

WEDNESDAY, JUNE 7, 2023

11:22 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, June the 6th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Tuesday, June the

6th and that the same stand approved, sir.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Good morning, colleagues and guests that are in the Chambers. I want to start today's quote, this one is from Prince, we've heard from him before. He's a prolific American songwriter. His words for us today, The most beautiful things in the world cannot be seen or touched, they are felt in the heart. Again, these words from the late, great Prince.

Mr. Speaker, members have on their desks a main Calendar and they also have a debate list. And after housekeeping and introductions, we're going to be calling for the following Committees - we already know what they are pretty much - Ways and Means and Rules. These Committees are going to produce an A-Calendar, which we will take up today on consent. We're also going to work off the debate list, beginning with Rules Report No. 317 by Mr. Otis; followed by Calendar No. 131 by Ms. Barrett; and Calendar No. 127 by Ms. Woerner. Members should also note that we are going to take up our Calendar resolutions at the end of today. We'll update members as we proceed as to when and if there's a conference later today or during the day. As always, I will consult with the Minority to determine what their needs will be, Mr. Speaker.

That is a general outline of where we are on the third day of the last week of our Session. If you have any additional

housekeeping or introductions, now would be the perfect time. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. We do not have any housekeeping, but we do have an introduction by Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. Today, I rise to introduce members of the 1954 Schenectady Little League World Series Championship Team. I'm pleased to welcome Mr. Jack Scirocco and Mr. Charles "Chuck" Caputo, two remarkable individuals who played a pivotal role in the history of the Schenectady Little League in my Assembly district. In 1954, they and their team -- teammates achieved an extraordinary feat by becoming the Little League World Series Champions. Their hard work, determination and unwavering spirit propelled them to victory bringing pride and glory to the City of Schenectady. Their triumph not only left an indelible mark on the history of little league baseball, but also served as an inspiration for generations to come.

So this morning we pay tribute to Mr. Caputo and Mr. Scirocco and their exceptional achievement, and their team's enduring legacy. Their dedication, sportsmanship and leadership on and off the field serves as an example for young athletes and instills a sense of pride within our Schenectady community. Their roles in the championship team serve as a testament to the power of teamwork, resilience and the pursuit of excellence. The team appeared on national TV shows 20 years later, and while in their thirties, Chuck

and Jack and their teammates were the subject of a book, entitled *Destiny's Darlings*.

May their story continue to inspire generations of young athletes, reminding them the power of dreams and the heights they can reach through hard work and perseverance. Their team's accomplishments was a remarkable moment in sports history for the City of Schenectady and in my Assembly district. Mr. Speaker, I'm very pleased to have them joining us here today. We have a distinct honor of celebrating two champions among us. If you would welcome them to the Assembly Chamber and extend to them all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Santabarbara, the Speaker and all the members, gentlemen, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Our thanks for coming and sharing with us this day, and also for the example that you set all the way back in 1954 for young people through the generations about what it means to be a team, what it means to be successful, and what it means to provide the services that you have all these days. Thank you again so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Ways and Means Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Ways and

Means, Speaker's Conference Room immediately, please.

The Clerk will read.

THE CLERK: Assembly No. A00366-A, Rules Report No. 317, Otis, Wallace, Burke, McMahon, Hunter, Thiele, Burdick, Cruz, Shimsky, Dinowitz, Cunningham, Levenberg, Sayegh, González-Rojas. An act to amend the Public Health Law, in relation to requiring camps and youth sports programs to establish an automated external defibrillator implementation plan.

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

An explanation is requested, Mr. Otis.

MR. OTIS: Thank you. In January of this year, we all witnessed, and in fact the world witnessed the very scary incident, the sudden cardiac arrest of Buffalo Bill Damar Hamlin. And we -- we prayed and hoped and saw trained technicians save his life on the field in Cincinnati. And it revealed more broadly the problem of sudden cardiac arrest, especially in sports setting -- settings, and especially in youth sports. In 2002, the Legislature passed a law to provide that AED equipment to be in school buildings. In 2021, the Legislature passed a law to give more meat to school settings and rules related to that. But there's a huge gap in youth sports programs around the State and around the country, and camps where AED equipment is not necessarily in -- in place.

And so across the country, it's estimated maybe as many as 14,000 sudden cardiac arrests occur among youths; 39

percent of them are in sports settings, and unfortunately only about ten percent of those incidents -- those individuals survive. So there's something that we can do, and what this bill does is this bill sets up a process by which camps and youth sports programs would come up with their own plan, their own timetable, on how they would make sure that they have AED equipment and a trained person at every game and practice. And this will save lives. The estimate around the country is maybe as many as 14,000 sudden cardiac arrests occur for kids under 18 and we can save some lives.

And so even in New York, we have lost some kids. A number of years ago, 2004, a Cornell lacrosse player died on the field in Ithaca, could not be saved. We had a 12-year-old in Rochester, a lacrosse player that died. We had a good story at the Argyle Central School District in February of this year where a 64-year-old referee had a sudden cardiac arrest and because the AED equipment was there, his life was saved.

So this is an important step that we can take to get everyone going in the right direction, the right sort of protocols that should be standard operating procedures, procedure for all youth sports activities and in all schools. We have a statute related to schools, that actually needs to be improved but that's a subject for another day. So I -- I provide that -- I'll share one other thing while I have the floor, which is this issue was brought to me a couple of years ago by a couple of mothers in my district, Alice Schoen and Dana Colasante. Alice's son, 17-year-old son at a basketball game had a

sudden cardiac arrest and his life was saved because somebody happened to be there and had the equipment in their car to save that life. Dana's husband was at a daughter's soccer game and he had a sudden cardiac arrest, his life was saved. But most of the stories don't end well. We are in a position where we can improve that situation. Thank you.

ACTING SPEAKER LUNSFORD: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor yield for some questions?

MR. OTIS: Of course.

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MS. WALSH: Thank you very much.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MS. WALSH: So a couple of questions about this, although you did give a lot in your explanation there. The breadth of the proposed bill as far as the -- the different organizations that are included in that. So you mentioned that public schools are already subject to separate rules that they have AEDs within the school, correct?

MR. OTIS: Section 917 of the Education Law.

MS. WALSH: Right. So -- but you mentioned there was a sizeable gap and that's what this bill is hoping to fill. So this includes reading from the bill, camps, meaning children's overnight

camp, summer day camp, traveling summer day camp, as well as youth sports programs meaning any league or recreation program organized to provide group athletic activity for high school students regardless of the age of participation of such programs, or individuals under 17 years. So have I got that right? It includes a pretty broad range of different sports.

MR. OTIS: And it should, and I would say the camps are actually currently situated in a better place than the independent youth sports programs. What we're really talking in this bill about non-school youth sports programs. The schools are doing things as though they could be improved, but this bill does not deal with schools, but camps. I think most camps are on top of the AED situation. Maybe there's more awareness to make sure the equipment is in proximity to where these incidents occur. One of the things that's in the bill is the bill also asks that everybody should have a sudden cardiac arrest protocol so when one happens, people aren't wondering, where's the equipment, what do we do? It's figured out in advance. This is what the NFL does. The NFL has a meeting before every game to go over who's doing what where when an incident happens. Camps and schools need to do that and improve that space.

But the independent, like, youth soccer program, youth lacrosse program, Little League, they're really not on top of this situation the way they would want to be with a little more awareness. So one of the things that the bill will do is make them look at their own programs and see how they could improve their situation. You

know, people think about CPR; CPR is a part of this. You ideally are doing CPR and an AED in combination. But the AED is an important life-saving component needs to be sort of standard operating procedure in all situations. And so yes. For the youth sports program, they may be at an away game, they may be at a home practice, they may not be at a school facility where there's equipment. We want to make sure that in all these circumstances they're covered, and that's how we're going to save lives.

MS. WALSH: Okay, great. But getting back to my question about the -- who is under this bill, who is to follow this bill under camps. So for example, in summer camp, not all -- not all summer camps are sports-related camps, so they could be Vacation Bible School, could be, you know, just a regular summer daycare sort of just camp program. Are they all -- are they all required to comply with this, or only sports camps?

MR. OTIS: Well, camps, honestly, camps, the way the bill is written it would be all camps.

MS. WALSH: Okay --

MR. OTIS: And I would say this, that only 39 percent of sudden cardiac arrests among children are sports-related. So just as we have it in schools, we don't have it in schools just for the sports situation. In fact, if you go to the LOB, you may not have noticed this, in the LOB on some floors there's an AED equipment. We all walk by it and people maybe do not notice them. So the bill, as written, makes sense the same way we do it in schools, the school

original thing was not related to sports particularly.

MS. WALSH: Okay. So all camps, whether they're sports camps or not, all club sports, league sports, travel sports. So for example, my daughter plays club soccer, travel soccer, so it would apply to her, she's a high school student. Volleyball, hockey, lacrosse, gymnastics, I'm assuming, football, swimming, anything, any kind of sport as long as it's league, travel, or club program.

MR. OTIS: Group sports programs, but also I would say it says "programs," so not just leagues, your recreation department that is doing games, they should be on top of this, too. Maybe if they're at one facility they're going to have the equipment right there. You know, time makes a difference so it's not something where we can depend upon the ambulance or the police to arrive because if you don't really do this within three minutes, the chances of survival go down rather rapidly.

MS. WALSH: Okay. So does each club, league or group need their own portable AED? Or, for example, if you have a baseball league, a soccer league and somebody else all using the same park and the park has an AED available, would that be sufficient under this?

MR. OTIS: So the -- the bill has -- has groups come up with a plan. And so contemplated in that is exactly that sort of circumstance. If you're knowing you're playing primarily at a location where there's an AED device that may suffice. But there are travel games and so it may be the circumstance that you -- you prepare for

every possibility of situations where there's equipment on site, situations where there's not equipment on site. The school district that I live in, the superintendent is taking a very proactive step beyond what is required in State law. He is making sure that every practice and game has an AED device there, and they're making sure that all their trainers and also all their coaches are trained to use AED. He doesn't have to do that, but he knows it's the right thing to do.

In terms of the youth sports world, this is sort of a -- a learning moment to understand what we saw with -- with Damar Hamlin being saved that every group should want to get in the position where they have the equipment, they have their coaches trained, they have people that are able to respond and save these lives. These are tragedies that do not need to happen in many circumstances and these are the tools. And I would say there are groups, not just in New York State, but around the country that are advocating for this in all 50 states. Dana and Alice who I mentioned, formed a group in my area called Saving Active Hearts and so they, through their experience, are trying to save other lives and give these -- give these protocols to others. There's another group, a national group called Project ADAM that is sending the same sort of messaging around the country. Very, very positive in trying to make sure that we don't have unnecessary tragedies.

MS. WALSH: And I appreciate that advocacy of those groups. And you mentioned one school superintendent, I believe that you said was doing the right thing, but this is a mandate

for everybody so that's what I'd really like to give back to the language of -- of this, as well. As far as -- you mention at line 27 of the bill that there needs to be a sufficient number of AEDs available. What -- what -- are there any guidelines for determining what is a sufficient number of --

MR. OTIS: You should have one at every game and every practice. So you should -- and have a trained person there. I mean, that's sort of like how this works. And so you had mentioned you may have a youth soccer, youth football --

MS. WALSH: You might be using a park at the same time.

MR. OTIS: Right. So if they're using it -- well, every -- there are away games so you can't depend upon that, so ideally a program is not going to just buy one device, because they may have multiple games going on at different locations at the same time. But this is what the plan -- that they're going to come up with their own plan, they're going to read the literature that's available online and figure out how to best protect the children that are playing in their programs.

MS. WALSH: And who is going to be reviewing these plans and determining if they're adequate?

MR. OTIS: The bill has the plans being submitted to the State Department of Health.

MS. WALSH: Okay.

MR. OTIS: And there are existing provisions

regarding AED advice -- devices in the Public Health Law and, in fact, some of the language in the bill tracks that same language, which is -- which is standard in terms of -- of the training and who you go to for -- for the training. But training is readily available through -- through Red Cross, through some fire departments. And this is not -- it's actually not a complicated thing to do. You don't need to be a medical professional to do this. Any of us could learn this training. And the device itself gives instructions, the device itself will be able to indicate whether or not an AED should be used at all. If an AED, given what's going on in somebody's event, the device would only be used when the device says, this is when we use it.

MS. WALSH: Are these camps and sports already required to have anybody certified in CPR or able to provide CPR? You mentioned before, sometimes CPR and an AED are used in tandem, but --

MR. OTIS: So in the Public Health Law there are many regulations related to camps and CPR. The AED piece probably needs to be enhanced. But, again, the camps are ahead of the youth sports programs in this. Really on their own they realized this is part of a general first aid responsibility and coverage from a public health safety and liability perspective.

MS. WALSH: Well, why not just make sure that the youth sports have the CPR training rather than have to have them purchase --

MR. OTIS: CPR is not enough. CPR is not enough.

MS. WALSH: CPR is not enough.

MR. OTIS: You -- you -- you -- generally in these incidents they're done in combination and the AED is a very important part of saving these lives.

MS. WALSH: Okay. How much -- how much does an average portable AED cost?

MR. OTIS: About \$1,500.

MS. WALSH: Okay.

MR. OTIS: So they're not for free, but that's to save lives.

MS. WALSH: Yeah. And how often do they need to be replaced?

MR. OTIS: It's a good question, I don't know. We will find out.

MS. WALSH: My research showed about every eight years it would need to be replaced, and the AED replacement pads need to be replaced two years or so. So there are continuing costs that would be -- would be implicated. So let's see. Is there any penalty or fine associated with -- with this bill?

MR. OTIS: No.

MS. WALSH: Like if they don't do a plan, then what -- is there any --

MR. OTIS: There is not. There is not.

MS. WALSH: Okay. All right. And if -- okay. And you mentioned earlier some really tragic instances with -- with youth

having sudden cardiac incidences. But was that -- was that the impetus for, you know, creating the bill? Was that what's behind the bill or is it spectators, or just everybody whose had any practice anywhere --

MR. OTIS: Well, certainly, there are incidences where spectators have these events and so they can happen at any age, but there is -- this is actually the leading cause of death in youth -- youth sports. A study by the Mayo Clinic indicated that this is the number one risk. So this is certainly a place where we could devote some attention to save these lives.

MS. WALSH: Okay. And once a plan is -- they have how long to develop a plan? Or the act shall take effect immediately, how long do they have to create a plan?

MR. OTIS: I think we had in here 180 days.

MS. WALSH: So six months, okay.

MR. OTIS: Yeah.

MS. WALSH: Okay, okay. And what about if their plan that they come up with says that, you know, they're -- they're pretty broke right now, this particular sport, they can't raise the money right now, they're going to need a couple years to do that. Is that something that --

MR. OTIS: There's no time limit -- there's no time limit on implementation to give people the time to move into this space, but if I'm running a youths sports program, if I'm a parent, I would say we should get on top of this thing before we have an

incident. So I think there's a built in incentive there. But the deadline relates to coming up with a plan, and I think that that will offer rational introspection and -- and -- and planning and awareness, so I think that we're good that way, we're doing this with carrots rather than sticks.

MS. WALSH: Okay. Well, thank you very much, Mr. Otis.

Madam Speaker, on the bill.

ACTING SPEAKER LUNSFORD: On the bill.

MS. WALSH: Thank you. So the last comment made by the sponsor is the one thing I would kind of disagree with, which is this isn't being done as a carrot, this is being done as a mandate, as a complete unfunded mandate in the interest of safety, which I can completely appreciate. I understand that there was some data, you know, federally of 14,000. I mean, that's terrible, that degree of loss over I don't know how long of a period, but we don't really know exactly except anecdotally how many unfortunate losses of life we've had in New York State.

All I would say is this, that is it a good idea for there to be AEDs available at practices and camps? Yeah, it is. And is that something that should be encouraged? Yes. I just, you know, the mandate, a lot of these camps, not so much the camps, but a lot of the --

(Buzzer going off)

I'm just going to need to go ahead, thanks.

A lot of these organized sports, the travel soccer, the travel whatever, the club soccer, you know, they're -- they're already doing a lot of fundraising, they're already doing -- a lot of them are operating really on shoestring and I don't know, I think that as long as the -- the sports groups have enough time to be able to implement a plan and can plan for the expense and the reoccurring expensive of having to replace these every so often, you know, I do think it's probably a good idea moving forward to have AEDs available. I just, you know, I think that CPR is awfully good too, and I don't know, I couldn't really tell exactly what was being required of youth sports right now, but in the interim, I think that that would be another good thing to encourage. My -- my issue is with the mandate, but I do understand that it's in the interest of safety and I -- I don't question that the sponsor has very good intentions with this bill. So thank you.

ACTING SPEAKER LUNSFORD: Thank you, Ms. Walsh.

Mr. Tague.

MR. TAGUE: Thank you, Madam Speaker. Would the sponsor yield for a couple quick questions, please?

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MR. OTIS: Of course.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MR. TAGUE: Just quickly, does this bill offer any

funding for some of those organizations that were discussed between Ms. Walsh and you?

MR. OTIS: The bill does not, but I actually have tried in the past to set up a program where we offer grants, and maybe when this becomes law, I would like this in next year's budget to offer grants to help defray some of the costs here. There is an existing tax credit that individuals can take benefit of that was enacted in 2001, so one could buy one of these units, donate it to -- to your youth sports group and get an existing New York State tax credit based upon it. But I -- I agree with the premise of your question, which is we should provide funding to assist with the cost of this, and when this becomes law that would be the next step and I hope we all can work together on.

MR. TAGUE: Well, I think -- I think this whole thing is a great idea, I'll start off with that. My only concern is the same as my colleague, unfunded mandates. So I would suggest maybe the Department of Health, Department of Education, maybe SUNY get together and create some sort of grants that will allow for funding, because my -- one of my other concerns is is that when you -- with the different types of activities that you discussed, I think that Boy Scouts, Girl Scouts, all those different types of organizations would fall under that criteria. Now, they may not hold sporting events, but these are kids that go on camping trips and they do hiking and swimming and different type of activities that could create a health scare or a health issue. So I am going to support your bill today. I -- I -- again, I do

have a concern with an unfunded mandate, but I'm hoping that we will all work together and move forward with some sort of grant funding to help out these organizations, but thank you for the concern and bringing this bill to the floor. Thank you, Madam Speaker.

MR. OTIS: Thank you for those comments, and thank you for mentioning scouting, because I think we probably all go to a lot of Eagle Scout ceremonies. And in the scouting circumstance, they are often in remote locations where no one, you know, no EMT is going to get there in time. So -- but I think part of this is public education that there is an awareness that would regardless of a requirement of the State or anything, if you're running a group or running a scout program, you'd say this should be in our first aid kit, we should make sure a scoutmaster is -- is trained. So it's -- it's -- the logic of it speaks for itself. Thank you for your comments.

ACTING SPEAKER LUNSFORD: Thank you, Mr. Tague.

Mr. Miller.

MR. MILLER: Thank you, Madam Speaker. Would the sponsor yield for a couple questions?

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MR. OTIS: Surely.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MR. MILLER: Mr. Otis, just for clarification, so my

son played travel baseball and we traveled all over the East Coast. And there was tournaments here, there was, you know, in New York State, there was tournaments in Pennsylvania, Georgia, you name it. So during the tournaments, would the organization who's running a tournament have to come up with an AED plan for -- for that entire tournament that teams from non-New York State teams would be here in different locations and need different AEDs and all that?

MR. OTIS: I -- I think the logic of this is what we really want is very simply to make sure that there's an AED device and a trained person at every game and practice. So if you're going to a baseball tournament where you can call ahead and say, does your stadium have -- your field have an AED device there, and maybe you have your own coaches that have the training anyway, then you sort of know you're covered. If you're uncertain, you bring the equipment with yourself. But that's the beauty of the bill, is people are going to come up with a plan that is going to anticipate all those various situations. It's a good question, and there -- as long as you know the equipment is there and the personnel is there, it can be done in a variety of ways.

MR. MILLER: Okay. And I understand the need for it and I understand what we're trying to do here but I think this -- this plan and this requirement for AEDs is it's going to be site-specific, that's the way I see it, in the sports world. And with like, my colleague was talking about Boy Scouts, on hikes and whatever, a whole different thing. So I think this -- this -- this bill is -- come up

with a plan is very well-intended, but I think we're really -- this thing is going to get extremely large at the end of the day.

MR. OTIS: Well, again, I agree with your comment about the site-specific nature of this, and so sometimes youth sports teams go to places that are -- and they have a school building there, more likely to have equipment and stuff. But a lot of sports teams go to remote locations. There may be no buildings, it's just a field and that's where they practice. So the plan should anticipate -- someone running a program is going to anticipate what are the kinds of places we play, where are our travel games, where are practices, and -- and then they will plan for that accordingly. So I think the logic of it actually can work out with not us deciding what their plan looks like, but they're doing a plan to make sure that they're covered in the right way.

MR. MILLER: Okay. Thank you for your answers.

MR. OTIS: Thank you for your questions.

MR. MILLER: Thank you, Mr. [sic] Speaker.

ACTING SPEAKER LUNSFORD: Mr. Durso.

MR. DURSO: Thank you, Madam Speaker. Would the sponsor yield for a couple questions?

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MR. OTIS: Surely.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MR. DURSO: I'm sorry. I'm talking behind your back.

MR. OTIS: Rarely happens, but...

MR. DURSO: So I just wanted to ask a couple questions, and obviously some have been asked already, so I do apologize if I ask a question that you've already answered. But just in regards to, as Mr. Miller was saying, site-specific. So not so much a camp, but when you have sports leagues, let's say it's a youth football team, or youth baseball team and they can have upwards of 20, 30 teams possibly for a specific league to travel town to town. Is there specific language in the bill to say who is responsible. Let's say my team from Massapequa travels to West Islip. Is there any type of specifics to who is responsible for having the AED on site if and when you're traveling with the team?

MR. OTIS: Each program has to make sure that they're going to be covered wherever they go. So ideally, there may be some communication between programs, but the bill doesn't dictate who, but if I'm running a program, if I'm running a program, I'm going to make sure that my team has equipment and a trained person wherever they go, I'm not going to depend on anyone else. I think that's the safest way to proceed. But individual groups will come up with their own plans.

MR. DURSO: Okay. And again, let me reiterate by saying I actually -- I think the bill's a great idea and I do think safety, especially for our young kids is paramount as someone who is AED

and CPR certified first responder, and I've used them before, I do think it's important. But my concern is if and when you have multiple teams in a group, in a sports league, is it safe to say them being roughly about \$1,500 each, that each individual league may have to have multiple of these devices. It could be upwards of 10, 15, 20 of them.

MR. OTIS: Well, it would depend on how many games or practices might occur simultaneously. So yes, each individual program is going to likely have to purchase more than one, but they will figure it out and it certainly -- hopefully we'll have some State money to help at some point, but it's certainly something that I also think would be a -- a thing that would be a popular thing to fundraise around because people -- parents and the public would -- would understand that this is an important safety device to have available.

MR. DURSO: I agree. So I believe I saw in here that it just has to have a qualified individual on site, correct? It doesn't -- it doesn't have to specifically be a coach, someone that's running the league. So me, as a parent, right, who is a qualified individual to -- to operate an AED, or automatic defibrillator, or give CPR, technically I could be on site, correct?

MR. OTIS: Correct, except in the Public Health Law, there is -- there is some detail about what proper training is. So as long as you have people that have the proper training, it does not have to be the coach, it could be a parent, you could always just make

sure you have someone there. Ideally, you would have multiple people that know how to do this.

MR. DURSO: Okay. And is there any type of -- who -- who's really going to enforce this? In other words, I'm a parent, I have my own AED let's just say, and I go to each individual one of my daughter's softball games. They are now covered with that, or does it have to be specifically owned and regulated by the league itself? Meaning the AED devices.

MR. OTIS: The program -- the plans are going to dictate who's going to own and -- and do this, so that -- that would be left to the individual plans.

MR. DURSO: Okay. And who -- now the plan gets put forth by the league, individual camp league, youth sports program, who will be checking into that to make sure that they have a plan in place?

MR. OTIS: Well, we're -- we're having the plans submitted to the Department of Health. I don't know that we're asking the Department of Health at this point to -- to scrutinize compliance but there is a -- in the bill, there is a requirement for maintaining records about your devices and that you have to train individuals. So there's going to be self-enforcement but there's also going to be a responsibility for recordkeeping to make sure that groups are true to themselves in protecting the kids.

MR. DURSO: Okay. So again, so it's going to be essentially regulated by the DOH, correct, that the plans have to be

submitted to them and then the DOH will decide whether or not the plan is sufficient?

MR. OTIS: Well, I don't know that we've gone -- we're having it submitted to DOH, maybe we'll work out what DOH -- how DOH is going to process that. But honestly, the biggest oversight is going to be the parents at home, the parents in each community are going to start to ask the question, are these programs properly protecting our kids in the case of a sudden cardiac arrest.

MR. DURSO: Okay, great. And then obviously, as my colleagues have said, I really do -- again, completely agree with it, but is there any way going forward, maybe through amendments, maybe now, or next year's budget, having specific funding for these youth programs and camps because, again, this is absolutely so important and it is needed, but it is going to get quite costly. So again, I don't want to say that it's not important to have them, obviously they are and I happen to agree with it, but we don't want to do it also at the detriment of these leagues and camps. Again, I think camp is really a little different site specific, you can have it on the camp grounds and be able to get to it in time. My more concern is the enforcement of it and how it's going to be with some of these travel leagues.

MR. OTIS: I agree.

MR. DURSO: Okay, but thank you, Mr. Otis, for your time. I appreciate it. Thank you, Madam Speaker.

ACTING SPEAKER LUNSFORD: Thank you, Mr. Durso.

Mrs. Peoples-Stokes for the purposes of an announcement.

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

ACTING SPEAKER LUNSFORD: Rules Committee to the Speaker's Conference Room.

Mr. Goodell.

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

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MR. OTIS: Yes.

ACTING SPEAKER LUNSFORD: Sponsor yields.

MR. OTIS: Nice to see you.

MR. GOODELL: Thank you, Mr. Otis. Just want to make sure I understood what you said. The cost of these defibrillators, what's the cost?

MR. OTIS: Generally about \$1,500.

MR. GOODELL: About \$1,500. And the penalty if you don't have one for every single practice?

MR. OTIS: There's no penalty in the bill.

MR. GOODELL: Oh, this is under the Public Health Law, right?

MR. OTIS: Right.

MR. GOODELL: And a violation of the Public Health Law is \$2,000 per incident?

MR. OTIS: Whatever the general -- whatever the general penalties in the Public Health Law apply, we add no new penalties in this bill.

MR. GOODELL: Okay. And if you had multiple teams playing in multiple locations, I mean, you have a baseball team, you have a golf team, obviously they're golfing at a golf course, you have a cross-country team that's running somewhere across the country. You have to have a separate defibrillator for each team that's in a different location?

MR. OTIS: Ideally, that is what -- where we need to go if we're looking to save lives.

MR. GOODELL: But that's what this requires, right --

MR. OTIS: Absolutely.

MR. GOODELL: -- for every practice?

MR. OTIS: Yes.

MR. GOODELL: And we have a lot of -- certainly in my community, I'm sure in your community as well, we have a lot of volunteer-run sports leagues, Little League, soccer leagues, all volunteers, coaches, everyone volunteering. You'd have to a defibrillator and a trained staff person at every Little League game, every soccer practice?

MR. OTIS: Well, some of those programs today

actually, even though they're volunteer, take -- have first aid people there and --

MR. GOODELL: No, I understand that, but this bill would require a defibrillator at each one of those if it's a volunteer Little League game, right?

MR. OTIS: Well, the bill actually requires that they come up with a plan. So --

MR. GOODELL: But the plan is for the implementation?

MR. OTIS: Yes, yes.

MR. GOODELL: So assuming that they actually follow through on the plan, they would require a separate defibrillator for every Little League game, Little League practice, softball practice, soccer team practice; is that correct?

MR. OTIS: Yes. And that is the way we save lives.

MR. GOODELL: And if one of these teams showed up for practice and they didn't have a volunteer who had been trained in the last two years, what would they do? Just cancel the practice then?

MR. OTIS: Well, there is actually -- while the bill requires they come up with a plan to do this, there is no timetable in the bill, in terms of the implementation phase-in for this, so --

MR. GOODELL: Well, it says 18 months, right? They have to come up --

MR. OTIS: Eighteen months to come up with a plan.

MR. GOODELL: Well, it says 18 months to come up with a plan for the implementation.

MR. OTIS: Correct.

MR. GOODELL: So the cost may be delayed, but let's assume that this is implemented, I mean that's your whole intent of course, what happens, getting back to my question, what happens if you have a softball practice and you have 25 little kids under the age of 12, and you don't have a volunteer who has been trained within the last two years. Is your only option then to cancel the practice?

MR. OTIS: You know, I think the option I want to see is that they have somebody there.

MR. GOODELL: I understand that, I mean, you know, the best laid plans and all that good stuff, what do you do, you cancel the practice or you violate the law?

MR. OTIS: You know, I think we could look into those scenarios, but I think the bottom line is if I'm a parent and with greater awareness of the prevalence of sudden cardiac arrest, I'm going to want my program to have a trained person and the equipment there.

MR. GOODELL: Well, actually --

MR. OTIS: And I think the mandate is actually not going to be coming from us, the mandate is going to be coming from parents concerned about the safety of their children and the general sense that this is something that can be prevented, these tragedies can be prevented with a simple protocol.

MR. GOODELL: But this is not a voluntary program, right? This is a mandated program, they must do this.

MR. OTIS: Eventually, in a phased-in way eventually. And that's a good thing, but --

MR. GOODELL: -- okay, and it's a mandatory program that's backed by \$2,000 fines --

MR. OTIS: But -- but -- but -- show me the programs -- show me the parents that want to say, don't bother doing with this and leave that risk out there.

MR. GOODELL: Well, you know, parents are -- I'm a parent, I'm with you, I'd like to have all the safety features there, of course. I'm just looking at the practical aspects. You have a volunteer small Little League program, you have 25 kids that show up. For some reason the trained volunteer that knows how to operate this is sick that day. Do you call the parents and say come pick up your kids, we're canceling today?

MR. OTIS: You know, we will look into those kinds of scenarios. The best solution is, honestly, to what my -- the school district where I live is doing, every coach they're requiring to get that simple training. And so if you have all those parents that are volunteers in the Little League program, this isn't a hard thing. This is not -- this is not a complicated training protocol, it's pretty easy. The machines tell you what to do. So I don't think the burden is that high to remove an element of risk for -- for the number of kids that suffer these events during the course of a year.

MR. GOODELL: Thank you very much, Mr. Otis.

MR. OTIS: I'm going to add one other thing, though. I'd say since we did the 2001 law in the schools, it's been estimated that there been 110 lives at least saved in New York State schools because we required AED devices in all the schools. And I remember when that was passed, and people then complained about, oh, well this is a mandate for the schools, the cost or whatever, but there are 110 children that are alive today because we did that in 2002.

MR. GOODELL: And as you mentioned, to one of my colleagues, there's no funding associated with this, correct?

MR. OTIS: Not yet.

MR. GOODELL: Okay. I mean, I hope we can address that. Thank you, Mr. Otis.

MR. OTIS: Thank you.

MR. GOODELL: Madam Speaker, on the bill.

ACTING SPEAKER LUNSFORD: On the bill.

MR. GOODELL: Like my colleagues, I commend the sponsor for his concern on maximizing the health of all the kids that are participating in sports. And I think everyone here wants to have our kids participating in sports and have the highest level of safety that we can afford. The problem is though that in rural communities, we have very active and vibrant volunteer sports programs: Little League, softball, soccer, swimming, and a lot of these, golf, for example, a lot of these are all volunteer. And I am thankful that in my community we have literally dozens and dozens of

volunteers and volunteer teams with an active Little League, softball, soccer tournaments. And this bill imposes a cost estimated by the sponsor at \$1,500 for every one of those volunteer teams. So you go back to your community and say, I'm glad you all volunteer to help your kids learn how to play softball, you face a \$2,000 a day fine unless you come up with a \$1,500 defibrillator, and make sure that at least one of your volunteers is trained. And what happens if you have a softball practice, and someone forgets to bring the defibrillator, or that person is sick. What, are you going to cancel it? You have 20 kids that are 12 years old, you're going to be on the phone waiting for all their parents to pick it up? And you have six sports teams that are practicing all at the same, you've got a golf team playing golf, you've got a swimming team in the swimming area, you've got a cross-country team that's running cross -- what, you're going to have somebody following the cross-country team in a golf cart or an ATV with a defibrillator?

I -- I appreciate the desire to be as safe as possible, but this is \$15 [sic] for every single volunteer team in your county, for every one of them. And zero funding in this bill, and a \$2,000 per day fine if you don't have it. And by requiring it, by the way, if one of your kids unfortunately has this incident, it's going to be almost strict liability and your volunteer teams without liability insurance are going to be facing a lawsuit with almost unlimited damages. So if you want to destroy volunteer sports teams, and soccer teams, and Little League teams, this is a great way to do it. And we can destroy all those

volunteer teams in the name of safety because we all know that if all of our kids stay home all day long in front of a video team -- video screen, they'll grow up to be much better and happier and productive kids. Life is dangerous. More kids are killed in car accidents going to the practice than while they're at practice, and we all know that.

So I absolutely commend the sponsor for his passion and commitment to youth safety, I'm with you. And if this program were voluntary and accompanied by funding so that we could make it happen without shutting down the youth soccer teams and baseball teams across our State, I would be a cosponsor. I look forward that to legislation. In the meantime, I'm not willing to shut down all of our volunteer sports teams throughout my district when they can't come up with \$1,500 for every single team and every single practice. For that reason, while I support the initiative, I can't support this bill. Thank you.

ACTING SPEAKER LUNSFORD: Mr. Otis.

MR. OTIS: Maybe I could get -- Andy, maybe you'd be willing, I can bring a yellow slip over, on the fine issue just under the Public Health Law --

ACTING SPEAKER LUNSFORD: On the bill, Mr. Otis.

MR. OTIS: Pardon me?

ACTING SPEAKER LUNSFORD: On the bill.

MR. OTIS: On the fine issue, the Public Health Department, the Public Health Department has the ability to waive

finer or to lower that amount, so the \$2,000 number is -- is not necessarily what is involved.

MR. GOODELL: Would the sponsor yield for a follow up? I'm assuming he was speaking on the bill.

ACTING SPEAKER LUNSFORD: Mr. Otis, are you finished on the bill?

MR. OTIS: Yes, I am.

MR. GOODELL: Mr. Otis, it is such a pleasure discussing --

ACTING SPEAKER LUNSFORD: Mr. Goodell --

MR. GOODELL: -- with you.

ACTING SPEAKER LUNSFORD: Mr. Otis is finished. What would you like?

MR. GOODELL: Would you yield some of your time for a question, sir?

ACTING SPEAKER LUNSFORD: Mr. Goodell, your time is up, you sat down. Your turn is over.

MR. OTIS: I think I'm -- I think we're done. I think it's all good.

(Laughter)

MR. GOODELL: Thank you, Mr. Otis.

ACTING SPEAKER LUNSFORD: Mr. Manktelow.

MR. MANKTELOW: Thank you, Madam Speaker.

Will the sponsor yield for a question?

I didn't hear you, yes?

MR. OTIS: Yeah.

MR. MANKTELOW: Thank you.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MR. MANKTELOW: Thank you, Madam Speaker. In our communities, we have a lot of Amish kids, Amish schools that do sports programs for the -- for the Amish. How do they handle this?

MR. OTIS: I don't know. We'll have to look into that more. It's -- they -- the Amish do not use defibrillators, is that what you're indicating?

MR. MANKTELOW: I'm sorry?

MR. OTIS: You'll have to -- we can share offline, do the Amish not use defibrillators, not use AEDs?

MR. MANKTELOW: Well, the Amish don't use electricity.

MR. OTIS: Well, so --

MR. MANKTELOW: So how are they going to charge, keep this charged? How are they going to be able to implement them -- (inaudible) in their games?

MR. OTIS: It's a battery-operated device.

MR. MANKTELOW: But you still have to charge it at some point, correct?

MR. OTIS: Well, you change the batteries.

MR. MANKTELOW: All of them?

MR. OTIS: Well --

MR. MANKTELOW: Okay.

MR. OTIS: We, you know, I assume that we can delve into the issue of religious exemptions --

MR. MANKTELOW: I'm not sure this is a religious exemption, but I just wanted to think about the practicality of this, that's why I asked the question because they do --

MR. OTIS: We'll delve into it. Good question. And -- and I would say the Amish who many have come from Pennsylvania to restart farmland in New York State, it's a great thing.

MR. MANKTELOW: Thank you. Thank you, Madam Speaker.

ACTING SPEAKER LUNSFORD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LUNSFORD: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Madam Speaker, for giving me the opportunity to explain my vote. First, I want to thank the sponsor for this terrific bill. Look, at the end of the day we know AEDs save lives. We all saw that firsthand with the miraculous recovery of Buffalo Bills player Damar Hamlin who but for the AED device being on the field, he might not be with us today. Last year, this legislative Body passed my bill to require AED devices in gyms

with bipartisan support, because this Legislature recognized how important it is to have those devices available, especially in places where individuals are working out, because the chances of having a cardiac event in that situation increase exponentially. The cost for these devices is actually minimal, in my opinion. The sponsor mentioned \$1,500 is the average cost. Some of them are as low as \$1,000 and there is a New York State credit of \$500.

Without AEDs the chance of survival is nine percent, whereas with an AED device, that chance of survival increases to 93 percent. And every minute matters. The lives of our children are worth the small cost to pay for these devices. So therefore, I proudly vote in favor of this legislation and thank the sponsor.

ACTING SPEAKER LUNSFORD: Ms. Wallace in the affirmative.

Mr. Keith Brown.

