stirpe to explain his vote.

MR. STIRPE: Thank you, Mr. Speaker. The significance of this bill cannot be overstated. It removes the final objection to selecting several sites in New York State, the largest of which is in my district, for the development of some massive semiconductor manufacturing facilities. These projects would bring billions of dollars of private investment, along with thousands of jobs. For that, I'd like to thank the Governor and her team at Empire State Development for listening to and accepting many of the recommendations that the Speaker, Blake Washington and his team, along with the Senate and their finance team, who presented, you know, to them in order to design a program that could become a three-way agreement. It is definitely a great day for New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Stirpe in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: I would like to commend the sponsor for bringing forward this important piece of legislation. I have the largest semiconductor chip plant in North America in my district, GlobalFoundries, and I'd like to thank the Speaker. Over the years, he has -- he's come twice to visit GlobalFoundries to learn about the industry, last summer putting on a bunny suit and touring the clean room. I'd also like to thank the members of the Ways and Means staff on both the Majority and Minority side who have, over the years, come to GlobalFoundries to understand how important the semiconductor industry is in -- in -- in the United States and in Upstate New York.

And I can tell you, to those of you who may doubt that we should -- we should have tax credits for these kinds of businesses, this has been a transformative industry. There's a reason why Saratoga County is the only county outside of New York State that grew over the last -- outside of New York City that grew over the last ten years, and it is because we have semiconductor manufacturing in the midst of our county. It has transformed our economy and it can do the same thing throughout New York State. So I'm delighted to see this going forward and it is a proud moment to cast my vote in the affirmative. Thank you.

ACTING SPEAKER MCDONALD: Ms. Woerner in the affirmative.

Mr. Kim in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10518, Rules Report No. 764, Committee on Rules (Niou). An act to amend the Alcoholic Beverage Control Law, in relation to the siting of certain premises licensed to sell liquor for consumption on the premises.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will record the vote on Senate bill S98 --9383. 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. A10521, Rules Report No. 765, Committee on Rules (Niou). An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a school.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will record the vote on Senate bill S9385. 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. A10526, Rules Report No. 768, Committee on Rules (Abbate). An act to amend the Civil Service Law and the State Finance Law, in relation to compensation and other terms and conditions of employment of certain State officers and employees, to authorize funding of joint labor-management committees, to implement agreements between the State and an employee organization; to amend Chapter 333 of the Laws of 1969 amending the Civil Service Law and other laws relating to salary increases for certain State officers and employees, in relation to rates of pay for certain State employees; to repeal certain provisions of the Civil Service Law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof (Part A);

and to amend the Civil Service Law and the Correction Law, in relation to salaries of certain State officers and employees excluded from collective negotiating units; to repeal certain provisions of the Civil Service Law and the Correction Law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof (Part B).

ACTING SPEAKER MCDONALD: On a motion by the Senate -- on a motion by Member Abbate, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Kathy Hochul, Governor.

ACTING SPEAKER MCDONALD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will record the vote on Senate bill 9478. 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.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I should be asking you if you have any resolutions or housekeeping left to do, but I'm not going to ask you that because I know that you don't. And it's time to go home.

(Applause)

I should have said it's time to go to sleep first and then go home because we've been up 24 hours.

But I do want to thank all of you for your cooperation throughout the course of this Session, even when things were contentious, it still ended up being a cooperative Body to work with. And I also want to honor Speaker Heastie, because under his leadership, I have learned so much and I feel like through what I have learned I have shared. And I think what I have shared is going to be helpful for us to pass around. And I think even though many of our colleagues are leaving us for whatever reason they're going, they're going to take something that they got from the Assembly in terms of how to relate with people and to get things done without being contentious. And so it's been my honor to work with you all. I hope everybody will stay safe, stay healthy and stay blessed.

It is now my pleasure to introduce a guy who was sworn in and took the oath of office the same time I did, it was almost 20 years ago. It's none other than the mirror on the other side of the aisle, Mr. Barclay.

(Applause)

MR. BARCLAY: Thank you. Thank you, Mr. Speaker, and thank you, Majority Leader. Twenty years ago seems like a long time. We've done -- we're closing on 24 hours here, we're matching almost in years of service here.

So I'm going to be brief. Obviously I think we all are tired and want to go home, but I do need to thank many people here. First I want to say thank you, Mr. Speaker. You look as fresh as a daisy, you look great up there.

(Applause)

But I appreciate your leadership, your friendship, and even though -- and Crystal, too. Even though we differ probably almost on all of our politics, I think, at least I can say from my perspective, I hold you both in great respect and I hope you hold us in respect and I think that's the reason we can work in almost always a noncontentious manner, so thank you both for that. I also want the thank the Conference that I'm blessed to lead, the Assembly Republican Conference. These are hard-working, enthusiastic, talented members. It's not always an easy job, but because I lead such a great Conference, you guys make it easy for me. So thank you very much for that.

