

THURSDAY, MARCH 9, 2023

12:52 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, March 8th, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Wednesday, March the 8th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so

ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues and guests that are in the Chambers, if I could please have your attention. Thank you, sir. Thank you, sir. Mr. Speaker, colleagues and guests that are in the Chambers I'd like to begin today by sharing a quote from Vice-President Kamala Harris. Ms. Harris is an attorney who represented the State of California as an Attorney General as well as a United States Senator. She is now the first female President -- Vice-President and the highest-ranking female official in the United States of America in its entire history. She is of African-American and Asian descent. Her words for us today, *What's important for my daughter to know is that if you are fortunate enough to have an opportunity, it is your duty to make sure that other people have those opportunities as well.* Again, Mr. Speaker, those words from our own Vice-President Kamala Harris who many know one of the major features that she likes to wear on a regular basis is "Chucks" and pearls. There is a national day that happens around that later in the year which our Chair of our legislative women's caucus will handle at some other point but "Chucks" and pearls are emblematic of Kamala Harris.

Colleagues and members have on their desk a main calendar. After any introductions and/or housekeeping we'll be calling for the following Committees off the floor in the Speaker's Conference Room: Governmental Operations as well as Rules. These

Committees will produce an A-Calendar which we are going to take up today. We're going to begin our work in the interim, Mr. Speaker, on the floor by first taking up resolutions on page 3. We will then continue where we left off on yesterday by consenting new bills on the main Calendar beginning with Calendar No. 24 which is on page 8. There may be a need for additional floor activity to be announced, Mr. Speaker. I will do so should that be necessary. However, Majority members should be sure and aware that there will be a need for a conference at the conclusion of our work today on the floor and as conduct we will consult with our colleagues on the other side of the aisle to determine their needs. That's the general outline of where we're going, Mr. Speaker. If you have introductions or housekeeping now would be a great time. Thank you, sir.

ACTING SPEAKER AUBRY: We have introductions by Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. It is my honor to welcome to the Chamber the Waterford-Halfmoon Girl's Soccer Team along with their head coach Meghan Reynolds and the Athletic Director Michael Robbins. This past fall the Waterford-Halfmoon High School Girl's Soccer Team ended a very successful season finishing with an overall record of 22 and 1 and capped their historic season off with a 6-3 triumphant victory to become the New York State Class C Girls Soccer Champions. I am very proud of these young women for what they have accomplished. I'm going to rally their names off very quick. Maddalyn Atwood,

Bayly Beauregard, Sophia Belonga, Imani Bloomfield, Carly Cordts, Emily Costello, Addyson Galuski, Payton Galuski, Zoe Grennon, Donella Jordan, Sarah Kelly, Cassidy McClement, Piper Morris, Baylee Noto, Mia O'Brien, Alexandra Phelps, Samara Roberts and Isabella Vecchio. You heard about the one blemish they had this year - one loss - which actually happened to be in my hometown of Cohoes, by the way. But Mr. Speaker, as life has taught us many times, sometimes we take a step back which it only propels us forward. Please extend the courtesies of the House to the Class C State Champions Waterford-Halfmoon Girls Soccer.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Our congratulations on a marvelous season. There's nothing like being champions, is there? Just absolutely makes the day for us, but know that you will be champions in life if you take the lessons that you've learned in achieving it athletically and apply them to the life lessons of education, work, all of those things that are part of it, but you have a great start. Congratulations and you are always welcome here.

(Applause)

Mrs. Peoples-Stokes for the purpose of a
announcement.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call the Government [sic] Operations Committee to the

Speaker's Conference Room for a meeting.

ACTING SPEAKER AUBRY: Absolutely.

Government [sic] Operations to the Speaker's Conference Room immediately, thank you. And we will move to page 3 on resolutions.

Assembly No. 163, the Clerk will read.

THE CLERK: Assembly No. 163, Ms. Joyner.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 2nd, 2023, as Read Across America Day in the State of New York.

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

THE CLERK: Assembly No.164, Ms. Lupardo.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 20th - 24th, 2023, as Agriculture Week in the State of New York.

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

THE CLERK: Assembly No. 165, Mr. Slater.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 6th, 2023, as Dentist's Day in the State of New York.

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

adopted.

THE CLERK: Assembly No. 166, Mr. McGowan.
Legislative Resolution memorializing Governor
Kathy Hochul to proclaim March 10th, 2023, as Bagpipe Day in the
State of New York.

ACTING SPEAKER AUBRY: Mr. McGowan on the
resolution, sir.

MR. MCGOWAN: Thank you, Mr. Speaker, for the
opportunity to address this Chamber and my colleagues on this
resolution. It's important that we as a Body recognize and celebrate
the many cultural and historic contributions to our State and I am
proud to sponsor this resolution today proclaiming March 10th, 2023
as Bagpipe Day in the State of New York. I've been a bagpiper for the
last 20 years with the Rockland County Ancient Order of Hibernians
Bagpipe Band, which is an Irish bagpipe unit. I've played the
bagpipes and I've marched throughout New York State including the
St. Patrick's Day Parade in New York City, the Rockland County St.
Patrick's Day Parade, which is the second largest St. Patrick's Day
Parade in New York State behind only New York City. I've marched
in Westchester County and throughout the Lower Hudson Valley,
Newport, Rhode Island, New Jersey and Pennsylvania. And in 2016 I
played the bagpipes and marched in Dublin and Belfast in Ireland to
commemorate the 100th Anniversary of the Easter Rising.

