

**MONDAY, MAY 7, 2018**

**2:42 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Pastor Nate will offer a prayer.

PASTOR NATHANIEL DEMOSTHENE: Thank you, Mr. Speaker.

Almighty God, Father, You desire that we all be one - not the same, but one; not one party, not one race, not one single interest, for we know You are glorified in diversity. Nevertheless, You want us to be one. Of one heart, one mind, one desire to serve You and love our neighbors as much, if not more than we serve ourselves. Therefore, this morning -- this afternoon, help us to realize that in service to others, we are actually serving You. Help us to serve

the disabled; serve the vulnerable that need protection and concern; serve the young, who are searching for identity and security, especially in our schools; serve our elderly, who are searching for care and comfort; serve our homeless and downtrodden, who are longing for shelter; serve the confused, who are longing for mental and rehabilitation; serve those who have been marginalized; those who are addicted; those who are incarcerated and depend upon us for safety and rehabilitation. Help us to serve others without our opinions or social trends.

We thank You today, on Haitian Unity Day, that You have allowed both Haitians and Americans to be a people joined at the hip. Since the days of the Revolutionary War and the Battle of Savannah to the Louisiana Purchase, the blood of liberty has flown through both of our veins. As we've chosen to work together on a day like today, as pioneering republics and democracies, we pray for our elected officials to continuously inspire Democracy as they work to guard us, guide us through legislation. Protect them and their families. Give them the courage of their convictions, and never let political expediency replace their moral compass in doing this tireless work that makes us such a great State. Let us be a state not of injustice, prejudice and disenfranchisement, but a place where Your law is upheld and Your people are given the dignity of being Your children. Forget not this day our armed forces that serve and strengthen our resolve to care for our veterans, especially those who have been wounded protecting these liberties and freedoms. This, we

pray through our example and martyr, our martyr, Your son, Amen.

ACTING SPEAKER AUBRY: 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 Friday, May 4th.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Friday, May 4th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Good afternoon to you and to all of my colleagues. Before I go to our schedule for the day, let me just note that on this day in 1915, the Lusitania was torpedoed by a German submarine off the coast of Ireland. Roughly 1,200 passengers aboard the ship perished, including 128 American citizens. Following the attack, U.S. President Woodrow Wilson continued the nation's neutrality pledge regarding World War I; however, the act was a key event ultimately leading to the United States entry into the war.

And under the heading of "Did you know", did you know that Chester, New York claims to be the origin of Philadelphia

style cream cheese? Chester, New York, located in the 99th Assembly District, represent by our friend Mr. -- Mr. Skoufis. In 19 -- I'm sorry, in 1872, a dairy farmer named William Lawrence developed a richer creamier cheese that he referred to simply as "cream cheese". By 1880, New York, a businessman named Alvah Reynolds decided to bring a marketing identity to this unique style of cheese, so he called it "Philadelphia Cream Cheese", for reasons that forever will probably be unknown. A demand for the product took off until he sold the brand to Kraft Foods in 1928. And no, it was not a Philadelphia product, it was in Chester, New York.

So, with that, let me turn to our schedule for the day. Members have on their desks a main Calendar which contains 32 new bills, which members have not seen on the Calendar before today. We also have a debate list on everyone's desk. After introductions and housekeeping, and I understand we have a number of introductions, we will begin our work on the floor by taking up resolutions on page 3 of the Calendar, and taking up the new bills to the Calendar. We will do that by consenting, beginning with Calendar No. 798.

So, Mr. Speaker, if there are introductions and housekeeping, this would be the appropriate the time to take them up.

ACTING SPEAKER AUBRY: Certainly. We will do housekeeping first.

On a motion by Mr. Mosley, page 22, Calendar No. 124, Bill No. 1656, the amendments are received and adopted.

On a motion by Mr. Dinowitz, page 76, Calendar No.

723, Bill No. A-9764, amendments are received and adopted.

For the purposes of a (sic) introduction, Ms. Jaffee.

MS. JAFFEE: Thank you, Mr. Speaker. I'm going to make an introduction, I'm so proud -- I also want to in -- have this introduction on behalf of Assemblymember Zebrowski and Skoufis, as well. I'm so proud to be introducing Pastor Nathaniel Demosthene. He has been a lead Pastor for the First Timothy Christian Church since 2010. He's married to Evangelist Myrlande Demosthene, and they have two children, a daughter and a son. He took over the church in transition, and helped expand it to a new sanctuary, as well as newly integrated multifaceted programs to help the community and members grow spiritually, socially, economically and physically. His passion is to see the community-at-large grow in a positive light as a response to the church's influence outside its walls. He's also a professor at Rockland Community College and he loves playing basketball and musical instruments in his spare time.

So, Mr. Speaker, please extend the cordialities of the House for our wonderful Pastor, Nathaniel Demosthene.

ACTING SPEAKER AUBRY: Certainly. On behalf Ms. Jaffe, Mr. Zebrowski, Mr. Skoufis, the Speaker and all the members, Pastor Nate, we are pleased to have you here. We extend to you the privileges of the floor. Thank you for coming and starting our Session off with a prayer, and hope that you will come back and visit us often. Thank you so very much.

(Applause)

Ms. Bichotte for an introduction.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to make this introduction.

Today is Haitian Unity Day!

(Applause)

And today we are commemorating all of those, especially of those of -- of Haitian descent, who has (sic) impacted not only the State of New York, but the world. You know, whenever we think of Haiti, we -- we often think of the negative things. But we know here in the People's House, we commemorate, we bring the positive things. And so with us here today, as they stand up in the back, I would like to welcome the many, many constituents from all over the State of New York. We have them here in the back, we have them here in the Gallery. We have members from Rockland County. We have members from Long Island, Suffolk and Nassau. We have members from the five boroughs of New York City, Brooklyn, Queens, Staten Island, Manhattan and the Bronx. We also have people from White Plains and New Jersey and Connecticut.

We have brought many different professions across the State. We have law enforcement officers. We have nurses. We have doctors. We businessmen (sic). We have teachers and school administrators. We have chefs and cooks. And we have labor partners. We have members of different clubs. We are just really excited.

And amongst those, we are very proud to have the

Vice Consulate with us of Claude Ambroise. We also have two elected officials, Councilwoman Valerie Cartright from Suffolk --

(Applause)

-- County.

(Applause)

We also have Trustee Eudson Tyson Francois from Spring Valley.

(Applause)

And of course, we have our guest of honor today, who is Karine Jean-Pierre, a national spokesperson of MoveOn.org --

(Applause)

-- a contributor of CNN, MSNBC, and goes on. We are just really delighted to have all of us amongst the People's House, amongst the State legislators.

