

TUESDAY, MAY 8, 2018

2:07 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Reverend Dr. Foster will offer a prayer.

REVEREND DR. KATRINA FOSTER: Blessed be the God of Abraham, Isaac and Jacob, of Sara, Ruth and Naomi of Rachel and Leah, of Amos, Mikah and Deborah. To the God who created all things out of nothing to become Your own beautiful creation and creatures. To God who created all humanity, making us equal in Your own divine image and likeness. To the God who has called us to let justice roll down like waters and righteousness like an ever-flowing stream. You who have called us to do justice, love, kindness, and walk humbly with You. We ask that You sustain, direct and support our President and Vice President, our Governor,

Lieutenant Governor, our Speaker and all elected and appointed government servant leaders with the gifts of Your Holy Spirit, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord, the spirit of joy in your presence. As this Assembly meets to discern, debate, negotiate, compromise and vote on all matters of this day, may they see in one another and in those who they are called to serve, shared humanity and a common cause to care for the least and the last. To listen to the voices we would rather ignore that we, walking together, may be kinder than we are mean. More willing to share than we are to hoard. More willing to serve than to be served. To protect the vulnerable, rather than cater to the powerful, and increase our peace, love and humility that we will be more willing to strive for redemption rather than imprisonment, more willing to repent, forgive and reconcile than to dismiss and disregard. Give us ears to hear Your call. Give us sight to do -- give us sight that we do not confuse shallow, simple symbolism with actual substance. Guide us to never make peace with injustice. May Your kingdom come, Your will be done on earth, and may we be instruments of it. Now to the one who by the power at work within us is able to accomplish abundantly far more than we can ask or imagine. To Him be glory now and forever. 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 Monday, May 7th.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Monday, May 7th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. Ladies and gentlemen, before I give our schedule for the day, let me just note that on this day, May 8, 1845 was Victory in Europe Day, or V-E Day. The allied powers on this day in 1945 formally accepted the unconditional surrender of Nazi Germany, bringing an end to World War II. The announcement, as you can imagine, sparked a wave of celebration in major cities across the globe.

And under the heading of "Did You Know," did you know the Queens County Farm Museum is the largest remaining track of undisturbed farm land in the City of New York? This is in the 24th Assembly District represented by Mr. Weprin. The farm, which has been in operation since 1697, encompasses a 47-acre parcel that is the longest continuously farmed site in New York State.

So, with that as a little historical framework, let me describe our afternoon. Members have on their desks a main Calendar and a debate list. After any introductions -- and I recognize, Mr.

Speaker, there are several guests in the Chamber -- and any housekeeping, we will begin our consent of the new bills on the Calendar that will be -- you will be able to find those at Calendar No. 825 on page 78 is where we will begin. Members should also note the scheduled committees for earlier today obviously were postponed and now will be held off the floor. Ways and Means, which I just called, is meeting right now. Once Ways and Means is concluded, we'll call the Rules Committee. Those two committees will produce an A-Calendar which we will take up in just a few minutes. In addition to Ways and Means and Rules, members should be aware for calls of the following committees, so please pay special attention if you're on the Judiciary, Real Property Taxation, Consumer Affairs, Codes, Governmental Operations, Environmental Conservation and Transportation. So I expect it will be a busy afternoon in terms of committees. Again, members, so that you don't miss those committee calls, please pay special attention. Our principal work of the day will be to take up our domestic violence package, consisting of bills that are both on the debate list and on the A-Calendar. And at the conclusion of the day, we will take up a privileged resolution in which Assemblymember Seawright wishes to be heard. It goes without saying, Mr. Speaker, that if there are any additional scheduling announcements regarding either Democratic or Republican conference, we will be certain to make members aware of that.

So, with that, introductions and housekeeping would be appropriate to take up at this time.

ACTING SPEAKER AUBRY: Certainly.

Housekeeping first.

On a motion by Mr. Weprin, page 80, Calendar No. 834, Bill No. A.5539-A, amendments are received and adopted.

On a motion by Ms. Solages, page 53, Calendar No. 495, Bill No. A.7032-B, amendment -- the bill is restored to its previous print No. 7032-A.

For the purposes of a (sic) introduction, Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. I rise to welcome Reverend Katrina Foster of the St. John's Lutheran Church in my native Greenpoint. Pastor Foster comes to us from -- to Brooklyn from her own road to Amos that started near Jacksonville, Florida, which is where she was born and raised and where she acquired her warm, beautiful southern hospitality. That's not religious, folks. That southern charm is pure, divine attitude.