The bagpipe is an ancient instrument believed to have
originated in or around 400 BC in Egypt and while today it's most

often associated with Scottish and Irish cultures, it has been played throughout the world including Pakistan and Spain. There are varying types of bagpipes or pipe instruments which consists of a bag or an air bladder that when squeezed forces air through a set of pipes called the drones and a chanter which produces different notes that are played as a melody against a steady or concert harmonic note sound produced through the drones. Again, most people associate bagpipes today with the Great Highland Bagpipe of Scotland which is the instrument that I play. Bagpipes we heard in celebrations including weddings, parades, city celebrations and other festive occasions. But bagpipes are also played at more somber events including funerals and memorial services especially for fallen servicemen and women, police officers, firefighters and other first responders. So as an Assemblyman representing a large Irish and Irish American community in Rockland County District 97, I am proud to introduce this resolution and recognize bagpipes for its contribution to our diverse American culture. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly No.167, Ms. Barrett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 5th - 11th, 2023, as School Social Worker Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jackson on the

resolution.

One minute, thank you.

Proceed.

MS. JACKSON: Thank you, Mr. Speaker, for allowing me to speak on this resolution. The month of March we're celebrating social workers and this week in particular we are celebrating school social workers. And before I became an Assemblymember I had the privilege of being a high school social worker in the New York City Public School system. It was an amazing, rewarding job but it was extremely hard because these young people were dealing with a multitude of issues. And during COVID, like a number of my colleagues at that time, we were doing a lot of grief counseling not just for students but also for teachers, also for families. So our social workers are not just doing the job that they are assigned to, but the job that their calling has assigned them to. So I say thank you to every single social worker that's out there but in particular, during this week, we are saying thank you to our school social workers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

Page 8, Calendar No. 22 -- 24, excuse me, 24. The Clerk will read.

THE CLERK: Assembly No. A01368-A, Calendar No. 24, Rozic, Colton, Rivera, L. Rosenthal. An act to amend the

Public Service Law, the General Business Law and the Public Authorities Law, in relation to third-party notification.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01777, Calendar No. 25, Lavine, Colton, Glick, Sayegh, Seawright, Taylor, Vanel, Stirpe. An act to amend the Public Health Law and the Insurance Law, in relation to health care professional applications and terminations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01923, Calendar No. 26, Walker, Epstein. An act to amend the Correction Law, in relation to the definition of "direct relationship" for the purposes of article 23-A of the Correction Law regarding the licensure and employment of persons previously convicted of one or more criminal offenses.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02177, Calendar No. 27, Epstein, Gallagher, Steck, Jackson, Forrest, Burdick, Clark, Magnarelli. An act to amend the Education Law, in relation to requiring degree-granting institutions of higher education to make certain biennial disclosures.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02183, Calendar No. 28, Dinowitz. An act to amend the Penal Law, in relation to the crime of computer tampering in the third degree.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02304, Calendar No.

29, Paulin. An act to amend the Vehicle and Traffic Law, in relation to requiring an official inspection station to post a sign or poster informing customers that it is not authorized to inspect certain vehicles.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02556, Calendar No. 30, Walker. An act to amend the Election Law, in relation to contribution and receipt limitations.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02811, Calendar No. 31, D. Rosenthal, Stirpe, Steck, Seawright, L. Rosenthal, Jacobson, Durso. An act to repeal certain provisions of the Insurance Law relating to anti-arson applications.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02878, Calendar No. 32, Aubry, Kim, Taylor, Forrest, Burgos, Reyes, Hevesi, Fahy, O'Donnell, Mitaynes, Anderson, Mamdani, Jackson, Clark, Simon, González-Rojas, Seawright, Carroll, Gallagher, Darling, Burdick, Cruz, Epstein, Hunter, Meeks, Weprin, Kelles, L. Rosenthal, Otis, Cook, Dinowitz, Septimo, Gibbs, Dickens, Glick, Davila, Hyndman, Pretlow, Ramos, Tapia, Lunsford, Ardila, Simone, Raga, Shimsky, Alvarez. An act to amend the Criminal Procedure Law, in relation to motions to vacate judgment; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02892, Calendar No. 33, Bores. An act to amend the chapter of the Laws of 2022 amending the Insurance Law relating to the provisions of supplemental spousal liability insurance to persons who are insured for loss resulting from the ownership, maintenance and use of a motor vehicle, as proposed in legislative bills numbers S. 9367 and A.1029, in relation to the effectiveness thereof.

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

advanced. And the bill is laid aside.

THE CLERK: Assembly No. A03057, Calendar No. 34, Cruz, Ardilla. An act to amend the Criminal Procedure Law, in relation to requiring the court, prior to accepting a plea, to advise the defendant of the risk of deportation if he or she is not a citizen.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03102, Calendar No. 35, Magnarelli, Santabarbara, Paulin, Fahy, Shimsky, Darling, Thiele, Kelles. An act to amend the Vehicle and Traffic Law, in relation to prohibiting the registration of certain stretch limousines.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03227, Calendar No. 36, Paulin, González-Rojas, Rozic. An act to amend chapter 802 of the Laws of 1947, relating to facilitating the financing and effectuation of air terminals by the Port of New York Authority, in relation to information concerning services for human trafficking victims in lactation rooms.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03245-A, Calendar No. 37, Paulin. An act to amend the General Business Law, in relation to requiring businesses to notify consumers of an upcoming automatic renewal or continuous service charge thirty days prior to such charge.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03683, Calendar No. 38, Zebrowski. An act to amend the Public Service Law, in relation to complaint procedures and retailing billing records for a certain period of time.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03691-A, Calendar No. 39, Thiele. An act to amend the chapter 672 of the Laws of 1993, amending the Public Authorities Law relating to the construction and financing of facilities for certain public libraries, in relation to including the Shelter Island Public Library.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Rules Committee to the Speaker's Conference Room for the purpose of a meeting.

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

Calendar No. 40, the Clerk will read.