And please, Mr. Speaker, we ask you -- that you give all of us, Haitians, Haitians from all over -- and we want to thank our colleagues, also, all of our colleagues for participating and cosponsoring our event today. So we feel the love. We feel the blessing. And we ask you to bring greetings to all of them.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly.

(Applause)

On behalf of Ms. Bichotte, Ms. Solages, Ms. Jean-Pierre, Mr. Vanel, Ms. Jaffee, 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. This is the People's House, it is a place where you will always be welcome. And we glory in your heritage as you celebrate your heritage today. Thank you, and always feel welcome here.

(Applause)

Mr. Buchwald for the purpose of an introduction.

MR. BUCHWALD: Thank you, Mr. Speaker. Along the same lines, because it's their first time here as part of Haitian Unity Day, I want to recognize two residents of the White Plains community, Heather Miller and Myrlene Chauvette. They are Executive Director and Program Director of the Thomas H. Slater Center, which houses the Haitian Resource Center. So, if I could ask them in the Balcony to please stand and be recognized, and welcome them and all of the folks here who are part of Haitian Unity Day, but in particular, if I can on behalf of the Westchester Delegation be very proud of the fact that Westchester is represented in part because of the great Haitian-American contributions to the Westchester community and to the great State of New York. Thank you very much, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Buchwald and Ms. Jaffee, the Speaker and all the members, we welcome these distinguished representatives of West -- White Plains and Westchester and, of course, of the Haitian community. We hope that you will find this time perfect. You are also extended the



privileges of the floor. We hope that you enjoy your trip here today.

Thank you so very much.

(Applause)

Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purpose of an introduction. We're joined today by a very special guest from my district, Kara Stingo. She is a senior at Patchogue-Medford High School, and last year she was actually selected as the winner of our photo contest in the 3rd Assembly District. She has many hobbies. Very, very talented young lady. She participates in dance, does cake decorating and photography, to name a few. Recently, Kara competed on the New York State level in a commercial baking competition, and she won first place. She will then be competing at the national level on June 25th in Kentucky, representing New York and, in particular, the 3rd Assembly District. Kara is also a member of the National Art Honor Society, as well as the National Technical Honor Society. This summer, she'll be working as an assistant baker at Mademoiselle Patisserie, a new bakery opening in the Village of Patchogue. In the fall, Kara will be attending Johnson and Wales in the field of baking and pastry arts. And today, she is joined by her mother, Lynn Stingo - if Lynn could join - there she is.

And we wish Kara and her family all the best as their future is bright and very promising. And if you could please help us in joining -- joining and inviting them here today to enjoy all the

festivities.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Murray, the Speaker and all the members, we welcome both of you here to the New York State Assembly, extend to you the privileges of the floor. Our best wishes on a bright future that appears to be in front of you. And we hope that maybe at some point in time, we'll be able to share in this delightful habit you have, this career in baking. Thank you so very much.

(Applause)

Ms. Jaffee.

MS. JAFFEE: Thank you, Mr. Speaker. I want to recognize Marilyn Lastaj de Forest and Marie Carmel Cargon. They are members of the Haitian Nurses Association. Mr. Speaker, I would that you give -- ask them -- you provide them the -- extend to them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Jaffee, the Speaker and all the members, we welcome these two nurses here to the New York State Assembly, extend the privileges of the floor to you, and our appreciation for the work that you do in keeping people healthy and helping them get well. Thank you so very much. It is an impossible task and we know you do it well. Thank you.

(Applause)

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. It's my

honor to introduce three beautiful women, Jennifer Rumfola, Vanessa Patrone and Dr. Vicki Knapp. The latter two are from -- they represent Daemen College and they're all licensed behavior analysts, and it's their time first time in Albany. And they're enjoying it tremendously, which I find hard, but that's good for them. They love the sights, and I would ask you to kindly welcome them and -- and give them a good impression as we move on with our day.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DiPietro, the Speaker and all the members, we welcome you here to the New York State Assembly. We appreciate that you have come and joined us. We hope that your joy will pass on to Mr. DiPietro, lighten his spirits a little, he may need a little of your attention. Thank you so very much and know that you are always welcome here.

(Applause)

Mrs. Peoples-Stokes.

(Pause)

And we have ended our introductions for the moment, Mr. Morelle.

Shh.

MR. MORELLE: Thank you, Mr. Speaker. If we could go to page 3 and begin with resolutions, beginning with No. 1130 by Ms. Solages. I understand a number of people wish to speak on that resolution. And then on the following resolution, I understand Mrs. Gunther would like to be heard, as well.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 1130, Ms. Solages. Legislation Resolution memorializing Governor Andrew M. Cuomo to proclaim May 7th, 2018 as Haitian Unity Day in New York, in conjunction with the observance of Haitian Heritage Month.

ACTING SPEAKER AUBRY: Ms. Solages on the resolution.

MS. SOLAGES: It's that time of year again. May, Haitian Heritage Month, a month where we celebrate the contributions of Haitian-Americans in New York. And it's amazing that we're celebrating so many great people and we have so many great people in the People's House, looking to recognize a great individual, a great immigrant community. You know, we hear the rhetoric that's going on right now, and it's kind of reminiscent of what was said in the '80s and '90s when Haitian-Americans were starting to come here to New York State. But, we are strong people. We don't listen to the negative, we turn it into a positive, whether it's on our little island or here in -- in New York State.

And I have such strong mentors, which include Maglia Polo and Maurice Evhafale, who stand by me every day and encourage me to continue on, even though people say hateful things about us. But we stand proud, and we stand tall, because we have adequate representation. We are professionals in every realm of society, whether it's doctors, lawyers, engineers, and other professions, like CNN reporter. And so, kudos to our honoree. But, once again,

we are strong people, and we are, today, all Haitian by association. So *sak pase n'ap boule*, and thank you so much.

And, Speaker, thank you so much for allowing this resolution on the floor.

ACTING SPEAKER AUBRY: Mr. Barron on the resolution.

MR. BARRON: I always take this opportunity to honor our Haitian brothers and sisters, because when we honor them, we honor the best in us. It was the Haitian Revolution, the first in the Western Hemisphere that inspired African people in America to rise up on plantations. It was the early revolutionaries, Boukman, Dessalines, Toussaint L'Ouverture, Henri Christophe, these were the names of people that inspired Harriet Tubman, that inspired Nat Turner, that inspired all of us to fight for our freedom here in America. And their fighting was so fierce, as they were beating Napoleon Bonaparte, the French General, they were beating him so badly that they had to sell Louisiana to the United States. And that's how the United States got Louisiana, because the Haitian revolutionaries were whipping up the great Napoleon, beating him badly, so much so that they had to sell that to the United States.