(Laughter)

Pastor Foster uses that southern charisma as it should be used, to welcome everybody to her church at St. John's. No matter the circumstance, no matter their past. The message she gives is that all are always welcome. Community matters, being kind, as you heard, loving and supportive of each other is God's message to us and the work that we do. And guess what? St. John's in Greenpoint was scheduled to close before her arrival, but now it is a growing community and the church was able last September to celebrate its 150th anniversary. I'm proud to welcome Reverend Dr. Katrina Foster

to our Chamber. She's an inspiration to God, to the people of Greenpoint. I commend Pastor Foster, her wife, Pamela Kallimanis, and their daughter, Zoya, so for their selfless dedication serving God and community.

Mr. Speaker, would you kindly welcome her again and wish her the most cordial welcome of the House.

ACTING SPEAKER AUBRY: Certainly. Reverend Dr. Foster, we welcome you here to the New York State Assembly. On behalf of Mr. Lentol, Ms. Seawright and all the members, we extend to you the privileges of the floor. We hope that you have enjoyed being with us. We certainly have enjoyed you sharing the word with us this morning. Thank you so very much.

REVEREND DR. FOSTER: Thank you, sir.

ACTING SPEAKER AUBRY: My pleasure.

(Applause)

Mr. Cusick.

MR. CUSICK: Thank you, Mr. Speaker. Today I have the -- the great privilege to introduce someone who is no stranger to this Chamber, a former Member of the Assembly, Mr. Lou Tobacco, who is here with us. He missed us so much, he wanted to come by and say hello. Lou has -- was a Member of the Assembly. Many of us served with Lou, and this Chamber has never been the same since Lou left, as you know, Mr. Speaker. Lou is here serving the Staten Island University Hospital. He is still representing our community, still is serving the community of Staten Island and, Mr.

Speaker, for that I ask you to give Mr. Tobacco the privileges of the House and your kind cordialities.

ACTING SPEAKER AUBRY: Certainly. Lou, welcome back. As a former member, you are always welcome here. You always have the privileges of the floor. Good to see you. No doubt you'll give us a little charge this afternoon. Thank you so very much, Lou.

(Applause)

Mr. Vanel.

MR. VANEL: Thank you, Mr. Speaker. Today I rise along with the Panhellenic Caucus of the Assembly. Representing Omega Psi Phi, Gary Pretlow; representing Alpha Phi Alpha, Walter Mosley and Michael Blake; representing Kappa Alpha Psi, myself; representing Zeta Phi Beta, Latrice Walker; representing Delta Sigma Theta, Rodneyse Bichotte, Tremaine Wright, Alicia Hyndman and Earlene Hooper; and representing Alpha Kappa Alpha, Michele Titus. We welcome the Alpha Kappa Alpha Sorority, Incorporated, who are here for their AKA Lobby Day. Founded on the campus of Howard University in 1908, the AKA is the oldest Greek letter organization established by African-American college-trained women. Alpha Kappa Alpha Sorority, Incorporated was founded on a mission composed of -- comprised of five basic tenets: Cultivate and encourage high scholastic and ethical standards; to promote unity and friendship among college women; to study and help alleviate problems concerning girls and women in order to improve their social stature; to

maintain a progressive interest in college life; and to be of service to all mankind.

We also welcome to the Capitol the -- and -- and led by Meredith L. Henderson. She's the Regional Director of the notable North Atlantic Region. These dynamic women represent the entire State of New York, and are here in partnership with NYC Votes to advocate for voter reform. We also recognize NYC Votes, headed by Miss Onida Co -- Coward Mayers. She's the Director of Voter Assistance. NYC Votes is the voter outreach and engagement campaign of the Campaign Finance Board conducted under the guidance of its Voter Assistance and Advisory Committee. NYC Votes and its partners are here present to advocate for voter reform. Along with them are Coalition Z, the young people from Coalition Z. Also, Democracy Prep Endurance High School, the Brooklyn Chapter of Delta Sigma Theta Sorority, the NAACP Chapter of NYCHA, and NYC Vets Alliance.

Would you please provide these groups with the privileges of the floor and the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Vanel, Mr. Pretlow, Mr. Mosley, Mr. Blake, Ms. Walker, Ms. Titus, Ms. Hooper, Ms. Bichotte, Ms. Hyndman, the Speaker and all the members, we welcome this extraordinary group of young women and young men and the ladies who have led them here to the New York State Assembly. We extend to you the privileges of the floor. We appreciate the fact that you have come to work for us today to

ensure that voting stays primary on our agenda to ensure that all the people of this State have and get an opportunity to vote and participate in the Democratic process. Thank you so very much. Continue that great work.

(Applause)

Ms. Jaffee.