THE CLERK: Assembly No. A03693, Calender No. 40, Weprin. An act to amend the Insurance Law, in relation to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement; and to amend a chapter of the Laws of 2022 amending the Insurance Law relating to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement, as proposed in legislative bills numbers S. 5299-A and A. 1741-A, in relation to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk will record the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. A03720, Calendar No. 41, Paulin. An act to amend the Public Authorities Law, in relation to information concerning services for human trafficking victims.

ACTING SPEAKER ZACCARO: Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03777, Calendar No. 42, Paulin. An act to amend the State Finance Law, in relation to making a technical correction to the designation of the animal shelter regulation fund.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk will record the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. A04011, Calendar No. 43, Weprin. An act to amend the Insurance Law, in relation to requiring the superintendent of financial services to promulgate regulations which provide standardized definitions for commonly used terms and phrases in certain insurance policies.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A04862, Calendar No. 44, Ardila, Colton. An act to amend the Labor Law, in relation to providing employers with the opportunity to register for emergency alerts from the state of New York public safety alert mass notification system.

ACTING SPEAKER ZACCARO: Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Ardila to explain his vote.

MR. ARDILA: Thank you, Mr. Speaker. This bill seeks to improve the distribution of information of emergency information to employers across the State. It allows them the

opportunity to register to the Statewide emergency -- emergency --

ACTING SPEAKER AUBRY: One minute, Mr. Ardila. Please, ladies and gentleman, member is explaining his vote. I'd appreciate it if you would keep the chatter down. Proceed, sir.

MR. ARDILA: This bill allows the opportunities for employers to register with the State's mass public safety alert notification system. Often time there is a lack of realtime information being disbursed to the public that results in delays, weather conditions, storm surges, and now we have the opportunity to allow realtime information to be disbursed to those in the general public. So I vote yes, Mr. Speaker.

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

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 have completed their committee work. There's an A-Calendar. Would you please advance it, sir?

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

Page 3, resolutions. The Clerk will read.

THE CLERK: Assembly No. 162, Mr. Heastie. Concurrent Resolution of the Senate and Assembly proposing to

implement, pursuant to and in compliance with the provisions of Article 7 of the Public Officers Law, a system of videoconferencing to conduct meetings.

ACTING SPEAKER AUBRY: An explanation has been requested.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. This joint resolution is the next step we need to take as required by a statute this Body enacted last year to permit video conference attendance for members of the State Legislature under certain circumstances. As a reminder last year, we established procedures for all local governments to conduct video conferencing abilities that they've been able to address if they chose to at the local government level. This is a step that we are required to do. It's important to note that we were required to have a public hearing of which that was held on March 1st of which we received testimony, and our next step is to consider this resolution along with the Senate. The contents of the resolution are very simple and straightforward, and then the Speaker will publish, provided we have support, our own specific procedures on exactly how this process will work.

ACTING SPEAKER AUBRY: Mr. Durso.

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

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

MR. MCDONALD: Mr. Speaker, normally I don't tolerate people talking behind my back but for Mr. Durso I will allow it.

(Laughter)

ACTING SPEAKER AUBRY: It is a true sign of bipartisanship that you'll keep --

MR. MCDONALD: Absolutely.

ACTING SPEAKER AUBRY: Mr. Durso, he yields.

MR. DURSO: Thank you, Mr. McDonald. And normally I don't like people having their back to me, but in this case we'll agree on this. Just a couple of quick questions for you, sir. Can you give an example -- I think we all agree that this resolution is needed in certain circumstances, obviously. But can you give a better example, maybe in your mind, of what most cases you feel will fall under this resolution and who will be able to use it?

MR. MCDONALD: Well, let me first share what is written that we passed last year. We used the terminology *extraordinary circumstances*. And in the legislation it gives examples: Disability, illness, caregiving responsibilities, or any other significant or unexpected factor which precludes the member's physical attendance at a meeting.

MR. DURSO: Thank you for that explanation. So if this resolution obviously is to go through and then the rules are made later, in your mind if a valid excuse is given and approved by the Legislature for someone to -- for say miss being here, but a member at

that point takes advantage of this resolution, this rule, as we stated before in Committee, we were talking about everybody here is adults, right? And if someone wants to - I think you had said it - if someone wants to say they're sick and end up at the St. Patrick's Day Parade that's on them and it's up to the voters. But is there any level of - for lack of a better word - punishment for the member if they are saying I am sick or I am doing such and such or I have this issue and then they're seen out while we're in Session and they're taking a vote but then they are seen out whether it's on a train, in a parade, at the park, anything like that.

MR. MCDONALD: So punishment is always an interesting word. And I don't know if I want to draw on that too much.

MR. DURSO: Well, I said lack of a better word, excuse me.

MR. MCDONALD: Yeah, I know, I know. Maybe it's -- so the reality is is that our Speaker and the Minority Leader will have to sit down. I think the Speaker will put forth a -- a practice of rules. And I'm not going to get into exactly what that looks like, that's up to our leadership to figure that out. And it's incumbent upon all of us. You know we are all elected officials. We are responsible primarily to our citizens who voted for us. One should be mindful of the fact that included in the legislation we passed for video conferencing, it is required that within five days a video of this meeting that was held, which somebody may have participated in

video conferencing, is uploaded to a website. And by the way, it has a staying power of five years. So any elected official -- and this doesn't apply just to this House. This applies to any elected official at the village level, city, county, town, say what you want. The bottom line is your participation is going to be video recorded for five years. So just think of any potential opponents, any groups that might have it out for you, anybody. The media sometimes actually pays attention to these things. So you know, I just think in practice, I -- I trust the Speaker and the Minority Leader to establish with their respected members a process. They will be responsible for marshalling that for the majority of the time. But at the same token we are accountable to the public and I don't think we should forget that.