So, the United States owes a debt to Haiti, just as France does. France owes a debt to Haiti. France has a lot of nerve to have Haiti paying reparations to France? We should reverse that. France should be paying reparations to Haiti. So, we're going to continue to support our Haitian brothers and sisters. And the United

States doesn't walk away cleanly, because the Marines occupied Haiti in 1915. The Marines colonized Haiti in 1915 --

(Applause)

-- so United States owes reparations to Haiti. So when you Pledge Allegiance to the United States, and we put your hands over your hearts, put them over your minds, too, and tell America to pay the debt to Haiti because they owe Haiti reparations.

(Applause)

So, on this day as we celebrate Haiti, we are all African people. I always say that Dr. John Henrik Clarke, the great historian, said, *We're not who we are based upon where the boats dropped us off, we're who we are based upon where the boats picked us up from.* And they picked us all up from Africa. Dropped you off in Haiti, dropped us off in America, dropped some off in Trinidad and Jamaica and in Brazil, but we are one African people, and when you mess with one of us, you've messed with all of us.

(Applause)

So we say, right-on to Haiti. We honor Haitian Day.

(Applause)

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

MS. JEAN-PIERRE: It's always hard to go after you, Barron. But I'm a proud Haitian-American, and I just -- I just -- and I want to thank -- first of all, I want to thank my colleague for introducing this legislation, this resolution, to not only recognize

1803-1804, 1791-1803, but to recognize the many beauty we have right here in this room, how hard we work, and how hard we work to make America great. And we each play a part in this country. And I am so honored and proud that we in this Chamber, in this Legislature, we can celebrate the culture and the beauty of Haiti and Haitians. It is an honor to -- to continue this legacy with my two-year-old, to know that I -- to let her know that I am a proud Haitian-American, and that she, too, should be and will be a proud Haitian-American. Because this is what makes this country great, Haitians and all diversity. Again, thank you. And I wanted to recognize all of my Long Islanders who are here today to celebrate Haitian Unity Day.

(Applause)

ACTING SPEAKER AUBRY: Mr. Vanel.

MR. VANEL: I'm proud to be here for Haitian Unity Day 2018. Haitian Unity Day is a very, very important day. It's a day that I stand a little taller. When we stand and see how all the powerful men and women from around this State of Haitian descent are here. One of things is, who tells your story? And what is your story? The story of Haiti is a story of power. But I'm not going to talk about the history of Haiti, because the history of Haiti is a very, very powerful history. But I'm going to talk about the Haitian-Americans of today.

Today, we have leaders across the country, across the State. Principals, students, teachers, doctors, lawyers, that -- business owners, that contribute to New York and to New York State, that contribute to the New York State economy. These are Americans.

These are -- these provide the great American story so -- that we are so familiar of. That is the Haitian story. That's the Haitian-American story. So I stand here proud to stand with my other Haitian-Americans and my Haitian-American New Yorkers, who are among the best of the best in our State and in our country.

ACTING SPEAKER AUBRY: Thank you, sir.

(Applause)

Ms. Jaffee on the resolution.

MS. JAFFEE: Thank you, Mr. Speaker. It truly is an honor for me today to stand here and continue to celebrate, and this is our 9th Haitian Unity Day in our Chamber; to recognize and honor Haiti's legacy of liberty and justice throughout the world. We absolutely in -- in my district, I think we are home to one of the largest Haitian communities in New York. They're an integral part of our community and our workforce. They are leaders and community participants, advocates. And the youth are part of our community schools and our education system. So, it is really an honor to be joining you all today and to share this moment as we welcome members of our Haitian-American community, acknowledging their significant and countless contributions to New York. They have enriched our nation and our State.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

(Applause)

Mr. Blake on the resolution.



MR. BLAKE: Thank you, Mr. Speaker. Obviously, we are excited and -- and grateful for the Haitian community being here yet again. We continue to stand with our Haitians sisters and -- and brothers. As Member Barron mentioned already, for any of us to have appreciation of our history, in particular black history, the Haitian community being the first that led a successful revolt, we are grateful for them.

But in particular, following in a previous member's comments, highlighting two members of the Haitian community, who, it is important for people to know have served this country admirably and honorably, to Karine Jean-Pierre, who is a very dear friend of mine, Mr. Speaker and colleagues. Karine has -- has served President Obama in multiple capacities. She was one of our regional directors, she was one of our national deputy directors, and whenever we get to see her on TV, it should make us all proud of what happens when women of color are in leadership.

And then equally, to Patrick Gaspard, who was the former Ambassador to South Africa, who is now President of Open Society Foundation. It shows us yet again what happens when we have our Haitian sisters and brothers in leadership.

And so we stand with them, we honor them, we're grateful for them. And, obviously, even though I still believe Jamaicans have better food right now --

(Laughter)

-- I will always stand with my Haitian sisters and

brothers and we're grateful for honoring them again today.

(Applause)

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

(Applause)

THE CLERK: Assembly Resolution No. 1131, Mrs. Gunther. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 6-12, 2018 as Nurses Week in the State of New York.

ACTING SPEAKER AUBRY: Mrs. Gunther on the resolution.

MRS. GUNTHER: Thank you, Mr. Speaker. As a Registered Nurse, it is my honor and privilege to offer this resolution proclaiming May 6th-12th as Nurses Week in the State of New York. Nurses are the backbone of our health care system. I can tell you that from my own experience, we are the backbone. And as our population ages, the needs for nurses will continue. This Body has shown incredible support for all of our nurses, from ending mandatory overtime to passing safe patient handling. Legislation critical to improving the quality of care patients receive, protecting nurses from avoid -- avoidable injuries, and reducing Workmans' Compensation costs for health care facilities.

And, again, and really more most important, we decrease admit -- readmissions, we increase our patient outcomes, and

we decrease costs. This week, we are making another push for the passage of Safe Staffing for Quality Care Act. They've done it in California, they've done it in Australia, and they've done it with great, great outcomes. They actually, in California, had a 3 percent increase in profits. As Nurses Week begins, we should all take a moment to remember and thank the nurses who have touched our lives and cared for us, our friends and our families. Thank you.

(Applause)

ACTING SPEAKER AUBRY: On --

Ms. Melissa Miller.

MS. MILLER: Never to diminish the physicians, but, not as a nurse myself, but as a family member who has relied on nurses for her children's lives and family members' lives, I want to take a moment to say how appreciative I am, and how appreciative we should all be, of the nurses in this State. We are the luckiest people, we have superior nurses in this State. They care for our loved ones from before birth until death, and even thereafter, in the home, in the hospitals, in facilities. They are more than the backbone. They are who cares for you when you're in the home, when you're in the hospital, when you're in the unit. The safe staffing is imperative. Experience alone is not enough. You need to make sure that you have this -- a safe number of nurses covering a unit.