MR. K. BROWN: Thank you, Madam Speaker. I wanted to speak a little bit about this bill because the origin comes directly from my district. The original bill that requires the AEDs comes from Louis' Law, which is named after Louis Acompora who died on March 25th of 2000 from a condition known as commotio cordis, while playing lacrosse during a game at our high school. He was only 14 years old. He was a goalie and he was wearing the required chest protector and blocked a routine shot with his body that resulted in a lacrosse ball striking his chest directly over his heart. And in a millisecond, his heart was thrown into an abnormal heart

rhythm called ventricular fibrillation. So precisely at the same moment that the lacrosse ball hit his chest, his heartbeat had caused an arrhythmia.

So that law was passed back in 2002, and the Acompora Foundation has been training people and lobbying for additional regulations to make sure that all high school students are fully trained with the proper use of an AED, something that I support. As a former Little League coach and soccer coach, I've had to be trained by the Acomporas, both of our youth sports leagues has required it. So I do agree that this is a wonderful bill. I think that I am -- I join my colleagues in concern about the implementation, but where I'm from down on Long Island, most youth sports facilities have AEDs available. They require youth sports programs to submit -- this bill requires youth sports programs to submit to the DOH an implementation plan, and I hope that the Department of Health makes accommodations for youth sports leagues that don't have the ability to provide this for every single game and practice and will take that into consideration, because as we know, the number of youths that participate in youth sports these days is declining at a rapid pace. So for this reason, I'm voting in favor of this bill. Thank you for your time.

ACTING SPEAKER LUNSFORD: Mr. Brown in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. [Sic]

Speaker, in explaining my vote. First of all, I want to commend the sponsor and thank him for bringing this bill forward. In the wake of the incident where Buffalo Bill safety Damar Hamlin went into cardiac arrest during the game, experts have said that the immediate, on-the-field medical attention with which was crucial in saving his life and future health. But the truth is, while the incident brought attention to the potential dangers of sudden impacts to the chest of football, these injuries can also take place in common youth sports such as baseball, softball, basketball, hockey and lacrosse. By making these devices available, we can save lives during practices and games if an emergency takes place. They can help us save lives in those moments where every second counts. With that, Mr. Speaker, I'm very pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I want to appreciate the thought process of the sponsor of this legislation. And I also want to appreciate some of the debate because, you know, I do understand that in most communities there are multiple volunteer organizations and parent groups that put together athletic opportunities for their children. And they probably are not thinking about the fact that there should be a defibrillator on site, even though we have seen not just in New York but across the world, adults and children die while playing

sports.

Not more than a year ago or two, a young man from (inaudible) was playing basketball with his high school team at an outdoor court, fell and died. But, you know, we know that if there was a defibrillator there, he would have survived. And so our previous work around this issue is impactful, and I believe that this one is going to be impactful as well because as difficult as it may be for some people to think it's unaffordable, it's always affordable to try to save the life of a child. We figure out ways to buy everything else we want, including many and some of us in here don't even mind the fact that people can afford to go off and buy AK 41s or 50 or whatever you call those military-style weapons that roll up in the schools and kill as many children as they can. I think there is no cost that's too much to protect the life of a child. No matter what they're doing, whether they're playing athletics or they're in school sitting doing their math work. We need to be -- have to be prepared to have whatever they need to protect them and we should have that on site.

So I want to commend the sponsor. And it is an honor and a pleasure to vote in favor of this piece of legislation. I have a lot of athletic teams in my district. If they find that they're having a problem, then we'll have to figure out a way to help them get what they need to not only train these young people how to be athletes, but protect them while they're playing. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. People-Stokes in the affirmative.

Mr. Conrad to explain his vote.

MR. CONRAD: Thank you, Mr. Speaker. In a previous life, I had the opportunity of beginning a youth rugby program across the State of New York. And we used to say we're one foot in the grave, one foot on the banana peel with a contact sport like that. And right away one of the first things we did was implement and make sure that every one of our coaches, assistant coaches and volunteers took not only CPR but also had an external defibrillator available at sites of games and so on. I do agree with my colleagues, there are some concerns of costs, especially among rural areas and practices, and the fines. And I hope we can make some amendments in the future on that in funding. I think that's relatively reasonable to ask from our State. But I will say as a parent, I have been to fields, and I've been to practices where there isn't something available and I've actually seen parents go into cardiac arrest. And if it wasn't for the quick wit of some of the kids in that space, that person wouldn't have been rescued without contacting 9-1-1. So I want to commend the sponsor and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Conrad in the affirmative.

Mr. Norris to explain his vote.

MR. NORRIS: Thank you, Mr. Speaker. A few years back, I spoke on a similar bill where they require defibrillators in health clubs. And that's because my next door neighbor was at a

health club, and he's only alive today because they had that defibrillator. And I would like to just say, I'm often critical in this House about the spending and mandates and all of those types of things, but I'd ask my colleagues, this is a bill where you just need to do the right thing and support this bill because this will have a great impact on saving lives of children on our sports fields and our day camps and summer camps, and overnight camps going forward in the long term. And also, maybe adults that are there as well. So it is with great pride that I support this bill in honor of my next door neighbor, I used to live next to him for 14 years, who is still alive today because there was a defibrillator at that health club, and I know this expansion will save lives in our State, and I encourage all of my colleagues to please vote for this very important and life-saving measure. Thank you.

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

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Please, sir.

MR. TAGUE: As I earlier said during the debate, I am going to support this bill. However, I do believe that there's more work to do to get this bill right. And part of that is finding funding through, somewhere through the system, for organizations like Little Leagues, the Boy Scouts, the Girl Scouts. Some of these

organizations that are running a very tight budget. To put this mandate on them without the funding I think is a problem. And I normally would not support this, but someone that has been involved in athletics my whole life, believe it or not, I think it's very important. And even working in the construction industry. Through the Mine Safety and Health Administration, we were required to have these devices and our people trained every shift. And I think it's very important. I just as a matter of fact gave a citation out last fall at Peckham Materials over in Athens where a truck driver stopped -- his heart stopped beating. And because two employees there were trained on how to use an AED system, were trained in first aid and CPR, they brought the man back to life. So I can't in good conscious not support this bill, but I do think we have some work to do. So Mr. Speaker and the sponsor, I will be a yes, thank you.

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

Mr. Ra to explain his vote.

MR. RA: Thank -- thank you, Mr. Speaker. And not to belabor the point because so many of my colleagues have talked about different stories and I appreciate, you know, the cost concerns and all that, and I think we should do everything we can to, you know, mitigate that. But just in December, my high school alma mater, Chaminade High School, the basketball team was practicing, one of the centers, you know, went down during a drill and thankfully the athletic trainer and the coaches recognized what was going on quickly

and were able to go get the AED they had on site and revive the young man. So that -- there's no question there in a situation like that, their quick action and their knowledge of how to use that piece of equipment saved this young man's life. So I'm supporting this bill and I hope we can continue to do things and make sure that we're helping any of these facilities, youth leagues, to make sure they can purchase this piece of equipment because it is live saving. Thank you.

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

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker, to explain my vote. You know, five of us are voting no here, but I feel confident in saying that all five of us believe very strongly that defibrillators are a very good idea. And every camp, every sports team, every organization should have them and in the past, we've mandated them in schools. But all of these leagues and these camps are run by responsible adults, and the children who attend these camps and play in these leagues have parents who care very much for them and who are responsible for their well-being. I don't believe it is government's role to force anyone to do something like this. The parents are smart enough, the organizations are smart enough. If a parent believes a camp or a league should have a defibrillator, let them ask the leadership and maybe organize a group to fund one. But to have government force these organizations to do this, these organizations already know it's a good idea to have one, I think

everybody knows automatic electronic defibrillators are good. But government does not have a role in forcing compliance or forcing organizations to purchase these. Let the parents put the pressure on the organizations to purchase them and provide them. It should not be government's responsibility to do that. And for that reason, I oppose it. Though I do think automatic defibrillators are a very good idea, but government should not force people to buy them.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Are there --

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I think everyone has been pretty clear that defibrillators are helpful and they can be life-saving, and some of us have personal experience in that and I agree. We also all agree that they're not cheap. And I hope we all agree that if we mandate something, we ought to help pay for it. I don't start from the premise that parents in my community are stupid or uncaring, or anything else. I start from the premise that they're smart, thoughtful and compassionate and they have the best interest of their children in mind. And so I hope as we move forward, we extend a helping hand to help all these soccer leagues and Little Leagues and all these volunteers increase the level of safety and afford -- and can afford this type of equipment. And so I don't oppose defibrillators, of course not. I just oppose the process of having a huge, unfunded mandate forced on volunteers when we certainly here in this Chamber

and in this State have the ability to take a positive, supportive role by providing the funding to achieve our objectives. 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 29, Calendar No. 131, the Clerk will read.

THE CLERK: Assembly No. A02888-A, Calendar No. 131, Barrett, Lupardo, Gunther, Kelles, González-Rojas, Colton, Simon, Reyes, Dickens, Ardila. An act to amend the Public Authorities Law and the Executive Law, in relation to authorizing the New York State Energy Research and Development Authority to develop a clean energy outreach and community planning program; and providing for the repeal of such provisions upon expiration thereof.

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

An explanation is requested, Ms. Barrett.

MS. BARRETT: Thank you, Mr. Speaker. This bill would direct NYSERDA to develop a community outreach and education program which shall include communication and outreach, education and outreach to local governments, and facilitating regional discussion forums for communities. It would also direct NYSERDA

to establish a publically-available clean energy mapping tool to help municipalities and communities make renewable energy projects citing decisions, and shall include agricultural, environmental, infrastructure and other relevant information. It would direct NYSERDA to provide technical assistance and training to local governments and stakeholders on the use of the clean energy mapping tool, and it would require renewable energy developers to cover the fees of recovering -- sorry, the fees incurred by NYSERDA in the administration of this program.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MS. BARRETT: Yes, I will.

ACTING SPEAKER AUBRY: Sponsor yields, sir.

MR. PALMESANO: Thank you, Didi. I know we talked about this a little bit in Committee, and I -- I understand the intentions behind this legislation and why you're putting it forward, but I do have some questions. If I could walk through the legislation with you a little bit. You mentioned cost. I know on page 4, I think you said that, number one, when it talks about the funding, you said the developers would pay for that through the fees they pay; is that correct?

MS. BARRETT: The developers would pay for that,

yes.

MR. PALMESANO: And then my other question, a little further down on the page it talks about in addition to the fees established, it basically says there may be fee assessed for the purpose of recovering costs to NYSERDA. Would the developers be paying those fees, or does that come from NYSERDA funding?

MS. BARRETT: All of the fees are -- are covered by the developers.

MR. PALMESANO: Okay. Now, also one question. This also includes -- we talked a lot about wind and solar. This will include battery storage, correct?

MS. BARRETT: Yes.

MR. PALMESANO: Okay. On page 2, it talks about ways to support the appropriate -- to support the acceptance -- appropriate citing and acceptance of renewable energy sources. Is that basically to say the local governments -- when you say "accepted" they need to accept this, that they have, you know, just to give them information on it, because I think when I look at that, it sounds like they want to put the pressure on them to say, hey, you need to be accepting this because this is where we're going.

MS. BARRETT: The -- the point of this is to give the municipalities, local governments, the tools and empower them to be able to get the information they need for these decisions. It doesn't change the citing.

MR. PALMESANO: Right. And I know, like, even

in your sponsor's memo you said that many communities are concerned about the rights and protections as host communities, both on small and large scale renewable projects and feel that the scales have been tipped to the benefit of developers, many of which aren't based in New York, including those that are tend to sell their solar sites, leaving local communities with no voice at all. So how does your bill address these concerns relative to developers? I mean, number one, especially for citing, because did we not pass legislation in this House, we basically took away all local control from local communities as far as the citing of renewable projects, whether it's wind, solar and now even energy storage?

MS. BARRETT: This bill is -- that's the -- the -- the point here is to empower local governments and municipalities with the knowledge and the tools and make them part of the decision-making process to the extent that we can.

MR. PALMESANO: Right.

MS. BARRETT: And I would think this would be something that you would --

MR. PALMESANO: Right.

MS. BARRETT: -- think positively about --

MR. PALMESANO: I am.

MS. BARRETT: -- because lots of other colleagues have been very happy with this.

MR. PALMESANO: Yes, and again, like I said, I don't want to -- I don't want to -- I understand the intent of the

legislation. I think a lot of my problems with these issues is a bigger, broader perspective, which I'll get into.

On page 3, it says, is to provide objective information. Now, objective information obviously is in the eyes of the beholder, is it? Like, are we going to be talking about, you know, one, number one, reaffirming to local communities that obviously they have no input really in -- in the citing or approval of projects, wind, solar or energy storage in their local communities? Are we going to be sharing that information or do we just assume that they know about it already?

MS. BARRETT: This is a mapping tool. That's not what this bill is about. This is a mapping tool that will provide objective information because it's going to show literally what people see and what they want and, you know, will allowing them to be able to put those forward as the areas that they feel are most appropriate for citing things.

MR. PALMESANO: What about -- I know you talked about -- talking about -- I believe it was on page 2, talking about showing on the impacts of reduced greenhouse gas emissions. How does that coincide when obviously the amount -- is that going to be explained to them on greenhouse gas emissions what New York's total contribution is in relation to greenhouse gas emissions compared to other states and the world from that perspective to show how it's going to be beneficial from that perspective about what we do here in New York? Are they supposed to share that information as well?

MS. BARRETT: That -- the -- the fact that -- that getting rid of greenhouse gases is a good thing, is that -- I mean, I think that's --

MR. PALMESANO: Right.

MS. BARRETT: -- kind of out there already. But this is, you know, again, this -- this is a tool to help --

MR. PALMESANO: I understand.

MS. BARRETT: -- our communities understand. I'm -- I'm not sure what you're -- what you're getting at here, but --

MR. PALMESANO: No, I understand.

MS. BARRETT: -- it seems like you're going outside of the intention of the bill and -- and the goals of the bill in your -- in your questioning.

MR. PALMESANO: Well, I'll -- I'll tell you what. I won't go back and forth much more. I'll just -- I'll go on the bill. Thank you.

MS. BARRETT: Thank you.

MR. PALMESANO: Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Listen, Mr. Speaker, and my colleagues, I understand what the sponsor is trying to do here. I know there will be support for this legislation. I think in general, though, I think this bill really kind of frustrates me. I understand it's a tool, by I look at it from a broader perspective. I mean, it's almost like saying

that localities are -- you know, we're going to give tools to localities, and the information they need to accept it, but -- and it's talking about accepting it and making sure they're accepting this, the citing of these renewable projects, but the fact of the matter is many local communities don't want these projects, don't want wind and solar in their communities, but yet, this House, on their own, took away the ability of having local input, a local representative on the citing board, even, to make the decision on the citing of this projects. That's what this House did.

What this House also did is we took away the assessment model, to reduce the assessment models of formula so basically it will reduce the assessment in favor of developers, which I know in the sponsor's memo says, you know, people and local governments are concerned about how this tips the hand in favor of the developers. Well, the bill we passed in last year's budget and reaffirmed this year basically tips the hand to the developers. So now we're going to see assessments, not as high as they should be for the local property taxpayer, because this House passed that. This bill does nothing to address this. This bill does nothing to address local control on these projects. I think that's very concerning. And to keep this in mind, the Climate Action Council Plan calls for 60 gigawatts of additional solar. Let's keep that in mind. One gigawatt represents 750,000 homes. Our current generating capacity in the State is 41 gigawatts; that's wind, solar, hydro, natural gas, nuclear. But we're going to have to put 60 gigawatts of solar, according to the Climate

Action Council Plan, and it takes eight acres for each megawatt. That's the equivalent of 480,000 acres. Where is that land -- where's that going to come from? That's going to come up from Upstate lands, it's going to come from Upstate farmers. And who can blame the farmers for wanting to sell their land, to get some kind of profit, because this House has also had an outright assault on our farmers with passes of legislation, especially the Farm Labor Act. So who can blame the farmers for wanting to get some benefit out of their property?

And on top of that, 90 percent of our generation Upstate right now is emission free, with the wind, with solar, with hydro and nuclear, 90 percent, but Downstate, 87 percent of its fossil fuel it was like 75 percent of them they decided to close down Indian Point. So that's a tremendous, you know, frustration for a lot of us in Upstate New York when we see our -- our lands being cleared for more wind and solar to provide the power to New York City. How -- how come there's not more being done in New York City? This is going to put a tremendous amount of stress on the grid. It was mentioned that just for every gigawatt of dispatchable, reliable, 24/7 power, like nuclear, like natural gas, has to be replaced by three gigawatts of solar, which tells you why we're going to have like 60 gigawatts of solar.

On top of it, it's an affordability issue. We talked about -- this bill mentions about how we're going to show how we're going to reduce and lower energy costs. I don't see how this bill

lowers energy costs. This bill and its plan that we're moving forward with the CLCPA is going to increase energy costs. I know this bill has already talked about the transparency and things of that nature. The fact of the matter is National Grid released a report recently and said their -- their rates are going to go up by 17 percent to comply with the mandates that are replaced on them to meet the CLCPA and the Green New Deal for New York. On top of that, NYSERDA issued a report recently, or about two months ago before the budget, that said if we do not act - and there's ways we can change this if we act, if we do the right thing. If we do not act to make these changes, gas prices at the pump for all of our constituents, people in your hometowns, it's going to increase by \$0.63, \$0.63. Natural gas prices are going to increase by 80 percent. How many of your constituents and people in your communities can afford that? How many of your businesses can afford that?

Then let's talk about the reliability of the grid. The NYISO which is tasked with making sure the lights stay on, the heat stays on, the power stays on is -- monitors this. They've said by 2040 we need 27 to 45 gigawatts of dispatchable emission-free resources to meet our goals. What is dispatchable? Dispatchable means 24/7. Nuclear is 24/7. Natural gas is 24/7. Hydro is 24/7. Wind and solar is not 24/7, that's not dispatchable. So that 27 to 45 gigawatts, where's the technology? It does not exist yet. There's no technology out there right now in place that can meet this guideline and this requirement that we have. That needs to be a focus. But, yet, that's problematic,

that's going to change, that's going to challenge the reliability of the grid, and NYISO's going to be coming out with a report in the near future talking about the thinness of the margin of the grid. That's problematic. So that's the reliability.

Now let's talk about the massive build-out of the grid. Not only do we need 27 to 45 gigawatts of dispatchable emission-free resources, in our current grid -- our current generation right now is 41 gigawatts. Based on the NYISO's estimation and the CLCPA, we have to triple our capacity. We have to go up to about 120 gigawatts of generating capacity, and most of that has to be wind and solar because we're going to have to triple that capacity. This is -- this is a dangerous premise when we talk about reliability. This is going to be massively expensive. So we can -- we can provide tools and resources to our local governments to say how they should accept this, it's not going to do anything to lower their cost. The fact of the matter their costs are going to continue to rise, they're going to continue to skyrocket. We talk about utility costs. We talk about the conversion costs. Estimates that just a conversion and retrofit your homes to switch out the electric geothermal heat pumps and air source heat pumps and not just that being able to show your property and your electric upgrades, costs an average homeowner over \$35,000 to convert their homes. Massive costs, reliability problems, massive build-out.

And let's -- let's be serious about emissions we're talking about. We say we're going to reduce emissions, greenhouse

gas emissions, we're not. The fact of the matter is New York has already done a good job of leading on that front, but New York only contributes 0.4 percent of the total global emissions, 0.4. China contributes 29 percent, has 1,000 coal plants and building more. In fact, they announced earlier this year they're going to expand their coal capacity by 70 gigawatts over the next year. Then if you try throwing India which uses coal, and Russia, those three countries equate for 40 percent of our global emissions, while New York is 0.4 percent. We can do all we want here, it's not going to make one difference. All you're going to do is have carbon leakage, have plants shut down here and then they're going to go to other states that don't have these stringent requirements.

And let's not forget. We talk about clean and green, this is not and green policy. We've talked about it before, I talked about it yesterday, I'll talk about it again now. There is a big problem with the -- the process to get some of these elements that we use to produce electric vehicles, because, you know, we're moving down the road where energy -- consumers don't have a choice on how they heat their homes, how they power their buildings, cook their food, or the cars they drive. Child labor in the Congo, Democratic Republic of the Congo, 70 percent of the cobalt is extracted in the Democratic Republic of Congo that is needed to produce lithium ion batteries for the cars and for the energy storage this bill wants to encourage people on. Are we going to share with the public that, you know, these -- these batteries in your fields are going to be used in children to make

it? We don't want to talk about that. And also, water pollution. Streams and rivers. I mean yes, we had a bill in this House trying to protect Class C streams, but it seems like we don't care about what happened -- at least in some of the policies that we're advancing, what happens in streams and water, because there are pollution problems with the extraction of these materials.

And I talked about land use, 60 gigawatts of new solar that's needed, that's 480,000 acres. That is a tremendous amount of land use, and that's going to be all in Upstate New York. We can talk about the property taxes. Our generators pay \$1.7 billion annually in property taxes. Utilities pay property taxes on the gas that goes through their pipes. If there's no gas going through their pipes, they don't pay the property taxes, but that get's passed off to every other taxpayer. And on -- and on -- on the property tax issue, again, I will reaffirm that this House passed in this year's budget to reaffirm what was passed in last year's budget, that says we're going to change the assessment model. So our local governments are going to have no input on solar, wind and energy stored going into their communities, and yet they're not going to get the property tax revenue because we passed legislation to make it easier that favors the developer over the property taxpayer. And that's unfortunate.

And the final point that I talk about in this issue is energy security. Eighty percent of the solar is manufactured and made in China, 80 percent of it. So we're sending that money to China. And then the elements, the -- the rare earth materials, like the lithium,

the cobalt, the nickel, cadmium. The cobalt might be processed -- extracted in the Congo, but it's processed in China. And how do they process it? They use coal energy. So we're not making an impact. So we can feel good about what we're trying to do about saving the Earth and greenhouse gas emissions, but what we're doing here is not going to make one difference because other countries like China, India and Russia are not going to help us, but in the meantime we're going to bankrupt our families, our farmers, our small businesses, our manufacturers and for that reason, Mr. Speaker, although I appreciate the intent of the sponsor and what she's trying to do, I'm going to be voting no on this policy because I think this is a bad policy for the State overall. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ari Brown.

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

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

MS. BARRETT: Yes.

ACTING SPEAKER AUBRY: Ms. Barrett yields.

MR. A. BROWN: Thank you, Madam Sponsor. I'm certainly interested in this bill. I served my village for a quarter of a century already and still do, and I always oppose any type of legislation or any type of program that comes into a small community and tries to impose their will. So with this piece of legislation that has

an outreach to your local community is very important to me, and I -- and I thank you for that. Would you agree, and would you oppose any piece of legislation and encourage your committee to oppose any legislation that specifically targets a specific community, and I'll preface that by simply saying, I understand sometimes we pass a bill that affects the State, and it's good for some and not good for the others. But if there were a bill, was a bill, that specifically targets an individual small community, a community that -- that says they don't want a particular project, would you, who created this beautiful piece of legislation, oppose such a bill because, after all, that's what this bill says.

MS. BARRETT: I don't think that's relevant to the bill.

MR. A. BROWN: Okay. Is this not, am I not understanding this bill, Ms. Sponsor? Does this bill not include --

MS. BARRETT: It does, it does, but you're asking me about a specific -- a general question that has other ramifications, and I believe I know exactly what you're asking me about, and I don't think that's relevant to this bill.

MR. A. BROWN: I appreciate your answer. So I'm just trying to understand the bill a little bit better.

MS. BARRETT: Okay. Happy to help you do that.

MR. A. BROWN: Thank you. We want to have some outreach to a -- to a local community because we want their involvement.

MS. BARRETT: Mm-hmm.

MR. A. BROWN: We want to know if they like a particular aspect of a program, whether it's clean energy or anything for that matter. If we know the people that are voting on a specific thing, that this specific community does not want a particular project, adamant about it, would not this bill add some measure of protection to them -- for them?

MS. BARRETT: The bill will not add protection. It will give them the tools to show where, perhaps, they would rather see something located, or to express -- it's a mapping tool, and how they would express what they would like to see, you know, or not see. I mean, that's -- definitely gives them the capacity to do that. It doesn't give them some magic power to be able to stop something.

MR. A. BROWN: And I thank you for that. Would this new knowledge and new ability to do a certain outreach by the community, give them -- give them any more say in the outcome of a proposed bill that may come to their footsteps? Is it just a tool to make themselves feel good, or would there be any result in their new sense of empowerment with this new piece of knowledge and legislation?

MS. BARRETT: If you, for example, were a municipality that say, had some wind infrastructure that was coming to your community, just for example, and you said, this is not where we want to see this, you could say, this is where we do want to see it because you have a mapping tool that will show future developers

where they could put something. And that's exactly what this does.

MR. A. BROWN: And -- and I thank you, Madam Sponsor, for that, and I will count on you to express that should such a scenario come up in the very near future, and I thank you for this piece of legislation.

MS. BARRETT: Sure.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. On one hand, this bill is very helpful because its intent is to help communities with information on how to move forward on green energy, outreach and development. And its intent is clear, though, in one side of that equation. So, for example, it talks about helping communities build a consensus on the benefits of locating green energy in their community or to promote appropriate and successful sites, or that support the development. And as noted by my colleague, there's nothing in here that even purports to provide communities with the rest of the story on what the negative implications might be, whether it's the loss of agricultural property, (inaudible), need for screening, recycling obligations, all those other aspects. And I think we, as the State, should certainly support helping communities with information. I

think we'd be even more helpful if we spoke about both the pros and the cons and helped communities make a balanced decision. I will be supporting this legislation, but I hope in the future that we help communities by presenting both sides of the story so that they have all the relevant information to make a thoughtful decision. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. So, the -- the intent is good, and we all want a greener, cleaner earth. We all want our children to be around 100 years from now and be able to have clean water and a clean, healthy environment. But I don't know if oversaturation is going to be looked at in this. I come from a community where we have thousands of acres in solar arrays. And we are serving other communities, and the benefits to the community to where these solar panels are are not getting any reduction in their utility rates. As a matter of fact, their utility rates are going up. So NYSERDA is going to be very busy with the bill that we adopted yesterday asking for how much money is being spent in these climate policies. And I'm just hoping that when these areas are mapped out, it's also mapped out what is already in solar production and that there is a saturation rate that is considered by NYSERDA when a community is bearing all of the costs and everything else associated with having solar and having wind in their

communities that is serving other communities and not benefiting the residents directly within that community.

Thank you, Mr. Speaker. I'll be voting in the affirmative but I'm hoping that that will be taken into consideration. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio in the affirmative.

Ms. Shimsky to explain her vote.

MS. SHIMSKY: Thank you, Mr. Speaker. Lovely weather we're having today. That's why I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Shimsky in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 127, the Clerk will read.

THE CLERK: Assembly No. A01080-A, 1 -- 1 --
Calendar No. 127, Woerner, Stirpe, Lupardo, Cruz, Zinerman, Jones, Brabenec, Angelino, Byrnes, Miller, Sayegh, Tague, Manktelow, J.M. Giglio, Lemondes, Cook, Goodell, Raga. An act to amend the Executive Law, in relation to the appointment for agricultural representation on the State Fire Prevention and Building Code Council.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Members have on their desks an A-Calendar. I would like to move to advance that A-Calendar.

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

We will start on consent, page 3, Rules Report No. 613, the Clerk will read.

THE CLERK: Assembly No. A00345-C, Rules Report No. 613 is high.

Assembly No. A00888-B, Rules Report No. 614, Jacobson, Shrestha, Santabarbara, Eachus, Shimsky. An act to amend the Public Service Law, in relation to permitting the rendering of an estimated bill from a utility corporation or municipality under certain circumstances.

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

THE CLERK: Assembly No. A01120, Rules Report

No. 615, Joyner, Williams, Ardila, Reyes, Sayegh, Taylor, Gibbs, Walker, Simone, Fahy, Bronson, Lucas. An act to amend the Labor Law, in relation to developing and implementing programs to prevent workplace violence in public schools.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, this bill directs public schools to develop and implement programs to prevent workplace violence, and I think we all support that. And I know that our Conference within the last year did a School Safety Task Force that went all over the State to get recommendations on how we can make schools safer, so it's something I know that we all agree with. My issue with this bill is really that the requirement here, the new requirement, would subject public schools to two overlapping violence prevention schemes, create duplicative work and be an unfunded mandate on the schools. The current legislation hasn't been amended to address any of those concerns, and this is opposed by the New York State School Boards Association, BOCES of New York State, the Council of School Superintendents.

So while I really do agree with the concept and I -- I

absolutely do agree that we need plans to try to create plans to prevent workplace violence, I -- I will not be able to support this bill. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01347, Rules Report No. 616, Buttenschon, Jackson. An act to amend the Legislative Law, in relation to establishing a veterans internship program (V.I.P. NY).

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

Ms. Buttenschon to explain her vote.

MS. BUTTENSCHON: Thank you, Mr. Speaker. I just appreciate the opportunity to talk about a internship program that we do have with the Assembly, and this would just further expand it to our veterans. I know that the program we have is outstanding and this is just one opportunity to include veterans.

So, thank you.

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.

THE CLERK: Assembly No. A01567, Rules Report No. 617, McDonald, Thiele, Lavine, McDonough, Angelino, Kelles, Raga, Jones, Stirpe, Levenberg, J. A. Giglio, Lunsford, Otis. An act to amend the General Municipal Law and the Education Law, in relation to payments in lieu of taxes.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02034-A, Rules Report No. 618, Joyner, Alvarez, Dickens, Seawright, Forrest. An act to amend the Workers' Compensation Law, in relation to schedule in case of disability.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03715-A, Rules

Report No. 619, Paulin, Otis, Fahy, Jacobson. An act to amend the Not-for-Profit Corporation Law and the Public Authorities Law, in relation to the applicability of open meetings and Freedom of Information laws to certain not-for-profit corporations.

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

THE CLERK: Assembly No. A03748-A, Rules Report No. 620, Pheffer Amato, Bronson, Gunther, Colton, Brabenec. An act to amend the Civil Service Law, in relation to hearing procedures for certain public employees.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03798, Rules Report No. 621, L. Rosenthal, Weprin. An act to amend the Public Health Law and the Education Law, in relation to authorizing emergency medical service personnel to provide basic first aid to cats and dogs under certain circumstances.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th 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. A04039, Rules Report No. 622, Angelino. An act to amend the Village Law, in relation to exempting fire department officers of the Village of Hancock Fire Department from a New York State residency requirement.

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. A04089, Rules Report No. 623, Maher, Eachus, E. Brown, Jacobson, DeStefano, Lemondes, Brabenec, McDonough, Angelino. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Steve Nicoli Memorial Highway."

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. A04201-B, Rules Report No. 624, Stern, Simpson, Eachus, Raga, Rajkumar, Santabarbara, Novakhov, Chang. An act to amend the Veterans' Services Law, in relation to veterans health care.

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. A04243, Rules Report No. 4 -- 625, Carroll, Simone, L. Rosenthal, Ardila, Shimsky, Kelles, Simon, Colton, Steck, Seawright, Levenberg, Jacobson, Gunther, Otis, Reyes, Epstein, Thiele, Glick, Durso, Gandolfo, Novakhov. An act to amend the "New York Wildlife Crossing Act"; to direct the Department of Transportation to identify sites along all highways, thruways and parkways in the State where wildlife crossings are most needed to increase public safety and improve habitat connectivity; and to create a priority list of wildlife crossing opportunity areas where Federal grant monies may be available to implement the top five projects identified.

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

THE CLERK: Assembly No. A04755-B, Rules Report No. 626, Lupardo. An act to amend the Vehicle and Traffic Law, in relation to paying drug-impaired driving surcharges to counties to reduce drug-impaired driving incidences.

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

THE CLERK: This act shall take effect April 1st, 2024.

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. A05261-A, Rules Report No. 627, Beephan. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Sergeant Elijah A. Briggs Memorial Highway."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to interrupt our proceedings for the purposes of an introduction. I literally was just walking by this amazing group of young people who looked so professional, and I knew they had to be high school students but I had no idea that they have just completed a robotics competition and they came in second place. So on behalf of Mr. Thiele and all of us in the Assembly, we would like to welcome these young people from Southold High School Robotics team. They went to their first worldwide robotics competition and they finished second, and they're from New York in Mr. Thiele's district.

So if you could please welcome these professionals to our Chambers, offer them the cordialities of the floor and remind them how much we look forward to them in the future because we know our future looks brighter because of them.

ACTING SPEAKER AUBRY: Certainly. On behalf Mrs. Peoples-Stokes, Mr. Thiele, 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 your successful

competition and achievements, and we hope that that achievement will lead us to a better and brighter future, and we have a lot of faith in you that that will come true. Thank you so much and continue your great work.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A05266, Rules Report No. 628, Levenberg, Slater. An act to amend the Education Law, in relation to setting the number of petitioners necessary to call for a vote on increasing the amount of funding of the annual contribution for the operating budget of a registered public or free association library.

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

Mr. Slater to explain his vote.

MR. SLATER: Thank you, Mr. Speaker. I just wanted to rise, and I was hoping to rise after my colleague Assemblywoman Levenberg to thank her for her leadership on this important issue. I've heard from many of my local libraries about the struggles they have with the petitioning process and, frankly, to hold them to a higher standard to our own members I think poses several

significant issues and hopefully this piece of legislation will rectify that. And I again want to thank my colleague and my colleague from Westchester and Putnam County, Dana Levenberg, for her leadership on this and I'll be voting in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Slater in the affirmative.

Ms. Levenberg to explain her vote.

MS. LEVENBERG: Thank you, Mr. Speaker. And thank you to my colleague from across the county or next door in the county. So yeah, this bill is really a commonsense bill. Many of the libraries throughout our State are either school district libraries or municipal libraries and do not require any minimums to get their budgets on the ballot. So this legislation, again, is just common sense, making it easier for our communities to support our libraries as we like to do with our State funds, but also local funds. So again, I'm grateful for the support for this bill. It is one of the top priorities of the New York Library Association this year and I'm happy to be able to deliver this good news as this has also already passed in the Senate.

So I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Levenberg in the affirmative.

MS. BUTTENSCHON: Are there any other votes?

Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05608, Rules Report No. 629, Reyes, Dinowitz, Colton, Carroll, Cruz, Dickens, Epstein, Durso, Gallagher, Gunther, Burdick, Bronson, McMahon, Lavine, Joyner, Wallace, Seawright, Simon, DeStefano, Otis, L. Rosenthal, Sillitti, Steck, Stern, Brabenec, Jacobson, Jean-Pierre, Thiele, Forrest, Gandolfo, Braunstein, Mamdani, Magnarelli, Septimo, Jackson, Rivera, Zinerman, Darling, Kelles, Mikulin, Bendett, Slater, González-Rojas, Shimsky, Santabarbara, Conrad, Tapia, Aubry, Solages, Raga. An act to amend the Labor Law, in relation to enacting the "Roadway Excavation Quality Assurance Act."

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

THE CLERK: Assembly No. A05695, Rules Report No. 630, Tannousis. An act to amend Chapter 759 of the Laws of 1973 relating to the transfer of lands to the United States for the establishment of the Gateway National Recreation Area, in relation to the time period in which lands may be conveyed.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Tannousis, 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 BUTTENSCHON: 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. A05764-A, Rules Report No. 631, Slater. An act to amend the Tax Law, in relation to extending the 1 percent increased county sales tax for Putnam County.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Slater, 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 BUTTENSCHON: 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. A05815-A, Rules Report No. 632, Epstein, Colton, Reyes, Taylor, Shimsky, Burdick, Woerner, Santabarbara. An act to amend the State Finance Law, in relation to participation by individuals with disabilities with respect to State employment and State contracts.

ACTING SPEAKER BUTTENSCHON: Read the last section.

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

ACTING SPEAKER BUTTENSCHON: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Speaker. I rise to explain my vote. This is an important piece of information we need to have. Unfortunately, in the State of New York almost 70 percent of people with disabilities are unemployed. We need to figure out why that's happening. In our State contracts, our State procurement we have an opportunity to collect data to figure out if we're doing a good job hiring people with disabilities and if we are, figuring out where our best methods are. This report will help us get that information, be able to do good policy to ensure more people with disabilities get hired throughout the State.

I encourage my colleagues to support the bill, and it's an important piece of legislation for our disability community. Thank you.

ACTING SPEAKER BUTTENSCHON: Mr. Epstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05831-A, Rules Report No. 633, Tague. An act to amend Chapter 218 of the Laws of

2009 amending the Tax Law relating to authorizing the County of Greene to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Tague, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. The Clerk will -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A05849-A, Rules Report No. 634, Gallahan. An act to amend the Tax Law, in relation to authorizing the County of Chenango to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon expiration thereof.

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

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

ACTING SPEAKER BUTTENSCHON: 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. A05994-B, Rules Report No. 635, Darling. An act to amend the General Business Law, in relation to research relating to electronic cigarettes; and to amend the Public Health Law, in relation to restricting certain advertisement and promotion of electronic cigarettes.

ACTING SPEAKER BUTTENSCHON: Read the last section.

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

ACTING SPEAKER BUTTENSCHON: 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. A06021-A, Rules Report No. 636, Paulin, Gunther. An act to amend the Social Services Law and the Public Health Law, in relation to establishing a quality incentive program for managed care providers.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06087, Rules Report No. 637, J. M. Giglio. An act to amend the Tax Law, in relation to extending the expiration of the provisions authorizing the County of Cattaraugus to impose an additional 1 percent sales and compensating use taxes.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Giglio, 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 BUTTENSCHON: 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. A06202-A, Rules Report No. 638, Maher, Brabenec, McDonough. An act to amend the Tax Law, in relation to authorizing the Village of Goshen to impose a

hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06222-A, Rules Report No. 639, Anderson. An act to amend the Banking Law, in relation to creating a banking development district working group; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06253, Rules Report

No. 640, Barrett, Seawright, Conrad, McDonald, Stern, Magnarelli, Zebrowski, Smullen, Santabarbara. An act to amend the Public Service Law and the Energy Law, in relation to establishing the New York State Grid Modernization Commission.