MR. DURSO: Thank you, sir. Just another quick question. To your knowledge at this point, has there been discussions or any way of how these -- how anybody who requests this will be approved as far as the procedure that goes forward?

MR. MCDONALD: I do not know of any exact procedures at this time. I think that's something that right now we're kind of in the middle of a budget so I don't know if it's going to come to pass very quickly, but I defer to the Speaker and the Minority Leader to figure that out.

MR. DURSO: Okay. So since there is no procedure set as of this time, has there been discussions on protocol as far as votes in the Chamber, committee meetings or debate online?

MR. MCDONALD: There has not been.

MR. DURSO: Okay. All right. Thank you, sir.

If I could speak on the resolution for a quick second.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DURSO: Thank you, Mr. McDonald, I appreciate it. Again, Mr. Speaker, I think we all understand the need for this obviously in certain circumstances. We've had a couple of circumstances here in this Chamber alone with all our members that I think this rule comes in effect I think it's a good thing. But obviously any rule like this could be taken advantage of and that's what I don't think any of us here want to happen. Nobody wants to take advantage of the rules that are set forth. But just a quick reminder as we are to make these rules going forward and the -- the -- the two -- two sides of the aisle they will come together and make a decision on how these things are done. The one thing I want everybody to keep in mind is that, like I said, most of us want to do the right thing, not saying anybody doesn't, but we are paid by the taxpayers. We do have a job to do. And they expect us to be here and do our jobs in the best way possible. And again, I'm not saying in certain circumstances that you can't be here and be excused for obviously good reason and we all know what they are, but just -- I want all the members to be aware that again, taking advantage of these rules is not just taking advantage of this Chamber. It's taking advantage of your voters, it's taking advantage of the taxpayers that pay our salaries and that we should act like adults and do the right thing if these rules come to pass. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for a few more questions?

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

MR. MCDONALD: Of course.

ACTING SPEAKER AUBRY: Sponsor yields.

MS. WALSH: And I'm glad that we're in a straight line, nobody is in front of anybody else.

MR. MCDONALD: That's the way it's always been, Mary Beth.

MS. WALSH: That's right, that's right.

So one of my questions has to do with just the wording of it as it is. Because there are a lot of "ors" in there rather than "ands" in the way that it's worded. So, you need to show extraordinary circumstances *or* a significant factor *or* an unexpected factor or event that precludes attendance. I just want to make that clear. You don't have to show that it's extraordinary and significant and unexpected, those are all "ors."

MR. MCDONALD: There's no matrix if that's what you're asking.

MS. WALSH: Pardon?

MR. MCDONALD: There's no matrix.

MS. WALSH: There's no matrix.

MR. MCDONALD: Doesn't mean you have to get

two out of three.

MS. WALSH: Right, exactly. So I just want to run through just a couple of just hypotheticals that have come to my mind because I think, you know, we've -- listen, we've had members who have had significant illness that would have precluded them, did preclude them from participating in the Chamber and maybe they would have had days where they -- their treatments and their therapies would have still allowed them to participate virtually and I'm very sensitive to that that those members still had something to give but because they couldn't be here in Albany they couldn't give it. And that I think harmed -- harmed this Body I think it harmed the people who put -- who put them there. So I'm very -- I'm very sensitive to that. Other things, though, like for example caregiving responsibilities. What is -- what is the thinking or the discussion or the rationale behind a caregiving responsibility is getting in the way of your personal attendance here in Albany?

MR. MCDONALD: You know, that's a good question and I will leave that to the rules that the Speaker and Minority Leader will implement in regards to what is that going to be. You know, and I appreciate the fact that, you know, what's not lost in this discussion is obviously it's important for everyone to be physically present. But it's also important that in the unique extraordinary circumstance that the people that they represent are actually being represented here in Albany one way or the other. So I defer to the Speaker and -- and the Minority Leader on how they come to that

discernment because, you know, the definition of family is it changes as the day goes on sometimes. You know, we know, we can understand when somebody is helping an elderly person through chemotherapy it's understandable, we can understand when a child is sick and I mean going through a very significant illness. That is something that we have to recognize, it's 2023 not 1923 and times have changed and the workplace has changed. But to your answer to that I can't give it a hundred percent because that's up to the guys who make the rules.

MS. WALSH: Mm-hmm, I understand. For -- for individuals who apply for but are not given permission by the Speaker or by the Minority Leader to utilize this video conferencing technique, the statement of voting is still available to that -- to that member though, correct?

MR. MCDONALD: Right. They will be marked as absent for that day if they do not -- and it's worth noting that, you know, if they apply whatever the process is here now because as Mr. Durso asked what is the process, I don't know what the details are but they will definitely a process will be contact made with somebody designated by the Speaker or the Minority Leader. God forbid they want to be dealing with this all day long.

MS. WALSH: Yeah.

MR. MCDONALD: And then it has to be documented that they were allowed to participate by video conferencing, which I think is important to note.

MS. WALSH: Well, that leads me actually to my next question. I just want to be sure that I understood that. So the -- the instances where video conferencing is granted, the individual who requested it and was granted, date, time, I'm assuming that there will be some type of data that will be collected and maintained by both sides of the aisle as to the frequency and who was utilizing the procedure; is that correct?

MR. MCDONALD: There'll be a process to document a request was made and that a request was answered.

MS. WALSH: And will that be a matter of public record?

MR. MCDONALD: That I don't know.

MS. WALSH: Would that be subject to FOIL?

MR. MCDONALD: It'll be in the minutes. It'll be reflected in the minutes who was participating by video conference.

MS. WALSH: Very good. Okay, thank you very much, Mr. McDonald.

MR. MCDONALD: Thank you.

MS. WALSH: Mr. Speaker, on the bill.