I can tell you firsthand, Oliver, who you've all met, he wouldn't be able to go to school if it weren't for a nurse to go with him. He would not be able to just go to school if he didn't have a

nurse. He only gets to go to school three days a week right now because he only has a nurse three days a week. So, I can't tell you how important nurses are. So please, take a moment, when you see a nurse, there are a bunch of them out there, say thank you, thank you to these nurses. They are the backbone.

(Applause)

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. 1132, Ms. Malliotakis. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 6-12, 2018 as Hurricane Preparedness 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.

Mr. Morelle.

Shh.

MR. MORELLE: Thank you, Mr. Speaker. As I indicated earlier, I'd like to continue consenting bills on the Calendar, starting with page 82, where we left off last week, with Calendar No. 798 by Mr. Dinowitz.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08511, Calendar No. 798, Dinowitz, Englebright, L. Rosenthal, Colton, Taylor, Mosley

Arroyo, Glick, Cook, Pichardo, Barron, D'Urso, Seawright, Simon, Rivera, Aubry. An act to amend the Executive Law, in relation to a prohibition on diversion of funds dedicated to public transportation systems.

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. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, this is our first vote of the afternoon, so please cast your votes. Those members who are still near the Chamber or over in their office, they should make their way over quickly so they can cast their first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Thank you, Mr. Speaker. I appreciate seeing all those green lights up there. I think as everybody knows, for many years, but especially in the past year, the New York City transit system has faced a severe crisis, and transit systems around the State have had major issues, as well. And one of the things that many of us have pointed out is the repeated diversion of money away from our transit system. And we want to make sure that when

we allocate money for mass transit, in my case, especially for the MTA, that the money is spent the way we intended to spend -- spend it, and that it's spent. And given the situation with the New York City subways, and also our buses, it's urgent that this bill pass. And I'm pleased -- I believe it's already passed the other House, and I look forward to seeing the Governor's signature on it. So I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08683-A, Calendar No. 799, Gottfried, Galef. An act to amend the Public Health Law, in relation to the written summary relating to prostate cancer; and to amend the Insurance Law, in relation to coverage of diagnostic screening for prostate cancer.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08724, Calendar No. 800, Jean-Pierre, Dickens, Simotas, Mosley, Murray, Brabenec, Titone, Thiele, B. Miller, Pellegrino, Weprin. An act to amend Chapter 122 of the Laws of 2015 relating to tax assessments for certain improved properties affected by Superstorm Sandy, in relation to extending the deadline for tax exemption applications.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08844, Calendar No. 801, Buchwald, Ortiz. An act to amend the General Municipal Law, in relation to insurance reserve funds for the Bedford Central School District.

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. A08920, Calendar No. 802, Galef. An act directing the Commissioner of Taxation and Finance to submit a report relating to public utility mass real property; and to repeal Chapter 501 of the Laws of 2017, amending the Real Property Tax Law relating to establishing an energy-related public utility mass real property central assessment pilot program.

ACTING SPEAKER AUBRY: On a motion by Mrs.

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

THE CLERK: Assembly No. A08937, Calendar No. 803, Thiele. An act to repeal Article 23 of the Economic Development Law, in relation to the establishment of a New York seafood marketing task force and relating to State agencies having seafood marketing roundtable meetings with relevant stakeholders; and providing for the repeal of certain provisions upon expiration thereof.

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

THE CLERK: Assembly No. A08952, Calendar No. 804, Morelle, Hooper, Weprin. An act to amend the Education Law, in relation to the educational preparation for practice of professional nursing; and to amend Chapter 502 of the Laws of 2017, amending the Education Law relating to the educational preparation for practice of professional nursing and creating a temporary nursing program, in relation to the nursing program evaluation commission and to the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record



the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08959, Calendar No. 805, Rozic, Aubry, Weprin, Wallace. An act to amend the Correction Law and a chapter of the Laws of 2017 amending the Correction Law relating to assuring rehabilitation programs for female inmates are equivalent to programs afforded male inmates, as proposed in legislative bills numbers S. 3498 and A. 2534, in relation to making certain technical corrections thereto.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A08961, Calendar No. 806, De La Rosa, Weprin, Abinanti. An act to amend the Mental Hygiene Law, in relation to the prevention of suicide; and to amend a

chapter of the Laws of 2017, amending the Mental Hygiene Law relating to establishing the Adolescent Suicide Prevention Advisory Council, as proposed in legislative bills numbers S. 5500-C and A. 7225-B, in relation to the effectiveness thereof; and repealing Section 41.56 of the Mental Hygiene Law relating thereto.

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

THE CLERK: Assembly No. A09004, Calendar No. 807, Gottfried. An act to amend the Social Services Law, in relation to notice of determination of eligibility for medical assistance; and to repeal Section 1 of a chapter of the Laws of 2017, amending the Social Services Law relating to notice of determination of eligibility for medical assistance, as proposed in legislative bills numbers S. 1241-A and A. 5175-A, relating thereto.

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

THE CLERK: Assembly No. A09005, Calendar No. 808, Englebright, Weprin. An act to amend the State Finance Law, in relation to monies included in the Environmental Protection Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A09579-A, Calendar No. 809, Woerner. An act to amend the Executive Law, in relation to including Round Lake in the list of inland waterways eligible for the Local Waterfront Revitalization Program.

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. A09687, Calendar No. 810, Pretlow. An act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to certain payments to the Horsemen's Organization.

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. A09692, Calendar No. 811, Rozic, Paulin, Titone, Lupardo, Colton, Englebright, Galef, L. Rosenthal, Otis, Abinanti, Fahy, Stirpe, Lifton, Simotas, Weprin. An act to amend the Environmental Conservation Law, in relation to food service waste reduction.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09711, Calendar No. 812, Schimminger, Peoples-Stokes. An act to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie.

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. A09792, Calendar No. 813, DiPietro. An act to amend Chapter 185 of the Laws of 2005, amending the Tax Law relating to authorizing the County of Wyoming

to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. The bill is laid aside.

THE CLERK: Assembly No. A09851, Calendar No. 814, Woerner. An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises.

ACTING SPEAKER AUBRY: 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. A09869, Calendar No. 815, Abinanti, M. L. Miller, McDonald. An act to amend Public Health Law, in relation to adding Autism to the list of conditions covered for lawful medical use of marihuana.

ACTING SPEAKER AUBRY: The bill laid aside.