ACTING SPEAKER BUTTENSCHON: The bill is laid aside.

THE CLERK: Assembly No. A06307-A, Rules Report No. 641, Tague. An act to amend the Tax Law, in relation to extending the authorization of the County of Delaware to impose an additional 1 percent of sales and compensating use taxes.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Tague, 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 BUTTENSCHON: 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. A06384-A, Rules Report No. 642, Gandolfo. An act to amend Chapter 493 of the Laws of 1987 creating the Ocean Beach Volunteer and Exempt Firefighters' Benevolent Association, Incorporated, and providing for its powers

and duties, in relation to its purpose and the use of foreign fire insurance premium taxes.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06488, Rules Report No. 643, Weprin, Walker, Epstein, Reyes, Cruz, Aubry, Hunter, Taylor, Burdick, Burgos, González-Rojas, Jackson, Barrett, Gibbs, Davila, Kelles, Simone, Ardila, Septimo, Tapia, Burke, Cunningham, Clark, Meeks, Shimsky, Hevesi, Dinowitz, Mamdani, Jean-Pierre, Simon, Zaccaro, Anderson, Bichotte Hermelyn, Levenberg, Bores. An act to amend the Correction Law, in relation to the establishment of a visiting program for incarcerated people.

ACTING SPEAKER BUTTENSCHON: On a motion by the Senate bill -- excuse me, on a motion by Mr. Weprin, the Senate bill is before the House, the Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A06554-A, Rules Report No. 644, E. Brown. An act to amend Chapter 676 of the Laws

of 1978, amending the Town Law relating to payment in lieu of taxes for certain property in the Town of Hempstead, in relation to extending the expiration thereof.

ACTING SPEAKER BUTTENSCHON: 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 BUTTENSCHON: 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. A06580, Rules Report No. 645, Miller, Smullen. An act to amend Chapter 549 of the Laws of 2005 amending the Tax Law relating to authorizing the County of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the effectiveness thereof.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Miller, the Senate bill is before the House. The Senate bill is advanced. Home Rule message at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06582, Rules Report No. 646, Miller, Smullen. An act to amend the Tax Law, in relation to extending the period during which the County of Herkimer is authorized to impose additional sales and compensating use taxes.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Miller, the Senate bill is before the House. The Senate bill is advanced. Home Rule message at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06629, Rules Report No. 647, Peoples-Stokes. An act to amend the Tax Law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County.

ACTING SPEAKER BUTTENSCHON: On a

motion by Mrs. Peoples-Stokes, the bill is before the House. The Senate bill is advanced. Home Rule message at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06630, Report No. 648, Beephan. An act to amend the Tax Law, in relation to sales and compensating use tax in Dutchess County.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Beephan, 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 BUTTENSCHON: 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. A06683-B, Rules

Report No. 649 is high.

Assembly No. A06694, Rules Report No. 650, Smullen. An act to amend the Tax Law, in relation to extending authorization for the County of Fulton to impose an additional 1 percent of sales and compensating use taxes.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Smullen, 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 BUTTENSCHON: 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. A06697-B, Rules Report No. 651 is high.

Assembly No. A06716-A, Rules Report No. 652, Hunter. An act to amend the Banking Law and the New York State Urban Development Corporation Act, in relation to the Capital Access Program.

ACTING SPEAKER BUTTENSCHON: On a motion by Ms. Hunter, 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 BUTTENSCHON: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06798, Rules Report No. 653, Lee, Glick, Aubry, Shimsky, Seawright. An act to amend the General Business Law, in relation to prohibiting the sale of sodium nitrate and sodium nitrite to any person under the age of 21.

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

(The Clerk recorded the vote.)

Ms. Lee to explain her vote.

MS. LEE: Thank you, Mr. Speaker. We have recently seen a frightening rise in suicide rates, especially among young people. Part of this can be attributed to easily-accessible

common household chemical products being promoted to kids as tools for self harm and suicide. Two of these chemicals are sodium nitrite and sodium nitrate, which are commonly used to cure meats and poultry, but can also be a fatal poison. In the past few years we have seen sodium nitrite and sodium nitrate sold to kids on under-regulated markets. Although vendors sell these products as food preservatives, they are often sold at highly-deadly concentration. For example, actor Matthew Mindler used sodium nitrate -- nitrite bought for \$15 on Amazon to commit suicide. Many of the suicide attempts using sodium nitrite in the past few years have been among teens. This bill will prohibit the sale of sodium nitrite and sodium nitrate to those under 21, and it will require ID checks for anyone that appears to be under the age of 30.

As a mother of three young children, it gives me great pride to sponsor this legislation and to protect all our children in New York State. Thank you, Mr. Speaker, for allowing us to vote on this critical legislation. Thank you.

ACTING SPEAKER AUBRY: Ms. Lee in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. With all respect to the sponsor, who I know is coming from a place of wanting to help prevent youth suicide, I just don't believe that this bill is the answer to that. I think that, unfortunately, and I -- I think we probably all have examples from our own lives, if -- if somebody is really intent

upon harming themselves there are plenty, plenty of ways to do it, whether it's an overdose of aspirin or other over-the-counter medications. I -- I don't even want to talk about the other ways that it can be done because I just don't even want that to be part of the record. There are many, many ways through very accessible things. I -- I don't think that -- that age testing or, you know, is -- is the solution in this case. I'm going to vote in the negative. I do believe that suicide is -- is a real problem and I think that this Chamber and this House has tried to take a lot of steps to try to address it. I -- I just don't believe that this bill is the answer and I'll be in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

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

The bill is passed.

THE CLERK: Assembly No. A06927-A, Rules Report No. 654, Solages, Jean-Pierre, Darling, Reyes. An act to amend the General Business Law, in relation to the substance of training and testing requirements for cosmetologists or natural hair stylists.

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

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

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07085, Rules Report No. 655, Paulin. An act to amend the Public Health Law, in relation to requiring nursing homes to designate dedicated storage spaces for the storage of the bodies of deceased persons.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07097, Rules Report No. 656, Bendett. An act to amend Chapter 556 of the Laws of 2007 amending the Tax Law relating to imposing an additional real estate transfer tax within the County of Columbia, in relation to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07118, Rules Report No. 657, Smullen. An act to amend Chapter 489 of the Laws of 2004 amending the Tax Law relating to the mortgage recording tax in the County of Fulton, in relation to the effectiveness of such chapter.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to interrupt our proceedings for the purposes of introducing a guest in our Chambers of Mr. Zaccaro, our colleague. Sandra Pabon was a substance abuse counselor, a chaplain, a district leader and a long-time resident of the Bronx. She was a proud first-generation Puerto Rican, a champion for food insecurity and seniors. She has transitioned this world just a few days ago. She is survived by her only daughter, Alexandra, and her three grandchildren who proudly carry on Sandra's legacy and her service to

this State.

Mr. Speaker, her daughter and her granddaughters are in the Chambers with us today. Would you please welcome them, give -- give, of course, our sincerest condolences and the cordialities of our floor?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Mr. Zaccaro, the Speaker and all the members, we welcome you here to the New York State Assembly and extend both our condolences and our welcome to have you here. Extend the privileges of the fam -- of the House and the floor to you. I'm stumbling because when your two daughters walked in it immediately appeared to me in my mind one of those songs I grew up with which is, *Heaven Must Be Missing Angels Because They're Here with Us Right Now*. So we're so happy to have you, and we always will have friends and always know that you're welcome here. Thank you very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07206-B, Rules Report No. 658, Pretlow, Sayegh. An act to amend the Vehicle and Traffic Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the County of Westchester; to amend the Public Officers Law, in relation to accessing records; and providing for the repeal of certain 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 on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is another speed camera trap bill -- I'm sorry, it's a speed camera bill. My apologies. And with the other speed camera bills it suffers the same concerns that we've raised several times. As you know, there's been tremendous public backlash on this, even to the point where some municipalities have actually withdrawn their authorizing legislation. It imposes liability on the owner even if the owner wasn't driving the car. It specifically provides that the camera will not take a picture of the driver which makes it impossible for the driver to prove he wasn't driving the car. It imposes liability on the driver even if his car was stolen unless he was able to notify the police before the thief went through a speed camera, otherwise he's nailed and has to pay the fine. So, a lot of concerns on the due process or lack thereof, and until those issues are addressed I suspect that many of my colleagues, as in the past, will oppose these speed camera bills. And typically -- we typically have 35, 40 no votes on these types of bills, and that's why I will be voting no.

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.

THE CLERK: Assembly No. A07264, Rules Report No. 659, Peoples-Stokes, Thiele, Anderson, Zinerman, L. Rosenthal, Jacobson, Lunsford, Shrestha, Shimsky, Gunther, Weprin, Colton, Raga, Kelles. An act to amend the General Municipal Law, in relation to the awarding of certain purchase contracts to purchase food.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A07273, Rules Report No. 660, L. Rosenthal. An act to amend the Public Housing Law, in relation to requiring the New York City Housing Authority to provide written notice to residents of certain disruptions to water services and to establish certain guidelines regarding the examination of water quality.

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. A07286-A, Rules Report No. 661, Lemondes. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Town of Skaneateles; 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.

(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. A07428-A, Rules Report No. 662 is high.

Assembly No. A07477-A, Rules Report No. 663, Jacobson. An act to amend Chapter 371 of the Laws of 2020 amending the Tax Law relating to authorizing the Town of Newburgh to impose a hotel and motel tax, in relation to the effectiveness 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.

(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. A07542, Rules Report No. 664, Weprin. An act to amend the Insurance Law, in relation to exempting certain public construction projects from certain restrictions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07658-A, Rules Report No. 665, Simone, Kelles, Bores. An act to amend the Agriculture and Markets Law, in relation to using the term "human food grade" for certain pet food.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if colleagues could now turn their attention to our -- back to our debate list, we're going to go to Rules Report No. 426 by Ms. Rozic, followed by Rules Report -- no, Calendar No. 74 by Ms. Clark, and then Calendar No. 178 by Mr. Burdick. Okay, so -- then back to Rules Report No. 271 by Mr. Burgos, Rules Report No. 436 by Mr. Colton, and Rules Report No. 490 by Mr. Hevesi.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Page 14, Rules Report No. 426, the Clerk will read.

THE CLERK: Senate No. S03255, Rules Report No. 426, Senator Hoylman-Sigal (A00501, Rozic, Jean-Pierre). An act to amend the Executive Law, in relation to extending the statute of limitations for claims resulting from unlawful discriminatory practices to three years.

ACTING SPEAKER AUBRY: An explanation has been requested, Ms. Rozic.

MS. ROZIC: This bill would raise the statute of limitations for all alleged administrative unlawful discriminatory practices -- practice claims to three years from one. The bill would create uniformity for all discriminatory practice claims. I would also

note that under the CPLR, this section of law has been utilized for workplace harassment claims to be filed in Supreme Court within three years, so it also -- this legislation would also create uniformity between the administrative process and State civil court statute of limitations.

ACTING SPEAKER AUBRY: Mr. Goodell.

And we need some quiet in the Chamber, please. Even in the back so that the members can hear each other as we engage in this debate. Thank you.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Rozic yields?

MS. ROZIC: Sure.

MR. GOODELL: Thank you, Ms. Rozic. I apologize, I had a difficult time hearing your explanation. You were walking through the statute of limitations. So currently it's one year for most complaints before the Human Rights Commission, three years for a sexual harassment complaint. After it goes to the Human Rights Commission, if the complainant does -- does not agree they can bring a court action, correct?

MS. ROZIC: That's right. In 2019 the law was amended to establish a three-year statute of limitations for filing a complaint with the Division of Human Rights for sexual harassment. So we're just keeping in line with that.

MR. GOODELL: And then how long does a -- someone who's complaining have -- if they disagree with the Human Rights Commission, how long do they have to file a complaint with the court for review?

MS. ROZIC: This bill does not speak to that.

MR. GOODELL: I see. And as you know, there's been some concern in the past that a complaint with the Human Rights Commission will sometimes sit for an extended time period. How long can it sit in front of the Human Rights Commission before the complainant can request that it be -- that they can move in front of the Supreme Court?

MS. ROZIC: I believe it's also three years, but this -- again, this bill does not speak to that either.

MR. GOODELL: I see. And how does this proposal that is in this bill compare with the statute of limitations for complaints before the Equal -- the EEOC, the Equal Opportunity Commission [sic]?

MS. ROZIC: Under the Federal EEOC, claims must be reported within 45 days to preserve the right to file a claim. But eight other states have similar deadlines of over 300 days.

MR. GOODELL: So right now the Federal statute of limitations for EEOC is 45 days. Currently, the New York State statute of limitations for most claims is 365 days. For those claims involving sexual harassment it's three years, so it's about 700 days, right?

MS. ROZIC: So it's 45 days --

MR. GOODELL: A thousand days -- I'm sorry, I should be able to do math -- over 1,000 days currently. That's the current law, correct?

MS. ROZIC: I believe so.

MR. GOODELL: And why is it that you think it's good policy to have someone wait up to 364 days before filing a complaint?

MS. ROZIC: So it's oftentimes often the case that victims might be hesitant to file a complaint or unwilling to come forward until they're a little removed from that situation. It allows for victims of all forms of discriminatory practices that same three-year period in which to file a complaint. So it's trying to preserve that for all victims.

MR. GOODELL: And do you have any data on how many complaints are rejected by the Human Rights Commission for not being filed timely?

MS. ROZIC: I don't, but I'm happy to dig in and follow up with you on that.

MR. GOODELL: And am I correct that if they don't file with the Human Rights Commission they can -- they don't have to file with the Human Rights Commission, correct? They can bring an action directly in Supreme Court; is that correct?

MS. ROZIC: Yes, correct.

MR. GOODELL: And what is the statute of

limitations if they want to bring an action directly in front of the Supreme Court?

MS. ROZIC: Three years.

MR. GOODELL: I thought it was one year for an intentional tort, isn't it?

MS. ROZIC: I was told three years.

MR. GOODELL: Okay, three years. So if we adopt this, the process -- a person could wait three years, file a complaint in front of the Human Rights Commission, and the Human Rights Commission I think can sit on it for what, 18 months after which the complainant has another three years to file a claim? So it could be seven-and-a-half years before the action is commenced in Supreme Court; is that correct?

(Pause)

MS. ROZIC: I'm told that it's three years from when the actual action happened.

MR. GOODELL: I see. Okay. Thank you very much for explaining the bill.

Sir, on the bill.

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

MR. GOODELL: It -- it seems that as -- as a matter of policy we want to encourage people to bring actions for any alleged discrimination as quickly as possible for two very important reasons: Number one, if there's someone who's discriminating, we want to

know about it as quickly as possible so that we can take appropriate action, stop that discrimination and impose appropriate sanctions on the person who is discriminating. I think the last thing we want to do is just sit back and let that discrimination continue unabated with no action. And so we should -- we want, I think, to encourage people to file discrimination claims as quickly as possible. The second reason is because people's memories and the information and the details fade quickly. And so if there's real discrimination occurring, we want for sure to stop it. And the faster the complaint comes in, the more accurate the complaint is, the more detailed the complaint is, and the more likely that the complainant will succeed. And of course all of us recognize that most people are considered innocent until proven guilty, and so we want to be fair to the defendant. And so we want to make sure that the defendant still has accurate records, accurate recollection and accurate details, and that the witnesses to any action might still remember the action in -- in a manner that enables them to testify accurately and clearly. As mentioned by the sponsor, recognizing the need to stop discrimination quickly, recognizing the need for accurate recollections, recognizing the need for witnesses that are clear and accurate, the Federal statute has a 45-day limit, 45 days. They want you to step in and stop it right away and they want a fair hearing opportunity with everyone having fresh knowledge. We already require or allow one year, three years for sexual harassment, plus the judicial proceeding that occurs afterwards. Quite frankly, while I appreciate the sponsor's desire, which I share, to address

discrimination issues, we want to do it as quickly as possible in a manner that maximizes fairness to all parties; both the complainant and the defendant. And for that reason I think the current statute of limitation strikes the right balance, even though as we noted it's almost ten times -- not quite -- eight times longer than the Federal. I think the current one strikes the right balance and so I'd recommend that we stay with the current provisions.

For that reason I won't be supporting it, but thank you again, Mr. Speaker, and thank you to my colleague.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed. Those colleagues of mine that would like to support it are certainly encouraged to vote yes here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative. If a member wishes to vote in the negative, we ask them to come to the Chamber and place their vote.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. On behalf of Assemblywoman Hunter, I would like to introduce the Tadodaho Sid Hill. The Tadodaho is the spiritual leader of the Onondaga Nation, and he is joined by his wife, Betty Lyons, who is the Executive Director of the American Indian Law Alliance.

From the longhouse to the People's House, please, if you could extend the cordialities of the House we would really, really appreciate it. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Solages, Ms. Hunter, the Speaker all the members, we welcome you here to the New York State Assembly, the People's House. We extend to you the privileges of the floor and are very grateful that you have come to share a portion of your time with us, and we do hope you will come back. You are always welcome. Thank you so very much.

(Applause)

Page 32, Calendar No. 178, the Clerk will read.

THE CLERK: Assembly No. A05949, Calendar No. 178, Burdick, Thiele, Colton, L. Rosenthal, Burke, Simon, Simone, Kelles, Cruz, González-Rojas, Pretlow, Epstein, Zaccaro, Fahy,

Shimsky, Otis, Paulin, Glick, Alvarez, Shrestha, Levenberg, Septimo, Cook, Steck, Bores, McDonald, Dinowitz, Stirpe, Hevesi, Kim, Dickens, Benedetto, Rajkumar, Rivera, Williams, Conrad, Lunsford, Carroll, Taylor, Tapia, Cunningham, Fall, Davila, Bronson, Gibbs, Solages, Lucas, Jacobson, Sillitti, Eachus, Sayegh. 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.

And Mr. Burdick, an explanation has been requested, sir.

MR. BURDICK: Thank you, Mr. Speaker. The purpose of this bill is quite simple, and that is to provide authority to those municipalities in the State of New York which have adopted a freshwater wetlands protection law in accordance with the Environmental Conservation Law. And that authority would be that they could adopt a subsequent law that would enable them to prohibit the application of pesticides within the wetlands and their borders, and that's under certain limitations that they would have that ability.

ACTING SPEAKER AUBRY: Mr. Simpson.

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

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

MR. BURDICK: Yes, I certainly will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SIMPSON: Thank you, Mr. Burdick. So, can you get -- so you want to do is you want to change the Environmental Law, Conservation Law, subsection 33 0303 that explicitly lays out the powers and duties of the Commissioner and the Department. It says jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides is by this article vested exclusively in the Commissioner. You want to -- you want to take over -- your bill would take over those responsibilities if the local government decides --

MR. BURDICK: Well, that's not quite accurate. Since the 1970s, the Environmental Law has provided enabling provisions so that local governments had been given the authority to implement fresh water wetlands protection laws. And so those are very longstanding, and there are some 70 municipalities that have done so.

MR. SIMPSON: So you're saying that a local municipality already has the authority to be more restrictive?

MR. BURDICK: So what it does is that -- that authority, as I mentioned, has existed since 1977 and it would expand that authority such that they then would have the ability, at their option, it's not required, to adopt a local law prohibiting the application of pesticides in wetlands within their borders. So it's not creating a brand-new authority as -- as your question seems to suggest,

rather, it is expanding that authority solely to that degree.

MR. SIMPSON: Would that local depart -- local government entity report to the DEC, the EPA, the DEP as to --

MR. BURDICK: I'm sorry?

MR. SIMPSON: Would that local government -- because right now, you know, D -- the reason why DEC administers this program and is responsible as a State agency is, you know, they collect all this information of which chemicals, which pesticides, who's applying it.

MR. BURDICK: Yeah.

MR. SIMPSON: It's a DEC permit.

MR. BURDICK: I'm sorry.

MR. SIMPSON: It -- It's a DEC permit. So would -- would the local government issue a permit to an applicator or deny a permit?

MR. BURDICK: No. It doesn't -- it doesn't affect that at all. It doesn't have to do with the permitting process, which is entirely retained by the DEC. This simply deals with the application of the pesticide. And -- and it doesn't deal with labeling, or with packaging, which is handled by the EPA, it doesn't with what pesticides are approved or not. It only has to deal with the application of pesticides, a very narrow area.

MR. SIMPSON: So an applicator who has received a permit from DEC could then be denied at the local level to apply a pesticide.

MR. BURDICK: Well, assuming that that applicator -- if that applicator had a permit to do so from the DEC, yes, there could be instances, but with notable exceptions with respect to whether or not that locality, if they to chose to adopt a subsequent local law to prohibit application at wetlands, then that could be prohibited. And just to be clear, and it's stated in -- in the proposed law itself, is that it -- it -- the -- the -- the local law cannot prohibit pesticide applications for the control of invasive species, pests, noxious weeds or for the protection of native plant species. So, you know, there -- there's -- there's significant flexibility that's being provided in this. And again, just -- just to be clear, because in the past it was -- it was kind of suggested that we're talking about millions of acres that are involved. We're only talking about the 70 municipalities out of some 1,600 municipalities Statewide that have adopted freshwater wetlands laws.

MR. SIMPSON: So I want to kind of present a scenario. I live downstream -- just hypothetically, I live downstream from an agricultural operation that has, you know, it's very common to have wetlands in an agricultural area, either upstream, on the agricultural lands or downstream. And, you know, there's a lot of information out there being interpreted by laypeople as to how dangerous a pesticide is or how safe it is. I decide to go to my local town board and I say, *Listen, I'm opposed to this pesticide, but it's regulated and already researched by DEC and DEC has established instances where it can be used correctly and safely.* Would a local

government be able to stop the application of that pesticide?

MR. BURDICK: Well, your question began with referring to agricultural uses, and the existing State law, which also is provided at the local level, exempts wetlands used for farming from any kind of requirements. And I can tell you from personal experience, because I chaired the Wetlands Commission in the Town of Bedford for some nine years, is that that's written in law and is something that is scrupulously adhered to. And I -- I know of no instances of which there are issues regarding that.

MR. SIMPSON: So let me rephrase it. It's permitted on the agricultural land but it affects wetlands downstream, or I own property that has wetlands where it is not legally permitted. Could I interpret this authority that this bill would provide to the local government to be able say it's unacceptable, this use that's affecting my property?

MR. BURDICK: So let me just see if I understand your question. You're talking about downstream impacts; is that correct?

MR. SIMPSON: Downstream impacts.

MR. BURDICK: And you're a property owner downstream from the agricultural use? Is that what you're --

MR. SIMPSON: Yeah, you share a wetland, or I have a wetland that's outside of that agricultural use where it's -- it's permitted.

MR. BURDICK: Well, that -- that local regulatory

authority, be it a wetlands commissioner or a town board, would not be able to restrict that upstream application for farming purposes.

MR. SIMPSON: I think -- so what -- is there -- is there an example of why you would want this authority? Is there -- I mean, it just seems like it could create many more issues. We're undermining our own agency that is responsible for the, you know, the Statewide program to ensure that proper use and safety of these pesticides, as well as every other chemical, they have, you know, the people that do the research, scientists. They're experts at it. Where, at the local level, I don't know of very many municipalities that have that technical knowledge.

MR. BURDICK: Well, a couple things. One is that, you know, I do think that you're underestimating the abilities of local government. And I can tell you that for decades, the Town of Bedford, just as one example, and in talking with other wetlands commissioners throughout the State at that time, I found that they operated the same way. And that was to have experienced wetlands scientists to advise them, you know, what kind of impact does a particular permit application, if granted, what adverse impact would it -- would it have. And I think that they, over the years, have operated very well and with significant scientific and professional consultations before decisions are made.

MR. SIMPSON: Isn't that what we have at DEC, though?

MR. BURDICK: I beg your pardon?

MR. SIMPSON: Isn't that what we have at our DEC, our own Department of --

MR. BURDICK: Well, you know, look. I -- I think that the DEC does a very good job as far as it goes but, you know, their -- their resources are limited. I see this not as preempting them, but it's supplementing the work that they do.

MR. SIMPSON: I'm glad you said that their resources are limited, because it's us that decide the resources that go to the DEC. Yesterday we -- we debated a bill that increased their responsibility and their authorities, and here again -- actually, we're looking to take away authorities because of the lack of resources. So, you know, I'm left wondering what -- which side of this are we, where are we at?

MR. BURDICK: Well, you know, I -- I -- I -- with all due respect I think you're mischaracterizing it. It doesn't take away authority, it really simply supplements the authority with -- with the authority at the local level that they could provide additional review of what could be adverse impacts on -- on a wetland. And, you know, I'm happy to discuss next year, as I did this year, the resources of the EPA in budget discussions and -- and I -- I would like to see them have more resources; I -- I agree with you on that.

MR. SIMPSON: I'm glad you mentioned the EPA, because I think meant the DEC?

MR. BURDICK: I -- I'm sorry, the DEC is what I meant.

MR. SIMPSON: But then again, there's -- that reminds me of another confusing point or contradictory point. We do have the EPA that oversees, that has authority, actually they -- you know, they're part of the overall protection of our country's air and water. And wouldn't this create a possibility of EPA rescinding privacy if they decide that our program is inadequate or differs from theirs? (Inaudible/cross-talk)

MR. BURDICK: No, I --

MR. SIMPSON: Because we're changing the rules.

MR. BURDICK: No, I -- I don't think so. I think that what the EPA's role is -- is pretty clearly spelled out and has been for quite some time. And, in fact, if you were to go to the EPA's website on this, it states under the Federal Insecticide, Fungicide and Rodenticide Act, a state shall have primary enforcement responsibilities for pesticide use violations. And -- and so the role, again, as I indicated before, for the EPA deals with packaging and deals with labeling of pesticides, something which the states are preempted from handling. And -- and our DEC does not do that, they regulate pesticides.

MR. SIMPSON: Well, thank you, Mr. Burdick.

MR. BURDICK: Thank you.

MR. SIMPSON: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SIMPSON: Thank you, Mr. Speaker. The Governor vetoed this bill last year and -- and I'm going to read what

she said. She believes that the decisions on pesticides can be fairly and consistently enforced by the DEC and EPA, and discretion should not be left to localities. This bill would -- could lead to confusion, inconsistent application of State law among the regulated community, leading to the possibility of the EPA rescinding prime -- privacy if they consider New York's program inadequate.

I think we, as a Body, have to support our own agency and -- and the Commissioner in his effort to -- to protect the lands of waters in New York. And I think this just further undermines our own agency and creates so many inconsistent laws and regs that people are trying to do the best they can to -- to abide by. But when we leave some up to local municipalities, local governments, whereas others are under State rule, it's confusing for planners and -- and town leaders and everyone else that has to deal with those inconsistencies.

So I would recommend that my colleagues not support this bill and support the Statewide program that we currently have. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. --

MR. BURDICK: Yes.

MR. RA: Thank -- thank you.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: So just a couple of quick questions. In terms of the local government, if they're doing this, does this envision that, you know, there is -- I mean, that they could do a very detailed law, certain pesticides would be allowed, certain not, or is this really kind of directly they're going to do, you know -- do you envision that this law would basically look the same in any municipality that adopted it, or -- or does it give them a little more leeway than that?

MR. BURDICK: The -- the bill itself is really quite specific. And I would expect that those laws are going to need to be extremely specific as well, in order to track the language in the bill itself, which is simply related to application of pesticides and with -- with the exceptions that are stated in the bill itself. So I would be -- I don't think that they would be permitted to have much variation at all among any such laws that might be adopted. And do bear in mind that they have to follow the requirements under New York State law with respect to the adoption of those local laws, they have to follow SEQR, they have to have a public hearing. And so even among those 70, I couldn't hazard a guess as to how many might decide to exercise the authority that might be conferred.

MR. RA: Okay. Do -- do you know currently how many have, you know, these local laws or (inaudible) under 24 0501?

MR. BURDICK: Yes. As -- as I had mentioned earlier, there are 70.

MR. RA: Seventy, okay.

MR. BURDICK: Correct.

MR. RA: And then just lastly, in terms of the role of the Department in terms of -- obviously, you know, we know there's expertise within, you know, in the State Department of Environmental Conservation. I would imagine there are municipalities that have -- that are larger, that have probably more capacity to have people that are within their, you know, their organization that have that level of expertise and there may be smaller ones that -- that don't. So what do you envision in terms of how they might work with the Department in -- in developing a local law?

MR. BURDICK: Well, you know --

MR. RA: Would the Department provide some of their expertise to kind of advise a municipality that's looking to do this?

MR. BURDICK: Well, I would, as -- as I was indicating before, the 70 municipalities that have chosen to regulate local freshwater wetlands law have developed expertise and have -- this is -- really, when you consider all of the responsibilities that they may have in considering permit applications, this is only one small facet of what they would need to consider. For example, they would have to consider what impacts a proposed addition or building would have. They have consider what the hydric soils are, how sensitive the wetlands are. You know, are we dealing with a particularly sensitive wetlands or one that isn't? And this is something which is done absolutely routinely by wetlands boards, or if it's done by a planning board or town board, they have the expertise and the knowledge to do

this for now over 40 years.

MR. RA: Okay. Thank -- thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

MR. BURDICK: Yes, certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much. As you know, under the Environmental Conservation Law Section 24 0501, towns have jurisdiction over wetlands that are wholly or partially within their jurisdiction.

MR. BURDICK: I'm sorry, I missed that. Say that again, the last few words.

MR. GOODELL: Certainly. As you know, under Section 24 0501 it gives towns jurisdiction over freshwater wetlands that are wholly or partially within their jurisdiction.

MR. BURDICK: Mm-hmm.

MR. GOODELL: How would you envision this to be applied where a wetland crosses multiple boundaries? Would you envision that part of the wetland that's in one town might be subject to different standards than the part in a different town?

MR. BURDICK: So, that -- that's simply a jurisdictional question.

MR. GOODELL: Indeed.

MR. BURDICK: And -- and the wetlands law would only extend to the municipal line. And so the regulatory authority within the town that has the freshwater wetlands law would end at the municipal line.

MR. GOODELL: So if you had a freshwater wetlands that straddled a town border, one town might prohibit pesticides that the other town would allow, correct?

MR. BURDICK: That could -- that could occur, yes.

MR. GOODELL: And is there any mechanism to decide how that conflict would be addressed or resolved?

MR. BURDICK: Well, I'm not sure that there really would be a conflict, because it would only apply to the application of the pesticides up to the municipal line.

MR. GOODELL: I understand that.

MR. BURDICK: And -- and so if the neighboring --

MR. GOODELL: And so if the municipal line is in the center of a wetland, which has water, are you saying the way this would apply is that a pesticide could be applied in half of that water body but not the other half? Is that the way it would apply?

MR. BURDICK: You know, I -- I think that -- that the issue that you raise is one that does come up with some frequency with respect to, say, building activity. And, you know, I think that, again, I -- I -- as I'm sure you do, have a pretty high regard for local governments and their ability to work together and cooperatively, and

I would think that they could resolve this just fine.

MR. GOODELL: Thank you very much for your comments, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: The reason I raise this issue is because there's a reason we have standard Statewide regulations rather than town-by-town regulations, or village-by-village regulations. And it's because the application of a pesticide in a common waterway that bounds both towns or multiple towns should be regulated in the same way. It doesn't make any sense to have a regulation that applies to the north half of a wetland and a different set of regulations that apply to the south or east, west or whatever. And that's why we have a common Statewide approach, and the Statewide approach is backed by the environmental experts at our own agency, the DEC, who are in constant evaluation of these pesticides and herbicides, and closely monitor what's going on on the EPA. Very, very few towns, particularly the rural towns, have that level of expertise. The current system takes advantage of the Statewide expertise, takes advantage of a common, uniform approach, avoids conflicting jurisdictional issues and provides for a thoughtful response.

And for that reason, I join my colleagues in supporting the Statewide approach that we currently enjoy. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. Can you please call Ways and Means to the Speaker's Conference Room?

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

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Through you, Mr. Speaker, would the sponsor yield?

MR. BURDICK: Yes, of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. TAGUE: Thank you, Mr. Burdick. I had just a couple quick questions.

MR. BURDICK: Certainly.

MR. TAGUE: First of all, with this piece of legislation, what are you defining as a "wetland"?

MR. BURDICK: Well, actually, the definition of wetlands is already in the DEC Environmental Conservation Law, and regulations that have been issued pursuant to them.

MR. TAGUE: But is there or isn't there also a definition of a Federal wetland?

MR. BURDICK: Yes, of course.

MR. TAGUE: And could individuals come to the town or the village planning board or town or village board and say that they have wetlands on their property?

MR. BURDICK: No, it would need to be the State.

MR. TAGUE: What's that?

MR. BURDICK: No, it would be the role of the State to make that determination. DEC, as you may know, maps wetlands, and -- and so that is something that has been a process that's been in place for quite some time.

MR. TAGUE: Let me ask you this. What has changed in this bill since last year when the Governor vetoed it?

MR. BURDICK: Nothing.

MR. TAGUE: Okay. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: I think we just heard the answer. Nothing has changed in this bill since the Governor vetoed it. Our DEC does an excellent job monitoring our wetlands throughout the State of New York, and in some cases the EPA. I would just say that this -- this bill is not needed. It's a waste of our time. It's not any better than it was last year. I will be voting no and I urge all my fellow members to vote no and let's not waste the time of our local governments, waste the time of DEC. Let them do their jobs. They're professionals and they know what they're doing. Thank you.

ACTING SPEAKER EPSTEIN: Read the last section.

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

ACTING SPEAKER EPSTEIN: A Party vote has

been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislative change. Certainly, those who support it are encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER EPSTEIN: Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative. Those who wish to vote in the negative can come to the Chamber and cast their vote.

ACTING SPEAKER EPSTEIN: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Burdick to explain your vote.

MR. BURDICK: Thank you, Mr. Speaker, to explain my vote. I first wish to thank the Chair of the Environmental Conservation Committee, Deborah Glick, as well as the Speaker, for allowing this bill to come to the floor. I also wish to thank the 75 cosponsors of this bill, including some from the other side of the aisle. And, you know, it was just asked of me what has changed. No, the bill itself has not changed, but I can say that day by day we hear more and more about contaminants in our drinking water, about pesticides that are leaching into our groundwater. We know that millions of dollars are being spent by local governments in order to get PFOS and PFAS out of their public water supplies, something that wasn't

required only a few years ago. And as we learn more about the harmful effects of these toxins in our drinking water, we should take preventative action rather than dealing with the problem afterwards. This bill simply complies with the common Statewide approach, which since 1977 has provided for local freshwater wetlands laws. It works in harmony with the DEC's regulatory scheme. And I want to commend all of those who support this and I vote in the affirmative.

Thank you.

ACTING SPEAKER EPSTEIN: Mr. Burdick 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. For the purpose of an introduction on behalf Assemblymember Anderson, we have a couple of guests in the Chamber. We have Maxine Elliott, who is the sister of renowned music -- music artist Rayquon Elliott, aka Stack Bundles. Unfortunately, the young man died from gun violence and so every year she organizes a Stop the Violence basketball tournament. She's also joined by Saveen Ulmer (phonetic), Jody Ulmer (phonetic) and Prince Williams, their cousins.

And so if we could extend the cordialities of the House, I would greatly appreciate it.

ACTING SPEAKER EPSTEIN: Thank you. On

behalf of the Speaker, Member Anderson, Member Solages, I want to welcome Ms. Elliott (inaudible) to the Chamber. I'm sorry for your loss, and please enjoy the cordialities of the House and we welcome you to the Chamber.

(Applause)

Page 26 -- page 25, Calendar No. 74, the Clerk will read.

THE CLERK: Assembly No. A03113-A, Rule -- Calendar No. 74, Clark, Fahy, Reyes, Simon, Glick, González-Rojas, Gallagher, Epstein, McMahon, Simone, Lunsford, Aubry, De Los Santos, Dickens, Raga. An act to amend the Public Health Law, in relation to enhancing the scope of health equity impact assessments to require consideration of reproductive health services and maternal health care.

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

Ms. Clark, an explanation has been requested.

MS. CLARK: Happy to give one, thank you, Mr. Speaker. So this bill would add additional pro -- provision to the health equity impact assessment that was chaptered last year and passed, regarding how a proposed project would impact the availability of reproductive health services and maternal healthcare for healthcare facilities undergoing a Certificate of Need process.

ACTING SPEAKER EPSTEIN: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Would the

sponsor yield for some questions?

ACTING SPEAKER EPSTEIN: Will the sponsor yield?

MS. CLARK: Of course I will yield.

ACTING SPEAKER EPSTEIN: The sponsor yields.

MR. JENSEN: Thank you very much. In the original chapter that instituted the health equity impact assessment, is there any other -- certainly that -- that chapter lists a long -- a wide array of things that has to -- have to be considered with an adjustment to a Certificate of Need under this assessment. In the existing chapter, is there any other areas of medicine or practices of medicine that are specifically mentioned as having to be taken into account in the health equity impact assessment?

MS. CLARK: No. This is, you know, I -- I understand what we were trying to do with the health assessment, completely agree that we need to really look at disparities across all health services and our -- and what different consolidations or closures will do to that. But we don't call out any specific in the original. The importance here is that between the Reproductive Health Act and hopefully with the constitutionally-approved Equal Rights Amendment that we are working on here, reproductive rights are now statutorily protected in the State and, therefore, I think need to be part of it.