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

MS. WALSH: Thank you. So as I said, you know, I have a -- I have a -- I -- I can personally think of members that struggled, really struggled to be here in Albany when dealing with a serious illness of a child, their own serious illness, and various other

matters. So we -- I think we've all recognized over the last few years and the operations of the Body through the pandemic that certainly when I contracted COVID and I was well enough to participate in Session but not well enough or capable of being here in person, I appreciated the fact that I could video conference in and not miss any votes and be able to be here because we were still within that state of emergency and that was the procedure of the House. So I -- I did personally benefit from being able to do that and I felt like, you know, that is the one day I think within the six-plus years that I've been here that I've needed to do that but it was good that I could. So I'm mindful of that as well. I think really kind of we say a lot of times here that the devil is in the details. I think it's really going to come down to the way that this is implemented to see if it's -- if it's going to work well and I'm grateful that this is going to be done as a -- on a trial basis with a trial run ending July 1st, 2024 to kind of see how it works. And I hope it works well, you know. I hope that -- because I -- I think overall I've been maybe *dismayed* is too strong a word but I've been a little discouraged that coming out of the pandemic some recent rules have made it less likely that we're all going to be here in the Chamber and we've spoken about that just since we've started in January. I think the trend has been with the empty seat voting and now this that there will be fewer of us here to do the people's work. And I do think that there is a real benefit in terms of collaboration and camaraderie and just professionalism that we all recognize that in order to serve here we really do need to be here. And that if you can't be here on a

regular basis then maybe this is not the kind of public service that's for you. And maybe you need to think about some other way to serve your community and your state. But with that being said, I'm leaning towards supporting this measure on a trial basis and hope that it will be implemented properly and hope that it's really utilized only when absolutely necessary. So thank you very much, Mr. Speaker, and thank you to the sponsor for your answers.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. Will the sponsor yield for a quick question?

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

MR. MCDONALD: Yes, I will.

ACTING SPEAKER AUBRY: Sponsor yields, sir.

MR. DIPIETRO: Thank you, sir. Just on the caregiver. I understand the health issue just while you guys we're putting this bill together. Did it extend -- were the conversations also for children? I've got two older -- my mother and father-in-law eighties, failing health. Was that discussed? And also anything about pets? Someone mentioned that before and I was wondering is there anything about pets on the caregiver? I know that we're going to be putting up -- you're going to be discussing (inaudible). I just wondered if you had any extra thoughts here.

MR. MCDONALD: So, you know, I have not had discussions with the Speaker on how this is in practice. So I don't know what it's going to be. I do recall last year we collectively passed this and we used these definitions. How that's transcended to the local government on whether it means the house dog or cat or grandmother or grandfather, I don't know. Once again, I think it's a matter of what our extraordinary circumstances and situations that just physically the individual may not be able to be present.

MR. DIPIETRO: Okay. I just wanted to see if there was any clarification, that was it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. Speaker. Will the sponsor yield for a question?

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

MR. MCDONALD: Yes, I will.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. PIROZZOLO: Thank you. My question is really is about expediency. Some of the conversation I've heard today is about significant illness and catastrophic things, but I certainly don't know if I'm going to be sick next week or if there's a tragedy within my family. So if something serious were to happen and I were to have to apply for this, what would be that turnaround time that I would know that I would be excused? Do I have to make that decision of *do I have to go to Albany or do I stay with my family*, you know. Is there

any provision for that?

MR. MCDONALD: So that's something that I would refer you to your leader on in regards to the process and that, you know, whatever those concerns are share that with him prior before he meets with the Speaker to determine what the practice is going to be.

MR. PIROZZOLO: Okay. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the speaker [sic] yield for a question?

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

MR. MCDONALD: I'd be happy to.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. FITZPATRICK: Thank you, John. May I ask very simply, what was -- why do we not have concrete rules here?

MR. MCDONALD: So, you know --

MR. FITZPATRICK: And what is the reluctance to lay out those concrete rules? Even though this is on a trial basis it's not that difficult to imagine what the possible problems could be that would warrant this kind of permission. And I'm very -- I'm very concerned about voting for this because in spite of the fact that it's for a trial period, there's more gray than black and white here, and that's what concerns me because this isn't a hard thing to do. And you can lay out what the rules are and then we'd have something substantial to approve or disapprove of here. And I really don't want to give a blank

check to the Speaker or the Minority Leader. You know, the concern is will some people get more favorable treatment than others for certain things. There are going to be examples for sure of people really reaching for permission to stay at home when it really isn't justified. So I think why aren't we laying out something concrete so we know what the rules are before we vote on this?

MR. MCDONALD: Mr. Fitzpatrick, you raise a valid concern, no one disputes that by any stretch of the imagination and I guess a couple thoughts come to mind. You know, we -- we did pass this last year. I think it was in the -- in the budget last year so some would have voted for it, some may not have voted for it, I don't know, I don't have the tally. But I guess the question -- and I'm not -- I'm not trying to be smart by any stretch of the imagination is that does anybody show up at a town board meeting or a city council meeting or a county legislative meeting to ask them what their rules are and how they engage. We -- whether we like it or not we have leadership, right? Leadership is trusted responsibility to make sure that the House operates in an efficient manner, operates professionally and I would like to think by the course of this debate today that that is being resonated with our leadership to make sure that we have a -- a very strict process in place and that it really is very tight on exactly what is a valid reason and not. I mean as you know, Mr. Fitzpatrick, you've been here much longer than I. You've probably been here then for some of the non-glory years as I'll call them where we had some problems in the House and --

MR. FITZPATRICK: I do remember that.

MR. MCDONALD: -- and, you know, some members were seen at places they shouldn't have been during Session. I think we need to be mindful. I think every member needs to be mindful that you're an elected. You're -- you're elected to represent people. We want to make sure there's a mechanism in an extraordinary circumstance that those people can be represented by the vote of the member. I personally believe this is going to be used rather seldom than normal. The big screen's coming back if this passes so therefore we'll be able to see our friends if they're not here. So there's going to kind of like be a little bit of a comradery, a little bit of a let's work this out together process.