THE CLERK: Assembly No. A09922, Calendar No. 816, Buchwald, Santabarbara, D'Urso, Zebrowski, Paulin, Niou, McDonald, Vanel, Wright, Galef, Seawright, Blake, Montesano, Crouch, Simon, Rivera, Gottfried, Skoufis, Lawrence, Cahill, Davila,

Glick, Pellegrino. An act to amend the Election Law, in relation to publishing local campaign contribution limits.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect December 15th.

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. A09964, Calendar No. 817, Englebright, Peoples-Stokes, Seawright, Jaffee, Rivera, Simon, D'Urso, Steck, Thiele, Santabarbara, Titone, Lavine, Glick, Galef, Zebrowski, Gottfried, Pichardo, Lifton, Mosley, Cahill, Williams, Otis, Colton, L. Rosenthal, Abinanti, Pellegrino, Hyndman, Weprin, Fahy, Carroll. An act to amend the Environmental Conservation Law, in relation to prohibiting the sale of child products containing organohalogen flame retardant.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09981, Calendar No. 818, Wallace, Pheffer Amato, Mosley. An act to amend the Executive Law, in relation to the duties of the Division of Veterans' Affairs concerning information about veterans received from nursing homes and residential health care facilities, including assisted living

facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10012-A, Calendar No. 819, Morelle, Kolb, Dickens, Taylor, Gottfried, Magee, Montesano, Davila, Oaks, Palmesano. An act to amend Alcoholic Beverage Control Law, in relation to the authorization to hold through a wholly owned subsidiary a branch office permit at the Finger Lakes Welcome Center; and authorizes the sale of cider.

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. A10125, Calendar No. 820, O'Donnell. An act to amend the Real Property Law, in relation to requiring commercial spaces to post broker and property management information after one month of a new vacancy.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10192-A, Calendar No. 821, Glick. An act to amend the Hudson River Park Act, in relation to permitting the construction of an art installation within the boundaries of Pier 52.

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. A10201, Calendar No. 822, Skoufis, Weprin. An act to amend the Executive Law, in relation to establishing and maintaining an emergency evacuation plan for individuals with disabilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10345-A, Calendar No. 823, Gottfried, D'Urso, Skoufis, Steck, Stirpe, McDonald, McDonough, Lifton. An act to amend the Public Health Law, in relation to authorizing nurse practitioners to witness a health care proxy, act as a health care agent and determine competency of the principal of such a proxy.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10347, Calendar No. 824, Magnarelli, Jaffee, Otis, Zebrowski. An act to amend Part X of Chapter 62 of the Laws of 2003 amending the General Business Law and other laws generally relating to implementing the State Fiscal Plan for the 2003-2004 State Fiscal Year, in relation to extending certain



provisions of the General Municipal Law and the Local Finance Law relating to electronic bidding.

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.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to take up the following three bills in this order, if I might: Calendar No. 759 on page 79 by Ms. Paulin; Calendar No. 765 on page 80 by Mr. Butler; and conclude this grouping with Calendar No. 813 on page 85 by Mr. DiPietro.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09534, Calendar No. 759, Paulin, Buchwald. An act to amend the Tax Law, in relation to authorizing the City of White Plains to impose an occupancy tax.

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.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing a brief interruption so I might introduce a distinguished guest from the City of Rochester, no stranger to these Chambers. I know that both I and Mr. Bronson are delighted to hold the Mayor of the City of Rochester, our great friend, the Honorable Lovely Warren, who's really energized our city and is doing just a terrific job, an amazing job leading our community. I'm delighted she's in the Chambers to observe the proceedings. If you'd please extend on behalf of Mr. Bronson, myself, the Speaker and all the members, the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Morelle, Mr. Bronson, the Speaker and all the members, we welcome you here, Mayor, to the New York State Assembly, to the People's House. We hope that your trip here is going to be beneficial for that great city, and that you will always come and visit us. And we're always so pleased to have you with us. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09791, Calendar No.

765, Butler, B. Miller, Brindisi. 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 the 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. A09792, Calendar No. 813, DiPietro. An act to amend Chapter 185 of the Laws of 2005, amending the Tax Law relating to authorizing the County of Wyoming to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the 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.

Mr. Morelle.

MR. MORELLE: Thank you very much, Mr.

Speaker. If we could take up now Calendar No. 265, which is on 35 -- page 35 of the main Calendar by Mr. Gottfried.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03358, Calendar No. 265, Gottfried, Glick, O'Donnell, Titone, Bronson, Morelle, L. Rosenthal, Dinowitz, Cook, Hevesi, Cahill, Englebright, Paulin, Ryan, Abinanti, Mosley, Arroyo, Pichardo, Ortiz, Rozic, Weprin, Blake, Jenne, Steck, Bichotte, Hunter, Carroll, D'Urso, Jean-Pierre, De La Rosa, Walker, Pellegrino, Skoufis, Dickens. An act to amend the Executive Law, the Civil Rights Law and the Education Law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the Penal Law and the Criminal Procedure Law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Gottfried, but we'll remind the House that we are now on debate. We'd like members to take their seats, staff to clear the aisles. Shh. A little quiet, please.

Proceed, Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, many years ago, New York enacted a bill of mine to allow the sale of over-the-counter reading glasses. When we passed that bill, we were the last state in the Union to legalize the over-the-counter sale of reading glasses; Maryland got in just behind -- before us. Now, with this bill, to add gender identity and expression to the New York Human Rights Law, we're not in danger yet of being the last state in the country to enact such legislation, but we will be behind Iowa and Utah, both of which, I think since our last discussion of this topic, have enacted such civil rights legislation.

This is a bill we have passed in this House quite a few times before. It would add gender identity or expression to the -- to the Human Rights Law, along with race and sex and age and a variety of other criteria, sexual orientation, et cetera. It would also add protection of transgender New Yorkers to the Hate Crimes Law, also along with race, sex, age, sexual orientation, et cetera. Now, in New York in 2016, Governor Cuomo, very admirably and I think correctly, had the State Division of Human Rights adopt regulations saying that the prohibition on discrimination based on sex should also be deemed to include discrimination based on gender identity and expression, and I'm glad the Division of Human Rights did that.

It -- the bill, though, is still needed, partly because what got added by regulation could be removed by regulation, number one. And number two -- well, three things: Two, I believe the transgender community is entitled to the recognition and respect that

would come from being in our statute and not just in a regulation. And, number three, substantively, this bill would amend the Hate Crimes Law to include targeting on the basis of gender identity or expression, and that cannot be done by regulation.

You know, I talked about the states of Iowa and Utah, I could have mentioned 22 other states, plus -- including the District of Columbia and the Commonwealth of Puerto Rico. Here in New York State, the substance of this legislation has long been enacted by local law in an Albany, Binghamton, Buffalo, Ithaca, New York City, Rochester, Suffolk County, Syracuse, Tompkins County and Westchester County. So, well more than half the population of New York has, for quite some time, lived in jurisdictions that have this law on the books. And all 20 million of us, every public accommodation we use has been covered by this concept at least through regulation since early 2016.