MR. JENSEN: So, with these two potential areas of practice specifically being added if this legislation were to be passed

and signed into law by the Governor, wouldn't the Commissioner of Health, when assessing that assessment as part of the larger Certificate of Need application, wouldn't they already be taking into account the issues you bring up based on the other provisions that are in the chapter, especially talking about access in underserved communities and protected classes that would match up with the constitutional and other --

ACTING SPEAKER EPSTEIN: Members, we are on debate. Can we keep the chatter down? If you want to talk, can you go outside? Thank you.

Go ahead, Mr. Jensen.

MS. CLARK: I got you.

MR. JENSEN: Yeah.

MS. CLARK: I think obviously they could. I think the whole point of doing the assessment was to put in statute what kind of health disparities are really important for us to look at, and we put in a lot about demographics, we put in a lot about geographic and all the different things that could be included in that. This is particularly important to call out, given the fact that we, as a State, have passed the Reproductive Health Act, guaranteeing in statute very specific rights and will do the same, hopefully. We've passed in this Body, the -- again, the Equal Rights Amendment, which does look at pregnancy, pregnancy outcomes and gender as protected classes and really, therefore, I think need -- it's a very specific piece looked at. We also know already in the State of New York, 1.2 million New

Yorkers or women in New York don't have access, are in what we consider contraceptive deserts. So we already know there's a huge impact here. We know now statutorily that these rights are guaranteed to women in our State, and we need to make sure they're addressed in -- specifically in this needs assessment.

MR. JENSEN: But if we're -- if we're looking to fulfill the original intent of the original chapter where we're looking at ensuring that any changes to a Certificate of Need do not negatively impact health disparities, would we just as much care about ensuring no change in access to emergency departments, pediatrics, pharmacy services, oncology, neurology, cardiology, occupational or physical therapy? Aren't -- isn't every other practice of medicine just as important in addressing the original intent of the chapter that put into place the Health Equity Assessment if we're actually caring about addressing health disparities in communities?

MS. CLARK: Of course. This is just a tiny piece of an overall assessment. The reason I think it needs to have a very specific -- addressed very specifically is because of the other actions we've taken in this Body to ensure reproductive health access for everyone in New York.

MR. JENSEN: The effective date of this legislation has the same effective date as the original chapter, which I believe is going to be June 23rd of this year. With projects and Certificates of Need currently being assessed, being written with the Department of Health's development of the regulations in process, doesn't adding this

new change to the original chapter throw a little bit into disarray any active applications that may be being prepared in preparation for the original effective date of June 23rd of the original chapter?

MS. CLARK: I think it's great news that we're passing this, or potentially passing this before those regs have come out so that we can make sure it's included. I don't think, again, that this is going to hold up a process or affect anyone who's guessing what those regulations might look like already and -- and putting something forth. We have time and I look forward to having this added as -- as those regulations come out in a few weeks.

MR. JENSEN: A original provision in the original chapter was that a third party had to be the one preparing the Health Equity Impact Assessment. It's a costly contract for a health provider, for a facility, for a system to enter into. And with the effective date of the original statute of June 23rd, with this prospective -- effective date the same but, yet, if passed, unknowing when it's going to be sent to the Governor for signature or veto, is there an issue where you could run into some sort of contractual inconsistency with a health provider that has contracted for a third-party entity to prepare the Health Equity Impact Assessment, and then -- then be out of compliance while it's being reviewed by the Department of Health and two different applications of the law having to be taken into account simultaneously?

MS. CLARK: I mean, I don't see -- we can always address these things if they come up as it is -- moves forward to

signature by the Governor, and what we may or not have to do at that moment, but at this time I don't really see -- see this as being something that would really throw this whole thing into disarray.

MR. JENSEN: Is there any concern that adding these two areas of practice of medicine, is there any concern that they could be in conflict with any other aspect of the Health Equity Impact Assessment and the requirements therein? Is there -- is there a level of importance about what takes precedent over something else? Is there any impact on that?

MS. CLARK: I -- I don't see why there'd be any impact on that.

MR. JENSEN: Okay. How -- would this have any impact on -- now that we're adding these specific class of practice, would there be any impact into what type of third parties would be able to prepare the Health Equity Impact Assessment for healthcare providers?

MS. CLARK: I don't see why that would be -- there would be any impact there either.

MR. JENSEN: Okay. So certainly in our community right now we -- we are home to two major healthcare systems, one of which has got an active project ongoing. Has there been any feedback that you've heard from them about how this would impact -- this new requirement would impact any ongoing projects that may be happening whether in our community or even talking with providers from across the State. Have they provided any feedback to you on

that process?

MS. CLARK: Yeah, I mean, I think there are some folks who, you know, had some general thoughts about the entirety of the needs assessment, or the -- and adding the -- the Health Equity Impact Assessment in general. And, you know, I -- I do know that there have been concerns about seeing this as leering or calling out very specific pieces and -- and not wanting that to continue to happen. We've made the case and continue to make the case that these -- again, we have the Reproductive Health Act which has been passed and put into statute some protections around this, which is why it needs its own very specific piece to be sure it's addressed in this, and that's the case we continue to make. We see reproductive -- you know, as much as we may do in this Body to ensure people have the rights to reproductive health services and all the different maternal health services that they need, pregnancy, pregnancy outcomes, all those different things, it doesn't matter if people can't access those services and that's why it needs its own very specific piece in this health assessment, given all that we've done in this Body to already ensure those rights for everybody.

MR. JENSEN: But there are -- we're going back, there are active projects that are being contemplated under the existing framework. And so just going back, and maybe I'm repeating myself or going down the same line of thought, but if we already have ongoing Certificate of Need applications being prepared, is there a concern that this type of change when we don't know if third-party

agreements can actually fulfill, if we don't have regulations on how expertise on maternal health or reproductive OB/GYN services and care are taken into account when reviewing medical need and impact on health disparities. Is there a concern that this change coming so late in the process could negatively harm even the -- the best-intended projects that look to increase healthcare outcomes within a community?

MS. CLARK: I mean, projects that are already ongoing, the regs haven't come out yet on the -- the health assessment. So there -- there hasn't been that process done yet.

MR. JENSEN: But -- but what I'm saying is, if I'm a healthcare provider and I'm looking at submitting a change in my Certificate of Need, whether it's because I want to consolidate or something that would be eligible would be increasing my capacity to serve the community and I've already maybe entered into an agreement because I know that the framework and the regs are going to such as it is because we're a couple, three weeks away from the June 23rd effective date, my question is, does this have the potential to negatively impact projects that have maybe already received funding through the grant system that's at the Governor's discretion? Is there a concern that this could impact or knock off kilter any existing projects that are making their way down the pipeline that would negatively now impact addressing health disparities?

MS. CLARK: I mean, I don't -- I don't see why -- I mean, if we're talking about a project that's negatively affecting access

to reproductive health, my guess is, you know, those are things, in -- I mean, in my opinion, those are things that really need to be looked at. I don't think it would knock anything off kilter or, again, I don't see this as being a huge burdensome piece added to the assessment. So --

MR. JENSEN: But if I'm -- so you mentioned earlier that there are certain care deserts for certain areas of practice in medicine. And if I'm a provider and I'm filling -- I'm going to be very shortly submitting a Certificate of Need application to build out my emergency department, maybe add beds, and I'm in one of these -- these areas that would -- that's been qualified as a -- as a desert for maternal care or what have you. And my project has nothing to do with reducing services, yet because this legislation is being added into the assessment of the Certificate of Need, could now my project that would increase acute care or critical care aspect now be not approved because it does not address these things, even though that was never the intent in the first place?

MS. CLARK: It's -- it's just a consideration and there is the ability if it's not applicable to the project to -- I mean that is something that can be done. So obviously if it has nothing do with the project, it's not going to be -- were not asking people, you know, proactively to add this to their project. We're just trying to get an assessment of what the project is. So it's either not applicable or it's just a consideration, but we're not telling people they have to add this. We're just saying we need to understand what the project does in relation. Sometimes relation or sometimes not applicable.

MR. JENSEN: So outside the health equity impact assessment, as part of the Certificate of Need process, doesn't the Commissioner -- doesn't that office already have broad jurisdiction to weigh the impact to healthcare availability as part of either approving or denying a Certificate of Need? Wouldn't they already be abiding by the constitutional in statute questions that compelled you to introduce this legislation?

MS. CLARK: They are -- I mean the whole point is to put in statute the things that we want.

MR. JENSEN: But I'm -- but I'm saying if for any -- if these things -- if ensuring access to these areas of medicine are already being put in statute in other places, whether constitutionally or standalone statute, doesn't through the Certificate of Need process, outside of the assessment being added, doesn't the Commissioner of Health already have broad latitude to take into account the application of State law and the ability to provide care where care is needed as part of how they determine whether or not a Certificate of Need is approved or denied?

MS. CLARK: Having broad latitude means they can or can't do it and I'm ensuring that they will.

MR. JENSEN: Okay. Thank you very much, Ms. Clark. I appreciate your answers. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ra.

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

yield?

MS. CLARK: Of course.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. RA: Thank you very much. So I just have some questions as this pertains to faith-based healthcare systems because this would seem to have the potential to disproportionately impact faith-based systems that don't provide specific services and -- and rather follow the -- the ethical and religious directives that they follow and may prevent them from further expanding their network. So is the intent to only prevent the reduction of reproductive health services during a healthcare expansion that would require a Certificate of Need?

MS. CLARK: It's expansion, reduction, merger, acquisition. I'm trying to think.

MR. RA: But would -- would it only be only one that requires a Certificate of Need, correct?

MS. CLARK: One more time, sorry.

MR. RA: Only if a Certificate of Need is required for that expansion to go forward.

MS. CLARK: Yes.

MR. RA: Okay. So, you know, as I said oftentimes like I've seen on Long Island, Catholic Health Services, they've expanding into a lot of underserved areas trying to provide, you know, access to -- to people. So would this prevent -- if they were to do an expansion or trying to go into a new area that required a Certificate of

Need or -- or maybe they're merging with some practice that currently does certain procedures that they would not be willing to offer, would this prevent them from going forward with that type of merger?

MS. CLARK: This is -- this isn't about preventing, this is about understanding and making sure that it's very clear around reproductive health and what's happening, but it doesn't prevent anything.

MR. RA: Would -- would their Certificate of Need application, though, be denied as a result of the fact that they are a faith-based institution that doesn't perform certain types of procedures?

MS. CLARK: That would be up to the Commissioner, but this is just one of many pieces of an entire assessment. So if a Commissioner deems that, you know -- I mean as they take all information on everything, I don't think we should hide information from a Commissioner.

MR. RA: Sure.

MS. CLARK: We should be very clear about what's happening, but it's still not in an -- in an attempt to change the process by which those approvals are done.

MR. RA: Well, I mean I -- I think it is -- these faith-based hospital systems I think are very clear on what they're -- you know, I don't think they're trying to hide anything about what types of services they will or -- or won't offer. But thank -- thank you for answering the question.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you, sir. Yes. So just quickly. I -- I think that this language could -- could use a very, you know, just a little bit more clear language. I know we're at the end of Session here but something that for consideration in the future with this is to make it very clear that we're talking about situations, you know, that only require a Certificate of Need but -- but also just to -- our -- our faith-based hospital systems do a lot of great work and they're -- they're going into a lot of communities to try to make sure that there's access to care. There may be areas of the State that certain types of services are -- are not available but -- but by and large these types of -- these types of services that we're talking about under this bill are widely available in this State. And I'd -- I'd hate to see something inhibit the ability of our -- of our faith-based hospital systems to go out and -- and expand into -- into areas that are currently underserved because that is very much within their mission. So that is my concern with this bill and I'm going to be voting in the negative as a result. Thank you.

ACTING SPEAKER AUBRY: Mr. Brown.

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

MS. CLARK: Of course.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. K. BROWN: Thank you. I'd just like to expand

upon what the previous member was asking in terms of faith-based. We have faith-based hospitals operating all over Westchester, Long Island. We have not only Catholic Health Service [sic] but we also have Long Island Jewish. My specific question is, say you have a hospital system that is faith-based that buys a facility that is non-faith-based. Would that prevent them in any way, shape or form for acquiring that facility if they were not performing the types of services that the previous facility was operating?

MS. CLARK: I'm pretty sure Federal law doesn't allow that. This isn't about whether it can or can't acquire. It's about just being clear on the information as the process moves forward.

MR. K. BROWN: So -- so they submit a Certificate of Need. It includes the fact that they're going to be taking over this facility. I just want to be clear. So they would be permitted to still take over that facility and start their operations in accordance with their mission statement without any running afoul of any State law and this particular proposed law.

MS. CLARK: If the Commissioner approves it, absolutely.

MR. K. BROWN: So what standards are there for the Commissioner to decide one way or the other?

MS. CLARK: Everything in the Health Equity Impact Assessment that there is happening. I think they have to take into all the considerations when making their decision.

MR. K. BROWN: So is --

MS. CLARK: There's nothing weighted more or less or anything. It's in the totality of it. But we do know that it's really important to make sure all the information is very clear as those decisions are being made.

MR. K. BROWN: Well similar to the question that the ranker asked before. So let's say the Certificate of Need, they're doing work that's totally different, they want to expand. Say they buy a facility and they want to expand the emergency room and it doesn't have anything to do with the maternal ward at all. They would be permitted to do that?

MS. CLARK: Not applicable. This piece of that Health Equity Impact Assessment would be not applicable.

MR. K. BROWN: So, in other words, this is more or less just a survey then of what services are being provided and will be provided in the event of a Certificate of Need being filed.

MS. CLARK: Correct.

MR. K. BROWN: Okay. What -- is there any enforcement mechanisms? Say -- say they don't follow through with what they're saying they're going to do. Is there any penalties that the Commissioner can enforce?

MS. CLARK: Yeah. I mean if it's an incomplete or they're not -- I mean you're saying that they have not been -- they have not been truthful? What are you saying? That they didn't fill it out or...

MR. K. BROWN: For whatever reason they weren't

able to fulfill, maybe monetary reasons or otherwise or they had a change of heart.

MS. CLARK: I think the Commissioner -- I mean the Commissioner has the jurisdiction over that to do, you know, whatever -- I mean I think those are understandings that -- or those are things under the jurisdiction of the Commissioner of Health to take care of as needed.

MR. K. BROWN: Okay. And is there any ability for any faith-based hospital systems to waive any of the requirements under this provision?

MS. CLARK: Waive? I mean it's -- it's a provision to fill out an assessment of what services are going to remain, what services are being built out. What services are going to be reduced. So why would they waive -- why would they want to waive?

MR. K. BROWN: I guess I'll ask it a different way.

MS. CLARK: Okay.

MR. K. BROWN: Is there -- there's no possible way that the Department of Health Commissioner can impose a faith-based organization to do something that's not within its mission statement.

MS. CLARK: This isn't about imposing them to do anything. It's just an assessment of what they're planning to do.

MR. K. BROWN: And I just want -- I just want to clarify the bill for the record.

MS. CLARK: Okay.

MR. K. BROWN: So thank you very much. I have

no further questions.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. K. BROWN: Similar to the last member who asked questions, I'm -- I'm concerned about this bill directly targeting and impacting faith-based healthcare systems. We have several that operate throughout the State that perform needs for indigent people throughout the State. And based on the way this bill is written, I don't think I can support it. So I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take act on the 540th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed for the reasons that have been mentioned, but those who support it certainly can vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The Majority Conference will vote in the affirmative. Those who wish to vote against the provision, can come to the Chamber.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Mr. Speaker, and for the opportunity to explain my vote. As a mom of three, as someone who cares deeply about the health care women receive in this State, across my community and the many factors that go into it, we have seen an assault nationally on the right for women to make choices that they want to make or that they, you know, want to make over their own bodies. And we, in our State, have gone to -- we have gone further to really try to make sure that women have the right -- their reproductive rights to have -- to make those decisions and to do the things that they want with their own bodies. And we've done it statutorily and I'm excited for the moment we do it constitutionally as well. Given that, not of it matters, except if we have access to that care and, you know, this is just one small piece of a larger Health Equity Impact Assessment. We know there's disparities in maternal health and reproductive health all across our State and so making sure that we include that piece in here around reproductive health is really, really important so that we know the information. It's not -- it's not making anyone do anything that they don't want to do. It's not a way to not say that there are hospital systems that do other great things or care for people, but we have seen over time the erosion of clinics and access to care around reproductive health. We have two counties in our State that don't have any access. We have eight that are a two to three hour

drive, hospital systems are 70 percent of reproductive care access in our State. So I just think as we look at health care and we look at access to these services it's really, really, really important that we have the information that we need around this when it is applicable. So I just really am excited to see this move and vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Benedetto.

MR. BENEDETTO: Mr. Speaker, thank you so much for letting me interrupt the proceedings here but we do have a -- a special event. It's always -- we are blessed when somebody is a guest in this Chamber. And today we are doubly blessed because it is a family that has accompanied us. And you might say we're triply blessed because of the three Zebrowski children who are on the floor here today. You all are familiar with our colleague, the Golden Boy of the Democratic Conference, Mr. Ken Zebrowski, but he has brought along with him today his lovely and weary wife Clare who has joined us. And while the Golden Boy is up here sitting down voting on bills and at night sipping mint juleps, she's at home tending to the children and the children are three in number. You have the youngest who was born just a year ago, the one-year-old Nora who

Ken's holding in his hands.

(Applause)

And -- and the ever-rambunctious - and as you might guess - the outspoken Kenny, three years old, who's here laying down on the chair, okay?

(Applause)

And lastly the very, very lovely and how wonderfully, beautifully dressed she is in her rainbow-colored gown, and as you might suspect from looking closely at the gown, she is up here celebrating her fifth birthday today.

(Applause/cheering)

So, Mr. Speaker, after all of that, I implore you, please, welcome to the Assembly Chamber and offer them the -- of the House -- the cordialities, please.

ACTING SPEAKER AUBRY: On behalf of Mr. Benedetto - and I'm not so sure why - the Speaker and all the members, to the Zebrowski family, to all three of those beautiful children, angels are descending on us today, we welcome you here, you're family, you are always welcome. Please know that your husband and father misses you when he is here and you are not. Today he's happy because you are here and so is he. Thank you so very much. Know you're always welcome.

(Applause)

Page 10, Rules Report No. 271, the Clerk will read.

THE CLERK: Assembly No. S05572, Rules Report

No. 271, Senator Gouardes (Burgos -- A06796). An act to amend the Labor Law, in relation to increasing the earnings threshold for the applicability of certain provisions of law relating to the payment of wages.

ACTING SPEAKER AUBRY: Mr. Burgos an explanation is requested, sir.

MR. BURGOS: Surely. So in 2007 we changed the Labor Law here in New York State to create a misdemeanor penalty for employers who did not pay their employees within 30 days. We created a threshold for that payment to protect our specifically lower income workers, that threshold was \$900 a week, equating to \$46,800 a week [sic]. It's been 16 years since we've updated that law. Accounting for inflation and economic factors, that number should be and hopefully will be \$1,300 a week accounting to be 6-, 7,000, \$600 per year [sic].

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. BURGOS: Yes, sir.

ACTING SPEAKER AUBRY: Sponsor yields, sir.

MR. GOODELL: Thank you. So the only difference is to raise the income threshold; is that correct?

MR. BURGOS: That's correct.

MR. GOODELL: And does that have any other impact?

MR. BURGOS: No other impact. Just the threshold.

MR. GOODELL: And that's all -- so it relates to directly paying a deposit on the employee's wage in a bank or other financial institution?

MR. BURGOS: That's correct.

MR. GOODELL: Thank you for those clarifications.

MR. BURGOS: Thank you for a -- a very tough debate.

MR. GOODELL: We might be able to make it tougher. No, thank you, though. 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.

(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. 436.

THE CLERK: Assembly No. A02546, Rules Report No. 436, Colton, Rivera, Cruz, Aubry, DeStefano, Dickens, Hyndman,

Williams, Taylor, Jacobson, Seawright, Bendett. An act to amend the Vehicle and Traffic Law, in relation to parking infractions.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: So currently if there is a defective parking ticket that's issued to somebody, the owner of the vehicle can apply to the court to have the parking ticket dismissed on the grounds of it's defective. What this bill would do is say that the court must dismiss it on its own if the court thinks that the parking ticket is illegible or otherwise defective. And the problem is that this would put a new burden on the court to independently, on its own with no staff, assistance or anything else, review the adequacy and legibility of every parking ticket. And that's why the Office of the New York City Mayor said this mandate may quickly become difficult for a bureau to enforce depending on the volume of violations. So the responsibility to ask for the dismissal ought to be on the person who gets the parking ticket. And who better to check to see if the parking ticket is legible or correct and whether or not the car was illegally parked or not than the owner of the car. And so for that simple reason, I recommend against this bill. Certainly, if you get a parking ticket and it's illegible or defective, you should ask for it to be dismissed. But in the meantime, you shouldn't expect the court to examine all your traffic tickets or parking citations and dismiss it for you on its own. For that

reason I'll be opposing it. 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: Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference recommends against parking illegally, but that's not this bill. Generally we're opposed to this bill, but those who support it are certainly encouraged to vote in favor of it; 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 favor of this piece of legislation; however, there may be some who decide to be an exception. They should feel free to vote at their desks. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you both.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. On behalf of our member Fahy, I would like to welcome some guests to our Chambers if you would, please. We have Anna Peng [sic], she is the girlfriend of the late son of Member Fahy, Brendan Fahy Bequette. We have Musa Kanneh, the friend, the best friend of Brendan Fahy Bequette, and Wayne Bequette, husband and Brendan's father. If you would be so kind, Mr. Speaker, as to welcome these very distinguished guests to our Chambers, offer them the cordialities of the House on behalf of Ms. Fahy, as well as all of us.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Ms. Fahy, the Speaker and all the members, we welcome you here to the New York State Assembly. You are our family. You always have privileges of the floor. Thank you for coming and sharing this day with us. Thank you for sharing this time with Ms. Fahy who we all share love and affection for her just as you do. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now continue on our debate list. We are going to go to Rules Report No. 475 by Ms. Weinstein; followed by Rules Report No. 566 by Mr. Taylor and then to Rules Report No. 428 by Ms. Rozic; followed by Rules Report No. 332 Mr. Stirpe and Rules Report No. 229 by Mr. Rivera. In that order. Thank you, Mr. Speaker.

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

Page 17, Rules Report No. 475, the Clerk will read.

THE CLERK: Assembly No. A07351, Rules Report No. 475, Weinstein, Dinowitz, Gibbs. An act to amend the Civil Practice Law and Rules, the Business Corporation Law, the General Associations Law, the Limited Liability Company Law, the Not-For-Profit Corporation Law and the Partnership Law, in relation to consent to jurisdiction by foreign business organizations authorized to do business in New York.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced, and Ms. Weinstein an explanation is requested.

MS. WEINSTEIN: Well, first let me just say this is not a budget bill, but it's always a pleasure, Mr. Goodell, to speak with you, debate with you.

This bill is a legislative response to the U.S. Supreme Court's 2014 holding in *Daimler* which represented a major change in how New York jurisdiction is obtained over foreign, meaning a non-New York corporation in the courts of this State. In *Daimler* the court held that a corporation -- Supreme Court held that a corporation could only be sued in a state if they were, in quotes, "at home in that state." And prior to *Daimler*, the U.S. Supreme Court and the New York State Court of Appeals holdings permitted a state to acquire jurisdiction over a corporation if they had established

certain minimum contacts with the state which could be demonstrated if corporations systematically did business in the state. Thus, this U.S. Supreme Court decision has significantly raised the bar on whether a corporation be called to account for its actions before the courts of this State. And from a business perspective, this court decision is proving to be highly problematic. New York State businesses like to have reasonable expectations that when they do business with a foreign corporation, if things go wrong in a business deal they will not have -- have to litigate against a corporation in some out-of-state venue where that corporation has chosen its headquarters. Indeed, this may even place domestic corporations at a functional and practical disadvantage over foreign corporations if they cannot seek redress in New York. And from a consumer's perspective it's even worse. Forcing a consumer to have to chase down a foreign corporation in another state, even though that corporation systematically sells goods or services in New York, is fundamentally unfair. So the bill before you simply says that if you seek and obtain authority to do business in the State of New York from the Secretary of State, you have been deemed to consent to jurisdiction in the State of New York. And it's only logical for business if they're able to sue in New York State, that they must -- and they have to obtain that authority from the Secretary of State to be able to sue in New York State then as per the logic of this bill. If they can sue, they should be able to be sued. With that, Mr. Goodell, happy to answer any questions.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you, Ms. Weinstein. You mentioned the *Daimler* case and it's my understanding that what that case said is that in order to sue another party, another corp -- to sue a corporation in a particular state, that corporation itself or that action had to have some nexus to the state where the lawsuit is commenced, correct?

MS. WEINSTEIN: Yes, basically.

MR. GOODELL: And so in other words, using that case, you couldn't sue *Daimler* in New York unless the cause of action arose in New York. In other words unless *Daimler* did something here in New York State, correct?

MS. WEINSTEIN: Or if this was the -- the state's home under -- so specific jurisdiction of -- of *Daimler* if the event took place in New York State and if they were -- if their headquarters was in New York State there'd be general jurisdiction, yes.

MR. GOODELL: Now, of course, under New York State law a corporation can't sue a New York resident unless they're registered to do business in New York State. It's one of the criteria for even getting access to the court, correct?

MS. WEINSTEIN: Correct.

MR. GOODELL: And so you can have situations where someone buys a product from a corporation in Pennsylvania or outside the State. They bring that product across the State line. They don't pay for it or they don't pay completely for it or whatever. The foreign corporation in order to sue the New York resident who bought the product in Pennsylvania still has to register in New York in order to bring the lawsuit in New York, correct?

MS. WEINSTEIN: Yes, though, it's not with -- you know, it's not what this bill is about, because I would just take your example one step further and that New York resident comes back to New York with this product they bought in a different state and a company that's headquarters out of New York State and the product is defective or someone gets injured. In order to sue the maker of that product under *Daimler*, it would be difficult. But under this legislation it would make clear that our State law if that company was registered to be able to sue that person in New York State that they also can be themselves sued in New York State.

MR. GOODELL: And indeed that's exactly what happened in *Daimler*, right? I mean the company sold a product, that product was taken by the consumer across state lines. The company itself had no other connection with that state other than the consumer had to travel there and then the consumer sued the company, correct?

MS. WEINSTEIN: Yes, yes.

MR. GOODELL: And the Supreme Court said, sorry. Under the U.S. Constitution you can't sue a company anywhere

you want, you have to sue them where the company has some connection, correct?

MS. WEINSTEIN: Yes, that's correct. But as relates to New York -- well, first and -- and this legislation, the issue of consent to jurisdiction was not a subject matter of the *Daimler* -- it was not a subject of the *Daimler* case. So this issue that we're trying to address now, this clarification really of New York law is -- was not addressed by *Daimler*. But subsequent to *Daimler*, we've seen courts apply *Daimler* to deny New York citizens and New York businesses based here the ability to sue corporations that do business here in New York, but are housed out -- outside of New York. And prior to *Daimler*, the -- it was readily acknowledged that our law basically granted consent jurisdiction by corporations once they registered in -- in New York State. And in fact, Judge Wilson, now Chief Judge Wilson in the dissent in *Aybar* in 2021, actually said for more than a century courts and commentators have widely understood that by registering to do business in New York a corporation consents to personal jurisdiction in our courts. So actually at the time that this case of *Aybar* was brought before our Court of Appeals, Judge Wilson again, now Chief Judge, didn't even think that we needed this clarification of -- that we are -- we put in -- we will put in the law by the passage of this bill once it would be signed into law.

MR. GOODELL: And, of course, sadly for the Chief Judge, it turns out he was wrong, because otherwise we wouldn't be here talking about this, but can I --

MS. WEINSTEIN: This isn't --

MR. GOODELL: -- ask you about --

MS. WEINSTEIN: Sure. I'm just saying that this is, I believe, the clarification and reassertion of our State -- of what has been our State law now following the *Daimler* decision, and bad decisions that have followed following *Daimler*.

MR. GOODELL: So we have a -- a number of decisions that ruled on this particular issue. This issue being, is merely filing a request for authority to do business enough to give jurisdiction on unrelated claims? That is claims that did not arise of any action by the defendant in New York. So we have Brown vs. CVS saying a Connecticut statute that conferred out-of-state jurisdiction based on registration was unconstitutional. Isn't that exactly what this tries to do?

MS. WEINSTEIN: Well, there are -- so far, you know, there are states where - or at least in Georgia - where their Supreme Court said to the contrary, that they said registration in fact was consent.

MR. GOODELL: Well, I mean that's not the only case. We have as AstraZeneca vs. Mylan Pharms. We have Golf Course Bank & Trust vs. Designated [sic] Conveyor. We have Perez vs. Air vs. Liquid Systems [sic]. I mean all of them say the same thing, that mere registration is insufficient to establish jurisdiction.

MS. WEINSTEIN: That -- that is other courts and I do believe, as I think you know, that this issue will ultimately be

decided by the U.S. Supreme Court, perhaps shortly. But that's not a reason for us not to reinstate what the law was prior to *Daimler* in New York State.

MR. GOODELL: Okay. So the reason of course the *Daimler* decision than a half dozen other Federal Courts have all ruled that there's insufficient for jurisdiction is because you can have a situation where a company say in Alaska sells a product in Alaska, has almost nothing to do with New York State other than the fact it files for authorization to do business. This legislation will give somebody a New York resident the right to sue the Alaskan corporation in New York?

MS. WEINSTEIN: If -- if they register to do business in New York and they in fact are doing business in New York and said we want to be able to sue New Yorkers who use our product then the reverse should be true. That New Yorkers should be able to sue the Alaskan company when there's -- when they're here.

MR. GOODELL: So of course when someone brings a lawsuit in New York, they're obviously consenting to jurisdiction not for that lawsuit, I mean they're -- they're bringing a lawsuit. And so you're saying the only way a foreign corporation from many of the other states - whether it's Alaska or wherever - can bring an action against a New York resident is if they consent to having any New York resident sue them in return; is that correct? That's the whole purpose of this, right?

MS. WEINSTEIN: That one basis of -- of

jurisdiction. There obviously are other bases of jurisdiction and general jurisdiction and -- and specific jurisdiction, but what if -- you know, again, the corporation wants the ability to sue New Yorkers, New Yorkers should have the ability to sue that corporation.

MR. GOODELL: No matter where that corporation might be and whether or not it ever did any business at all in New York, correct?

MS. WEINSTEIN: Well, if it's registered to -- if they registered with the Secretary of State to do business in New York, presumably they're looking to do business in New York. We're a very large state with lots of businesses and consumers that probably want that -- that Alaskan company wants to sell products or services to.

MR. GOODELL: Now, we've received an extensive legal memorandum from the New York City Bar Association, single spaced, runs five pages long.

MS. WEINSTEIN: Oh, you know lawyers.

MR. GOODELL: Of course. But when the New York City Bar Association does that, I don't think they're paying lawyers, I think it's volunteer. But in any event, is it your view that their well researched and documented analysis is simply wrong on the illegality and unconstitutionality of this proposed legislation?

MS. WEINSTEIN: Yes. Yes, I do.

MR. GOODELL: Okay.

MS. WEINSTEIN: And -- and --

MR. GOODELL: We might as well cut to the

chase --

MS. WEINSTEIN: --and -- and --

MR. GOODELL: -- (inaudible) all New York City Bar Association people who would benefit by the way from this bill --

MS. WEINSTEIN: Well, they we can --

MR. GOODELL: -- (inaudible) when they say yeah yeah, we'd like to be able --

MS. WEINSTEIN: And we could go --

MR. GOODELL: -- to sue anyone anywhere but we don't think we can do it constitutionally.

MS. WEINSTEIN: So, Mr. Goodell, then we can go back to our discussion of two years ago when I say to you that the OCA, civil practice committee, made up of 38 really nationally (inaudible) -- in some cases nationally-renowned experts disagree with the City bar's position and feel that this legislation is needed and constitutional.

MR. GOODELL: And indeed this is actually an OCA program bill.

MS. WEINSTEIN: Correct.

MR. GOODELL: And I wanted to reassure all my colleagues that you weren't necessarily the draftsman on this bill. And OCA stands for out of control court administrators?

MS. WEINSTEIN: Well, I would say that I was interested in introducing legislation in this issue when I chaired the Judiciary Committee and the decision came out. And at the same time

that we were researching our own introduction of legislation, the court administration forwarded their -- we consulted with the CPLR advisory committee to the Chief Judge and they vetted the issue amongst their -- themselves and these learned individuals - I'll refrain from characterizing what the OCA stands for - but the members of the Advisory Committee of the Office of Court Administration came up with this, I believe, well-reasoned approach to restoring some justice for New Yorkers and New York corporations.

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

On the bill.

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

MR. GOODELL: I -- I pointed out that this is an OCA program bill as a courtesy to my colleague so that none of my comments might in any way reflect adversely on her. Although I will share with you that in my opinion the absolutely worst bills I have ever seen in my entire life have come from OCA. And unfortunately I only have like 20 minutes left if I take an extra 15 to just list the horrific bills we get from OCA. I mean they just are mind-boggling in their absurdity and sometimes horrific results that they are suggesting. But separate from my lack of respect for OCA, and there's a whole list of other acronyms [sic] that I would come up with for OCA other than out of control court administrators, that's the nicest one I could say in polite company. The fundamental problem with this bill is that

not only has the U.S. Supreme Court ruled on this issue, but several other Federal Courts have ruled on exactly this issue. Now I haven't taken the time to send copies of those cases to the OCA with a simple summary in eighth grade English so that they could understand it, but the fundamental premise for all of us in this Chamber is very simple. You cannot bring a lawsuit in New York against a New York resident in a New York court unless you're authorized to do business in New York, it's a simple form. And that's to protect New York residents. And most assuredly if you're a New York resident, the New York court is going to have jurisdiction over you. If you live in the state, the New York court is going to have jurisdiction but you have to file that registration document if you're a foreign corporation to sue in New York. But what this bill says is if you're in New York and a foreign corporation that has done absolutely nothing whatsoever in New York State ever since the beginning of time to today can be sued in New York for something that happened in some other state merely if they file that form. So let me tell you what this will mean as pointed out by the Business Council and the New York Bankers Association and the Lawsuit Reform Alliance and the New York City Bar Association, what it means is that foreign corporations won't even file in New York, and they will be extraordinarily reluctant to make sales in New York if it involves extension of any significant credit because of this potential for liability. We are already recognized nationally and internationally for our hostility to businesses. We don't have to make it work -- worse by filing the Federal Commerce Clause

and multiple Federal cases by exposing these corporations to unlimited lawsuits in New York State over transactions that have absolutely nothing to do with New York State at all. And so this will undoubtedly result in companies leaving New York State. It will encourage out-of-state litigation. And even though it would encourage out-of-state litigation that would be beneficial to the New York State Bar Association, in a rare move of honesty and integrity, the New York State Bar Association itself has said that even though we would benefit financially from this type of legislation, it is unconstitutional and should not be adopted. Thank you again to my colleague for your graciousness. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Surprisingly the Republican Conference is generally opposed to this but there may be those who would like to support it and can do so by voting here on the floor in favor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is usually going to be in favor of this piece of legislation; however, there may be a few that would

desire to be an exception. They should feel free to do so and vote at their seat. Thank you.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 566, the Clerk will read.

THE CLERK: Assembly No. A07665, Rules Report No. 566, Taylor. An act to amend the Real Property Tax Law, in relation to income requirements for certain real property tax exemptions in a city with population of one million or more.

ACTING SPEAKER LUNSFORD: On a motion by the Senate -- on a motion by Mr. Taylor, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Mr. Taylor.

MR. TAYLOR: Thank you, Madam Speaker. This bill is a clean up of Part K of the budget. Part K created a uniform definition of income for the SCRIE, DRIE, DHE, SCHE programs to simplify the process for seniors when they are applying for these programs. It has been brought to our attention that the change in definition that was agreed upon in Part K may have inadvertently caused some current New York City residents recipients to see a

reduction in their current benefits. This bill will ensure that no New York City residents loses his or her benefit or sees a reduction in their benefits as a result of the change of definition of income.

ACTING SPEAKER LUNSFORD: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MR. TAYLOR: Yes.

ACTING SPEAKER LUNSFORD: After some consideration the sponsor has decided to yield.

MR. GOODELL: Thank you, Mr. Taylor.

MR. TAYLOR: Thank you.

MR. GOODELL: To be honest with you we don't normally use those phrases where I live; a SCRIE, DRIE, SCHE, DHE.

MR. TAYLOR: Okay.

MR. GOODELL: But all of these are income-based programs, are they not?

MR. TAYLOR: Correct.

MR. GOODELL: And what's the income threshold for these different programs? Are they based on family size as well?

MR. TAYLOR: \$50,000.

MR. GOODELL: \$50,000?

MR. TAYLOR: Yes.

MR. GOODELL: And so if you have more than 50,000 you're not eligible, you have to be under 50,000 to be eligible.

MR. TAYLOR: 50,000 across the board, 50 or less.

MR. GOODELL: Now I see under this revised statutory definition, in calculating the income of an applicant the statute that we're discussing now --

MR. TAYLOR: Yes.

MR. GOODELL: -- subtracts any distributions received from an individual retirement account and an individual retirement annuity.

MR. TAYLOR: Correct. That's correct, sir.

MR. GOODELL: And the statutory language doesn't provide any limits or guidelines on how much that retirement income can be subtracted, correct?

MR. TAYLOR: It's whatever the current law says at this point.

MR. GOODELL: So my question I guess is let's say, as an example, that you're getting \$60,000 in distributions from your IRA or and an individual retirement annuity. So the amount you get from the IRA and the annuity is well in excess of the \$50,000 threshold. Why are we allowing someone who might be earning double or triple the income threshold to qualify these programs?

MR. TAYLOR: Thank you, my apologies. Current law that already exists, we're not touching that in this conversation, it already exists.