MR. FITZPATRICK: Very good. Thank you, John.

MR. MCDONALD: Fair enough?

MR. FITZPATRICK: Thank you very much.

Mr. Speaker, on the bill.

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

MR. FITZPATRICK: I -- I have no objection to trying something like this. If you recall just a short time ago we went through a pandemic and we very, very quickly and very, very smartly established a set of parameters, rules and regulations about how we were going to conduct our affairs from back home. And we left nothing to chance there. There were no gray areas. We knew what the situation was and we knew what had to be done. I don't think

there's anything different in this scenario. We can very easily lay out the rules and regulations, what qualifies, what doesn't qualify. I'm going to vote no on this is not because I don't think it's worth trying, but without strict rules and regulations, without knowing what exactly I'm going to be voting on so that we don't have any problems I just can't give my vote to something like this. This is not a difficult thing to do. Lay out the rules and regs. This could have been negotiated I think very quickly and without doing so I'm not comfortable voting for this so therefore I will be in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. MCDONALD: Yes, sir.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. GOODELL: Thank you. You've mentioned several times that there are rules and regulations that will be developed in the future. And Mr. Fitzpatrick suggests that maybe we should vote on this resolution after those rules have been developed so we know what we're talking about. What's your view on that?

MR. MCDONALD: So, I may have referenced this earlier but I don't know of any of us who went to local board meetings and questioned what the rules were going to be. But the one thing I did not mention that my very supportive staff reminded me of is that

once the Speaker and the Minority Leader develop the rules, they'll be posted on our website for the public to see. So they'll have a better idea of exactly what those excursions should be. And I say that as a rare circumstance, extraordinary circumstance.

MR. GOODELL: So at this point, as an example, there's no rules that would require that the person participating by video actually have their camera on? And the reason I mention this because during COVID I would often look at the Zoom video process, particularly because it's very late and I would see, you know, a couple members sleeping, several empty seats and anywhere from 50 to 75 percent of the cameras turned off. Is there going to be a requirement in the rules, as far as you know, that if you're participating by Zoom you must have your camera on unless, you know, you're using the restroom or something of that nature?

MR. MCDONALD: So the answer is yes, the camera has to be on. It's actually in the law that we passed last year that the camera has to be on if the Body is going to adopt video conferencing in. And admittedly and to quote our former colleague Mr. Gottfried, they'll be time when people are leaving for toileting, but otherwise for the most part we should expect to see those pearly whites of yours, and you'll be here, I'll probably be here more than likely, but whoever's not here but is participating by video conference, we expect to see them right there on the big screen with their face shining bright.

MR. GOODELL: My colleague asked you whether the names of people who are participating in this program would be

available and your answer was yes, it would be reflected in the minutes. Do you envision that the request itself, the explanation for the request, any supporting documents for the request and the granting or denial of the request would also be publicly available?

MR. MCDONALD: I don't know if that is going to be possible. That's something I will defer. I mean to be honest with you when you think about the context of the extraordinary circumstance we've talked about, some of those are personal health-related items. I don't know if that's really fair for a variety of the reasons that an individual should have to disclose that. More than likely, you know, last year we had a member who had a child who we knew what was going on and struggling. We had another member who was struggling with chemotherapy. It doesn't take much. But I, as a healthcare professional, am very sensitive to people's personal health issues. And therefore I'm a little bit concerned about saying yes, it's going to be widely disclosed because as you know in this political world we can use we live in, some people will use that as a disadvantage sadly against an individual irrespective of what party they're in.

MR. GOODELL: Now, as you know this resolution references Section 103A of the Public Officers Law, which last year was adopted with 41 no votes as part of the budget package. Questionable whether or not that section of law had any appropriation associated with it as required by Article VII. So I question its fundamental constitutionality. But separate and distinct from that it

would allow video participation, as one of my colleagues mentioned, for caregiving responsibilities. The Family Leave Act when it talked about caregiving was very, very broad. I mean it included taking care of a sibling, spouse, parents. Do you envision that this exception for caregiving would include not just young children but cousins, nieces, nephews, parents or other relatives? Because the definition in the Family Leave Act is very, very broad.

MR. MCDONALD: I don't know what that will expand to to be honest with you. I think, once again, these are valid concerns and in the rule-making process I would share those concerns with the Speaker and with the Minority Leader on what they exactly will be. They left it -- we left it vague as you mentioned a year ago for all the 1,400 or 1,500 local governments to be able to make that determination and we just happened to be the one Body that's up right now having this discussion. And I -- I do want to reference also because you mentioned -- you mentioned something that's important. This actually sunsets January 1st, 2024. So, you know, the Committee on Open Government is reviewing this, monitoring it. We expect them to come back with either a hey, this is going fine or there's some recommendations we have. So, you know, this is something that does sunset. So for those who are worried about this being a runaway freight train, I don't think that's the case.

MR. GOODELL: Now, you've repeatedly mentioned these rules which as far as I know have not been drafted, certainly are not available. Is there any requirement in this resolution that those

rules be approved by us as a Body?

MR. MCDONALD: There is not. However, those rules once they are drafted and finalized will be posted on our Assembly website for not only the members to see and their staffs but the world to see.

MR. GOODELL: And is there any obligation that the rules that apply to the Majority be the same that apply to the Minority?

MR. MCDONALD: So the rules in the Assembly will be the rules in the Assembly, plain and simple. I should clarify. They probably already have done this but the Senate is having a similar conversation. Their rules are com -- I would think are going to be separate and distinct from the Assembly's rules. I can't tell you what the rules are going to be, but there's a possibility the Senate rules may be different than the Assembly rules. We're focusing on the Assembly Majority and Minority combined.