You know, the transgender community is one of the few populations that at least by statute is not protected from discrimination in use of public accommodations, in employment and a host of other things, and also does not have the protection of our Hate Crimes Law. It is long, long overdue for New York to join so much of our own communities and so much -- so many of the cities and states across the country, most -- many of whom we do not ever imagine to be anywhere near as progressive as New York, and join them in enacting this legislation.

ACTING SPEAKER AUBRY: Mr. Murray.

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

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, Mr. Murray.

MR. MURRAY: Thank you, Mr. Gottfried. We -- we've had this debate several years now and we could, rather than skipping getting into the weeds and the details and things like this, I do have a question in regards to a more specific issue, and that is there are some businesses, and I'll bring one up one in particular, that do specifically focus on gender, and -- and one in particular I bring up is the Curves fitness centers, which are fitness centers specifically for females, for women. How would we handle -- or how would they handle this when right now they only allow -- in fact, we made some phone calls to some of the genders -- some of the Curves locations and asked if they allowed men in, they said absolutely not. How would they be affected by this bill? Would they have to now open their doors, and would they have to accommodate their facilities, considering they only have locker rooms and restrooms and facilities for females, would this open this up and change their whole business plan?

MR. GOTTFRIED: Well, I don't know whether this particular establishment has branches in Albany, Binghamton, Buffalo, Ithaca, New York City, Rochester, Suffolk County, Syracuse, Tompkins County or Westchester County; I imagine they probably do,

you can correct me if I'm wrong. If so, they -- and there are other establishments that cater specifically to women and have locker rooms that are in these jurisdictions, they would continue to do what they do today, which is not discriminate on the basis of gender identity or expression. And I don't know about you, I've never had a complaint from them or any other organization that is -- that is gender specific in its membership or facilities expressing concern about this bill. I don't know if they've objected to this bill to you - I'd be interested in knowing that - but they have certainly never communicated with me or anyone else, that I know of, on this topic.

MR. MURRAY: Thank you. I just wanted to be clear as to whether or not, if they are specific. So are they -- if they are saying right now that only females are allowed, if a -- a person that is perceived to be male, but identifies as female, tries to join the gym and -- and do this, are they prohibited right now, or would they be under this bill? Would they have to allow them in?

MR. GOTTFRIED: Under New York -- and, by the way, I should, you know, in addition to rattling off the cities and counties, I should say if they have any outposts anywhere in the 62 counties of New York, by regulation they are now subject to what this bill would require. And I don't know what "perceived" means in this context, but a person who by gender identity or expression identifies as female, this establishment would be violating the State Human Rights Law today if they turn them away --

MR. MURRAY: Okay. Thank you, Mr. Gottfried --



MR. GOTTFRIED: -- on that basis.

MR. MURRAY: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. GOTTFRIED: Just one more thing --

MR. MURRAY: Sure.

ACTING SPEAKER PICHARDO: Okay.

MR. GOTTFRIED: Essentially, if this company has any outposts in New York, they are presumably obeying the law today. If so, enactment of this bill will not affect their operations at all.

MR. MURRAY: Thank you, Mr. Gottfried.

So, the point that I was trying to make and, again, we've had this -- this debate over and over, year after year, we all bring up the -- generally the same points, and the reason we bring this up over and over again is we do have legitimate -- or what we feel are legitimate concerns about this. I bring up this particular issue because the -- the way that Curves identifies themselves, their mission statement says, *Curves is committed to providing women with the tools necessary to empower them to live more fulfilling lives.* They say that they offer a, *safe, non-intimidating comfortable environment for women.* I -- I do find that interesting because I've -- I've had this discussion over the years with several women colleagues and -- and my -- my wife, family members, neighbors, women in general. And -- and when I -- I pose this question, *Would you feel safe and*

*non-intimidated and -- and feel that it's a comfortable environment, in a locker room, to undress and get in the shower next to someone -- and by the way, I use the word "perceived" because if I see someone with a beard and -- and it looks like a male and has the -- the male genitalia, then, yes, I will perceive them as male. They might think, or they might feel as though they are female, they might perceive themselves to be female, they might identify as female, but I assure you, everyone else in the room is identifying them as male. And that is the concern. I don't know how comfortable -- I've yet to find anyone that says, *Yes, I'd be absolutely fine with that, I'd be fine with my 14-year-old daughter undressing in a locker room to get into the shower next to a 30-year-old person that is a male, but identifies as female.**

So we've also had the argument of, would this cause problems, would this be an issue with maybe people abusing this? Would there be issues of -- of people being put in danger? Well, I turn to a -- a rape victim by the name of Kaeley Triller Haver. Now, she actually -- her parents worked at a YMCA. She was on the swim team, she would be in the locker room and one of her coaches actually sexually abused her and raped her. And she's been very outspoken against this bill. And -- and one of the reasons, she says she urged people to look into past proof of men who cross-dressed and -- and did other things to gain access to facilities for women to sexually assault them. Jason Pomare, 33, was arrested for cross-dressing and videotaping women in Florida in a mall restroom. Norwood Smith

Burnes, 51, dressed like a woman, indecently exposed himself to children in a Walmart bathroom. Taylor Buehler, 18, snuck into a women's bathroom at a community college while wearing a bra, a wig, and later admitted to taking a shower in the women's locker room. Well, Ms. Triller Haver basically says she believes that allowing people to use bathrooms that don't match their anatomy could lead to more incidents of people being sexually assaulted.

But I found this quote to be very, very telling, by her. And this is her quote. She says, "Is it ironic to no one that being progressive actually sets women's lib back about a Century? What of my right to do my darnedest to insist that the first time my daughter sees the adult male form it will be because she chose it, not because it's forced upon her." You see, again, I think what we seem to -- I don't know if we forget about this, or we just consciously choose to ignore it, but we're talking about 1 percent of 1 percent of the population. And, yes, I'm not saying it's easy for -- for them, but at the same token, it's not something -- we're opening up access to -- to bathrooms, to locker rooms where you're getting undressed in front of others. It is not just about you. It's about everyone else in that locker room, as well. And when you're standing next to a 14-year-old girl and you're a 30-year-old male getting undressed and getting into the shower, or vice versa, do you think that's comfortable for her? Can you honestly say that you are comfortable with that if that's your daughter or your wife or your mother or your sister?