Andy Goodell and Mary Beth Walsh, our Floor Leaders here, you guys do an amazing job. Your depth of knowledge and your articulation on the bills is really impressive. So please join me in giving them a round of applause.

(Applause)

And even though this isn't budget time, I do want to recognize our Ranker on Ways and Means, Ed Ra, who is a leader during the budget time, but also he's always a leader of our Conference, so please give a round of applause to Ed Ra.

(Applause)

And this really is a family. Again, we differ sometimes politically, but I think we all consider each other friends and part of a family. And it's hard, it was hard for me to listen to all the goodbyes that were said today, but I just want to just add my goodbyes to another person, 20 years of service, Mike Cusick. So we're losing another one, Crystal. But, Mike, I have enjoyed serving with you and all the Democratic members, Sandy Galef, Dick Gottfried, Yuh-Line Niou - I can't see, my glasses here - Cathy Nolan, Brian Barnwell and Dan Quart, I wish you Godspeed and good luck to your future.

For our Conference, we're losing some great ones -- great ones: Mike Montesano, Kevin Byrne, Mike Lawler, Colin Schmitt, Kieran Lalor, Jake Ashby, Mark Walczyk and John Salka. So from the bottom of my heart, I want to say for those who serve in this Conference, thank you for all that you've done for the Conference and for the people of New York State. And then --

(Applause)

And, you know, it's not just us, you all know it takes a team to do anything. And I have to thank the team that I'm so fortunate to have, and if you'd just bear with me, I just want to go

through and recognize a few of the people that I'm blessed to work with: First off, my Chief-of-Staff Judy Skype who does a great job; Judy.

(Applause)

Tom Kraus, Executive Director Tom Kraus; thank you, Tom.

(Applause)

My Senior Advisor Stephanie Herrick; thank you, Stephanie.

(Applause)

Communication Director Mike Fraser. Mike does a great job.

(Applause)

Director of Regional Services Dan Cairns.

(Applause)

Policy Director Jason Kehoe.

(Applause)

And these people stay up, I don't know how they do it, they seem like they work endless hours in Counsel's Office, but they're led by Ed Wick, Kevin Engle and Adam Fusco. Give them a round of applause.

(Applause)

You all know our great Floor Counsel here, Michelle Pellegrini.

(Applause)

And last but certainly not least, I want to thank Lauren O'Hare who heads our Ways and Means staff. She does a great job, so please give her a round of applause.

(Applause)

So with that, Mr. Speaker, as I'm feeling very groggy, as I know we all are, have a great summer and thanks for your friendship and professionalism in this Body. Thank you.

(Applause)

So it's my great pleasure to introduce one of the greats, even though, again, we're on separate sides of the aisle I have nothing but the utmost respect for this Assembly Speaker Carl Heastie. Thank you.

(Applause)

SPEAKER HEASTIE: Thank you, Will. Thank you.

So friends and colleagues, and to both of the great staffs, this may have been the toughest legislative Session that any of us ever had as we continue to try to get this State through the pandemic and get used to the new normal of living with COVID-19. And I believe even on both sides of the aisle, our commitment to putting families first did not waiver. Every legislative year, it's always like being back in school and some of your classmates, you're going to -- they're going to move on, they're going to graduate and they're going to do other things.

So I don't want to keep us long, but I do want to, before I thank the staff, just say see you next time to some friends. To

the encyclopedia Dick Gottfried, what a man. What a man. To give 50 years of your life to an institution is amazing. And Dick, whoever has the -- I'd say the pleasure or displeasure of being the next Chair of Health is going to have some really big shoes to fill.

To Cathy Nolan, the Deputy Speaker who was at the forefront of having to -- of making sure that women in this Chamber were treated with the dignity and respect and equality that they deserve.

To Sandy Galef, who -- even when Sandy doesn't agree with you, I don't know if in the 20-plus years that I've known Sandy have ever heard her yell, even when she's not happy, she always still does it with a smile on her face and so much class.

And to my good friend Mike Cusick who was elected in the class behind me, it's -- Mike, I remember we were the new guys on the block and that now we're the old guys and you decided to leave me here, so...

And to Dan Quart, who is maybe one of the most principled people I think I have ever -- I have ever met, and I know he's going to make us very proud because boy, do we need some really good people on the bench. Nobody got that but you, John -- or Chuck.

To Brian Barnwell, another -- one of the most hardest working elected officials that I have ever known. The guy loves to door knock even when it wasn't election time.

(Laughter)

And to Yuh-Line who, you know, a lot of times, you

know, Yuh-Line and I would bump heads and sometimes we would -- we would misunderstand each other and I think during text messages, but the one thing I will say that I always admired about you, no matter what the cost, no matter what you felt like you may lose, you always stood for what you believed in.