MR. GOODELL: Thank you very much.

MR. MCDONALD: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I agree with my colleague and the sponsors that in extraordinary circumstances that are beyond the members' control it makes sense to allow them to participate by video conferencing. And I don't have any issue allowing that in extraordinary circumstances. But the concern that I and many of my

colleagues I believe have is that this is not limited to extraordinary circumstances. In fact, the rules can allow for any quote "significant" or "unexpected" circumstance without any real guidance on what's significant. And it references the Public Officers Law which talks about illness and caregiving responsibilities. And the concern that many of us have is that under other sections of the law caregiving is given an extraordinarily broad definition. And we're urged today to approve this resolution, even though as it has been repeatedly stated none of the rules that govern how this is to be applied have been drafted or made available to us. And I would certainly feel much more comfortable, as I'm sure many of you would, if we knew what those rules are before we authorize them. In my county we talk about having the cart before the horse. That's maybe more familiar when you're in Amish Country. But I think the right process is to have those rules drafted, have us review them, make sure we're comfortable with them, make sure that this exception to having to actually be on the floor and listen to the debate in person is limited to those extraordinary circumstances that most of us would agree. And so until we have those issues addressed and addressed thoroughly, I'm not willing to give a blank check to either the Minority or the Majority Leader in the hopes that they will draft something that's clear and concise, that they'll have in those rules some level of disclosure so we know what excuses are being used and -- and who's getting this and how often it occurs. And so we have some -- some level and some degree of accountability and responsibility. For that reason I won't

support it, but I would, as I mentioned, support if it were limited to extraordinary circumstances and we had the rules in advance so we could review them. Thank you, Mr. Speaker, and again, thank you to my colleague for his answers.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. On the resolution. I don't so fondly but I remember when we went through a similar process during COVID when the only two people who had to be in the room was the Minority Leader and myself and you Mr. Speaker, along with our staff that supported us. And I mean sometimes the visual that you saw on videos wasn't such a great thing. I mean we're here in Chambers, some people are at the beach, some are walking around, some were almost asleep on the couch. I mean these are the things that we had to see but we were able to get through governing this State during probably some of the worst times any of us have ever experienced in our entire life in this pandemic. And so while it's not such a fond memory, it is an honorable memory and it was an honorable memory that had to take place. And I think where we are right now as a society, we are probably not the only people -- well, we are the only people in the State of New York who literally have to travel to get to our job with the exceptions of a few. I was a caregiver for my mom before she transitioned long distance and if the caregiver didn't show up one night and I knew that I should be on my way to Albany, I had to wait. I had to stay and give that care and then come to Albany. And I think that this is the kind of

honorable Body where people will understand the difference between you just can't get here and you want to take advantage of a situation. Everybody is elected. I believe everybody is honorable and I think whenever we distrust others we kind of are distrust for ourselves. And so I trust this process because I trust the Speaker and actually I trust the Minority Leader, too. He's a colleague of mine that came in the same time. I believe they're going to do what's right in the interest of the members that elected them to serve in leadership. I trust that and I hope that we all will as well because there is going to be an occasion, hopefully not for me and hopefully not for anybody in this room, but it could happen when something will come up and you will desire to still participate and vote in the interest or participate in the interest of the people who elected you but you just can't get here. I don't feel like that's going to be abused. I think it could be but I don't think it's going to be abused by anybody that's in this Body. I think people even if they get encouraged to abuse it, they're going to remember the folks that voted for them. They're going to remember how their name will look in the press when they're supposed to have been here and they were doing something else. I don't believe that we're going to have that problem and I think that this resolution, the best thing about it in my estimation, I'm going to agree with my colleague Ms. Walsh. The best thing about this is is June 24th we can revisit it. If the rules that our Leaders came up with don't work, we can change them or we could eliminate this, we can create a whole new process. And so again, Mr. Speaker, I think this is the day and this is the time for us to

act like this is a different century that we live in and acknowledge the fact that people may want to work and not be able to get here. Thank you, Mr. Speaker.

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

A slow roll has been requested. The question is does the House concur with the Senate? The Clerk will record the vote slowly.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Concurrent Resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purposes of introducing a guest in the Chambers. She is Sonia Martinez. She is the guest of our colleague Marianne Buttenschon. She is the Executive Director of the Mohawk Valley Latino Association. Sonia co-founded the Mohawk Valley Latino Association along with three other Latino colleagues in 2003 to address the issues of lack of education, cultural support services in the area for Latino residents. Mr. Speaker, would you please welcome her to our Chambers and offer her the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of the Speaker, Ms. Buttenschon and all the members, we welcome

you here to the New York State Assembly. We extend to you the privileges of the floor. Thank you for the great work that you're doing in the State of New York. Continue that great work and know that you are always welcome here. Congratulations.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call on our colleague Mr. Jacobson for the purposes of an announcement?

ACTING SPEAKER AUBRY: Mr. Jacobson for the purposes of a announcement.

MR. JACOBSON: Good news for my colleagues in the Majority. We will be having conference immediately after Session at Hearing Room B.

ACTING SPEAKER AUBRY: Conference immediately after Session, Hearing Room B. You bring joy in the morning, Mr. Jacobson.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We certainly do and we have a resolution by you Mrs. Peoples-Stokes. Mrs. Peoples-Stokes on the resolution, the Clerk will read.

THE CLERK: Assembly No. 168, Mrs. Peoples-Stokes, Conrad, Rivera, Wallace, McMahon.

Legislative resolution mourning the untimely death and paying tribute to the life and heroic service of Firefighter Jason Arno who died in the Line of Duty on March 1, 2023.