I get back to some of the -- the issues, the problems,

that have -- that have taken place over the years. Sex offender named Richard Rendler was arrested for wearing fake breasts and a wig while loitering in a women's restroom in Campbell, California shopping center. He previously had been arrested on charges of child molestation and indecent exposure. 2010, Berkeley Police arrested Gregorio Hernandez, who had disguised himself as a woman on two separate occasions to get inside a UC Berkeley locker room. And once in that locker room, he used his cell phone to photograph and videotape women. And I could go on -- I'll just read the headlines here, "Man dressed as woman arrested for spying in a mall bathroom stall." "Palmdale man arrested for videotaping in women's bathroom." "Sexual predator jailed after claiming to be transgender to assault women in shelter." "University of Toronto dumps transgender bathrooms after peeping incidents." And it goes on and on.

Now, we've heard the argument, *Oh, we didn't hear these arguments*. Well, they're here. They're here, we just haven't been paying attention. Again, maybe we're willfully ignoring it, but they are here, these examples are here. And there will be more and more. Now, last year during a debate, one of my colleagues got up and questioned, in particular, this -- this one, this was the first one. Richard Rendler, who was arrested, and he said, *Well, wasn't he arrested? Didn't that solve the problem?* There's one caveat, you kind of made my point. Yes, he was arrested because that was before California passed this bill. That's the only reason he was arrested. If he had done this after they passed the bill, he'd still be doing it. He

would not have been arrested for doing it.

So, again, I just urge my colleagues, talk to your constituents, ask them how they feel about this. Ask them their response when you say would you be comfortable if your wife, your mother, your daughter were in a locker room with someone that you know is a male, that has the male anatomy, but identifies as a female, would you be comfortable? Would you think your wife or your daughter would be impacted in any way? Because I hear -- I hear that, yes, they would be impacted; no, they would not be comfortable. And I fear that this list that I've read which, by the way, goes on and on and on, it would only grow bigger if we do this. So, I urge my colleagues, listen to your constituents. Many times when we've taken up other bills you've said, *Well, the polling says...* Well, take a look at the polling on this issue. It's overwhelmingly against. That's why I'll be voting no and I urge my colleagues to do the same.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

ACTING SPEAKER PICHARDO: Do you yield, Mr. Gottfried?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Thank you very much, Mr. Gottfried. You mentioned that almost every major city in New York

already has this in a local law?

MR. GOTTFRIED: Many of them, yes.

MR. GOODELL: And is there anything to prevent any of the rest of them from adopting such a local law?

MR. GOTTFRIED: No.

MR. GOODELL: And we also, of course, as you mentioned have a --

MR. GOTTFRIED: Oh, wait a minute. Excuse me. None -- none of our cities has authority to amend the Hate Crimes Law.

MR. GOODELL: Right. But, outside of that, they could certainly follow the lead of their other counties and other cities, certainly, right?

MR. GOTTFRIED: Yes.

MR. GOODELL: And you mentioned that right now we have regulations in place, they've been in place I think since 2016, haven't they?

MR. GOTTFRIED: Correct.

MR. GOODELL: And also, there's Federal regulations dealing with sex discrimination, and a number of Federal cases that have held that those regulations in the Federal law also applies in this area, aren't there?

MR. GOTTFRIED: That is correct, although the Trump Administration is trying to undo a lot of that, but yes, at this point, I think most of those interpretations still stand.

MR. GOODELL: Now, looking back at the Title IX regulations, the Federal Title IX regulations that have not changed since the change in the Administration, they list a number of exceptions from the anti-sex discrimination provisions. For example, it doesn't apply to educational institutions that are single sex, religious organizations, social fraternities or sororities, boy or girl conferences, father-son, mother-daughter activities, and there's a number of others. Would those same exceptions apply under this bill?

MR. GOTTFRIED: I don't think I could -- I don't think you would say that categorically. For example, a mother-daughter event, I would certainly hope that someone whose mother is a transgender woman, that that child would be able to bring her mother to school with her. Or, a mother, whether transgender or otherwise, whose child identifies as female - and there are more and more children of grade school age who are -- who, in our, fortunately, modern world, are being welcomed to recognize their gender identity - I would hope that the mother would be able to bring such a daughter-identified child to such an event.

MR. GOODELL: And I -- I appreciate your sensitivity on that issue. But, am I correct, that with very few exceptions, this bill -- well, actually, I'm not sure that this bill has any enumerated exceptions; is that correct?

MR. GOTTFRIED: In the four corners of the bill, no, but there are exceptions that are in the Human Rights Law that would be applied.

MR. GOODELL: Now, I note that the bill specifically references that, when it comes to this subject, there shall be "No inquiry or record made of a person's sexual identity or gender expression." I'm referencing, for example, on page 5, line 26. And that's fairly standard, I think, in a lot of our anti-discrimination provisions. If it's not -- if your religion's not relevant, you shouldn't be asking about somebody's religion. And am I correct on that this concept carries through as it relates to gender identity and expression?

MR. GOTTFRIED: You know, I haven't looked at that page of the bill in a while, but I'll take your word that it -- that on that page it adds "gender identity and expression," and it means what it says.

MR. GOODELL: So, how, then, would we administer the MWBE program, for example? If this bill were to pass and you have an individual that's born and identified at birth as a male, could they still apply for MWBE status?

MR. GOTTFRIED: Well, certainly. And they would be doing that -- able to do that today, because of the regulation adopted in 2016.

MR. GOODELL: Now, as you know, there's a number of areas where we treat men and women differently, even though we've had a prohibition against sex discrimination for decades. So, for example we have separate men and women sports teams. We have separate scholarships that are available just for women. We certainly have different housing opportunities for just women, or just



men, likewise, colleges. If this bill were to pass, would it be your view that an individual who was born as a male, but identifies or is perceived as being female, could apply for woman-only scholarships or play on a woman-only sports team?

MR. GOTTFRIED: Not only could they, but every day all around this country, that is exactly what is happening. We have college dormitories not only all over New York State, but all around the country, where transgender women are in trans -- are in women's dorms, and transgender men are in men's dorms. I mean, unless you think that every college should build two more sets of dorms, or make transgender people, you know, just get sleeping bags and sleep on the quad, where would you want them to live? And there are -- we have sports teams and sporting competitions in which transgender people freely participate in the -- with the gender with which they identify. You know, read the papers. The modern world is way ahead of where this bill is.

MR. GOODELL: Now, when this bill first came up for a vote in 2012 and again in 2013, a former colleague of ours, Mr. Graf, asked if -- if he had a 14-year-old daughter that played sports and after the sporting event, she went into the school to take a shower and one of the male students said, "I identify myself as a female today," could that individual who identifies as a female take a shower, then, with his 14-year-old daughter? And back in 2012 and '13, your answer was "yes". Is that still your answer?