MR. GOODELL: Well, I'm looking at the new language that's contained on page 1, lines 11 through 13 as an example or it's also on -- on the next page as well. You're saying that -- I mean it looks like it's new language or am I missing something?

MR. TAYLOR: Just one second, please.

(Pause)

So that does exist and it existed previously and was just being added in this conversation of the budget, correct.

(Pause)

MR. GOODELL: So, as I understand it, we currently include household income, we include all Social Security, Social Security Supplemental Insurance, Social Security Disability, salary, pension, business income, public assistance benefits, unemployment benefits and all other sources of income except under this bill. All IRA or retirement annuity income. Why is it that we consider ourselves Social Security, Social Security Disability and public pensions and everything else but have a carveout for IRAs or -- or retirement annuities? Is there a reason why we want to carve out those while we include everything else?

(Pause)

MR. TAYLOR: Thank you. My apologies for the delay. So my understanding is because of the STAR Program they wanted to make sure that these incomes were mirroring the same thing. So the STAR Program gives them the carveout.

MR. GOODELL: Okay. Thank you very much, Mr.

Taylor.

MR. TAYLOR: Thank you.

MR. GOODELL: On the bill, Madam Speaker.

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

MR. GOODELL: These programs for disabled homeowners' exemption, senior citizen homeowners exemption, senior citizen rent increase exemption and the disability rent increase exemption are great programs, and all these programs help those groups of people get a real property tax break, and that's a great program. It is also however income limited. And so the definition starts out with your adjusted gross income and that adjusted gross income includes what you would expect on your Federal tax return whether it's pension or -- or salary or other income, but what's unique about this particular bill is for reasons I'm -- I apologize. I -- I can't understand, it excludes all distributions from an IRA or from a retirement annuity. And as you know when you make payments into an IRA, the whole purpose of making a payment into an IRA is to protect you in retirement but you do it with tax exempt money. And so you don't pay income tax until you take it out from the IRA. And so it seems to me that if you're taking money out of the IRA and for the first time paying income taxes and treating it just like income, we ought to treat it as income for the purpose of these programs as well. And why does it make a difference? Because you could under this carveout be receiving well in excess of the income threshold, which

means you're getting an undeserved tax break. And when you get an undeserved tax break that means somebody else is paying higher taxes. So I fully support the program. I think it's a great program. I fully support the income limitations, but I don't support an unlimited carveout for IRAs or retirement annuities in calculating the eligibility for the program.

Thank you, Madam Speaker, and again, thank you to my colleague for trying to get me up to speed on this bill. Thank you, sir.

ACTING SPEAKER LUNSFORD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LUNSFORD: A Party vote has been requested.

Mr. Goodell.

(Pause)

A Party vote has been requested.

MR. GOODELL: Yes, thank you Madam Speaker, and the Republican Conference is generally opposed. Those who wish to support it can certainly vote yes here on the floor. Thank you, Madam Speaker.

ACTING SPEAKER LUNSFORD: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, the Majority Conference is going to be in favor of this piece of legislation.

There may be a few of us that would like to be an exception, they should feel free to do so. Thank you.

ACTING SPEAKER LUNSFORD: 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.

Page 14, Rules Report No. 428, the Clerk will read.

THE CLERK: Senate No. S04516, Rules Report No. 428, Senator Fernandez (Rozic, Mamdani, Bichotte Hermelyn, Fahy, González-Rojas, Paulin, Burdick, L. Rosenthal, Kelles, Ardila, Epstein, Simone--A00581). An act to amend the General Obligations Law, in relation to violations of nondisclosure agreements in certain settlement agreements.

ACTING SPEAKER LUNSFORD: An explanation has been requested, Ms. Rozic.

MS. ROZIC: Thank you, Madam Speaker. This bill would prohibit liquidated damages, provisions in confidential settlements of harassment and discrimination claims. Targets of sexual harassment and discrimination are often required to sign NDAs in order to receive compensation for the harm they've experienced. These agreements frequently include provisions requiring a plaintiff to pay liquidated damages if they violate the agreement. So it's often the case that survivors who later change their minds or were originally

coerced into signing NDAs face an enormous financial penalty for speaking out about what happened to them even if it's to their relative. So this legislation protects these survivors from facing these financial sanctions for sharing their experiences later on. It also bars settlements of harassment and discrimination claims from including any terms or conditions requiring a plaintiff to pay liquidated damages for violating the NDA.

ACTING SPEAKER LUNSFORD: There's a fair amount of chatter, we're on debate. If we could just have some quiet. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER LUNSFORD: On the bill.

MR. GOODELL: So what this legislation essentially does is virtually eliminate the ability of a employer to require a nondisclosure agreement as part of a settlement of a claim alleging sexual harassment or discrimination. And it further makes it clear that even if the person who's making the claim wants a nondisclosure agreement, they cannot agree in advance, there has to be at least a seven-day period in which they can change their mind. And it eliminates the ability of an employer as part of settlement to get a release from any further liability, and it provides that standard enforcement provisions that are in a nondisclosure agreement, even if it's agreed to by the claimant, are unenforceable, such as stopping

payment if it's a -- an installment payment agreement, for example. If you violate a nondisclosure agreement, that plea the employer won't continue to make payments because you violated the agreement.

Typically, the parties agree in advance on liquidated damages, which means that rather having a lawsuit for breach of contract, both sides know what the liability is.

Now, as mentioned by the sponsor, there are some claimants who like this idea that they can settle and then talk about it, talk about their claim. And that's really attractive particularly if the defendant is a public figure or a high-profile individual or a high-profile company. And, in fact, we have situations where people have signed these nondisclosure agreements and then went on and sold their story, if you will, in violation of nondisclosure agreement. Here's the problem, though. If we, as a Legislature, make these nondisclosure agreements unenforceable, or eliminate the ability for -- for them to be enforced, either we void them all together or we make it impossible to enforce them, we won't have nondisclosure agreements, and you won't have the settlements because a company when they're settling a claim sometimes will pay a premium just for that confidentiality, just because they don't want the negative publicity that accompanies a public trial, even if they were to win the trial. And believe me, if you have one of these discrimination claims brought by a former employee who may not be employed and might not even be employed anymore and they're going against the big corporation who is very, very concerned about their public image, and that corporation

can't have a nondisclosure agreement that's enforceable, they will show up in court with high-powered attorneys and they have the maximum chance of success with little or no chance of a settlement. So oftentimes in these cases, the claimant does much better with a settlement than they would ever do in court.

This also eliminates the ability to use a liquidated damage clause, which means that even if the claimant wanted its nondisclosure agreement and they complied with the law with provisions they then violated, the company or the other side could sue the claimant for unlimited damages. Now, if you seriously damage the reputation of Procter & Gamble, for example, as far as I know a fine, fine company, those damages will bankrupt you, or easily could bankrupt you. And that's why both parties are usually in favor of a liquidated damage clause because it limits those damages.

So while I thoroughly appreciate my colleague's desire to allow people to settle and then talk, the real problem is claimants with this law will have a lot fewer settlements and a lot less compensation and a lot more liability than under the current system. And because I support the efforts of claimants to get compensation without having to go through a full trial, and I support the reasonableness of defendants and corporations and high-profile people to protect their own integrity and pay a premium if necessary, I can't support this. This is going to hurt claimants a lot by reducing the amount they get, by reducing settlements, and by subjecting them to unlimited liability. For that reason I can't support it. Thank you,

Madam Speaker and, again, thank you to my colleague.

ACTING SPEAKER LUNSFORD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LUNSFORD: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed. Those who support it are certainly encouraged to vote yes on the floor. Thank you, Madam Speaker.

ACTING SPEAKER LUNSFORD: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority is going to be in favor of this piece of legislation. There may be a few who desire to be an exception. They should feel free to press their buttons at their seat. Thank you.

ACTING SPEAKER LUNSFORD: The Clerk will record the votes.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 332, the Clerk will read.

THE CLERK: Assembly No. A02368, Rules Report

No. 332, Stirpe, Santabarbara, Dinowitz, Buttenschon. An act to amend the Public Service Law, in relation to requiring a study on the height of overhead utility lines and communication lines as such relate to the height of agricultural equipment and other heavy duty equipment; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER LUNSFORD: An explanation has been requested, Mr. Stirpe.

MR. STIRPE: Thank you, Madam Speaker. This bill would require the Public Service Commission to examine whether the existing minimum overhead utility line height is sufficiently protective of agricultural equipment.

ACTING SPEAKER LUNSFORD: Mr. Tague.

MR. TAGUE: Thank you, Madam Speaker. Would the sponsor please yield for a couple quick questions?

ACTING SPEAKER LUNSFORD: Mr. Stirpe, will you yield?

MR. STIRPE: Yes, I will.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MR. TAGUE: Thank you, Mr. Stirpe. It's my understanding and my experience that utility companies do constant monitoring and surveying of pole and line conditions and -- and height surveys; are you aware of this?

MR. STIRPE: No, I wasn't.

MR. TAGUE: Okay. And are you aware that there already is a height requirement of 13 feet, 6 inches in height, 8 feet wide and 50 feet long -- 55 feet long. Now, with agricultural equipment and construction equipment you can get a permit from the DOT, but a survey has to be done to make sure that if you're over the 55 feet long, 13'6" high or over the width of the requirement, they won't give you the permit, they won't allow you to operate in that area. So I'm just wondering with regards to this bill, what agricultural equipment has increased in size?

MR. STIRPE: Well, from what I understand in the information given to me by the Farm Bureau who's advocating for the bill, in Washington County a mower contacted utility wires and took down several poles. In Onondaga County, a farmer had a mower wing pull down a utility line. In Clinton County, a farmer has had discs and mowers take down cable and internet lines. In Ontario County, one farmer had at least one incident a year for the last five years with low utility lines, including electric lines. So lots of different types of equipment it looks like.

MR. TAGUE: Well, that kind of was my next question to you. Most of this equipment has what they call a transport mode, because there are situations where when they get into the field, and they may be -- they may be above the height requirement or the width requirement, but when they're traveling down the road or when they go into the field, they have to be in this transport mode. And I can tell you, I've got over probably 40 years of experience of operating

both agricultural equipment and heavy highway construction equipment. Most of the times, and unfortunately, when an incident like this happens it's because the operator did not follow instructions, did not put the piece of equipment in transport mode, or they loaded it up on a lowboy and didn't measure it and make sure that it was below the 13'6". So my understanding is that the height of -- the average height of these lines are 15 feet; are you in agreement with that?

MR. STIRPE: Well, most of them, although I do have a picture of a farmer reaching his hand up and unless he's 12-and-a-half-feet tall, I'd say that that line is probably about eight feet high.

MR. TAGUE: And -- and I will agree with you, there are times, especially during the hot summer where the lines do sag, and in the wintertime as well. And I have heard of -- listen, there have been incidents where everybody did what they were supposed to do. The problem is, though, if you go out and do a survey, whatever those lights -- those poles and heights and -- and line heights are the day they do the survey, that's the information that everybody is going to have. Because it's kind of my understanding -- I guess what I'm getting to, I -- I think the idea of this bill is great, but I really think that we already do this. When you have a truck and trailer, let's say you're going to move an excavator in the State of New York. On any State or county-owned highway, you have to have a permit if it's over the weight, height, width and length requirement. All of that information is in a database at DOT, and if you're over the limit of what they can

handle, DOT will not issue you a permit. Same thing goes with the utility companies, because they do constant surveying of their lines and their poles, they already have this information in their system. If I'm not mistaken, the National Electric Safety Code requires them to do this.

Again, I think that we have to make sure that this equipment and the things that we use are put in that transport mode. I -- I -- I saw the same report that you did from Farm Bureau. Unfortunately I can't go through and say which one of those -- one of those accidents happened because of not having them in transport mode or not checking the height requirement before going so it's -- it's kind of hard to say that. Again, I -- your bill itself, I think is a great idea, I think the safety for agriculture and construction. My concern is, is that I think that it's already being done. And the other concern is, is who's going to pay for the extra work that needs to be done, and is this at the end of the day going to be thrown at the feet of our ratepayers.

MR. STIRPE: Well, I mean, you've been in the industry for 40 years. Has farm equipment continued to get bigger year over year?

MR. TAGUE: Well, here's the -- here's the thing with the farm equipment. You have to remember that the electric code is country -- is countrywide. So all our electric lines and poles are at that 15 feet height. Farm equipment is countrywide. If you buy a certain type of John Deere tractor, or a certain type of John Deere

chop or a combine, they sell them in every state, they're the same size. Now, my understanding has been and my experience has been is that they're the same size. And that when you buy that piece of equipment, if there's a height problem with it, the dealer will tell you, okay, when you go to transport this vehicle, you need to take the rocks off, or you need to lower the tires ten pounds of air. That has been my experience. Now, I can't say that I know for sure that every piece of equipment is under that 15 foot requirement, but my guess is it's because all the dealers in America understand the electrical code and the height of the wires. My thinking is that when they're -- they're made so when they're in transport mode, they are under the 15, and in most cases I would say that 13'6" because we have bridge problems, as well. We have bridge problems. But that's been my understanding. Again, the idea behind your bill, Al, I -- I think it's a great bill. I'm just concerned are we doing something that's already being done and are we, you know, putting the PSC at risk against professionals that are already doing this on the Federal level and that work with the utility companies. I guess, you know, that's my biggest concern here.

MR. STIRPE: Yeah. I mean, as far as the cost of the study, the PSC would cover the cost of the study. So I don't think that itself would affect ratepayers or anybody like that. You know, the National Electrical Safety Code and the National Society for Electrical Engineers, I mean, they're the ones that recommend standards. They're not elected officials, they're not a government agency, so what they do is make suggestions. And I think we're just trying to make

sure that our farmers, you know, can operate without the danger of getting caught up in these wires, where some of them, in order to avoid them, have to go way around in order to get to the other side of the field, which is kind of a pain. And I'm just, you know, the Farm Bureau I don't think would have brought this up if it wasn't a problem that was probably increasing in occurrences. So that's why we're putting it out there and hopefully we can get this done and in a year or so, we'll get a report and it will tell us if we have to do anything else.

MR. TAGUE: Well, I -- I appreciate that.

And on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: First of all, I just want to thank the sponsor for a respectful and good debate here but, secondly, you know, I would just say, repeating what I said before, I just don't think this is necessary. And listen, I am somebody that true and blue supports Farm Bureau, but I actually think they're wrong on this one, I think this should be left to the electrical professionals. And again, a lot of these incidents and accidents that happen are due to failure on the part of the operator to follow instructions and directions, and I'm not sure that there's anything we can mandate or do to stop people from human behavior.

So with that, again, I -- like I said, the -- the bill itself I -- I think it's a great idea. I just think that we're -- we're already doing it and I will be voting in the negative. But thank you, Mr. Speaker, and thank you, Mr. Stirpe.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

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

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

MR. STIRPE: Yes, I will. Thank you.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. PALMESANO: Thank you, Mr. Stirpe, I appreciate your time on this. I don't have a lot of -- many questions, but just a couple areas I want to touch on. As we talked about, I know this is dealing with the National Electric Safety Code, and really since this legislation really raises questions about the National Electric Safety Code standards, wouldn't it be more properly addressed through the careful process and the systematic process that's in place that's I believe is also known as the Institute of Electrical and Electronic Engineers, the body that really promulgates the NESC, the National Electric Safety Code to use their expertise to go through this process to address this issue and take that -- this issue to them rather than to ask the PSC to take this on?

MR. STIRPE: Well, that usually takes quite awhile, and already the new 2023 NESC standards don't recommend any changes to utility line height, so that's really not going to help farmers now. And again, if it wasn't something that happened over and over and over again, I don't think the Farm Bureau would come out --

MR. PALMESANO: I understand.

MR. STIRPE: -- in favor of it. So I think, you know, having to go through the entire process over a long period of time is not the kind of relief the Farm Bureau is looking for.

MR. PALMESANO: No, I understand that. Now, would the PSC be tasked with really just looking at agricultural lands and agricultural properties, or the entire grid?

MR. STIRPE: Agricultural land.

MR. PALMESANO: Okay. Another question I have for you is, would the study also take into consideration, and should it take into consideration, the cost that might be associated with this as far as moving poles, raising poles, putting up new poles? Shouldn't a cost be associated with it being a part of the equation in this study, or...

MR. STIRPE: Well, you know, I think we'll look at the cost of it after the study comes out and shows us what the problem is. Until we know the problem, we don't know what the cost is going to be. So I think in order to answer that question, we have to do the study.

MR. PALMESANO: And also, since this is obviously, you know, national standards, is there any concerns, I mean, are other states that you're aware of have higher lines as far as above and beyond what is in the National Standard, NSEC?

MR. STIRPE: Yeah. Other states vary with the -- the heights that they require; some of them are taller.

MR. PALMESANO: So you have no concerns about how this might reflect on possible -- I know sometimes we talk about the issues with National and State as far as Federal preemption. Since these guidelines are in place at the level they are and as a national code, you don't think this is going to be addressed through Federal preemption at all, is that a concern? Couldn't that be a problem with this, moving forward with this legislation?

MR. STIRPE: I'm -- you know, I'm not really sure of that, you know, it's very hard for us to do anything that would all of a sudden control the size of farm equipment. I mean, we don't have much to say over farm equipment.

MR. PALMESANO: Right.

MR. STIRPE: It's made all over the -- the country and all over the world so the only thing we can control is the height of the wires that are going over our farms.

MR. PALMESANO: Right, and I understand that. And I just think, you know, in the study, because, you know, the outcome depends on what's involved in the study, will they consider other things that are in place as far as a recommendation? I know even rural cooperatives have made suggestions and recommendations to address these issues as far as training and things like that. Wouldn't that be better to take into consideration and doing along with this code?

MR. STIRPE: Well, depending on the results that might be the -- the solution. I mean, there have been solutions already

in certain cases where the utility company have decided to just bury the line and run it under the farm property. I don't know if that's a solution. I'm sure, you know, everyone will have their opinion on what -- what the most cost-effective way to do this, and the thing that provides the most safety for -- for farm workers.

MR. PALMESANO: Yeah, I would think I'd be looking to adopt safety standards around operations, around poles to make sure that that education and training is out there, which is something that I think the rural electric cooperatives have recommended on this issue. And on top of one more thing, just on the Federal side of it, if we have this electrical standard, we talked about Federal preemption. If one state's doing it, if they're all doing it under the same levels of that minimum standard, isn't that something obviously to take into consideration when farm workers are coming from one state to another state, and also dealing with our infrastructure, you know, potentially national security issues when you're talking about with our wires and along that.

MR. STIRPE: I don't know. I mean when workers come from one part of the country to another, I would assume the owner of the farm, who they're working for, would review some things with them. And that's probably one of the suggestions that might come out of the -- out of the study that it's simply, you know, a lack of knowledge from people who are not local and they don't understand that.

MR. PALMESANO: All right. Thank you, Mr.

Stirpe, for your time. I appreciate it.

MR. STIRPE: Sure.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I appreciate the conversation with the sponsor on this. It's an important issue, I understand that. I certainly want to be helpful to our farmers and our agricultural lands, but I do think there's a process in place given we're talking about National Electric Safety Code and, you know, with those questions being raised up, I think that would be probably better to take that through that system and that process with that expertise to address this issue moving forward. I also, you know, think that the cost associated with this, I mean if the PSC can come out and say everyone has got to come out and raise their poles, lines up across the State, you know, several feet, you know, and you're not looking at the whole picture. There's got to be a cost impact to this to the community -- to the businesses, but also the ratepayers and the customers who are part of that situation. I just think the better approach would be going instead of through the PSC with the study -- with another study, I think just working through the mechanism that we have in place with the National Education -- excuse me, National Electric Safety Code through that process of the Institute of Electrical and Electronics Engineers and that process that they have in place to address this issue. I believe if we went forward in that process, we could address that issue and so I just think there's a better way, but I understand with

the intention of the sponsor and what he's trying to accomplish here, in trying to help our farmers, and I think we should help our farmers. I just think we should try to work within the process that we have moving forward. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Sorry, but on this electrifying issue, the Republican Party is generally negative. Those who support it can certainly shock the rest of us by voting yes.

ACTING SPEAKER AUBRY: Thank you.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. It's always good to have a little levity, but the Majority Conference is generally always going to be in favor of this fine piece of legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you.

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.

Page 9, Rules Report No. 229, the Clerk will read.

THE CLERK: Assembly No. A04820, Rules Report

No. 229, Rivera, Benedetto, Bronson, Clark, Colton, Conrad, De Los Santos, Dinowitz, Glick, González-Rojas, Hevesi, Jackson, Jacobson, Lunsford, McDonough, Meeks, Peoples-Stokes, Reyes, L. Rosenthal, Seawright, Septimo, Sillitti, Simon, Steck, Taylor, Thiele, Stirpe, Stern, Ardila, Walker, Buttenschon, Kelles. An act to amend the Real Property Law, in relation to requiring the disclosure of lead-based paint test reports in real estate transactions.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Rivera.

Mr. Rivera: Thank you very much, Mr. Speaker. The bill before us is an act to amend the Real Property Law in relation to requiring the disclosure of lead-based paint test reports in real estate transactions.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. RIVERA: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Rivera. Now, this requires a lead-based -- a lead-based test, right, before any contract for the sale of real estate is signed; am I correct?

MR. RIVERA: Correct. Any sale, correct.

MR. GOODELL: And am I correct that these costs

are typically between \$3- and \$400?

MR. RIVERA: That's correct.

MR. GOODELL: And is there an exemption from this test if the house was built say, after 1978 when lead paint was no longer used?

MR. RIVERA: Yes. The-- the bill speaks to this only having to do with properties that were constructed pre-1978.

MR. GOODELL: And is there an exemption for any houses that have gone through renovation to remove any lead paint?

MR. RIVERA: No.

MR. GOODELL: If this lead test is not done by the prior owner, am I correct that there's a tax credit that's given by the current owner to help pay for this; is that correct?

MR. RIVERA: Correct. The current owner, the bill speaks to a \$500 tax credit that could be used for -- as a deduction. Well, maximum of \$500 to cover the cost of inspection.

MR. GOODELL: And that -- that is a credit against the real property transfer tax, correct?

MR. RIVERA: Correct.

MR. GOODELL: And am I correct that part of that real property transfer tax goes into the MTA lockbox?

MR. RIVERA: I couldn't speak to that, not sure.

MR. GOODELL: And so if -- if you're a seller and you're selling a building in the New York City area and there's no prior lead test, then the MTA is basically paying for a lead test?

MR. RIVERA: I suppose I could look at it that way. I'd say that, you know, the average cost to do one of these is fairly minimal when it comes to the amount of dollars that are included in a sale of a property, \$3- to \$400. I'd say that, you know, that's a cost that easily any seller should be able to cover if they're about to, you know, gain quite a bit of, you know, money from a sale of a property.

MR. GOODELL: And likewise, it's -- you think it's a tax credit at \$500 a pop that the MTA can afford, presumably, correct?

MR. RIVERA: I guess I don't include MTA in my equation. I would say that, you know, for the average homeowner, for any individual who has a property that's going to pay to have their property inspected, they can deduct the cost of that inspection off their transfer tax.

MR. GOODELL: Now, this bill also provides that that inspection cannot be waived even at the request of the buyer; is that correct?

MR. RIVERA: That's correct.

MR. GOODELL: But it also says later that nothing in this article is intended to prevent someone from selling a house as is.

MR. RIVERA: That's correct.

MR. GOODELL: So you can't waive the testing requirement, but you can sell the house as is.

MR. RIVERA: You're not able to sell as is, you have

to go through the inspection. You can't waive it.

MR. GOODELL: Now, once this test is done, am I correct it's sent to several different locations; is that correct?

MR. RIVERA: That's correct.

MR. GOODELL: Where is it sent to?

MR. RIVERA: The Health Department and in the case of most counties, I'd say the clerk's office.

MR. GOODELL: And is there a filing fee associated with filing that with a County Clerk or with a Health Department? First of all, it's filed with a County Clerk, isn't it --

MR. RIVERA: Yeah.

MR. GOODELL: -- as part of the real estate documents?

MR. RIVERA: Yeah.

MR. GOODELL: And so the County Clerk typically charges what, \$50 plus \$5 a page, something like that?

MR. RIVERA: Well, the County Clerk's already receiving all the documents from the sale of the property anyways, this is just another part of that package of documents.

MR. GOODELL: I understand the County Clerk receives all the documents, but everything that's filed, the County Clerk charges, right?

MR. RIVERA: Right.

MR. GOODELL: And there's no provision for the County Clerk to waive the filing fee for this?

MR. RIVERA: No.

MR. GOODELL: And am I correct that's \$5 a page plus I think it's 45 or \$50, something like that.

MR. RIVERA: You'd have to confirm with the County Clerk.

MR. GOODELL: Thank you very much. Oh, and there's currently a Federal lead disclosure form that's required before any transfer that exists currently, correct?

MR. RIVERA: There is currently a disclosure that is included in real estate transactions similar to the kind that we're talking about. That disclosure is a certification of accuracy and that certification more or less says, signed by the seller saying, to the best of my knowledge there is no lead in this house. In every real estate transaction, you'll find this one-page form and truthfully, we -- I believe it to be totally inadequate and doesn't assist at all with the incoming buyer in determining whether there is lead in the home or not.

MR. GOODELL: In addition to the disclosure that's required by Federal law, Federal law also requires a detailed brochure or a document, right, that describes lead and its dangers and everything else associated with lead, correct?

MR. RIVERA: Yes.

MR. GOODELL: And under the Federal provisions, the failure to comply could subject you up to a \$10,000 fine. What would be the fine if you fail to comply with this?

MR. RIVERA: I believe the fine is a similar amount.

MR. GOODELL: Ten thousand dollars?

MR. RIVERA: I believe so.

MR. GOODELL: Thank you very much. One other question.

MR. RIVERA: Yup.

MR. GOODELL: This requires this test to be made before any contract is signed?

MR. RIVERA: Correct.

MR. GOODELL: Before any lease if the lease has an option to purchase?

MR. RIVERA: Correct.

MR. GOODELL: Before any land contract is signed?

MR. RIVERA: In the case of the sale of a property, yes.

MR. GOODELL: Yes. Do you get the \$500 credit paid compliments of the MTA if the sale doesn't go through, but that only applies, you only get the credit if the sale goes through, correct?

MR. RIVERA: Again, the person would only get the credit -- well, the person wouldn't do the inspection unless there was a sale pending, so...

MR. GOODELL: Now, current law doesn't prevent any buyer who is concerned from doing an inspection on their own, correct?

MR. RIVERA: Well, the person that has to do the

inspection has to be a certified lead inspector. It can't be --

MR. GOODELL: But I mean, the buyer can certainly contract as part of a home inspection to have this done?

MR. RIVERA: If they choose to.

MR. GOODELL: What is the time frame that it takes the labs currently to do these kinds of inspections?

MR. RIVERA: That's a good question. I actually, in the process of researching this bill not only did I meet with lead inspectors, but I actually met with lead -- certified lead training specialists that train and give certification to lead inspectors. The process of -- the process of inspecting lead in a home really just takes a few hours. It's done with a -- with a device that's similar to like a thermometer gun. They direct the laser on the gun towards a wall or a window sill. They're able to determine digitally and immediately what the percentage of lead it is. They do that around the house a few times and that's their process.

MR. GOODELL: And so even though it only takes them a couple hours, they charge 400 bucks?

MR. RIVERA: You want to talk about contractor's rates, we can be here for awhile.

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

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I've been involved in real estate

legal work for - I hate to admit it because I've been involved in it for more than many people on the floor of the Assembly have been alive - and what I find amazing is that when people go to sell their house, they are shocked by how much it costs in closing expenses. They have to do a title search update, that can run hundreds of thousands of dollars, they typically have to provide an updated survey that costs hundreds of thousands of dollars. They have to pay their lawyer, not nearly enough, but they have to pay the lawyer. When they record the deed, there's a charge, it's \$4 per thousand on the sales price. In addition, there's additional charges on the transfer depending on where you are. There's a real estate transfer form they pay for. And so people come in and they say, you know, I'm selling my house for, whatever, X, how much will I clear because I want to buy a new house. And then you explain to them that when they buy a new house, they have to pay for the appraisal for the bank, they have to pay for a home inspection, they have to pay for their attorney to buy the house. They have to pay for title insurance. They have a mortgage tax, God bless America. You get taxed coming and going.

So what this does is it adds \$4- to \$500 to every real estate transaction, and it requires the seller to spend \$4 or \$500 before they sell the house, because this law subjects you, as -- as my colleague mentioned, to a \$10,000 fine if you don't do the inspection before the contract is signed. And under this law, you can't even put in the contract that the contract is contingent upon the inspection. Sadly, we do not need to make real estate transfers more expensive.

There's no reason why we can't allow this test to be waived by the buyer, because believe me you, the seller's going to raise the price to cover the cost of this. We ought to be allowed the parties to do the test after the contract is signed, not before. And we should recognize that we already have Federal disclosure requirements and the certification that's in place.

So I don't think we need it, but it does add additional time and additional costs to any seller before they even have a contract. And for that reason, I won't be able to support it. Again, I thank my colleague for his clarifications. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect August 1, 2024.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Those who support it are certainly encouraged to vote yes 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 in favor of this progressive piece of environmental-friendly legislation; however,

there may be some who would desire to be an exception, they should feel free to vote at their seats.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I hope colleagues are excited as I am about the progress that we're making today on the third day of the last week of our Session. Now we're going to keep our debate going. We're going to go to Rules Report No. 562 by Ms. Glick, followed by Rules Report No. 158 by Mr. Dinowitz. Then -- I'm sorry, Calendar No. 158 by Mr. Dinowitz, and Calendar No. 128 by Ms. Paulin. That would be followed by Rules Report No. 433 by Mr. Weprin and Rules Report No. 437 by Mr. Carroll, and then were going to go to Rules Report No. 449 by Ms. Glick again. In that order, Mr. Speaker. Thank you, sir.

(Pause)

Oh, very good, very good. We're going to add Monica Wallace's Bill No. 278 -- Rules Report No. 278, Monica Wallace.

ACTING SPEAKER AUBRY: Thank you. Page 18,

Rules Report No. 562, the Clerk will read.

THE CLERK: Assembly No. A07641, Rules Report No. 562, Glick. An act to amend Chapter 550 of the Laws of 2013 amending the Environmental Conservation Law relating to establishing the Mercury Thermostat Collection Act, in relation to the effectiveness thereof.

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

MS. GLICK: This is essentially a -- an extender of an existing program. Mercury thermostats cannot be disposed of at landfills or incinerators. They have to be returned to -- collected by the manufacturers and properly recycled and disposed of. The manufacturers pay a fee to cover the cost, and that way we keep the hazardous waste out of the environment. And it's just a -- an extender. The Department may want to make some changes in the future, but right now we're having that conversation. But the program needs to continue, and this is, you know, the Thermostat Recycling Corporation is anxious to continue doing its work.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. GLICK: Yes.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. GOODELL: We -- we received a memorandum from the Manufacturers Association of Central New York that said that the bill is unnecessary because the system is already implemented by the National Thermostat Recycling Corporation, and you just mentioned them. Aren't -- isn't the National Thermostat Recycling Corporation doing this throughout the nation?

MS. GLICK: Yes, they -- yes, they are and we -- DEC would like to see this extended for a year because they may have some additional things that they would like to talk to us about going forward, but we wanted to be certain that New York continued to participate in that national program.

MR. GOODELL: Now, this bill was originally enacted in 2013, correct?

MS. GLICK: Yes.

MR. GOODELL: And how many times has it been renewed?

MS. GLICK: It hasn't been renewed, so we're renewing it now.

MR. GOODELL: So it was originally for ten years?

MS. GLICK: Yep.

MR. GOODELL: And now we're renewing it for another --

MS. GLICK: It's a one-year renewal.

MR. GOODELL: A one-year renewal.

MS. GLICK: Oh, a one-year extender. As I said, there were some issues that DEC wanted to discuss with us and so we said it's late in the day, let's renew it for a year and then if there are things of substance that need to be discussed, let's do that in the off-Session.

MR. GOODELL: Now, you mentioned the National Thermostat Recycling Corporation is nationwide, does this recycling nationwide. Are there other states that require this of the manufacturers rather than simply encouraging utilization with the National Thermostat Recycling Corporation?

MS. GLICK: Apparently there are. Certainly, one of our neighboring states, Vermont, and New York has obviously had a statute. So this is a one-year extender for that purpose to keep our hand in the game, and presumably you and I will have a brief conversation next year if there are any minor changes that DEC brings to us.

MR. GOODELL: Now, since the Business Council and the Manufacturers Association claim that this is a, quote, "major unfunded mandate", do we have an idea of what the cost of this bill is as it relates to our industry?

MS. GLICK: I -- I don't think there's any cost. This goes -- there are who knows how many in-service mercury thermostats that will have to be retired over a period of time. These things tend to last a while. So perhaps we will reach a point at which those mercury thermostats are no longer being used and have gone

through their natural lifecycle and been fully recycled by this corporation. But they pay -- manufacturers pay into this and the cost of the work is assumed by the manufacturers.

MR. GOODELL: And how much does it cost the manufacturers in New York?

MS. GLICK: Not really sure, but we'll look into that because we'll be talking about it next year.

MR. GOODELL: Now, I understand the objective is to keep the mercury out of our landfills, but I'm correct, aren't I, that with a double-composite liner these landfills now meet hazardous waste standards and have quite a bit of hazardous waste because households keep throwing batteries and a whole bunch of other things in the landfill, correct?

MS. GLICK: Well, actually I -- I think, just judging from my own experience, batteries are collected and handled not by just tossing it in with the garbage. So, no, I -- that may be that they have double liners to prevent certain leakage, but I don't think it is a good practice for us to be assuming that mercury thermostats or any product that has mercury in it, they don't -- they're not sold anymore. So, obviously, there's a point at which those that are in service have to be disposed of and this is the proper way to do it and not to chuck it into an incinerator or to put it in a landfill.

MR. GOODELL: Thank you very much, Ms. Glick.
On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: A lot of times these thermostats are replaced by their -- by themselves. (Inaudible) modern, more accurate thermostat is installed. Typically, you know, the newer thermostats that use an electronic timing system are installed and the old mercury thermostats that work just simply on temperature are -- are tossed. I dare say that most of them are probably tossed in the garbage because the new ones are so simple that even a homeowner can do it. And there's no instructions on how to get rid of the old thermostat, so boom, in the garbage it goes. Thankfully, our landfills in New York State meet hazardous waste standards. They have a double-composite liner, the liner is probably six to eight feet deep. And it's a good thing because when flashlight batteries end, boom, they go in the garbage, right? Those hearing aid batteries, into the garbage. And I would not recommend anyone make a habit of hanging out at the landfill on top of any of this rubbish. But one thing is certain; this program costs our manufacturers a substantial amount. And according to the Manufacturers Association and the Business Council, quote, "this bill creates a major unfunded mandate." Maybe we should think about reducing unfunded mandates on all of our businesses, and hopefully we could then encourage businesses to spend that money on hiring more staff and expanding operations with the ultimate hope of eventually increasing employment opportunities for our friends, neighbors and kids and reversing our population decline. In the meantime, this bill increases the costs to our

manufacturers, reduces their opportunity to use that money for employment and continues our reputation of being one of the most expensive places to do business.

For that reason I'm not enthusiastic on this bill, but I thank again the sponsor and I thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This --

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Some of my colleagues may want to support it by voting yes here on the floor of the Assembly, and that's certainly encouraged if that's their desire. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. -- Mr. Speaker. The Majority Conference is in favor of this piece of legislation and we'll be voting so.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Yeah, briefly, I just wanted to say that this isn't really an unfounded -- unfunded mandate. This is

manufacturers pay into a -- pay fees into a fund and they collect these things. An unfunded mandate would be not having them collected and having localities having to deal with hazardous waste.

So I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 30, Calendar No. 158, the Clerk will read.

THE CLERK: Assembly No. A02197, Calendar No. 158, Dinowitz, Otis, Santabarbara, Steck. An act to amend the General Business Law, in relation to requiring comparison of prices charged by energy services companies.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz.

MR. DINOWITZ: This bill would require a side-by-side comparison on the first page of ESCO customers' billing statements of the price the ESCO charged during the prior billing period compared to the price the customer would have paid had they received service from their local utility corporation or municipality. It would also require ESCOs to provide an itemized list of prices charged by the ESCO for any energy-related valuated products during such billing period. The new -- this new subdivision 10 would require ESCOs to provide their customers a yearly statement comparing the

price they charged for goods and services during the prior year with the product -- the price of the customer would have paid if they had received services from their local utility corporation or municipality.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. PALMESANO: Good evening, Mr. Dinowitz.
How are you tonight?

MR. DINOWITZ: I'm well, how are you today?

MR. PALMESANO: Very good, thank you.

MR. DINOWITZ: Congo.

MR. PALMESANO: Well, we don't have to go down that road on this one, but I think we can open the door to anything on that issue.

MR. DINOWITZ: Happy to.

MR. PALMESANO: But on this issue I just kind of wanted to start out first, if I could, currently under the General Business Law our ESCOs, there's a Consumer Bill of Rights within their contracts and they're required to clearly identify all variable charges, and if ESCOs don't comply with this requirement the contract can be deemed void and unenforceable and the company may be

subject to a civil penalty by the Attorney General, correct, under the current law?

MR. DINOWITZ: Is that a question or are you making a statement?

MR. PALMESANO: Yeah, yeah. It was a question. Isn't that the current law?

MR. DINOWITZ: If you say you so. You were reading it.

MR. PALMESANO: All right. All right.

MR. DINOWITZ: I believe you.

MR. PALMESANO: Well, thank you. So -- and the next part I guess -- so I'll -- I'll say it and you can agree with me. We can do this all night if you want.