ACTING SPEAKER AUBRY: Mrs. People-Stokes

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, colleagues. WHEREAS, it is the sense of this legislative Body to convey its grateful appreciation and heartfelt regret in the loss of a courageous, hardworking firefighter who dedicated his purposeful life and career in faithful service to both his family and the residents of the City of Buffalo and the great State of New York. It is with profound sadness that we record this tragic and untimely death of Firefighter Jason "Jay" D. Arno, who made the ultimate sacrifice on Wednesday, March the 1st, 2023 at the age of 37. And WHEREAS, around 10 a.m., Jay as he is endearingly known and his other firefighters, three of them from the Department Engine Number 2 stationed on Elmwood Avenue and Virginia in the neighborhood of Allentown, was fighting a four-alarm blaze on Main Street when the work being done on the structure with blow torches appeared to have caused a backdraft that sent flames shooting out of the three-story building at what first appeared to be an explosion. Firefighter Jason Arno was caught in a partial building collapse and trapped about 30 to 40 feet inside the building. The department lost contact with him shortly after a mayday call came through a radio and unfortunately due to the ferocity of the fire, his fellow officers could not reach him and he succumbed. Upon the recovery of his body, Jay as he was

belovedly known was silently greeted by his comrades who gave him a stoic salute honoring his bravery and memorializing the loss of a young man who lived a meritorious life of service for his beloved community of Buffalo. In addition Mayor Brown has asked for all buildings and other structures and landmarks including Buffalo City Hall, the Peace Bridge and Niagara Falls to be lit up in red through Sunday and direct that all City of Buffalo flags to be flown at half-mast.

Born on August 27th, 1985, Jason D. Arno graduated from Canisius High School in 2003. During high school he played football, had a winning postseason during his junior year. He is predeceased by his stepfather in death by his stepfather John. Firefighter Jason Arno is survived by his wife, the former Elizabeth -- Sarah-Elizabeth Tierney and one daughter, Olivia Louise. His mother Sheryl; his father David (Julie); three brothers, four sisters and many, many aunts, uncles, nieces and nephews and numerous friends. Jason Arno's greatest joy in life was his family. Everything in his life came second to his daughter Olivia who was his pride and his joy. Armed with the very humanistic spirit and a sense of compassion, Jason D. Arno leaves behind a legacy which will long endure the passage of time. And will remain as a comforting memory to all who were privileged to have known and loved such an amazing young man. He will be deeply missed and truly merits a grateful tribute of this Legislative Body. That this Legislative Body should pause in its deliberations to honor the life and the heroic actions of Firefighter

Jason D. Arno and to express its deepest condolences to his family and to his friends. And be it RESOLVED, Mr. Speaker, that this resolution be suitably engrossed and transmitted to the family of Firefighter Jason D. Arno.

ACTING SPEAKER AUBRY: Mr. Conrad on the resolution.

MR. CONRAD: I want to thank the Majority Leader. It's often said that firefighters and police understand and accept the dangers of their profession. They're called heros because while carrying the full weight of that understanding, they faithfully report to work anyway. Our debt to them cannot be measured. Tomorrow we lay to rest Firefighter Jason Arno and it's my hope that this resolution serves as a heartfelt condolence to his family and to the Western New York firefighter community, thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Wallace on the resolution.

MS. WALLACE: Thank you, Mr. Speaker, and thank you to Majority Leader Peoples-Stokes for sponsoring this resolution. I rise to honor a fallen hero, Jason Arno who was just 37 years old when he tragically passed last week responding to what ultimately became a four-alarm fire. Jason, a three-year veteran of the Buffalo Fire Department was the embodiment of heroism that is shown by all of our firefighters. Just after 10 a.m. on March 1st, he ran into a raging fire that rapidly consumed a three-story building sending smoke plumes as far away as Canada. Within minutes, the

fire created a dangerous backdraft and portions of the structure collapsed. Firefighters on the scene quickly evacuated but it was too late. Jason made the ultimate sacrifice to protect the people of our city. He is remembered as a loving husband and a devoted father to a three-year-old daughter and a beloved comrade to his fellow firefighters as well as a skilled cook who often packaged leftovers for the homeless individuals in the area of Engine 2. And of course, he is remembered as a selfless hero who gave everything to protect and serve his community. Please join me in praying for those he left behind. His brothers and sisters in the Buffalo Fire Department, his family and especially his wife and his beautiful little girl. And let this serve as a stark reminder of the risks and dangers undertaken by every one of the firefighters in our State who never hesitate to rush toward danger when the rest of us are rushing away. Thank you, Mr. Speaker.

MS. MCMAHON: Thank you, Mr. Speaker, and thank you to the sponsor of this important resolution. Tomorrow Jason Arno will be laid to rest. A brave firefighter with Engine 2 in the City of Buffalo, Jason made the ultimate sacrifice fighting a terrible blaze in an old downtown building on March 1st. Jay was a husband and father, a son, a brother and a friend. He loved playing sports, cooking elaborate meals, serving his community as a firefighter and being a dad to his sweet daughter Olivia. As is typical in Western, New York, our entire community grieves his loss and holds his family in a caring embrace. May his memory forever be a blessing. Thank you.

ACTING SPEAKER AUBRY: Members, may we rise as a sign of our affirm vote on this resolution.

(Whereupon, all members rose in support of the resolution)

The resolution is adopted.

We do have numerous other fine resolutions. We will take them up with one vote.

On these resolutions all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 169-173 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until Friday, March the 10th, tomorrow being a legislative day and that we reconvene at 2:00 p.m. on March the 13th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 2:46 p.m., the Assembly stood adjourned until Friday, March 10th, Friday being a legislative day, and to reconvene on Monday, March 13th, at 2:00 p.m., Monday being a Session day.)