MR. GOTTFRIED: I'm not sure that was the entirety

of my answer or that that was the entirety of the question. You know, if I wake up one morning and decide that I want my business to apply as a minority-owned business or as a women-owned business, I -- I would not be granted that status, because I am neither minority nor a woman. And something that is patently dishonest and fraudulent, I don't think entitles you to any particular legal status.

MR. GOODELL: So, your view is if the individual genuinely identified as a female even though they may have a male anatomy, or was generally perceived -- genuinely perceived as being a female, then they would have that right to shower in the women's shower after a sports event, under this bill?

MR. GOTTFRIED: Based on the way you're describing it, I -- I would say yes, and I would say that's not new in New York law. It's been the law in New York in all 62 counties for more than -- for at least a couple of years now, and in most communities in the State, for a number of years now, and is the rule all over -- in -- in many parts of the country, most recently Iowa and Utah. And I don't know that anyone has identified an instance in which the application of such a law has created the kinds of problems we've heard about. And I -- I say that very pointedly.

For as long as we've had men and women and facilities that cater particularly to men and women, which is, you know, I guess several thousand years, there have been men disguising themselves to gain access to women's facilities. You know, as Mr. Titone said in one of these debates a couple of years ago, you know,

what we see in this debate is that straight white men are really dangerous people. And I -- I don't want to adopt that as a general characterization, of course. But as our pediatrician used to say, *There is a lot of that going around*. But -- so you can't attribute that to -- to transgender legislation, nor can you say with any accuracy that transgender legislation legally protects that kind of activity. I've never seen evidence of a transgender law creating that kind of problem or being used in that way. Now, I suppose there's a first time for anything, but these laws have been on the books in countless jurisdictions for many, many years now.

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

On the bill.

MR. GOTTFRIED: Yes.

MR. GOODELL: For decades, we have prohibited sex discrimination, and rightfully so. And I agree with Mr. Gottfried in the purpose of this bill to prevent any discrimination against any individuals who may be transgender, or otherwise -- any discrimination based on gender identity in all those areas where sexual identity is irrelevant, whether it's transportation or employment or housing or public accommodation. The problem that I and several of my colleagues have with this bill is that our current law recognizes differences between the sexes. And we have a number of provisions designed specifically to benefit women or -- or men separately.

So, we have Boy Scouts, which, by the way, just

recently became co-ed, I understand, but used to be just boys. We have Girl Scouts that are still just girls. We have scholarships that are available just for women. We have sports teams that are different, because we recognize that regardless of how you might identify yourself, there are physiological differences between men and women, and so, in an effort to provide an even playing field, if you will, we have separate sports teams. And that's not wrong. It's not bad. It's just recognizing that God, in His wisdom, created us differently. And I am very thankful, by the way, for -- for those differences and for the similarities that God endowed us with.

We have regulations that deal with this issue. And it's -- and it's a good idea to allow those regulations to govern and allow the courts to deal with this so that they can develop that balancing act to make sure that the programs, like the MWBE program, is available to help women; that women scholarships are available for just women; that sports teams can be even; that we can recognize that there's a lot of advantages to having programs like the Girl Scouts.

So, the current system, as correctly pointed out by the sponsor, my -- my colleague, already deals with this subject. We already have local flexibility if additional regulation is needed. We have Federal oversight that sets the overall standards. Unfortunately, I think this bill creates more problems than it solves and, therefore, I will have trouble supporting it. Thank you, Ms. Speaker.

ACTING SPEAKER SEAWRIGHT: Read the last

section.

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

ACTING SPEAKER SEAWRIGHT: The Clerk will -- 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. First, I want to thank you for the opportunity to -- for the sponsor to bring this bill forward. I know this have been before the Assembly on many occasions. I want to be clear that this issue is about safety for people. People take serious risks in their lives to be able to deal with the issue of gender identity. I want to encourage us to vote in favor of this, because this is about ending discrimination. It's not about fraud, not about misrepresentation, not about safety of children. This is about safety of people who are living their lives in the best way they can.

I now withdraw my request and I vote in the affirmative.

ACTING SPEAKER SEAWRIGHT: Mr. Epstein in the affirmative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. (sic) Speaker, to explain my vote. I'm proud to rise for, maybe it's the eleventh time since I've been here, in support of GENDA and to reiterate to the

transgender community across our State that we stand with all of you. Growing up transgender and going through adulthood as a transgender person presents incredible challenges, and here in New York, as well. Suicide, homelessness and substance use disorder all disproportionately affect the transgender community. And because we have not passed GENDA, we have institutionalized this kind of attitude in our State. Violence, hatred and discrimination towards transgender New Yorkers is completely normalized by our failure to pass GENDER -- GENDA.

Transgender Americans have seized the national discourse in recent years doing more than ever to push us toward broader transgender acceptance. Now, more than ever, the nation has transgender leaders to look toward. Danica Roem, who was elected to the Virginia Legislature; Laverne Cox, who's a well-known actress. Jennifer Finney Boylan, who's a professor at Barnard and *New York Times* columnist. These leaders show how pathetically small-minded it is not to be accepting of transgender Americans. It's not a matter of political correctness, it is very simply a matter of seeing fellow humans as just that. There is nothing political about someone's humanity and their self-identification.

In the era of Donald Trump, it is even more important that we, in New York State, pass legal protections for people who are part of the transgender community. These are not normal times in this country, and we must take this opportunity to take a stand for transgender New Yorkers and ensure that all humans are treated

equally, regardless of their gender identity. I thank the sponsor for his perseverance, and I will be voting in the affirmative.

ACTING SPEAKER SEAWRIGHT: Ms. Rosenthal votes in the affirmative.

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

(The Clerk announced the results.)

The bill has passed.

Mr. Morelle.

(Pause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask you to call on Mr. Crouch so that he might make an important announcement.

ACTING SPEAKER AUBRY: Mr. Crouch for the purposes of an announcement.

Shh.

MR. CROUCH: Thank you, Mr. Speaker. There will be a Republican Conference, members only, in the Parlor right after Session.

ACTING SPEAKER AUBRY: Republican Conference, members only, in the Parlor right after Session.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. If you have any housekeeping and/or resolutions, and I believe you have both, we

can take them up.

ACTING SPEAKER AUBRY: We have both.

On a motion by Mr. Pretlow, page 26, Calendar No. 169, Bill No. A-2303-A, amendments are received and adopted.

We have numerous fine resolutions, we'll take them up in one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 1133-1141 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I now move that the Assembly stand adjourned until 1:00 p.m., Tuesday, May 8th. Tomorrow, ladies and gentlemen, is a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:05 p.m., the Assembly stood adjourned until Tuesday, May 8th at 1:00 p.m., Tuesday being a Session day.)