MR. DINOWITZ: Well, we can do it --

MR. PALMESANO: I guess there's also --

MR. DINOWITZ: (Inaudible) 30 minutes anyway.

MR. PALMESANO: In 2016 there was an order issued by the Public Service Commission that ESCOs are banned from selling electricity or natural gas to low-income customers throughout New York State right now, correct, under law?

MR. DINOWITZ: Okay.

MR. PALMESANO: Okay, great. So my question to start out with because now you say they have to do a side-by-side comparison. What is the side-by-side comparison of? Is it the cost, is it the usage, is it supply, is it delivery, is it all of the above?

MR. DINOWITZ: Well, the things I just mentioned.

MR. PALMESANO: Okay. Well, okay. Could you just -- maybe people weren't listening to you when you were talking. Would it be costs?

MR. DINOWITZ: Let me repeat it. I'm sure everybody was listening, but let me repeat it, nonetheless. An itemized list of prices charged by the ESCO for any energy-related valuated products during such billing period. It would also compare the price they charged for goods and services during the prior year with the price the customer would have paid if they received service from their local utility corporation or municipality.

MR. PALMESANO: On that, what -- what -- just -- what do you mean by valuated product?

MR. DINOWITZ: Products, any products that are part of this contract.

MR. PALMESANO: Okay. So when you say a side-by-side comparison, does it have to list dollar amount, how much they're paying for the supply or is it a chart, do they have to list the usage?

MR. DINOWITZ: Well, I -- I would think a side-by-side comparison would mean there would be one column, let's say on the left, and a second column perhaps on the right --

MR. PALMESANO: Sure.

MR. DINOWITZ: -- and it would indicate -- one column would be for the ESCO and one column would be for what

they would have paid, and it would compare the price, you know, what they're getting and so on.

MR. PALMESANO: So now who has to do this reporting, is it the utility or the ESCO?

MR. DINOWITZ: The ESCO.

MR. PALMESANO: Okay. But now our utilities usually -- don't utilities usually bill for the ESCO so the utility bills out and the ESCO pays to supply it. We're really, at the end of the day when we're talking ESCOs we're talking about the supply side, which is what's on the marketplace. The delivery and transportation is what the utility does. So are you talking about the -- so isn't it really going to be -- the onus is going to be on the utility to basically show on their utility bill what the ESCO is paying?

MR. DINOWITZ: It would be --

MR. PALMESANO: And then put on what their rates are.

MR. DINOWITZ: It would be on the ESCO customer's billing statements.

MR. PALMESANO: Right. But it would -- but it would -- the responsibility would fall on the utility to put that comparison on, correct?

MR. DINOWITZ: Well, the ESCO would be responsible for disseminating that information.

MR. PALMESANO: But ultimately it would be on the utility to put it on their paperwork, right, because the billing comes

from the utility company.

MR. DINOWITZ: Well either way -- either way we have to get the comparison in order to make an intelligent judgment as to whether they're getting a good price and whether they're getting what they think they're getting because what's happened is that there's been many, many cases where people were led to believe one thing by some ESCOs - I'm not saying they're all bad or anything - but, in fact, they weren't getting what they thought were going to be getting or they were given, I don't want to say a bait and switch, but, like they're given a price initially --

MR. PALMESANO: Right.

MR. DINOWITZ: -- and it's just sort of a lure them in thing and then suddenly the price changes at some point.

MR. PALMESANO: I -- and I -- and I would agree with that. I went through that many years ago. I -- I took a -- I -- I participated with an ESCO and saw it after a period of time and I looked -- as a customer I evaluated that, I did my own research and I switched because I thought it was the best deal for me. On that point, what -- isn't there the opportunity for customers right now, if they want to check they can call their local utility and say, *What's your rate compared to what I'm getting*, and they could also see what the utility would be able to show them what their, you know, what the ESCO's paying because they have to put that on their bill because they're the ones paying -- they're the ones putting it on the bill, on the utility bill.

MR. DINOWITZ: People can always do research.

MR. PALMESANO: Sure.

MR. DINOWITZ: Some people do more research than others, some people have a greater ability to do research compared to others.

MR. PALMESANO: Sure.

MR. DINOWITZ: But I don't believe that the onus should be on the customer when they perhaps may be getting ripped off by a big company. The onus should be on the company to put forth the information that people can look at if they so choose, and then they can make an intelligent decision as to whether they want to continue with the ESCO or not.

MR. PALMESANO: And how would it -- how would it relate if, you know, I mean, some -- some plans are fixed rates, some rate plans are variable rates. How would that -- how can you make that comparison if it's a fixed, if it's a variable on the bill? Is the bill going to have to say it's a variable rate or a fixed rate on the bill, too? Because it can be anything, it depends on what that contract you have, is it a fixed rate plan or is it a variable rate plan. How -- does that have to be listed on the bill as well?

MR. DINOWITZ: They would have to put down a side-by-side comparison.

MR. PALMESANO: Right. But to get an accurate comparison you have to know if it's fixed versus fixed or variable versus variable or fixed versus variable, wouldn't you?

MR. DINOWITZ: Well, that information would have

to be listed there, whether it was one or the other.

MR. PALMESANO: Okay. And now, obviously, to put this information in -- in utility bills, really ultimately this -- this -- this -- this bill would fall on the utility companies because they are ones that do the billing of the ESCO. They get to charge, whatever the -- the usage is by that individual, they have to send that out to the individual. So the utility company now because the person has an ESCO is going to have to do a side-by-side comparison on the bill for that ESCO customer, so that burden will be on the utility company now, right?

MR. DINOWITZ: It won't be on the customer.

MR. PALMESANO: No, I -- but I'm just saying, so it's the utility, not the ESCO. So -- and obviously when you talk about printing out this bill and adding something to the bills, I mean, there's money involved with that. Obviously, wouldn't that ult -- ultimately be something that's going to be passed along to the ratepayers? Because when you're changing and adding more to the bill, adding more on it, that's going to be something that's changed and that's expensive. Ultimately if it's the utility sending it out, now it's not just the ESCO being impacted, it's the rate -- it's the ratepayers, everyone under that utility both for the transportation and delivery.

MR. DINOWITZ: Well, two things: I suspect you're more concerned about the cost to the company rather than the ratepayer. However, I do believe that it's not -- I don't think the utility company can willy-nilly on their own simply decide to pass on a

teeny-weeny cost without the approval that would be required.

MR. PALMESANO: Well, I mean, first of all, I'll -- I'll talk about that later. The other question, in the bill I saw that there's also a provision that they could also do, I think it was on page 2, there's a right of action that any person who's been injured can file a -- a suit and get money back from -- from that perspective, and what would be the -- what would be the definition of the injury?

MR. DINOWITZ: Well, what line are you looking at?

MR. PALMESANO: I'm on page 2, line 8. It says in addition to the right of action granted to the Attorney General pursuant to this section, any person who has been injured by reason of any violation of section may bring an action in his or her own name to enjoin such unlawful act or practice in an action to recover his or her actual damages of 500 or more, but it goes down, they can get -- the court may, at its discretion, increase the award of damages not to exceed three times, up to \$10,000. So there's a right of action in this, too, as well, correct?

MR. DINOWITZ: Well, first of all, the only change made here is it's changed from Section 10 to Section 12. So the section numbers changed, but if you will notice, there's no underlines, there's no green print or anything meaning that this particular bill is not making any changes whatsoever.

MR. PALMESANO: Fair enough. And then, Mr. Dinowitz, I think you -- you've answered my questions. I appreciate

your time and I'll go on the bill now.

MR. DINOWITZ: Happy to be helpful.

MR. PALMESANO: Thank you, Mr. Dinowitz.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker. I certainly appreciate what the sponsor's trying to do here. I understand what he's trying to do here, but I have concerns about it. Ultimately, this is a change that's being made, it's obviously going to require not necessarily the ESCO, but the utility corporation, and I know the sponsor tried to insinuate that we don't care about the ratepayer, which is really kind of laughable when we talk about some of the policies we're passing in this House. But I think obviously when you -- when you put more to the bill, more is going to be added on the bill, you can't make an apples-to-apples if it's fixed rate versus supply rate. We don't know how -- also how it impacts, which I didn't ask the question which I should have asked -- when individuals were on budget plans. You know, the budget plan is a fixed amount each month and then that money gets balanced and spread out over the year. How -- how would that impact that? And I just think there's concerns about there. And the side-by-side comparison, and, I mean, people can look this information and actually call the utility and get that rate. I think obviously ultimately what you're going to do is you're going to get a -- a bill and it's going to ask increase costs to the consumers. And I will say, if we really want to do stuff to help consumers, and I know my

colleague's looking to help the ratepayers, I think really we've got to look at the bills. And why not put on the bills -- if we want to be helpful with the ratepayer, why not put it on the bill what their green energy programs are costing our ratepayers? I mean, National Grid recently came out with a report saying that they're going to increase their prices for customers by 17 percent to meet the clean energy mandates that are being passed on the State. NYSERDA and the DEC came out with -- or NYSERDA came out with a study two months ago -- I bring this up a lot, but it should be heard over and over again, I think -- that if we take no action and just keep going down the path, if we don't make any changes, gas prices at the pump for our constituents across this State will increase 63 cents a gallon, and natural gas prices, home heating costs are going to increase 80 percent. I don't know how many of your colleagues -- constituents can afford that; mine certainly can't in the Southern Tier and Finger Lakes area. I think that's something we need to be consideration. We have to look at the conversion costs with the mandates to the green program. The retrofitting costs which you talked about that could cost homeowners over \$35,000 to convert their homes to the green energy mandate of full electrification.

So while I appreciate what the sponsor's trying to do here, I think ultimately -- and when he said -- you know, indicated these changes were teeny-weeny changes but there are a number of bills that come through this House and end up on the floor debating and it's always like a minimal cost, a minimal cost here, a minimal

cost there. Those minimal costs add up, and they're real dollars to ratepayers. They're real dollars to low-income people. They're real dollars to the small businesses, farmers, manufacturers. So it can be -- it can be portrayed as teeny-weeny costs, they're not teeny-weeny costs. And the programs that are being implemented in this House like the Green New Deal and the CLCPA are substantial costs that no one really seems on the other side of the aisle wants to talk about or deal with because, you know, this all for the green -- the green energy.

So this bill will increase costs to ratepayers when you put more of a mandate on utilities to do work. I'm not looking out for the utilities, I'm looking out for the ratepayers. I understand that's what the sponsor's trying do with this bill. Ultimately, I think it's going to be hurting the very people he's trying to help, but I appreciate his intention on this legislation. But for that reason, Mr. Speaker, I'm going to be voting in the negative on this bill and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield, sir?

MR. DINOWITZ: Sure.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. GOODELL: Thank you, Mr. Dinowitz. I kind

of like this concept of a side-by-side comparison. It makes it very easy to see whether you're coming ahead or falling behind with an ESCO. And of course the ESCOs advertise that they provide the energy at a lower cost and the utility is buying it, right, that's their selling point.

MR. DINOWITZ: Well, that's what they say, it's not necessarily the case. But a lot -- a lot of companies say a lot of things which may or may not be true. (Inaudible/cross-talk) possibly not.

MR. GOODELL: And the utility company, though, always delivers the power. ESCOs don't deliver, the utility company does. And so when you get a bill for your electric at the end of the month if you have an ESCO you get a bill from the utility company for the delivery charges and all their expenses, and that's the same bill that also has the cost of the energy from the ESCO company, right? It's one bill.

MR. DINOWITZ: Okay.

MR. GOODELL: Now, the utility companies have multiple billing structures, and sometimes it's a flat rate, sometimes it's a variable rate. Sometimes it's a variable rate by time of day. Some utilities will charge more when there's high demand and give a customer a break if they want to go that route with a low demand. So the utility company is the only one can really accurately calculate what the utility cost would be if there were no escrow, correct?

MR. DINOWITZ: Well, they can calculate what the cost would be if they were delivering the service.

MR. GOODELL: And likewise, the ESCO agreements can also vary, right? You can have a flat rate, you can have a variable rate. Even if you have a flat rate, typically they can be adjusted from time to time. So the ESCO rate's not a fixed rate for the year either, correct?

MR. DINOWITZ: Not necessarily, yeah.

MR. GOODELL: Right. So my question is, in order to implement this bill - and I appreciate the idea that you have, because that's -- that's great - am I correct, then, the utility company would have to calculate what the charge would have been had a utility provided it, and the ESCO will have to calculate what its charges were, and then the utility company has to put together in the side-by-side billing that goes out; is that correct?

MR. DINOWITZ: That sounds about right.

MR. GOODELL: And is there any obligation under this bill that the utility company that has a customer that doesn't have an ESCO provide a side-by-side comparison of what that customer would have saved or cost more if they had actually gone with, say, any one of the top three or four ESCOs that that utility company works with?

MR. DINOWITZ: No, I think it's the other way around.

MR. GOODELL: Why is that we want to have a cost comparison with an ESCO if the ESCO is providing the power, but we don't want the utility company to let its customers know whether they

could save money or not by switching to an ESCO?

MR. DINOWITZ: Well, as bad as many people might think some utility companies are, the fact is that the problems have been with some ESCOs who have been misleading people in terms of the benefits they would get both money-wise, maybe in terms of other benefits, you know, green stuff. There's like a laundry list of things that ESCOs may promise. They don't always deliver on those promises. So the problem we're trying to address is, one, dealing with the ESCOs. We may have other bills to deal with utility issues; for example, it would be -- it would be really good if the administration would have signed legislation that I passed several times creating a Utility Consumer Advocate's Office, but that's not for today. We're not talking about that any more than we would talk about all the stuff that Mr. -- Mr. Palmesano was talking about a few minutes ago.

MR. GOODELL: So this bill is actually fairly limited, right? I mean --

MR. DINOWITZ: It's -- it's somewhat narrower in scope. This is not revolutionary (inaudible/cross-talk) --

MR. GOODELL: So it doesn't -- it doesn't require the utility company to do the cost -- cost comparison for utility customers to look at the feasibility of an ESCO. It doesn't require the utility company to advise its customers how much, say, it would save if they put a solar array on their house, right, or reverse metering. It doesn't require the utility company to report how much of that bill is based on State taxes or -- or how much of the bill is for the green

energy or the surcharge we have for the multibillion-dollar surcharge for nuclear power plants. None of that is covered by this bill, this is just --

MR. DINOWITZ: This bill is pretty narrowly focused.

MR. GOODELL: Gotcha. Thank you very much, and I appreciate those clarifications.

MR. DINOWITZ: You're welcome.

MR. GOODELL: Thank you, sir. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill? No? Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 128, the Clerk will read.

THE CLERK: Assembly No. A01177, Calendar No. 128, Paulin, Jacobson, Reyes. An act to amend the Election Law, in relation to ballots submitted in envelopes that are sealed with tape, paste or any other binding agent or device and have no indication of

tampering.

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

MS. PAULIN: Thank you so much. Of course. The bill would require that absentee ballots should be considered valid when the inner envelope which is sealed with tape, paste or any other binding agent or device and there's no indication of tampering.

ACTING SPEAKER AUBRY: Mr. Norris.

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

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

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: Ms. Paulin yields, sir.

MR. NORRIS: Ms. Paulin, I think we've debated this bill a couple of times in the past.

MS. PAULIN: Once.

MR. NORRIS: Once? All right, one time. Well, we will do it one more time.

MS. PAULIN: Hopefully the last one.

MR. NORRIS: We'll see. I guess my -- my question is, what is the purpose of this particular change? I mean, isn't it important to prevent fraud, tampering of ballots, and the current law allows for it to be sealed?

MS. PAULIN: So the -- I think you know during COVID many, many more people used absentee ballots and -- and continue to do so. And the -- many of them came back to the Board and they had tape or they -- you know, the inner envelope -- you know, the outer envelope is not even discussed in the law -- but the -- the inner envelope would be taped or sealed or glued or something because maybe something got undone and they did that. So they asked for guidance from the State Board of Elections, and the State Board gave them guidance that we're codifying. So this bill has the support of the Board of Elections, has the support of the Election Commissioners, because this way in the law it's real clear because we're just simply codifying what should be existing practice.

MR. NORRIS: Now, you mentioned tape, so regular Scotch tape. I mean, it is possible that someone can lift the tape up, slip -- put in a brand-new ballot and reseal it with new Scotch tape or the same Scotch tape; would that be correct?

MS. PAULIN: So, if there's any indication of tampering -- that's why that caveat is there, that's why the caveat was in the -- the guidance that the State Board had issued to the local Board of Elections-- then that would not count. It would only be if it was clear that the tape was put on because of, you know -- I often -- I have to say, I often tape envelopes, you know, because I just want to be sure that they're not going to get opened in the mail. You know, I don't trust that glue, I don't like to lick it that hard. So -- so I think there's many people in that category. And they wouldn't know

necessarily that by doing that, it would be a problem. So it's -- it's -- if it looks like it was picked at or changed or ripped or something, it would be it looked -- it would like it would be tempered with and, therefore, would not count.

MR. NORRIS: I guess it would be possible, though, that someone could remove a piece of tape, put a new piece of tape on it, and there may not be any evidence of tampering under that situation.

MS. PAULIN: I think if it looked like -- honestly, you know, if you try to -- if something was sealed and you tried to open it carefully and then tape it, I think, you know, could a real master do that? Maybe, but I -- I think it -- I think it would look tampered with.

MR. NORRIS: Okay. One more question. Does this require a cure period? I know recently we've adopted many changes which requires the voter to be notified that there may need to be a cure. Is there a notification for such a cure?

MS. PAULIN: It's all -- it's in the same standards as the other things that we indicated in the law already.

MR. NORRIS: All right. Thank you, Ms. Paulin.

MS. PAULIN: Sure.

MR. NORRIS: I appreciate you answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER ZACCARO: On the bill.

MR. NORRIS: Thank you, Mr. Speaker. Just reviewing, again, this piece of legislation. As a former Elections Commissioner who observed many ballots being opened during my time, I have concerns that the -- the reason is for it to be sealed is to prevent any tampering of the ballot. You know, the ballot is very sacred to the voter who makes sure -- who wants to make sure that that ballot gets counted and not tampered with along the way. And I think by opening up this can of worms, by adding tape and paste and other things, it just opens it up to potential fraud, and for that reason I would encourage my colleagues to oppose this legislation.

Thank you, Mr. Speaker, for having the opportunity to be heard on the bill. Thank you.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it can vote in favor on the floor. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Eichenstein.

MR. EICHENSTEIN: Thank you, Mr. Speaker. The Majority will be in the affirmative on this fine piece of legislation, and anyone who wishes to vote in the negative is welcome to come to the

floor. Thank you.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I want to commend the sponsor for this great commonsense piece of legislation. So often, a voter when they're ready to mail in their absentee ballot get an envelope where it -- it just won't seal, so they want to keep and want to make sure that the ballot gets to the Board of Elections and that nobody does anything to the ballot. So the presumption should be, as in this bill, that the ballot will count. We should make voting easy and simple and not try to find ways to disqualify voters, and this also applies to absentee voting. So this is a great common sense bill which should have passed years ago.

Thank you.

ACTING SPEAKER ZACCARO: Mr. Jacobson in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I strongly support this measure. I think we should be doing everything we can to make sure that voters are not disenfranchised from their vote. And this is perfectly valid; it provides for a means to make sure that fraud would not be occurring. I strongly favor it and I vote in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

Page 14, Rules Report No. 433, the Clerk will read.

THE CLERK: Senate No. S03261, Rules Report No. 433, Senator Hoylman-Sigal (A02218, Weprin, Paulin, Dinowitz, Gunther). An act to repeal Section 470 of the Judiciary Law, relating to allowing attorneys having offices in the State to reside in an adjoining state.

ACTING SPEAKER ZACCARO: An explanation has been requested, Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. This bill repeals Section 470 of the Judiciary Law and would allow attorneys to practice in New York regardless of whether they have an office in the State. Section 470 of the Judiciary Law was enacted in its current form in 1909, more than a century ago, following predecessor statutes dating from 1862, and requires non-resident attorneys practicing in New York who are already admitted in New York to maintain a physical law office in the State. A central concern at the time was a difficulty in serving attorneys not located in New York. However, since the advent of long-arm jurisdiction, obtaining jurisdiction over such an attorney is no longer problematic. With modern-day

mechanisms for serving papers on attorneys not located in the State such as e-mail, mobile phones and even fax machines, there is no reason to require a brick-and-mortar office as specified in Section 470. The concerns that led to the adoption of this section more than a century ago no longer exist, and the current statutory prohibition serves no purpose in today's global environment. Its repeal would not create any significant difficulties arising from the lack of an attorney's physical office within the State.

ACTING SPEAKER ZACCARO: Ms. Walsh.

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

ACTING SPEAKER ZACCARO: Will the sponsor yield?

MR. WEPRIN: I'd be happy to.

ACTING SPEAKER ZACCARO: The sponsor yields.

MS. WALSH: Thank you very much, Mr. Weprin. Just a few questions about this one. Under our current law, is there any requirement that there be office space that's outside of the home? You could have a home office, as I do, and still be able to practice law in the State; correct?

MR. WEPRIN: That is true, if that's your official legal office.

MS. WALSH: Okay, very good. So, you mentioned that this -- the existing law was first, you know, put into place in its

current form in the early 1900s. Since it has been so long settled, what's the justification for changing it now?

MR. WEPRIN: Well, I was originally approached by the New York State Bar Association that strongly supports this legislation. Ironically, I introduced the legislation in the middle of COVID in 2020, so I think COVID made it even more important to -- to not require a physical office because we all know that during COVID many attorneys never made it to an office.

MS. WALSH: And -- and I'll definitely grant you that during COVID and during the pandemic there were many different changes that this Legislature made to try to accommodate or, you know, help out during the pandemic. Now we're not in the pandemic but still we have this bill, so...

MR. WEPRIN: Correct.

MS. WALSH: Yeah. So, what's the -- beyond the -- the COVID concerns and the fact that the New York State Bar Association appears to support it, what -- what's the justification for changing something that we've had in place for so long?

MR. WEPRIN: Well, it's archaic. I mean, the law -- you know, circumstances change. You know, people would ride their horse and buggy to court back then. You know, things are -- are different now and it's -- it's really not necessary.

MS. WALSH: Well, why would we want to create unnecessary competition for New York-barred attorneys that live, work and pay taxes in the State of New York?

MR. WEPRIN: Well, you know, a lot of attorneys -- I don't think this is going to result in significant competition from out-of-State attorneys.

MS. WALSH: There are a lot of attorneys, as a matter of fact we are ranked, I checked, number two in lawyers per capita. We have over 187,000 lawyers in New York. So I found it interesting when I was reading the memorandum of support for the Bar Association because they were talking about legal deserts, and I found that amusing when you consider that we -- we are number two in the entire nation in -- in lawyers per capita. How could they actually argue that we have legal deserts?

MR. WEPRIN: Well, there clearly are parts of the State that have less attorneys than others parts of the State. Clearly, when you're dealing with New York City there are a lot of attorneys, but when you're dealing with rural areas in New York State, maybe where Mr. Goodell lives, there are less attorneys. And by the way, we're only apply -- we're only -- this only applies to attorneys already admitted in New York State. So we're not looking to allow attorneys that aren't admitted in New York State into practice and compete with New York lawyers, we're just saying that the archaic requirement of maintaining a physical brick-and-mortar office no longer apply.

MS. WALSH: Well, what we're saying is that if you have a -- a New York State attorney admitted to practice in New York State who wants to go live in Florida and establish residency there because the tax laws are so much better, that he or she can still

practice in New York State.

MR. WEPRIN: Well, we're not talking about --

MS. WALSH: Why would we want to do that?

MR. WEPRIN: We're not talking about their residency, we're just talking about the physical office.

MS. WALSH: And we know that if an attorney wants to come from out-of-State and practice on a matter in New York State, that that pro hac vice applications are routinely granted by the courts with -- with -- I've never -- I've never been involved in a case where something like that wasn't granted.

MR. WEPRIN: That is a vehicle. That is another vehicle, but this is -- this is specifically dealing with having a brick-and-mortar office.

MS. WALSH: Okay. So let's see. Yeah, that's right. So the other -- the other thing I just want to ask about is under this bill there's nothing in this bill that would prohibit a local court from having a rule that would require the attorney of record to have a physical precedent -- presence in New York, correct?

MR. WEPRIN: Not -- not specifically, but I would -- would -- couldn't imagine why that would happen if we're repealing the requirement.

MS. WALSH: Well, sometimes an area -- an area around the State might be a little bit parochial and want their attorneys practicing in front of their local courts to have that skin in the game of having a brick-and-mortar office, you know, nearby.

MR. WEPRIN: It could happen, but we're -- we're dealing with the current situation, and that's why I'm recommending repeal of that statute.

MS. WALSH: Okay. All right, very good. Thank you, Mr. Weprin.

MR. WEPRIN: Thank you.

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

ACTING SPEAKER ZACCARO: On the bill.

MS. WALSH: So, we already have an out-migration problem in New York State. New York has nation-leading out-migration. We've lost around 300,000 people to other states in out-migration in the last ten years according to the 2020 Census. And in 2022, 62 percent of all moves were outbound, were -- were going away from us. And I could definitely envision a situation -- we've spoken many times about the -- the -- the taxes in New York, the difficulties of living in New York that have resulted in some of this out-migration, and I -- I know of any number of people, attorneys and non-attorneys, who have established residency in more tax-favorable states like Florida, for ex -- but not limited to Florida, but I'm specifically thinking of Florida. And if you don't have a physical office in New York you might be able to avoid New York State income taxes. And is that really the message and the policy that we want to have as part of -- of our State?

So those are my issues with the bill. I plan on voting in the negative and I would encourage my colleagues to do the same.

Thank you very much, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Flood.

MR. FLOOD: I apologize, I took the button off. My colleague had asked the question I was planning on.

ACTING SPEAKER ZACCARO: Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. Speaker. Would the sponsor yield for a question or two, please?

ACTING SPEAKER ZACCARO: Will the sponsor yield?

MR. WEPRIN: I'd be happy to.

ACTING SPEAKER ZACCARO: He'd be happy to.

MR. PIROZZOLO: So, I'm -- I'm just a little bit confused and would appreciate some clarification because I hear the term of "legal desert", and you mentioned this would allow people to be able to have a lawyer online, basically?

MR. WEPRIN: No, nothing to do with having a lawyer online. It has to do with an archaic requirement that in order to practice in New York State you have to have a physical office in the State.

MR. PIROZZOLO: Okay. So that means someone from out-of-State can practice here and that would basically be done -- are they going to visit their client or is that going to be through the internet? Is it going to be an online meeting like a Zoom meeting?

MR. WEPRIN: I don't know what their, you know, situation would be, but this is a 1909 law that is -- is out of date and

that's why the legislation is repealing it.

MR. PIROZZOLO: I get it's a 1909 law, I'm not debating that fact and I, you know, regardless. Just my concern is that if people out-of-State, from another state far away, California, you know, Chicago, wherever it may be, Oklahoma, are going to be able to do business in New York, that business obviously can only be done online or via a Zoom meeting; wouldn't that be correct?

MR. WEPRIN: Okay, well, this legislation doesn't change that. There -- as our colleague just pointed out, there are many attorneys coming here being admitted pro hac vice and practicing. This is just eliminating the requirement that they have a physical office.

MR. PIROZZOLO: So, I get that. But then so wouldn't those same people in New York be able to contact New York attorneys who live in New York, support New York, hire people in New York, do business in New York, pay taxes in New York just as easily would be some guy from Oklahoma?

MR. WEPRIN: They could do that as well, but again, this is just dealing with the situation where an attorney that's already admitted in New York State who wants to practice for whatever reason, it could have been COVID, how many people gave up physical offices during COVID? I know quite a few that have done everything, you know, online remotely since COVID. So that's a perfect example, they should not have to be required to have a physical office.

MR. PIROZZOLO: Thank you very much.

If I may, on the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PIROZZOLO: You know, so my concern here is really that we're giving away New York business to other states to attorneys from all over the country because once we do this, I mean, there's nothing to stop any attorney anywhere saying, *Well, you know, I'm going to advertise in New York and maybe that client in New York will pick me up and because of the advent of Zoom I'll -- I'll be able to do business in Zoom*, and we are once again, you know, we're weakening our business base in New York. So I understand it's an old bill, I don't really care that it's an old bill. What I do care about is the strength of New York, the strength of our economy, the strength of people who live here, who've gone to law school who qualified to practice in New York and they actually support New York and -- and its business economy. I don't think we should be opening this up to -- to lawyers that are states away, that live across the nation or anywhere else but New York.

So I think I'm going to vote no on this and I would hope our colleagues would also.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Weprin?

MR. WEPRIN: I'd be happy to.

ACTING SPEAKER AUBRY: Mr. Weprin yields.

MR. GOODELL: Thank you, Mr. Weprin. I know that during COVID when Governor Cuomo shut down New York State that there were literally thousands and thousands of residents in New Jersey who were forced during COVID to work from home, even though their employer and their office used to be in New York City. And I know that New Jersey at the time had given credit to New Jersey residents who paid taxes in New York and other states to the tune of \$3.85 billion. And I know that New Jersey said, *Since our residents are not leaving our state anymore and they're only working in New York -- I'm sorry, in New Jersey -- and they're not even crossing the river, they shouldn't pay New York State taxes.* And as I recall, the amount they were talking about was \$3- or \$400 million. What happened to that? Do you know how that was resolved?

MR. WEPRIN: We can find out, but that's not really relevant to the -- to the current legislation.

MR. GOODELL: Well, the reason I -- I ask the question is because amongst those people who were working solely at home in New Jersey, whom New Jersey claimed they no longer owed any New York taxes, were a number of New Jersey residents who were licensed New York attorneys. And so my question is, if you can live in Jersey and work for a New York company on a transactional basis, for example as a corporate lawyer, do you pay New York taxes even though you never crossed the river? Don't you -- aren't you obligated to pay New Jersey taxes?

MR. WEPRIN: Well, I don't know about that, but in the case that you cited, any New York State-admitted attorney would have to pay and -- and earning income from New York would have to pay New York State income taxes, and of course would have to pay New York State fees by being admitted in New York State.

MR. GOODELL: So at one time I was admitted in New York and the District of Columbia and the Commonwealth of Virginia. Are you saying that if I got a call from Virginia -- my office, by the way, for a while was in -- was in D.C. -- are you saying if I got a call from a client in Virginia I was supposed to pay Virginia income taxes, but if the Virginia client came to my office in D.C. I'd pay D.C. taxes?

MR. WEPRIN: I'm not saying that.

MR. GOODELL: Okay. So, I mean, there was \$3- or \$400 million in dispute and this bill says if you're a very wealthy, high-paid lawyer admitted to practice in New York you can live anywhere in the nation, and presumably if you never, ever cross the river or land in New York you would never have to pay New York taxes; isn't that correct?

MR. WEPRIN: It's the same as the situation which is very common of New York City attorneys that live in Connecticut or -- or New Jersey or other places right now. They would still have to pay taxes.

MR. GOODELL: Well, of course right now the only way a Connecticut attorney can practice in New York is if they have

an office in New York. And so I agree it's not just an issue with New Jersey, it's an issue with lawyers in New Jersey, high-priced lawyers who live in Connecticut and would rather never come across the border if they can save taxes, or Pennsylvania or Ohio or really anywhere in the State and the nation, right?

MR. WEPRIN: In theory, yes.

MR. GOODELL: And we're not really asking attorneys who are licensed in New York and might be licensed in multiple states to actually divide up their income based on the residence of their client, right? That's --

MR. WEPRIN: Well, they would still be required to -- to come to court in New York State.

MR. GOODELL: But only if they do court work. I mean to be honest with you I do transaction work, you know, banking, contracts, real estate. I don't normally go to court. So if you're a transactional lawyer - and I dare say the highest paid lawyers in New York State are probably transactional lawyers, guys like tax lawyers, who by the way, know the difference in taxes between New York and New Jersey or Florida, but if you don't come into New York you would never have to pay New York taxes, right?

MR. WEPRIN: I don't think that's true. Yeah, I don't think that's true. I think you'd still be required to -- to pay New York taxes if your transactional work is in New York.

MR. GOODELL: I see. Even if you never ever set foot in New York?

MR. WEPRIN: I'm not sure.

MR. GOODELL: Because that's what this bill allows. It allows you to be outside of New York, never step foot in New York, and I suspect you'll never send a check for income taxes to New York either.

MR. WEPRIN: Well, you're talking about one possible lone incident, but the -- the bulk of -- of people this would not change, you know, the payment of taxes or fees to New York State.

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

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: You know, sadly, in New York City we currently have a distinction of being number one in the nation. Number one in the nation in the highest income tax rate. We're even higher than California. We're even higher than Massachusetts, which we used to jokingly call Taxachusetts, except their Democrat Governor is trying to cut taxes, shamefully, leaving us in that enviable position of having the highest tax rate in the nation. And so it's no surprise that the high paid lawyers where licensed in New York, would rather not pay our income taxes. And if you're paying 15 percent of your income in income taxes and you were making \$1 million a year, you might prefer to save 150,000 by doing your work over the internet, or by e-mail, or by phone, because that's

how much you save if you go to Florida. Imagine that, 150,000 a year. So while I absolutely agree with my colleague that in today's world you don't need a physical office, you can do all your work anywhere you want. And if you can do all your work anywhere you want and New York taxes you the most, if you have a brick-and-mortar building here, you won't have a brick-and-mortar building here and we won't have the tax revenue. And we're talking hundreds and millions of dollars as you extend that to others. So I certainly appreciate my colleague's observations. The law has changed a lot, but I think if we want New York lawyers to practice in New York and pay New York taxes and contribute to our great State we ought to expect them to be here to help us. Thank you, sir. And thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. WEPRIN: Yes, I will.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. RA: Okay. So just quickly. You know, at the outset you talked about, you know, obviously this being a statute that's been on the books for many years. And I think everybody has the knowledge that we live in a different world than we did then, but I know there's case laws who have reaffirmed this -- this requirement,

you know, in more recent years. So I guess my -- my question is, really what is -- what are we trying to really accomplish here? What is the justification? We know somebody can for a specific situation make a motion to appear, but I mean are you envisioning a person that has no physical presence in New York who is going to regularly be engaging in the practice of law in New York under this?

MR. WEPRIN: I'm not anticipating that, but at the same time you're expanding the lawyer base and the transactions in New York State. The New York State Bar Association, as I said earlier, is supporting this legislation because it'll probably result in more legal business in New York State and it just -- there are probably people that -- who did not have the -- the physical office that are not accepting clients or not doing New York transactions. So I think if it would, you know, hinder that I don't think the New York State Bar Association would be supporting it. So I think it's going to increase, you know, the availability of lawyers in New York State.

MR. RA: I'll -- I'll -- call me a skeptic but I -- I could envision them liking it for other reasons like perhaps that maybe more people would join the New York Bar Association and -- and pay the -- pay the fees to do so. But I -- I guess my -- my other question is, I guess again why is the situation now that somebody can make that motion to -- to deal with a matter not sufficient? Do you feel that that process is -- is too cumbersome? Is that something we should be looking at as opposed to this widespread solution?

MR. WEPRIN: Possibly, but again, it's discretionary

with individual judges. And, you know, in different, you know, parts of -- of the State or the country and, you know, I think this is -- solves a -- is a simple solution for an archaic law.

MR. RA: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So, you know, like -- my colleague said, you know, yes, we live in a different world than we did when this was first put into place but, you know, this has been evaluating case law in more recent years. And actually the Court of Appeals just a few years ago in *Schoenefeld* case said that New York has, quote, "an interest in ensuring that personal service can be accomplished on non-resident attorneys admitted to practice here." I think there are concerns with this -- with this legislation in that I'm just not sure it's -- it's necessary and we have mechanisms by which somebody who wants to handle a matter can make an application to court and do so, but allowing, you know, somebody to basically engage in the full-scale practice and have their -- basically have their full practice going in New York State without any physical presence here or -- or office or anything I think is concerning, and I'm going to be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Those who support that are certainly welcome to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Gibbs.

MR. GIBBS: Mr. Speaker, the Majority is in the affirmative. If those who choose to vote in the negative, they may choose to do so. Thank you.

ACTING SPEAKER AUBRY: Thank you both.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Brown to explain his vote.

MR. A. BROWN: Thank you, Mr. Speaker. Simply put, it's been said many times there's no better government than small and local government. I run a little village and we are the shopping -- the shopping district of the South Shore of Long Island. Every year I host a sidewalk sale and people come from all over the State and big issue is other merchants from outside of the village want to bring their wares into the village and set up shop and I always say absolutely not. And the reason for that is why should a merchant from outside of our village set up shop when our merchants pay taxes and contribute to the local economy in every way. They pay for their rent, they pay for their heat, they pay for their employees, why should another guy set up a shop and table outside the front of the store and have the benefits, and this is exactly the same situation. Why should we have a lawyer,

an attorney from outside of the State reap all the benefits and contribute nothing to the local economy. And for this reason I vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Brown in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 437, the Clerk will read.

THE CLERK: Assembly No. A02898-A, Rules Report No. 437, Carroll, Epstein, Shimsky, González-Rojas, McDonald, Dinowitz, Gallagher, Seawright, Jean-Pierre, Thiele, Cunningham, Woerner, K. Brown, Forrest, Simon, Weprin. An act to amend the Insurance Law, in relation to requiring certain insurance policies to cover neuropsychological exams for dyslexia.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

And I'd like to thank the sponsor for introducing this piece of legislation. We're seeing the topic of dyslexia in early reading become more and more of a legislative conversation as we've seen the

adoption of balanced literacy in our schools. Early detection is vital, understanding that phonics is the first step in reading and reading education that allows for early detection to happen more naturally with educators and that signs of reading tactics for our educators is important. We've had a generation of educators now who use teaching methods that are no longer considered adequate in allowing for the early detection that's so necessary. This bill takes a great first step but more is needed to make sure that our schools and our educators are doing everything they can to adjust the reading curriculum so that parents of students with dyslexia and dyslexic readers are not seen as squeaky wheels in a new form of reading tactics but their needs and concerns are being met in the next generation of teaching methods for our students. So for that reason I'm in the affirmative. Thank you very much.