(Applause)

I'm going to get to the -- let me get to the guys on the other side of the aisle, because I do want to -- I hope to all of you, to Mr. Montesano, Mr. Byrne, Mr. Lawler, Mr. Schmitt, Mr. Lalor, Mr. Ashby, Walczyk and Salka: Again, even though we may disagree, as your Leader said, on just about everything, but I think we all did agree on caring about the people of the State of New York. And so I wish you all well in your next endeavor. But I would be remiss if I didn't take a chance to make a little dig at Mr. Lawler, who you could tell was probably my favorite. But we're all wishing him well, but we forgot that he still has 70 petitions and that if he doesn't win his primary, he'll be back. So my God I wish you well with your primary.

(Laughter)

(Applause)

I might even endorse you, my friend.

(Laughter)

But really, I want to really say thank you to our extraordinary -- well, actually before I do that, I want to talk about Will Barclay. You know, people -- there some people who want to criticize Will and I because we don't hate each other, we don't fight

with each other, we consider each other friends and we often check in on each other. Right, Will? How dare us be friends because we are in different political parties. But shame on people who want to criticize us. So you are an honorable and you're a good man, and I thank you for your partnership and you're an incredible leader for your Conference. Thank you.

(Applause)

To my sister, my shield, my protector, the Majority Leader Crystal Peoples-Stokes. What an amazing person. It almost seems like yesterday when I went to Buffalo to visit you when I wasn't even elected, and I met this extraordinary woman who was in the county legislature. Who knew some years later that you would become my partner and, like I said, and my protector. So again, to our amazing Majority Leader, Crystal Peoples-Stokes.

(Applause)

To the man I like to call "the Godfather," our Speaker Pro Tem, Jeff Aubry.

(Applause)

To the team that makes us go here in the Chamber, Deb Miller, Mary-Anne Dandles, John Knight and the Legislative Services team.

(Applause)

To Dan Salvin, the Bill Drafting Commission and Assembly Revision team, thank you as well.

(Applause)

To the guy who probably gets the second loudest round of applause, Blake Washington and the Ways and Means staff. Everybody likes the money guy.

(Applause)

And to the person who I think often besides me who has the toughest job, and I really don't think that I could do a lot that I could do and, you know, she takes a lot of crap, Lou Ann Ciccone and the Program and Counsel staff.

(Applause)

I don't know why I'm so emotional, maybe I'm just tired from no sleep, but to Howard Vargas, Brian Haak and Christina Zola, our legal team, to Katie Bender, Lauren Keating and Conference Services, and of course to Amy Metcalfe, Ed Harris and the Assembly Maintenance team, thank you for taking good care of us.

(Applause)

Now, of course, to the guy who usually gets the loudest round of applause, Wayne Jackson, John, and our Chamber Sergeants.

(Applause)

To my team here in Albany, Paul, Anita, Kim, Isa Puello and her team, Carl and Mayleen. I want to thank you all for taking good care of me.

But lastly, I would -- because this is the People's House and we do believe in family so much, I also have to say and give a big shout-out to the baby caucus of the New York State

Assembly.

(Applause)

Enjoy that time when they're still little because I just remember not too long ago I was literally holding Taylor in my arms when you guys gave me the privilege of being Speaker and in just a week she'll be 13-years-old which I cannot even believe it.

(Applause)

With that being said, I hope you all get some rest. Please do not try to drive home now, I want everyone to have a safe summer and -- and as you move on to other endeavors, I just want to say to all of you just see you next time, it's never goodbye, see you next time.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I know you probably said this --

SPEAKER HEASTIE: Excuse me one second. I actually forgot a couple of people. I actually forgot Mike and Kerri from the Communications team.

(Applause)

And of course our amazing Chair of Ways and Means, that history-maker, Helene Weinstein.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I'm sure you probably said this, but I just need to say it again because this young man right here sitting by me has been amazing, John Knight.

(Applause)

So I just want to. He stepped in when Brian Coyne left me, he stepped in and he's been doing a great job and I just want to appreciate him out loud. I always tell him in private.

Mr. Speaker, do you have any further housekeeping or resolutions?

**SPEAKER HEASTIE:** No housekeeping, but one resolution.

On the resolution, all those in favor signify by saying aye - ready to go, huh - those opposed, nay. The resolution is adopted.

(Whereupon, Assembly Resolution No. 1069 was unanimously approved.)

Mrs. Peoples-Stokes.

**MRS. PEOPLES-STOKES:** I now move that the Assembly stand adjourned until tomorrow, Saturday, June the 4th being a legislative day, and that we reconvene at the call of the Speaker. Thank you, sir.

**SPEAKER HEASTIE:** Thank you so much.

The House stands adjourned.

(Applause)

(Whereupon, at 8:16 a.m., the Assembly stood adjourned until Saturday, June 4th, Saturday being a legislative day,

and to reconvene at the call of the Speaker.)