ACTING SPEAKER AUBRY: Thank you. Mr. Blumencranz in the affirmative.

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. I rise to explain my vote. This bill very simply clarifies current law making sure that folks who have private insurance can have a neuropsychological evaluation paid for to diagnose dyslexia. Right now so many New Yorkers are denied the ability to have a diagnosis of dyslexia which is a neurobiological disorder, that if they were to have that diagnosis not only would they be able to get proper treatment and remediate that dyslexia, but they would be able to make

sure and save up other issues that come with undiagnosed dyslexia like anxiety, depression and many other issues. This will go and help so many New Yorkers, especially low-income and middle-income New Yorkers who cannot afford 5-, 6-, 7,000 out-of-pocket to pay for one of these exams. I withdraw my request and vote in the affirmative, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Carroll in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I wasn't intending to explain my vote but I do want to say that I support this legislation wholeheartedly. As a practitioner in the field, I cannot tell you how many times the difficulty getting an evaluation, the difficulty getting an evaluation often keeps kids from getting the support they need in school and it is preclusive for many people actually being able to pursue their civil rights. So I'm very happy to be voting in the affirmative and I look forward to insurance companies actually paying for the -- the evaluations. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. This bill came to the Insurance Committee and we -- it's coverage that makes a lot of sense, should have been in place for a long time. As the sponsor has made all of us aware on many occasions, dyslexia is -- is a major

problem, has -- has been -- had been found to be a real hindrance to children in their development and certainly having reimbursement for coverage for dyslexia will go a long way to helping our children develop, and I withdraw my request and I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 449, the Clerk will read.

THE CLERK: Assembly No. A05109-A, Rules Report No. 449, Glick, Lupardo, Simon, Burdick, Epstein, Dinowitz, Stirpe, Thiele, L. Rosenthal, Lavine, Woerner, Cruz, Pretlow, Santabarbara, Colton, Raga, Simone, L. Rosenthal. An act to amend the Agriculture and Markets Law, in relation to prohibiting the slaughtering of horses for human or animal consumption.

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

An explanation is requested, Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. The purpose of the bill is to prohibit a person, a corporation or other entity that owns a horse from selling it, transporting it for slaughter for the purpose of human or animal consumption. There are a number of

reasons. Many people unlike other farm animals, horses are not intended to be part of the food supply and so in many instances they're treated with medications that would never be used for animals that are intended to be part of the food supply. So it's a public health issue, but it's also the fact that they -- it's not an appropriate way to deal with horses to send them to slaughter for human or animal consumption.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the Chair please yield for some questions?

MS. GLICK: Of course.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. TAGUE: Thank you. Does this bill offer any funding to reimburse the farm or horse owner, producer for resale value?

MS. GLICK: No, it doesn't. If someone has a horse that has been either a working horse or a family companion animal, it does not provide those individuals for the -- I -- I assume you're asking for the -- the disposal of the animal.

MR. TAGUE: Yes.

MS. GLICK: And no, that is not part of this bill but it's obviously something we could talk about in a budget next year.

MR. TAGUE: Well, I think that that's -- I'll be honest with you. I surely do not advocate for the slaughter of horses. My -- the reason why I'm in the negative on this bill is because of all the problems surrounding the whole issue of what to do with one of

these animals when they die. You know, one -- one of the other questions that I would ask is, is -- is this bill preempted by Federal law?

MS. GLICK: No. I don't believe it's preempted by Federal law and, you know, look. In this -- we don't have slaughterhouses in New York State but they do in Canada and so -- and we're relatively close. Today, we found out in the last two days, we found out maybe too close, but the -- the transport is quite inhumane and we have our own laws around humane treatment. And if they are sent to Canada there's no tracking of what medications the animal may have been treated with over time, and so in that way it's inappropriate, but it does not violate or is preempted by Federal law in any way. I will say that in some places people if you have a ranch in the same way that some people choose to have their pets buried near them, you know, on their -- their property, many people will -- will do that. I spoke with someone who was visiting earlier today who said that she had buried several horses on her property. Now I understand recently that there are some counties that have some local ordinance against that of which I was not necessarily aware. I don't think it's widespread but I intend to talk with our Commissioner of Ag and Markets, who obviously comes from Schoharie, to ask about that and to see if the -- what the local issue was and if there is some way it could be that it's an antiquated concern and see if we can change it. On the other hand, if you have an elderly horse and you know that you're not in a position to do something for the horse, we do have

across the State a number of equine sanctuaries. I -- I visited a few and they raise money, I guess, to -- to help take care of the animals, their medical needs, the veterinarian needs and presumably their end-of-life. So, I think there are some options but I understand the concern if you are in a situation where you would like to bury the horse but local law precludes that.

MR. TAGUE: Well, I would just say, again, that's one of the obstacles I have in front of me for being in support of this bill, because we also have an issue with dairy cows. Years ago they would actually come and buy a cow that may have died on your property and they would pay you a small fee for it. Then ten years down the road they wanted you to pay for them to take it and now it's my understanding that they will not take it and it's the same issue that you cannot bury the cow on the farm like you could years and years ago in some counties. So, this is one of the reasons that keeps me from being supportive of this bill. I think that there are some issues within this bill and no pun intended, but I think we've put the cart in front of the horse --

MS. GLICK: Well --

MR. TAGUE: -- on some of these issues. And I would like to see those issues get straightened out and then pass the whole thing as one package and possibly even help out with other livestock areas where it's very difficult. You know, some of the other livestock animals you do send to market, there's no question about it, we know that, that's part of the business. However, there are some

farms where the animals cannot be sent to market and they may die on the farm for one reason or the other and these folks have no way to dispose properly of the carcass.

MS. GLICK: I -- I hear that concern. This is limited to horses and not other livestock but something that we can certainly talk about --

MR TAGUE: Absolutely.

MS. GLICK: -- obviously when I talk with the Commissioner. That conversation won't be exclusive about horses but at the very least, it's my understanding that it's a limited number of counties and this is an issue that's Statewide. So at the moment the bill is before us, the bill has been around for a number of years, we're not exactly rushing this to the floor. It's taken quite a long time. I'm pleased that it's passed the Senate and I believe it's appropriate for us to take this step tonight understanding that it's just come to our attention that there are a few obstacles in some limited number of counties.

MR. TAGUE: Well, thank you. Mr. Speaker, if I may on the bill and I'd like to thank the Chair for a respectful and kind debate. Thank you.

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

MR. TAGUE: Mr. Speaker, I can't vote for this bill and there's -- there's a few reasons why. Number one, in my opinion, it eliminates any resale value to the detriment of the owner. Number

two, I believe that it is preempted by Federal law and number three, it purports to ban interstate international commerce in violation of the Federal constitution. And lastly, Farm Bureau is opposed to this bill. And they state that this bill goes well beyond regulating the humane treatment of animals and allows government authority over the end-of-life care in the animal industry without any scientific justification. This legislation does not provide a humane or cost-effective option for the end-of-life care for horses. All other livestock industries have legal options for their animals at the end of the animal's life. The decision to send a horse to a processing facility where it will be euthanized is both a personal and business decision. Excuse me. Slaughter is a needed method of disposing of horses that cannot be cared for or are dangerous to manage and no longer have any viable use. Equine rescue organizations do not have the capability or logistics to solve the overall problems of unwanted horses, especially with 150,000 horses in New York State. Euthanizing a horse on the farm can be difficult as a State or local laws can make it illegal to bury a horse on private property or bring its carcass to a landfill. The Farm Bureau recommends the development of low cost gelding, euthanasia and carcass disposal programs in New York State. The State supports and funding is needed for the aftercare end-of-life costs of retired or unwanted horses. And during my debate here and my discussion with the Chair, I -- I believe I brought those points out. Those are my concerns and for those reasons I will be voting in the negative and I would urge my colleagues to do the same. Thank you,

Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: Thank -- thank you, Mr. Speaker.

Briefly, let -- let me just say that horses are a bit different than some of the other farm animals that tend to operate, be herded regularly. Horses, as we know, frequently can be panicked and the way in which they are transported is totally inhumane and there have been really some terrible accidents with horses jammed into trailers on the way to a slaughterhouse. Slaughter is not euthanasia and I appreciate the fact that horses are expensive to own. They're expensive to take care of. And presumably if one makes that commitment, one also will understand that there is an end-of-life issue that they have to be prepared and plan for. I'm sympathetic to the fact that a lot of people do bury horses on their property and if there are some counties that prohibit that, that is an issue that we will have to take up with Ag and Markets, but that should not change the fact that there is science that says the bill is about transporting horses for slaughter for human and animal consumption, and there are dozens of medications that are regularly used on horses that would never be used on cows or sheep that are planned to be used for human consumption. So there are health reasons that you would not want to perpetuate this inappropriate practice. So I appreciate the very civilized conversation on this matter but I believe the time has come for New York to take this step. We took the first step around racehorses. This is the -- it's

inexcusable to say that we're not going to treat other horses with the same dignity. And I do believe that there are many sanctuaries that are prepared to take older horses when they are no longer able to work or perhaps a family, you know, the kids have grown up and the parents aren't riders and they don't want to keep the horse. So in those instances maybe they can sell the horse but maybe they just need to put the horse - pardon the pun - out to pasture and there are in fact sanctuaries looking forward to taking care of those animals. So I would hope that we will see a very strong vote in this House. It may not be as strong as the vote in the other House where I believe there was one vote in opposition, but I -- I hope that we have a very substantial vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority colleagues are going to be in favor of this piece of legislation; however, there may be some that would like to be an exception. They should feel free to vote their feelings on the floor. Thank you.

ACTING SPEAKER AUBRY: Thank you.

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.

Page 11, Rules Report No. 278, the Clerk will read.

THE CLERK: Assembly No. A06978, Rules Report No. 278, Wallace, Buttenschon. An act to amend the General Business Law, in relation to permitting employees of public utilities access to certain restroom facilities without being a paying customer.

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

Ms. Wallace, an explanation is requested.

MS. WALLACE: So this bill requires that businesses open to the public permit utility workers who are working on the premises to use a toilet facility while they are there.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

ACTING SPEAKER AUBRY: Ms. Wallace --

MS. WALLACE: Yes.

ACTING SPEAKER AUBRY: Ms. Wallace yields,
Ms. Walsh.

MS. WALSH: Thank you very much. I've got some questions for you. First of all, who exactly does this bill apply to as far as utility workers? Who specifically does that apply to?

MS. WALLACE: You mean which utility workers?

MS. WALSH: Yeah, yeah.

MS. WALLACE: A utility worker who is working on the premises.

MS. WALSH: Okay. So when I think of utility workers I originally think of like people working on like the telephone poles or the electrical poles like down the street. Are these -- are these individuals, though, workers that are working right in that building or in that store or place of business?

MS. WALLACE: Yeah. I think in or on the premises so like if you're working outside the premises but it's part of the property, I would say it was encompassed within the scope of this bill.

MS. WALSH: Okay. But what if they're -- I mean just what if they're like a couple blocks away but they just -- this -- this store looks like a good place to stop --

MS. WALLACE: If they're a couple blocks away the bill doesn't apply to them, but I would hope that the business would

try to accommodate them.

MS. WALSH: Okay. But the bill itself just speaks to -- I didn't really see that in the -- it says -- where does it say that in the bill exactly?

MS. WALLACE: On the premises? Um...

MS. WALSH: It says while performing a utility-related service.

MS. WALLACE: Who is lawfully on the present -- premises.

MS. WALSH: Well, you said they're lawfully on the premises, like I would imagine that when they walk into the place they're lawfully on the premises, they're not committing a crime or anything, they're not trespassing, it's a place of business. But does it say anywhere that they actually have to be performing the utility work, you know, on that premises or in that premises?

MS. WALLACE: Sorry. I was looking at the wrong bill. This bill is by the way modeled after -- I was looking at a -- a different bill. This bill is modeled after a bill that we actually passed a couple of years ago for individuals who have Crohn's and colitis --

MS. WALSH: Yes, yeah. Colitis --

MS. WALLACE: So very similar but I was looking at that but let me look at the language. Sorry, hold on.

MS. WALSH: That's okay. No, that's okay.

MS. WALLACE: So where is it, okay, law 6. So to allow any individual who is lawfully on the premises of such business

while performing a utility service, so it is qualified.

MS. WALSH: Okay, all right. So that could be, for example, a welder, an electrician, a plumber, a boilermaker, a steamfitter, you know, it's like you fill in the blank, right? Anybody who's -- it could be a painter --

MS. WALLACE: Employee. It says employee of a public utility.

MS. WALSH: An employee of a public utility, okay, so okay, very good. And as far as which -- is it any kind of business at all, any business? It could be a --

MS. WALLACE: A business that is open for the sale of goods and services.

MS. WALSH: Okay. So like in the City it could be like a -- a bodega, it could be --

MS. WALLACE: Yeah, yes.

MS. WALSH: But it's got to have at least -- (inaudible/cross-talk) it's got to have at least two employees there, right?

MS. WALLACE: That's right.

MS. WALSH: Okay, for this to count. All right. And you mentioned -- you referenced that earlier bill, so this bill would apply - regardless of the utility worker's health history or particular health needs - where the -- the bill from 2020 that was chaptered in 310 of 2020, like the Public Health Law, that was specifically for individuals who had Crohn's or colitis, and had an ID

card that said hey, if -- if I come in here and I need to use the restroom, you need to accommodate me. But this bill, your bill here, doesn't make any -- it could be anybody who just needs to use the restroom.

MS. WALLACE: Well, they have to be a utility worker, and, you know, the business can demand evidence that they are a utility worker.

MS. WALSH: Yep.

MS. WALLACE: But, you know, I would imagine a utility worker wouldn't ask to use the bathroom unless they actually had to. So, you know, that's the purpose of the bill. Like if they're working on the premises, they need to use the bathroom. As you and I know as women, you know, we have additional needs sometimes that men don't experience and, you know, we want to accommodate all of our utility workers. I think it's especially important to women utility workers who it's not as easy to access a bathroom sometimes and you may have a more urgent situation.

MS. WALSH: Well, not to -- not to be funny or anything, but I mean there are plenty of men who also have an urgent need to use the restroom, I would imagine.

MS. WALLACE: Fair -- fair enough but I think women sometimes we have additional burdens sometimes on our reproductive system that men don't experience.

(Laughter).

That's what I'm talking about.

MS. WALSH: It was the power of suggestion I'm afraid.

(Laughter)

All right. Okay. So if -- can you just walk through a little bit about what the -- the employees of the store or of the place need to do in order to accommodate under this -- under this legislation?

MS. WALLACE: So yeah. So the -- the bill says that the employee -- there's qualifications, right? So these are the following qualifications: During normal business hours the individual requesting to use the facility is an employee of a public utility. Two or more employees are actually working at the time. The facility is not located in an area where providing access would create an obvious health or safety risk when the requesting individual -- so there wouldn't be an obvious health or safety risk to the requesting individual or to the business or people in the business, and use of the toilet would not create a risk to the individual, and then finally there's no public restroom nearby.

MS. WALSH: Now, okay, so that last one, let's take that last one first. There isn't a public restroom nearby. How nearby? In the same building nearby, who makes that -- who makes that decision?

MS. WALLACE: The bill says immediately accessible.

MS. WALSH: Okay. So a couple doors down? No?

MS. WALLACE: I -- I would say just a couple doors down the person would probably just go there, but, you know, if it's -- it's not immediately accessible.

MS. WALSH: Okay. Because here's the thing. If you -- if they -- if the employee guesses wrong and says hey, you know what, with all due respect but a couple doors down there's a public restroom, would you please use that, I'm a little uncomfortable with you coming and using this restroom but there's one really close by. But if -- if they make a mistake, there's a \$500 per incident penalty, right, under this bill.

MS. WALLACE: Well, yeah. I -- I don't think that the employee should be referring somebody if they're not sure that there's a public restroom nearby.

MS. WALSH: Well, what if it's out of order? I mean, you know, like what if they don't know? What if it's -- what if it's out of order but there's one that's --

MS. WALLACE: I mean, and you know, we don't know, but I would assume in that situation then the employee would come back -- the utility worker would come back, saying it was out of order, can I now use your restroom and hopefully the person would accommodate it.

MS. WALSH: Right, right, okay. So who imposes that \$500 fine, by the way, if that -- if that does happen?

(Pause)

MS. WALLACE: I may -- I may have to get back to

you on that but I think it would be the Attorney General.

MS. WALSH: Okay.

MS. WALLACE: I'll follow up with you on that.

MS. WALSH: All right, okay. And then how -- if this bill does become law, how is -- is there going to be like some type of educational campaign to let businesses know that they need to start -- their employees know that they need to start doing this and under what circumstances? I mean what do you envision for that?

MS. WALLACE: Yeah, I think that that's a -- a good point and I definitely think that there should be outreach to the businesses to let them know that this is now a requirement.

MS. WALSH: Okay, very good. Thank you very much, Ms. Wallace.

Mr. Speaker, on the bill.

ACTING SPEAKER GIBBS: On the bill.

MS. WALSH: Thank you. So, a couple of things. And I -- I understand, you know, the rationale for creating a bill like this. My overall question that I would ask is, you know, where do we draw the line here? I mean utility workers, yup, I'm sure that they do have needs, I'm sure that they do at times need to use the restroom, I get it, but what about the FedEx guy, what about the UPS person, I mean they're all doing a hard job, too. Where do we draw the line? Are we just going to let anybody that needs to come into a place of business and use an employee restroom under these circumstances. And at the risk of giving the sponsor an idea for next year or the year

after, I would respectfully say that, you know, that this really, I -- I don't know. I think that this really kind of is taking a step back. I really -- I support that bill from 2020 for people who do have Crohn's or colitis and -- and I have family members with that issue. That is a big, big problem. If they present a card, they should be able to use a restroom because it is an absolute emergency. And I understand that there probably are some places around the State, I'm thinking of New York City particularly where, you know, it is -- as somebody who has traveled to New York before to go do different things sometimes it's difficult to find a place to use the restroom but -- but it is doable. I don't know. I just think that if a utility worker is doing work, they should kind of like figure this out. I think this is kind something that it is a basic need that they -- they should be figuring out. And I also think that probably most employees and employers, I would think, would be somewhat sympathetic to somebody who's working right in that building who has an urgent need. I -- I don't believe that this is something that we really should need to legislate. So I'm -- I'm not going to be supporting this bill and, you know, I don't really think anybody else should either, but thank you to the sponsor.

ACTING SPEAKER GIBBS: Mr. Brook-Krasny.

MR. BROOK-KRASNY: Thank you, Mr. Speaker. I just wanted to say that I'm going to be voting yes for this bill but I'm not going to publicly disclose the reason why. Thank you, Mr. Speaker.

(Laughter)

ACTING SPEAKER GIBBS: Duly noted.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Although I think the bill is well-intentioned, I'd like to just clarify and put it on the record that there's many times where people are in uniform and they go to use the bathroom and they're denied. Happened to me while I was in uniform in Manhattan responding to a job in a hotel, the hotel wouldn't let me use the bathroom. Imagine that. Where do we draw the line. Thank you, Mr. Speaker.

ACTING SPEAKER GIBBS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER GIBBS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Novakhov to explain his vote.

MR. NOVAKHOV: Thank you, Mr. Speaker. I think this bill has to be extended for enforcement officers and for elected officials as well. Thank you.

(Laughter)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

now bring our attention to few more pieces of legislation we need to debate tonight. I want to appreciate members for their patience and their due diligence to get our work done. We're going to start with Rules Report No. 148 by Ms. Jackson, followed by Rules Report No. 107 by Ms. Kelles and then we're going to go to Rules Report No. 444 by Ms. Fahy. In that order, Mr. Speaker. Thank you, sir.

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

Page 6, Rules Report No. 148, the Clerk will read.

THE CLERK: Assembly No. A03866-A, Rules Report No. 148, Jackson, Lee, Simon. An act to amend the Public Housing Law, in relation to requiring entities responsible for the provision of vital services to coordinate and work expeditiously to restore service whenever such service is interrupted.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I think it's somewhat ironic that we're passing legislation requiring NYCHA to restore natural gas services quickly as possible, while at the same time requiring all the condos and cooperatives in New York City to convert

to all-electric or face massive fines. I support this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 107, the Clerk will read.

THE CLERK: Assembly No. A02873-B, Rules Report No. 107, Kelles, Simon. An act to amend the Public Officers Law, in relation to reporting of cryptocurrency holdings on the annual statement of financial disclosure.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

MR. GOODELL: Mr. Speaker? I apologize. This will be a Party vote. And the Republican Party will be, or conference, will be generally opposed for the reason I will mention shortly. For those who want to vote -- continue to vote yes --

ACTING SPEAKER AUBRY: Hold on, hold on, hold on, we got to start over again, right. So we read the last section,

a Party vote has been requested. Mr. Goodell. Can't do it without an introduction, sir.

MR. GOODELL: Thank you, sir. This is a Party vote. The Republican Conference is generally opposed. I hope the bill sponsor got a picture of the last board with all those screens --

(Laughter)

-- and I'll explain the reason in a moment, sir. Thank you.

ACTING SPEAKER AUBRY: I will wait your explanation.

Mrs. Peoples-Stokes.

They really want us to start all over again.

Read the last section.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is generally going to be in favor of this piece of legislation.

ACTING SPEAKER AUBRY: So, all right. We're going to start all over. We'll start with calling the vote. The Clerk will read on Rules Report No. 16, Rules Report No. 444 -- no, I'm sorry. Rules Report No. 107, the Clerk will read.

THE CLERK: Assembly No. A02873-B, Rules Report No. 107, Kelles, Simon. An act to amend the Public Officers Law, in relation to reporting of cryptocurrency holdings on the annual statement of financial disclosure.

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

advanced. Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested, Mr. Goodell. Now we've caught up to ourselves, thank you.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed for reasons I will mention later. Although, there will be some colleagues who want to continue to vote yes as they have just a few seconds ago.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to vote yes as they did a few seconds ago.

(Laughter)

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

And Mr. Goodell to explain the vote.

MR. GOODELL: Thank you. All of us have gone through that excruciating process of filling out a financial disclosure form that runs, I don't know, 18 or 20 pages long. Ironically one of the things that's not contained in that financial disclosure form is a list of cash, assets or cash equivalent assets, including digital currency. And the theory is that if you have cash in the bank it's not going to present

a conflict of interest in anything that you're doing here. And I think that our financial disclosure form, which takes all of us a lot of time to fill out and nobody reads, is probably comprehensive enough which is why the last time this bill came up a majority of my colleagues voted against it. I would point out that some of my colleagues voted for it, and so good luck, guys. Some of you are up, most of us are down. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Kelles to explain her vote.

MS. KELLES: So I just wanted to make sure that everybody was aware of this change. This bill was recalled to match the Senate version that just passed to include definitions of digital assets, as well as digital currency. The intention was to capture the entire compass of the -- the digital asset world given that the currency and the technology is changing so quickly. So this really is a clarification. The law as of now does not require that we disclose cash assets, but it does require that we disclose on securities and commodities. And since there are a significant number of digital assets that fall into the category of commodities and securities, that is the reason that we feel that it is absolutely appropriate that this be something that we disclose. So, that is the reason for this change, this addition. I think it makes the bill stronger and of course I am in support. Thank you everybody for your patience with this.

ACTING SPEAKER AUBRY: Ms. Kelles in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 444, the Clerk will read.

THE CLERK: Assembly No. A03986, Rules Report No. 444, Fahy, Simon, Gallagher, Epstein, Carroll, Jackson, Hunter, McMahon, Mitaynes, Davila, Burdick, González-Rojas, Kelles, Simone, L. Rosenthal. An act to amend the Vehicle and Traffic Law, in relation to the operation of bicycles at stop signs and traffic control signals.

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

MS. FAHY: Certainly. This bill is often referred to as the Idaho Stop bill. It allows cyclists to treat a stop sign as a yield sign and a red light as a stop sign. And it is to improve traffic safety particularly for cyclists where we've seen a dramatic jump in cyclist fatalities.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. GOODELL: So, just so I'm clear, under current law, a bicycle has to comply with the same rules of the road as a car, correct?

MS. FAHY: Yes.

MR. GOODELL: And so under current rules, when a bicycle comes up -- a bicyclist comes up to a stop sign they have to stop, look both ways, yield to the right-of-way if there's a car to the right and otherwise proceed just like a car would, correct?

MS. FAHY: Correct.

MR. GOODELL: And it's your view that if -- if a bicyclist with this law can blow through the stop sign it's going to be safer for the bicyclists --

MS. FAHY: You yield.

MR. GOODELL: -- than stopping and looking both ways?

MS. FAHY: Yes. You would yield but not come to a complete stop, if not necessary, if the intersection is clear. And if it's clear on both ways then, quite frankly, I've been a cyclist for a number of decades. I never knew it had a term, but it is called an Idaho Stop. And particularly when you are at a stoplight, it allows a cyclist to get ahead of traffic, it improves visibility. And thankfully, even the National Highway Safety Transportation Administration issued a report on this last March, March of '22 noting the dramatic jump in fatalities and essentially commending Idaho -- there's also a term that's called the Idaho Stop, there's also a Delaware Yield, there

are nine other states and the District of Columbia that have adopted similar measures and noted that it has led to safer, safer streets and less -- less crashes. In -- in Idaho, it was a -- let's see, hold on, let me get my right info. In Idaho it was a 14 percent decline after they had adopted it. In Delaware they saw a 23 percent reduction in injuries, cyclist injuries for 30 months after, 30 months after the law passed, sorry.

MR. GOODELL: That's interesting. I was driving home one night, actually from here, and I treated a stop sign like a yield sign and a -- a very pleasant uniformed State Trooper pulled me over. I didn't have the statistics on how much safer that would have been. And I suggested I did a California Stop and he reminded me I'm not in California. If this is safer for bicycles to blow through stop signs, why don't we allow cars to treat stop signs like yield signs, too, although they're saving that discussion by the way.

MS. FAHY: Well, first of all, this is about cycling and you are often not moving at anywhere near the rate, but it is a natural way, it also helps encourage more cycling when it is a stop sign, but it also is a -- is a form of biking when you have to stop and start, it actually exerts more energy, quite frankly, it is the way I cycle. And this -- the -- the other issue that the National Highway Safety Transportation Administration also noted is that this helps decriminalize a riding behavior, but again, the primary issue is it is safer. Again, long before I ever knew there was a term for it, I would make a point of getting to the front of the line in traffic when there is a

red light, of course I stop, but I jump ahead of the traffic as well because then I am more visible when I am in the intersection. That's assuming, of course, that the intersection is clear.

MR. GOODELL: And would this bill also allow electric bikes to do an Iowa [sic] Stop?

MS. FAHY: Yes,

MR. GOODELL: Idaho?

MS. FAHY: Idaho, the State of Idaho.

MR. GOODELL: So if it's an electric bike, would it be an Idaho Stop or would it be a California Stop?

MS. FAHY: It would still be Idaho and -- and I have to say they've done this since 1982, and it's not every day we talk about Idaho, we think the country in -- especially with cycling or outdoor -- outdoor-type activities. But in all sincerity we have - I can read the stats - we've had a huge jump in cyclist fatalities, I get the alerts on them, particularly for New York City. But just nationally between 2011 and 2020 -- sorry, 2020, we saw a 38 percent jump in just fatalities. And again, if you were to -- to use your terms, blow through a stoplight or a stop sign if you were hit, you would probably be okay. When a cyclist is hit, especially if there's any speed, much less likelihood that they would survive. But again, all of this assumes that you are still checking the intersection. I spent a lot of time in New York City as you know a couple of years ago. I biked a lot, especially during the pandemic when for safety reasons we couldn't be in subways or -- so I biked a lot there. It is -- now there are stoplights

at some intersections where they have bike lanes, it's a particular stoplight for cyclists, but otherwise, again, it is a safety issue and of course you wouldn't want to pull into an intersection if there's traffic, especially in the City.

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

On the bill, sir.

MS. FAHY: Appreciate the humor. Thank you.

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

MR. GOODELL: Just to finish the story. After I was stopped for doing a California Stop, the officer asked me where I was going from and where I was heading to and I told him I was coming from the State Legislature and I was trying to get home as fast as possible and he said I fully understand, have a good night, sir.

(Laughter)

And I can still relate, you know. I -- I mean I appreciate the sponsor's desire to improve bicycle safety, but I'm not sure blowing through stop signs is the way to do it or treating stoplights as yield lights. I was down in New York City, and to be honest with you, my driving was probably dangerous to me and to the bicyclists because I -- I'm just not used to using the horn as often as I use the gas and brake. And so, you know, I just found it shocking when they went flying through stop signs right in front of me and by the time I figured out where my horn was they were long gone and the

pedestrians just looked at me like there was something wrong with me. Each of us may have our own perspective under whether or not blowing through stop signs and stoplights will make it safer for bicyclists or not. My experience in New York City is it was pretty wild and crazy when I was down there but maybe things will improve if they can legally blow through stop signs. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Angelino.

MR. ANGELINO: Good evening, Mr. Speaker. I'd like to speak on the bill.

ACTING SPEAKER AUBRY: Good evening, Mr. Angelino, and certainly you may proceed.

MR. ANGELINO: Thank you. In my district and specifically the city in which I live, we have bicycle lanes and they've actually reduced the -- the motor vehicle lanes by putting in bicycle lanes that reduce parking and this is because of the cyclists had demanded that they wanted to live up to Section 1231 of the V&T Law by having the rules of the road that apply to them. And I've -- we have a State highway, a couple of them running through the city limits and we have the chevrons right in the middle of the lane to remind motorists that bicycles are allowed in the traffic lanes.

I want to give you an example that happened when I was on duty of somebody doing just exactly what this bill is going to allow. I understand it's hard to get momentum up again once you stop the bicycle, it takes a lot of leg effort and muscle. We have a young

lady who was approaching a -- a red light. She -- she was looking left and right, but alongside of her was a -- a Pepsi truck that was doing a legal right on red. And as she breezed past, the truck turned into her and that turned to be a fatal motor vehicle accident. The young lady got caught under the wheels and it was horrific. From what I have seen, bicyclists right now pretty much ignore and are doing the Idaho Stops and yields to begin with, among other things. The most general thing is when I see a bicycle approaching an intersection is to jump on the sidewalk and then they turn into a pedestrian using the crosswalk to get through the intersection. So I don't know if we ought to be encouraging to do this more frequently by changing the law. The explanation, I get it, that, you know, it's better for the cyclists to keep their momentum up, but using that same logic we should be allowing vehicles to do the same thing. If there's nothing coming -- I've sat in traffic lights here in Albany for three minutes in the middle of the night and I would just love to scoot across the intersection to save fuel but I sit there. The -- I think what this is, my hunch is, with my background, I know that there are a lot of bicycle stops made by police and they yield a lot of results. And I think this is actually a bill to reduce the police contact with cyclists who commit a violation by removing the violation. I don't think this is going to actually be any safer. Cyclists right now are getting hit doing the same thing going through intersections. If they're not slowing down for a stop sign or treating a yield -- a red light as a yield, I think they're getting a cyclist into a intersection more quickly and I -- I -- I worry about the liability,

who is going to be liable, who is going to be found at fault when there is an intersection collision between a cyclist and a car. The car has a green light, the bicyclist has a red light but, oh, we made it an Idaho red light. So for these reasons, and I -- I urge people to think about this. We all know that cyclists are already doing this to begin with. I don't think it has to be made legal, and I would encourage people to vote in the negative. Thank you, Mr. Speaker. Have a good evening.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Pirozzolo.

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

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

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. PIROZZOLO: So, in my day, I was quite an avid cyclist, and the average vehicle back then, even now is more, was 3,000 pounds. Any accident involving a bicycle, whether the bicyclist was justified, not justified is not good for a bicyclist. Crashing with a 3,000 pound vehicle never works. Encouraging them to go into this, which is I'm going to ask about a statement you used, you said something about decriminalizing a cycling behavior. Could you elaborate on that, please?

MS. FAHY: I was reading directly from a -- a National Highway Transportation Safety Report. Again, that -- that

the stop as yield or, again, what's referred to often as the Idaho Stop Law, it decriminalizes a riding behavior and possibly encouraging more ridership. Because - and I'm skipping over now - more bicyclists on the road together increases their visibility and attention by motorists, and that's a direct quote. So let's see, studies go on to show that motorists will drive more cautiously then, and cyclists are safer on roads when -- when traveling. It gives all sorts of stats here, but let me give one that's just for New York. The most -- one of the most recent ones I have. And that was just between 2019 and 2020. So in one year, there was a 12 percent rise in traffic fatalities. And just in response to some of the earlier concerns raised, I've sponsored this bill for the last couple of years actually because it is about safety, for me it is about safety. I'm a -- again, I'm an avid cyclist, I care about my own safety, I care about others, and this is -- under no circumstances would this still not require a safe entry into the intersection, but it -- it does -- it certainly does help decriminalize and under no circumstances does the liability change. So if a cyclist is entering an intersection that was not safe to enter or where there was traffic, that cyclist is liable. So just -- just to be clear.

MR. PIROZZOLO: Okay. So then also to be clear, just to go over one more time, we're saying that red lights for bicyclists should be treated as a stop sign.

MS. FAHY: Yes.

MR. PIROZZOLO: And a stop sign for a bicyclist, excuse me, should be treated as a yield sign.

MS. FAHY: Yes. And again, these are --

MR. PIROZZOLO: Okay.

MS. FAHY: -- may be treated assuming the intersection is clear.

MR. PIROZZOLO: Got it. I don't know of many clearing sections in New York City or on Staten Island, but that's going beside the point. In New York City, we have bike lanes that have specific bicycle stoplights.

MS. FAHY: Yes. I referred to those earlier.

MR. PIROZZOLO: What goes on there?

MS. FAHY: I referred to those earlier. In that case, you -- if it is a red stoplight in that bike lane, you would, of course, have to stop and wait for the green.

MR. PIROZZOLO: Okay.

MS. FAHY: That is -- those -- those lights are specifically designed for cyclists, and this would not affect that at all.

MR. PIROZZOLO: Do cyclists know that?

MS. FAHY: Yes. And if you have seen those stoplights, it literally is in the shape of a bicycle. It's kind of --

MR. PIROZZOLO: No, no. I mean do cyclists know they can't blow through that yield sign?

MS. FAHY: Yes. And again --

MR. PIROZZOLO: (Inaudible) -- a red light.

MS. FAHY: -- and again I've biked now dozens of times in the City, mostly in Manhattan, which is I think the most

congested, and again, I think -- I think you would want to make sure you're stopping if it's a -- if it's a red stoplight with the traffic -- in the -- in that bike lane.

MR. PIROZZOLO: Thank you.

If I may, Mr. Speaker, on the bill.

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

MR. PIROZZOLO: So I think the sponsor is 100 percent correct, you would want to be sure that you're stopping at that stoplight. Not only -- so not only would you want to be sure that you're stopping at that stoplight, I would have to argue that you want to be sure that you're stopping at every stoplight. This is talking about decriminalizing a cycling behavior which is a bad behavior. I don't know about anyone else here, but when I took Drivers' Ed, I was told that when that light is green, it pretty much guarantees that that intersection is going to be clear for me to drive through. We have all grown up, learned how to drive, and have gone through that that when we go through an intersection and there's a green light, we should not be expecting any other traffic, bicyclists, rollerblading, scooters, cycling, whatever it is. This is the wrong thing to do. What are we going to do with our children? I see kids on Staten Island, they just got a scooter, and they're driving down Highland Boulevard with somebody on the back and they're making circles all over the place. We are encouraging bad behavior. And what's going to happen with our younger children who see that this is how the adults behave. This

is a very bad idea. I don't care what anybody's traffic safety reports say, I don't want this bill passed. I would suggest that everyone votes no, and no offense intended, but I hope this is a bill you'll be sponsoring next year, too.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So those of my colleagues from New York City, if you live in Manhattan or you've ever been to Manhattan, you know about bike messengers. They're like *Quicksilver*, like the movie. They zoom through intersections, they don't do a California Stop, they don't do an Idaho Stop, they don't do any stop. They're in a rush. There have been many incidents where pedestrians have gotten hurt because of them, and that's what we're feeding into with this bill.

Let me give you little bit of data to support this. Since 2011, when New York City started tracking bicycle pedestrian injuries, they've injured, since 2011 to 2019, 2,250 pedestrians all because of reckless bicycling. A majority of them in Manhattan are those messengers. We used to do operations in Midtown North where we had to give them red light summonses because they did not stop for traffic, and they caused many injuries. They created many accident-prone locations, and those of you in New York City know what an NYPD accident-prone location was, where multiple accidents happen. This legislation will make that even greater, because when a

bicyclist hear -- a bicyclist hears, especially those messengers, when they hear that they don't have to necessarily stop at a traffic device, traffic -- traffic control signal, a red light or a stop sign, and they can just do a quick brake and go, they're not going to brake. And that signal that my colleague mentioned before, that bicycle that's a red light, they're not going to differentiate between the regular red, yellow and green light. They're going to treat it the same way. So those bike lanes that are in Manhattan with those signals, we're going to send the wrong message. They're going to think they can go through it. And that number of pedestrians, that sits at 2,250 between the years 2011 and 2019, is going to go through the roof. And we're going to see more fatalities. That's 2,250 injuries, there were eight deaths from bicyclists hitting pedestrians.

I think there's much more that we have to do with this legislation to really make it effective if you really want to move forward with it, but as it's currently written, I think it's too ambiguous and I think it's really going to send the wrong message and they're not going to do that little Idaho Stop. So for that reason, I cannot support it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Thanks. You know, it's really

weird, you know sitting back here all day and all of a sudden this bill comes up and it just grabs me because I was the mayor in my village, really small village for a number of years back, and in 2000 -- I was an avid biker myself. In 1999, I'll never forget it, I bought a new trek for off-road and for on-road and I spent \$700, to me which was a, like, a ton of money, but I wanted a nice bike, and I went everywhere. And then when I became mayor, I actually did a lot of traffic mitigations for bikes in our village. Working with the Boys and Girls Club to put in a traffic litigation. We put different signs up for pedestrian traffic mitigation all through our Main Street and some side streets and for bikes. And when I -- I was in charge of -- during my tenure of the reconstruction of our Main Street from the New York State DOT, and I made sure we had bike lanes on both sides. And what happened was in 2004 or '05 I remember the signs that we were putting up - I'll just mention this - about 14 of them got run over and destroyed because the -- the -- the drivers didn't pay any attention. And when I put these up and we were trying to make this our -- our little community bike safe, the bike accidents more than doubled because the drivers weren't paying attention, a lot of them coming weren't even from your own town, they don't know the different laws. And my whole attitude changed after that in 2004, '05, '06. And these bikes -- and what happened was -- and now with the e-bikes, what I find myself in my own little village, I'm driving and these bikes are cutting me off, they're not using the bike lane, they're not paying attention to the mitigation that we have, and they're -- they're causing problems. And

I think that's just because what happens when we put -- when we try to make things better for bicycles, the fact is a 3- or 4,000-pound vehicle, doesn't matter how right you are on the bike when you're sitting in the hospital all busted up and you're right, it doesn't mean anything. And I think what happens now is I think is a lot of these -- the bicyclists, because I was one, they develop this attitude, especially my little village, that they own the road and they have the right of way. It's really frustrating because I find myself in my own village yelling at the bicyclists. You know like really, don't you know what you're doing, you don't have the right of way here. And they just literally flip you off and keep going because, you know, that's who they are, some of them, and it's just -- it's -- these laws tend to give bicyclists a little bit different mentality, which I don't think is right because cars -- it puts them in too much danger. And when these accidents occur more, like they did in my village, I'm sure there are studies in certain places where they've gone down, I understand that, but in my experience when they went up, no one wanted to see that nine-year-old kid get hit, and that was really eye opening for me back in the day.

So I -- I can't support this, even though I was an avid bicyclist, and that was 25 pounds ago, so I am not going to support this. I wish there was something else we could do, but this just doesn't seem -- I don't know if it's going to work. Maybe this is good for a bigger city, maybe this could be a New York City-only bill or a larger city, but in my little village, the -- the traffic mitigations that I actually put in place as a mayor didn't work. So I'm just telling you there are

some bad sides to this. So I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Chang.

MR. CHANG: Thank you, Mr. Speaker. I really talk anything for -- for the whole day, but with this bill is not good in my district in southern Brooklyn, congested itself. Bicyclists, especially e-bikes, running lawlessness. They don't obey traffic signs. In only just barely six months I attended two of my constituents' funeral because of this. Run over two pedestrians, run past the red light. I -- every week I get complaints in my office about e-bikes and complaint about congestion and -- and riding the wrong way and running through red lights or nearly hitting somebody, young kids and -- and elderly people. And it's true with my fellow colleagues, with this law it liberalize the lawlessness. We need to strengthen, not liberalize. We need to force enforcement on these -- on these bicyclists. We need to change the behavior. The only way to change behavior is enforcement and -- and strengthen the laws itself. That's what we're like in New York City, unfortunately. That's what I'm seeing. We're decriminalizing this. We need to put teeth into it, change the behavior. And on this bill I definitely will vote for no.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Braunstein.

MR. BRAUNSTEIN: Thank you, Mr. Speaker. Will

the sponsor yield for a couple of questions?

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

MS. FAHY: Sure.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. BRAUNSTEIN: Thanks, Pat. Has -- has anybody asked New York City DOT to weigh in on this proposal, do you know?

MS. FAHY: The proposal has been out there for the last at least two years. I don't think -- I'm not sure if we have heard from them. We have had letters of sponsorship from Bike New York as well as the New York Bike Coalition. I think Transportation Alternatives, which is New York City-based, and I'm sure I'm missing a couple of others. Certainly, we haven't had opposition.

MR. BRAUNSTEIN: And does this apply to e-bikes as well?

MS. FAHY: Yes.

MR. BRAUNSTEIN: Okay. Thank you, Pat.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BRAUNSTEIN: You know, listening to this debate and just researching a little bit about the bill before us, I -- I have to agree with some of the statements from my other colleagues from New York City about bicyclists and in -- and my concern is pedestrian safety. If you're in a congested area, particularly in

Manhattan, there's times where, you know, you'll see the light will change, the walk sign will turn to -- to white, and as a pedestrian you walk out into the street and you almost get clipped by people on bicycles who just fly right through the red light. That's happened to me on numerous occasions. And I think that if we're going to start saying to those cyclists no longer do you have to stop, they're not stopping already, so now we're just going to say you just have to slow down. It's -- it's just going to encourage that kind of behavior and I just don't think that this change, while it might work in other parts in the country, in -- in heavily-congested New York City with the delivery people on the e-bikes, I just think it -- it's encouraging more dangerous circumstances. And the fact that, you know, we don't have any position from the New York City DOT which represents the largest city in the State, eight-and-a-half million people, if ever I would be able to want to move forward on this I would at least want to have some idea of what New York City DOT thinks about this proposal.

So for those reasons I will be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker.

However, you know, seeing how everyone is tired I decided not to speak on this. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

(Applause)

Mr. -- yes, we applaud that.

Mr. Norris.

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

ACTING SPEAKER AUBRY: Ms. Fahy?

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. NORRIS: Ms. Fahy, thank you very much. I just want to go back to the beginning. So, there's a difference under your bill for a stop sign or a red light; is that correct?

MS. FAHY: Yes, I'm afraid yes. I -- I --

MR. NORRIS: I think it's a little confusing, just during the discussion. Can we just go back? So a stop sign, does the cyclist have to stop?

MS. FAHY: Absolutely. And I -- again, at a -- sorry, at a stop sign it is a yield. At a stoplight it is a stop. And again, under any circumstance there must be a safe entry into the intersection. That does not change. If a cyclist is breaking the law now in terms of not ignoring any of those, they're breaking the law. This is, again, a yield in terms of a stop sign, a stop in terms of a light. Where there is an accident, it does not change the liability if somebody has entered -- has -- does not have a safe entry into the intersection. So that does not change. And again, I -- it's not insignificant that the National Highway Transportation Administration has weighed in here to say it

is safer because you are more visible. I have biked for decades. I never knew there was a term for it but I do jump ahead of the traffic, again, when it's safe. Thank you.

MR. NORRIS: I just -- let's walk back to the stop sign.

MS. FAHY: Yes.

MR. NORRIS: So, if you're approaching an intersection with a stop sign, you can yield. But I want to make sure I understand this under your bill. If it's unsafe to yield, they still have to stop; is that correct?

MS. FAHY: Absolutely. Absolutely.

MR. NORRIS: All right. Because I know -- and I understand my colleagues, both sides of the aisle, the differences of New York City and how busy it is and everything, I understand that. But where I am, up in Upstate New York and as someone who rides on the roads and may yield through an intersection with a stop sign where it is safe to do so, I understand the difference. Now, for a stoplight, I just want to be perfectly clear on this, if I'm approaching a stoplight or with a red arrow telling me to stop as a cyclist, I still must do so, correct?

MS. FAHY: Yes, and it must be safe to proceed. You are liable if you are not practicing those safety measures. Our liability does not change.

MR. NORRIS: Okay. Now, I want to just go back to the stoplight in particular because I'm very sensitive to this situation

that one of our colleagues had raised about the truck -- truck. But it is also my understanding from the advocates that it is safer for the cyclist to -- when there's a stop going into the intersection to get ahead of a truck if at all possible so they can see you so you don't get clipped. Would that be your understanding as well from speaking with the advocates and the safety measures?

MS. FAHY: Absolutely. And again, that's part of why this report was issued by the, again, National Highway Safety Administration in March of 2022 because it does increase visibility and because we are seeing a dramatic increase in fatalities among cyclists.

MR. NORRIS: Among cyclists, and -- and many of them because they're being clipped from the trucks because you don't -- the cyclist doesn't see the truck moving, for example.

MS. FAHY: Or the -- the truck does not see you.

MR. NORRIS: Correct. That's correct.

MS. FAHY: And as somebody mentioned, sometimes, you know, the markings are there but they don't -- they're ignored.

MR. NORRIS: Correct.

MS. FAHY: The markings to remind folks of cyclists.

MR. NORRIS: Yeah, the truck driver themselves likely would not see the cyclists --

MS. FAHY: Yes, and I --

MR. NORRIS: -- who are behind you because of the blind spot.

MS. FAHY: -- think we all know under COVID we have seen the road, you know, the roads become increasingly unsafe.

MR. NORRIS: And if you can get ahead of that truck safely, more likely the truck will see you and you avoid being clipped, correct?

MS. FAHY: Quite frankly, I make a point of trying to get ahead so that I can increase my visibility, yes.

MR. NORRIS: And therefore, the safety of the bicyclist under that situation would be certainly better because you can get -- you can get ahead of the truck safer.

MS. FAHY: You -- you get ahead, right. That's why they particularly noted visibility. That's the key here.

MR. NORRIS: All right. So I just want to go back again. So a stop sign, you can yield to it only if it's safe.

MS. FAHY: Only if it's safe.

MR. NORRIS: A stoplight, you have to stop.

MS. FAHY: Yes.

MR. NORRIS: And the reason being for safety purposes is to get out a little bit in front of the intersection so a truck can see you. That's the main purpose of your bill.

MS. FAHY: Yes.

MR. NORRIS: Okay. I just have one more thing I wanted to point out about liability. I understand that there will be a

shift in the bill for the stop sign that says to slow down to a reasonable speed for existing conditions. That's kind of an unknown, right? I mean, I -- I just know this from being a former town prosecutor, unsafe, you know, unreasonable conditions in a winter storm, for example, and how is that related to fine? Is there a way that can be defined more clearly?

MS. FAHY: Yeah, what -- what line are you looking at because this is based on -- that part's based on current law.

MR. NORRIS: It would be under the stop signs, stop sign would be either slow down to a speed reasonable for existing conditions, five and six.

MS. FAHY: One moment.

(Pause)

MR. NORRIS: No problem.

MS. FAHY: That is based on the law for a yield sign now. It's subsection 1142, subdivision (a) -- oh, sorry, (b), that the -- the driver of a vehicle, in this case a -- a cyclist, approaching a yield sign shall in -- shall in obedience to such sign, slow down to a speed reasonable for existing conditions or stop if necessary, and I can continue reading if you'd like me to. But again, that's based on current law.

MR. NORRIS: Based upon current law and the interpretation reflected in the courts --

MS. FAHY: Would be -- would be in current law. Again, it -- it has to be a safe entry into the intersection. Remember,

this is a cyclist on a 20-pound bike going up against thousands of pounds of a vehicle.

MR. NORRIS: I understand. Thank you, Ms. Fahy, for answering my questions.

Mr. Speaker, on the bill.

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

MR. NORRIS: You know, I had a chance -- I initially voted no in Committee on this and I voted yes in the Committee on this the second time after speaking with the advocates and having an understanding of them breaking it down. Stop signs versus stoplights, the reasoning for getting ahead of trucks so you don't get clipped from behind, and it did make sense to me after talking to -- to them. However, I do understand the concerns of my colleagues, particularly from New York City, and the concerns there. I still have not decided how I'm going to vote today on the bill, but what I would say is I would be happy to work with the sponsor of this legislation, making some maybe exemptions for certain areas. Also, taking a look at whether or not some of the language could be tightened because I think the spirit of the bill is actually trying to protect the cyclists who are on the road, particularly with the confines of the bill.

So thank you very much, Mr. Speaker, for allowing me the opportunity to be heard on the bill and for asking the questions of the sponsor. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Gallagher.

MS. GALLAGHER: On the bill, sir.

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

MS. GALLAGHER: Thank you. So, I became a bike commuter in 2016 and I rode 18 miles a day to my job at the time, to and from my job, and it took me through the industrial area of my neighborhood up through the East Side of Manhattan, across Central Park to the Upper West Side. And I looked forward to this every single day. I -- I looked forward to experiencing the weather and the smells of the different environments, of -- of talking to the other cyclists -- yeah, the -- the smell of Central Park was much better than the smell of the industrial zone. But talking to the other cyclists at stoplights and the incredible impact it did for my health. I was in great shape before I joined the Assembly, believe it or not. So, this is a really important way to get around in New York City and it is -- New York City is a great biking city. Bikes are inexpensive and they are more accessible than cars, and they are much faster than both public transit and cars in the City. I was able to get across the entire City in about 40 minutes, whereas I had a car at the time as well and that would take me an hour to drive there. So I love riding bikes, I love cycling. And I want to remind everyone that the streets are public space, and there was a long time before we had cars that we were being used as the main use of our roads. The roads existed

before then for pedestrians, for street markets, for our cyclists, even in the 1800s. And this is something that is absolutely a good use of the road and a great way to commute. So I think it's really important that we trust that cyclists and cycling advocates know what is best for them, just as people who are driving cars are what I find often thinking about what's best exclusively for them. But cyclists know how to maneuver and often, if you're an experienced cyclist you know how to get around different kinds of dangers. And it's really important that we allow people to do what keeps them safe and do what keeps them moving. And the Idaho Stop is something that I was excited about before I even ran for office and I actually started following -- believe it or not, following Pat Fahy because I was so impressed that she knew about this lifesaving technique and that was she trying to make it law.

So I'm very excited to be speaking on this bill today, and I want to know -- I -- I -- I want you to know that I have had experiences where Idaho Stops have saved my life. There was a garbage truck that was coming at me, and if I was not able to get out and across the road and keep moving I would have been killed on that road coming home at night. Additionally, a dear friend of mine was arrested and thrown on the street, beat up and put in jail for going through a stop sign in my district, and it -- that is just an absolute waste of any kind of law enforcement. He -- they -- it was just a way to get tickets up, is my belief. So I think Idaho Stops are going to save lives. And I hear -- I hear my colleague about the DOT. There is a

bill that the DOT has been avidly supporting, which is Sammy's Law, so I just want to put that out there, food for thought. And I also want to say that I support all of the Families for Safe Streets who are hunger striking now for their loved ones who have been killed by traffic violence.

So I am for this bill. I'm very excited to take advantage of it and I'd like to thank you for giving me the space to speak.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed, but those who want to support it are certainly encouraged to vote on the floor here 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 some that would choose to be an exception. They should feel free to do so at their desk. Thank you.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Pirozzolo to explain his vote.

MR. PIROZZOLO: Thank you again, Mr. Speaker. I just want to be clear that this legislation is going to allow bicyclists to treat a red light as a stop sign, which means they might have to stop, but then they can continue through anyway, and to treat a stop sign as a yield sign, which means they may not have to stop at all. I think that's bad legislation. The safety reports are talking about making it safer because they've been criminalizing a bad behavior. If we just stop the bad behavior we probably wouldn't have that problem. If there were any bill, in my opinion, although I do not have the authority, Mr. Speaker, I don't have the authority, but if there were any bill that demanded a slow roll call it is this one. I believe that every single member of this Assembly should have to come down here, and in my opinion, push their button to decide possibly how many of their constituents will live and how many of their constituents will die.

This is not a good bill in New York City. I don't know if it could be good anywhere else, but there certainly needs to be a carveout. Thank you. I will be voting no and I encourage everyone to vote no, also.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I -- in the City of Buffalo there has been a real concerted effort to understand that there are more people who ride bikes, and to prepare our streets for them. So in some cases we're losing parking space and in some places we're losing driving lanes. Streets that used to be two lanes you can drive on it are now one lane. And so there are more people driving bikes. There are organizations that are pulling themselves together to encourage more bike riding. And as was mentioned by one of my colleagues, more people prefer to have a bike than to have a car they have to put gas in. It gets them where they need to go. I -- I do have some concerns about the enforcement of this, and I think this is more about protecting the bikers who in many cases, far too many cases, don't follow existing traffic laws now. Now, I think that this is an opportunity to help them understand that, one, you've got to follow existing traffic laws, and if we're going to create new laws to help you be able to be safer around vehicles because there are garbage trucks that ride on streets, there's a ton of Amazon trucks all over the place on a regular basis, to get away from the fumes, et cetera, et cetera, I can appreciate and understand that. You also are going to have to understand you got to follow the rules, too, as a biker. And so I think there is another piece to this legislation that might be added at some other point, but if we're going to make things safer for bikers to use our streets that are designed for cars, then we should also make sure that they are following existing laws as they

are now written.

So I will be voting in support of this piece of legislation, but I do think it needs some additional work.

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

Ms. Kelles.

MS. KELLES: I -- I rise to explain my vote. I think that the most important thing that we should be looking at is whether or not this will reduce deaths. There are two states that have done this, originally done this that also had comprehensive studies - that was Delaware and Idaho - and in both cases there were significant reductions in deaths. That's all we should be talking about here, keeping people alive. So if the -- if the law works, support it. As someone who has spent many decades of my life using my bike as my only form of transportation, and having been hit several times by un -- irresponsible drivers, I am very sensitive to this issue. What saved my life is that they were driving slowly. But being able to stop and start on a -- on a time frame that I know is safe for myself, because it takes a while to start a bike back up. And if anybody here tells me that they have not had a moment in their lives that they were frustrated as a driver and had a bit of road rage, I will not believe you. And that is what happens very often when bikes get hit because it takes them longer to get started again and cars get very, very impatient. That can be very nerve-wracking and that very often is what causes accidents. That is what this bill is addressing. It gives us bikers discretion to

read the room, see what the drivers are doing and to navigate around drivers because most drivers have no idea what it's like to be a biker. So we have to keep ourselves safe because we do not have a metal box around us keeping us safe.

So I am in support of this, I want to thank the sponsor. I think this is an extremely intelligent piece of legislation. Thank you so much.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor for this bill. It is about safety, bicyclists, and it gives them an edge to make sure they are easily identifiable so that we don't have problems with motor vehicles saying, *Oh, I didn't see them*. And I live in the City and I live in an area where we have more bike lanes than any place else, probably, and we also have narrow roads in many cases where it's hard to share that road. So there are a lot of people that need to learn more about how to share the road; bicyclists are not the only ones. And people have also talked about e-bikes, which is a whole different matter, I have a bill for that. Actually, I have two bills for that and I look forward to everybody voting for my bills to address that issue next year.

Thank you very much. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the

affirmative.

Mr. Angelino.

MR. ANGELINO: Mr. Speaker, to explain my vote. There's probably a reason it's called an Idaho Stop because there's just barely a million people in the entire state. Their biggest city, Boise, has about a population of 200,000. I would probably vote in favor of this, but the liability concern over who's going to be at fault because a bicycle entering an intersection doesn't have insurance. Even if there is no personal injury there could be damage.

For those reasons I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Angelino 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: Thank you, Mr. Speaker, and thank you, colleagues. We have two more pieces of legislation we should go back and clear up for tonight, and then we will move on to page 3 on our main Calendar to take up resolutions. So we're going to go back to Calendar No. 206 by Mr. McGowan and Rules Report No. 369 by Mr. Brabenec.

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

Page 33, Calendar No. 206, the Clerk will read.

THE CLERK: Assembly No. A04793, Calendar No. 206, McGowan. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Doc Schelin Memorial Highway."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 369, the Clerk will read.

THE CLERK: Assembly No. A05869-A, Rules Report No. 369, Brabenec. An act to amend the Public Officers Law and the Village Law, in relation to residency requirements for the Village Clerk/Treasurer and Deputy Village Clerk/Treasurer for the Village of Otisville.

ACTING SPEAKER AUBRY: On a motion by Mr. Brabenec, 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.

Resolutions on page 3, Assembly Resolution No. 658, the Clerk will read.

THE CLERK: Assembly Resolution No. 658, Ms. Lunsford.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 26, 2023 as Heat Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 659, Mr. Ra.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 7, 2023 as Global Running Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Ra on the resolution.

MR. RA: Thank you, Mr. Speaker. Moving on from cycling to running, this resolution, as many of my colleagues might know, was brought forward by our former colleague Mr. Cusick for years, and he organized a run outside the Capitol. We continued with that tradition early this morning with -- with a bipartisan, bipart -- bicameral group of legislators who went for a -- a nice little about

mile-and-a-half jog. But it's -- it's been a great thing that our former colleague started just for comradery and bonding and -- and getting out and getting a little exercise. I've, myself, become an avid runner the last couple of years, despite growing up absolutely despising running, but it's a great way to get out and get some exercise and -- and wander around your community a little bit.

So I thank my colleagues for their support, and especially those who joined us on our run this morning. Thank you.

ACTING SPEAKER AUBRY: Certainly.

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

THE CLERK: Assembly Resolution No. 660 --

(Pause)

Assembly Resolution No. 660, Mr. Zebrowski.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2023 as Migraine and Headache Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 661, Mr. Jones.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 2023 as Lake Appreciation Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 662, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 7, 2023 as Purple Heart Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 663, Ms. Joyner.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 11, 2023 as Hip Hop Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, Ms. Joyner.

MS. JOYNER: Thank you, Mr. Speaker. I rise tonight in support of this resolution to unequivocally state that facts are facts. If it wasn't for the Bronx, this rap and hip hop--

(Boos/jeers)

ACTING SPEAKER AUBRY: No, no!

MS. JOYNER: -- stuff would not be going on.

People will ask, *Where are you from*, I'm from Uptown. I'll leave the

lyrical delivery of the best genry -- genre of music to the professionals, but I had the privilege of representing the birthplace of hip hop in the Boogie Down Bronx, and some would say I'm doing it and doing it well.

(Laughter)

Hip hop was born on August 11, 1973, birthed by DJ Kool Herc at 1520 Sedgwick Avenue in my district at a basement party. This year we will be celebrating hip hop's 50 -- 50th year around the sun. This powerful musical genre has touched millions of listeners and transformed the world view of media, film, fashion, sports and now politics. It's a cultural phenomenon that has spread across the world. And Albany, I am proud to know that hip hop is taking its rightful place in history and that we continue to fund and support the Hip Hop Museum, which is also in my district. This will be a global destination that future generations will get to experience and love.

So this resolution proclaims August 11th as Hip Hop Day in the State of New York. I proudly vote in support of this resolution and encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Burgos on the resolution.

MR. BURGOS: Thank you, Mr. Speaker. Today in this Chamber we commemorate the 50th anniversary of hip hop and its impact on our City and State and even the world. Fifty years ago at 1520 Sedgwick Avenue in the Bronx a new art form was born that

would change the world forever. Hip hop emerged in the moment DJ Kool Herc makes a record at one of his famous hookie parties to become one of the world's most popular music genres where today's artists can sell out sporting arenas without ever putting on a uniform. But hip hop was and is so much more than rhymes, rhythms and beats. It has given a voice to the voiceless who have been marginalized and oppressed in our City, a way for people to express themselves and tell their stories through music, dance and art, stories of struggle, poverty, favors of government that may never be shared with the masses without its global appeal. Here in New York, hip hop has been a culture movement that has shaped the City in countless ways, from graffiti to the breakdance battles to fashion, New York's hip hop culture has been exported throughout the globe, inspired everything from policy to billion-dollar corporations. Hip hop has even inspired a young Puerto Rican lawmaker. There's no question my identity has been shaped since the first time I saw P. Diddy wearing all white velour sweats on the red carpet. Or in 2006 when I heard Lil Wayne spit the legendary verse on *Cannon*. Anyone who knows me knows a good portion of my brain is filled with lyrics. Lyrics that have given me confidence, consoled me during tough times and opened my eyes to some struggles I'm blessed to have never experienced. Fifty years later, the genre has expanded and evolved. There are purists like my predecessor, Ruben Diaz, Jr., who believed the golden arrow was OG's, Grandmaster Flash & The Furious Five, Rakim, Tha God, KRS-One, to name a few. Then you have my generation who respect

the pioneers, but grew up on Jay-Z, Biggie, Lil Wayne and continue to fall in love with hip hop as the artists of today, but that brought their own styles and their own city's culture to music. But as we stand in the People's House today, let's truly recognize this moment where 50 years ago, hip hop was at the fringes of society, believed to be the cause of societal ills and unfit for mainstream's basis, much less the halls of government. It is not without our own political pioneers like Ruben Diaz, Jr., like Hakeem Jeffries, who once stood in this very Chamber and brought their authentic selves, undoubtedly influenced by the culture of hip hop that we have this crossover of hip hop and politics, proving to their constituents, to lawmakers across the State, and most importantly, young boys and girls from neighborhoods like the South Bronx, you don't have to change who you are to be in these spaces. You don't have to dress a certain way or listen to one kind of music to be influential or change your community or to share your stories, because that's the true essence of hip hop.

As we celebrate the 50th anniversary, let us remember the impact that it's had on our City and its people that's honored with countless artists who have contributed to its growth and evolution over the years, and let's continue to support, uplift hip hop culture so that it may continue to inspire and empower generations to come. Thank you to the sponsor of this resolution and thank you to my colleagues for your continued love and support of hip hop and New York. Here's to another 50 years of creativity, innovation and (inaudible). Long live hip hop, long live New York.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Hyndman on the resolution.

MS. HYNDMAN: You know, a queen had to represent Queens.

(Laughter)

So I want to thank the sponsor of this resolution.

And I remember when I fell in love with hip hop. It was -- I was a seventh grader in Hollis, Queens and I learned all the words to *Sucker M.C.'s* by Run DMC, who is also from Hollis, Queens. There are so many artists from Queens that are responsible for the longevity of hip hop. And while I can't name them all, I will highlight a few. *I'm like Skid, I live in Queens and I love eating chicken and collard greens. I dress to kill, I love the style, I'm an MC you know who's versatile.* That was DMC from Run DMC. Too, *Love to hear the story again and again of how it all got started way back when.* That was MC Shan who battled a rapper back from the Bronx. And that battle is legendary. Too, *Love a girl with extensions in her hair, bamboo earrings, at least two pair. A Fendi bag and a bad attitude, that's all you need to get -- to get him in the mood.* Anyway, that was Ladies Love Cool James, also known as LL Cool J. *Back in the days in the boulevard of Linden, I used to kick routines and the presence was fittin',* Tribe Called Quest, also from Queens. Rest in peace Phife Dawg. Too, *The Lex Coups, Bimas and the Benz, and all my ladies and the mens. I'm representin', putting Queens on the map.* That was Mr. Cheeks from the Lost Boyz. Too, *You're Shook One*, remember,

Mobb Deep, Queensbridge. RIP, Prodigy. Too -- let me get this right -- *Young money raised me, grew up out in Baisley, Southside Jamaica, Queens, and it's crazy 'cause I'm still hood, Hollywood couldn't change me.* Nicki Minaj, also from Queens. And lastly, who doesn't know this song, and it's part of the repertoire if you sing Happy Birthday, City, State, country in the world, *Go Shawty, it's your birthday*, 50 Cent, also from Queens. Now I could go on and on and on all the rappers that come from Queens, and I'll mention a few. Cormega, Kool G Rap, Roxanne Shanté, Ja Rule, Capone-N-Noreaga, Salt-N-Pepa, G-Unit, Lloyd Banks, The Beatnuts. And I'm gonna mention Ralph McDaniels, 'cause everyone watched video -- Video Music Box in the 80's and that's where a lot of us got our music from. Now, there are many more that I can name from Queens, but I know that hip hop has transformed the City, State and this country and the world. You can look at rappers who go to Europe and -- and parts of Asia and look at the audience and how enthralled they are and know all the lyrics to all of these songs.

So I thank the sponsor for this resolution today, and to 50 more years of hip hop. Thank you.

ACTING SPEAKER AUBRY: Thank you.

(Applause)

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. Of course you know "Queens Gets the Money", so I have to just make sure that we reestablish that here as our Bronx colleagues try to take

the money. But in any case, my colleague named all of the artists that I was going to name, so I'll just take one from my neighborhood, the late Stack Bundles, who unfortunately succumbed to his injuries due to senseless gun violence in Redfern Houses across -- down the street from where I live. And earlier today I had the family of the late Stack Bundles, aka, Raquon Elliott, here in the Chambers today as we plan to co-name a street after him in the Rockaways this weekend. Stack Bundles was a mixtape rapper, and we got to remember, mixtapes because that was how rap began in many instances, and we can argue about that. But it's so important that we understand that folks and individuals who contribute to hip hop and the history of hip hop are honored and acknowledged, and this was a young man who unfortunately had his career cut short but was contributing faithfully to hip hop and was someone who also put the Rockaways on the map as it relates to music mixtapes for that particular era.

So we commend all those who continue to uplift hip hop, whichever genre, whichever era, and I'm just reminding my colleagues that Queens gets the money. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Jackson on the resolution.

MS. JACKSON: Can I kick it?

VOICE: Yes, you can.

MS. JACKSON: That's the only way to answer that. Mr. Speaker, I used to pray for times like this to rhyme like this and now is our time. I want to give love to the women of hip hop. See,

Mr. Speaker, I grew up on Queen Latifah saying, *U-N-I-T-Y*, unifying women around self-respect. And I later had Lil' Kim in 1996 when I was 13 years old, asking, *You want to bumble with the bee, huh*, letting the world know she's a queen and she ain't to be played with. Listen, I can rap every word on *Hard Core* and trust me, it earned that parental advisory sticker. Kim made way for many other female rappers. A Queens girl on the track where she was the only woman, she said, *You could be the king, but watch the queen conquer*, reminding men that, yeah, this is a male-dominated space but you're going to respect me and what I have to say. But let me bring it back to the Bronx where it started, and the Bronx gave us (inaudible), right? *You can't mess with me if you wanted to, right? These are red bottoms*, right? You know that. We talk about -- exactly, exactly sponsor, it's the bloody shoes. We -- most of us came from nothing and now we can afford the finer things in life, but Lauryn Hill arguably is the best female rapper, reminded us, *How you gon' win if you ain't right within*. I know y'all remember, *It could all be so simple*. Y'all remember that, "Ex-Factor". But the greatest to ever do it hails from all the way from B.K., and he told us, *I let my tape rock 'til my tape popped*, and that's how much we loved this raw, raunchy, revolutionary music. He also said, *It's gon' be a lot of slow singing and flower bringing if my burglar alarm starts ringing*. Come on, now. Hip hop is the soundtrack to my life. It got me through the roughest times, have pumped me up when I needed motivation and has centered me when I needed peace and calm. Hip hop started in

the Bronx and it's global. You can enter any neighborhood across the world and see graffiti and hear people rapping in their native tongue or quoting the greats like Pac. And it began with two turntables and a mic.

Mr. Speaker, I'm going to end by saying who's the best MCs? Biggie, Jay-Z and Nas. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gibbs on the resolution.

MR. GIBBS: Thank you, Mr. Speaker. Simply, I rise because you'll know the lyrics. *Harlem is on the rise, you don't want no problems with these guys*. You know, so hip hop really started in the Bronx but it really was cultivated in Harlem. In Manhattan we have all the dynamic rappers. I've had the wonderful opportunity to, you know, travel with DJ Kool Herc, but my real sidekick was the legendary Kool DJ Red Alert. And if you know, DJ Red Alert is from Harlem, and most of you young cats, you heard these songs on the radio and you heard these lyrics on the radio and it was all due to a good friend of mine, Kool DJ Red Alert. And I just wanted to recognize him for a second if I might -- if I may, Mr. Speaker. Kool -- Kool DJ Red Alert is a pioneering hip hop DJ who was heavily responsible for the emergence of rap music on the radio airwaves during the early 80's. He's a beacon of excellence among DJs worldwide, and as a radio personality who rose to fame on his legendary mixshow, mixshow, *Red Alert Goes Berserk* on New York Kiss 98.7 FM which first aired in 1983. Red is of West Antigua and is

credited as the first DJ to spin dance hall music on his FM radio. Born as Frederick Crute in Harlem in 1956, Red has been a member of the Universal Zulu Nation for almost 40 years. And for all our hip hop fans, you know the role Zulu Nation has played in hip hop. He was in Zulu Nation for almost 40 years, from the time of organization inception in 1973. Red Alert received his nickname from a metaphor for his alertness while playing defense during his days as a former high school basketball star in the mid-70's. After he received a scholarship to play basketball at Hampton University, he dropped out after his freshman year to return to his roots, to his native New York City, to pursue his calling as a DJ in 1976. Since then, Red Alert has broken several legendary hip hop acts including KRS-One from the Bronx -- excuse me, KRS-One, Native Tongue [sic], Crew (inaudible), Jungle Brothers, De La Soul, A Tribe Called Quest, Queen Latifah, Black Sheep, Monie Love and others on his radio show. Red Alert's management company, Red Alert Production, once represented several of the Native Tongue [sic] acts. He was also widely responsible for help burgeoning the career of the late rap legendary (inaudible) Chris Lighty, who was over 50 Cents [sic] and others, who was a former road manager for the company before launching his own successful imprint, Violator Management.

So ladies and gentlemen, I'm happy and proud to stand here to brag about my dear friend, the legendary Kool DJ Red Alert, who gave this genre of this music an opportunity for you folks to hear it throughout the City and the State of New York. Here's to

the legendary Kool DJ Red Alert. Thank you, Mr. Speaker.

(Music playing)

ACTING SPEAKER AUBRY: Mr. Meeks to close it out.

MR. MEEKS: (Mic off) out of this conversation, huh?

(Laughter)

Oh yeah, oh yeah, oh yeah. Representing the 137th, Rochester, New York, let's first start by talking about the five elements of hip hop, start with deejaying, emceeing, breakdancing, beatboxing, and graffiti. With that being said, home of 103.9 WDKX. We are the hip hop artist's first -- first time every flying on an airplane was going from New York City to Rochester, New York to perform. Dean Knight, that's part of his backstory. We also had individuals such as Scott La Rock, as well as the teacher, KRS-One himself, who spent plenty of time in Rochester by the only Black-owned radio station in all of New York State, WDKX, in which the D stands for Douglass, the X -- excuse me, WDKX, the K stands for King, as in Dr. Martin Luther King, Jr., and the X stands for Malcolm X. Again, WDKX was my introduce -- introduction to hip hop, and once again, 50 years and long live hip hop 50 more years.

Thank you.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying yo.

(Laughter)

MEMBERS: Yo.

ACTING SPEAKER AUBRY: The resolution is adopted.

(Applause)

THE CLERK: Assembly --

ACTING SPEAKER AUBRY: (Inaudible) Go.

THE CLERK: Assembly Resolution No. 664, Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 6 -- 10-16, 2023 as Truck Driver Appreciation 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 Resolution No. 665, Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2023 as Blood Cancer Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 666, Mr. Slater.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim October 6-12, 2023 as Physician Assistant 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 Resolution No. 667, Ms. Solages.

Legislative Resolution memorializing Governor Kathy C. Hochul to proclaim October 17, 2023 as Black Poetry Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 668, Mr. Brabenec.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2023 as Czech-American Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 669, Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 13-21, 2023 as Hunger and Homelessness Awareness Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

Happy birthday, sir.

(Applause/Cheers)

All those in favor of the resolution signify by saying aye - he's 50 years old today, too - opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 670, Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 2023 as Pancreatic Cancer Awareness Month in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please recognize Mr. Goodell for the purposes of an announcement?

(Pause)

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I would like to just make an announcement that tomorrow morning at 9:00 a.m. in the Parlor there will be a Republican conference.

ACTING SPEAKER AUBRY: Republican conference tomorrow morning at 9:00 a.m.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Would you now recognize Mr. Jacobson for the purposes of an announcement?

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

MR. JACOBSON: No, we're not meeting tonight.

(Cheers)

We're meeting tomorrow at 9:30 a.m., Hearing Room B. But be there on time because the sooner you get there, the sooner we get done and then we get more bills done and we might even get your bill in.

ACTING SPEAKER AUBRY: Democratic conference in the morning, 9 -- 9:30.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have a resolution, Number 674, the Clerk will read.

THE CLERK: Assembly Resolution No. 674, Ms. González-Rojas.

Legislative Resolution commemorating the 1st Anniversary of Latina History Day on May 4, 2023.

ACTING SPEAKER AUBRY: Ms. González-Rojas on the resolution.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

I'll be brief. Sylvia Rivera, Rita Moreno, Julio De Gordos, Supreme Court Justice Sonia Sotomayor, U.S. Representatives Nydia Velázquez and Alexandria Ocasio-Cortez, Assemblymember Carmen Arroyo, State Senator Olga Mendez. These are just some of the trailblazing Latina New Yorkers who broke glass ceilings as the first in their craft and shook up systems like so many others. A central part of my identity is being Latina, and I'm particularly proud of being Puerto Rican -- of Puerto Rican and Paraguayan descent. Like other Latinas in this Body, I stand on the shoulders of many Latina women who have come before me; mamas, tías, abuelas. I also know that we will continue to break more ceilings and blaze more trails for those who come after us. We are students, we are teachers, we are labor leaders, we are entrepreneurs, we are CEOs, journalists, and yes, we are elected officials.

So with that I want to say that it is my honor to serve with every Latina in this Chamber and in the Senate, ever Latina staff member that serves in the Assembly, including many in our senior staff, central staff here, and the incredible Latinas that work in my office. So for Latina History Day, let's honor Latinas that have come before us while paving the way for those who will come after us. (Speaking Spanish). Thank you so much, and I vote in the affirmative.

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

On behalf of Mr. Aubry, Bill No. 2878, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Criminal Procedure Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

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

(Whereupon, Assembly Resolution Nos. 654, 671-673 and 675-686 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that the Assembly stand adjourned until 10:00 a.m., Thursday, June the 8th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 10:52 p.m., the House stood adjourned until Thursday, June 8th at 10:00 a.m., that being a Session

day.)