MS. JAFFEE: Thank you, Mr. Speaker. I rise this afternoon to recognize Colette Smith. Colette Smith is -- is a woman who was born in -- who is Antigua-born and a Bronx resident who, unfortunately and sadly, was diagnosed with lung cancer after constantly feeling palpitations in her chest. Colette is passionate about sharing her story, because she wants other women -- women, in general, to understand that awareness and early detection are key. Colette was one of the lucky women who was diagnosed with an early stage. When she visited the room -- the hospital emergency room in early 2015, doctors suggested that she get a CT scan. But instead of finding what they thought would be blood clots in her lungs, the doctors found a lump. After a succession of tests over months which proved inconclusive, she kept pushing for an answer until doctors determined that surgery was necessary. Colette kept pushing for an answer. When she awoke from surgery, she learned that her upper left lung tissue had been removed and she had been diagnosed with Stage 1A lung cancer, an early stage where the cancer is contained and hasn't traveled to many surrounding tissues. She has been cancer-free since. Diagnosed with an early stage, cancer-free since. But she wants

women to understand that awareness and early detection are key.

Please, Mr. Speaker, would you provide the cor -- privileges of the House, the cordialities of the House for this extraordinarily -- this extraordinary woman, courageous woman. Thank you.

ACTING SPEAKER PICHARDO: Absolutely. On behalf of Ms. Jaffee, the Speaker and all the members, we welcome you here to the New York State Assembly. I hope that you are enjoying the proceedings that are happening right now. And we want to thank you for your advocacy in making sure that people take care of their health, make sure that they get the treatment that they deserve, and we appreciate your leadership on this very important issue because everybody in this Chamber knows someone who's been touched by cancer. So, thank you for your advocacy on behalf of all the members. Thank you so very much.

(Applause)

Mr. Finch for an introduction.

MR. FINCH: Mr. Speaker, I rise for an introduction. It's a follow-up to Majority Leader Joe Morelle's prologue, I guess, to today's events in reference to the anniversary of the cessation of hostilities during World War II. We have here a teacher that has come to Albany to be recognized for an outstanding contribution, and I want to share a brief story with you about what he accomplished. During World War II, we all know the story, or most of us know, about the Diary of Anne Frank, a Jewish teenager hiding from the Nazis in

Amsterdam. And outside of her building, there was a chestnut tree, a horse chestnut tree, which became symbolic and was -- actually, she mentioned it in the diary. She was arrested, taken to a concentration camp, and she died of Typhus. Her whole family died, with the exception of her father. The tree subsequently died as well. And they saved 12 saplings from that tree, and they travel around the world. And -- and there's one planted down at Battery Park in New York City, one at the school in Little Rock, Arkansas where the first integration took place, and one of them, one of the 12, is planted in the yard of Southern Cayuga School, in the middle of the rolling hills in the Finger Lakes. And Bill Zimpher, one of those teachers, an inspiring teacher, which we desperately need today, arranged this. So he is here. He received an award from the Regents this morning. It was the Louis E. Yavner Award, for his contributions. Now, this tree it's not just sitting there. It's a symbol. It's a symbol of the Holocaust. So, in this little school district of 700 students, they have workshops on the Holocaust. They discuss bullying. They discuss the disadvantages that this family had in Holland. So he's here to be honored. It's very appropriate. He's here with the Superintendent of -- former Superintendent of the Schools, Mary Kay Worth. Dana Mandell is here, who also was very involved in the process of getting this tree, raised over \$50,000 to have the tree placed in a protected site. We have Linda Conas -- Luke Carnicelli, the building principal at Southern Cayuga. Bill Zimpher's sister, Linda Carbone, is here as well. He's made -- he is a teacher, one of the most important jobs I

think that's out there. A teacher who can inspire a child, the most important thing we have.

Please welcome them and this outstanding project they've had. Thank you.

ACTING SPEAKER PICHARDO: Absolutely, Mr. Finch. On behalf of Mr. Finch, the Speaker and all the members, we welcome you to the New York State Assembly. We extend to you the privileges of the floor. We hope that you enjoy the proceedings this afternoon. And specifically talking about the horrors of war and what scars that leaves not only in our communities here locally, but also globally. And for us to have a reminder of that is very important, but more importantly, we thank you for supporting and teaching the young leaders of tomorrow in making sure that they don't repeat the mistakes of the past. Thank you so very much.

(Applause)

Mr. Bronson for an announcement -- for an introduction, excuse me.

MR. BRONSON: Yes, Mr. Speaker. It's my honor and privilege to rise and introduce the family and friends of Majority Leader Joe Morelle. First we have his wonderful wife and partner, Mary Beth Morelle; his sister-in-law, Bernadette Piccininni; his niece, Helena Piccininni; and Mary Beth's friend and friend of the family, Jill Ricci.

Mr. Speaker, would you please extend to them the privileges of the floor and the cordialities of this, our People's House.

Thank you.

ACTING SPEAKER PICHARDO: Certainly. On behalf of Mr. Bronson, Leader Morelle, the Speaker and all the members, welcome home. You are family. You'll always have the privileges of the floor. It's always nice to have family here to simply remind us that there are better days outside of the Chamber, but more importantly, that you have -- that we have a group of loving and supporting individuals who will have our backs regardless of where we go in life. So, thank you very much for joining us.

(Applause)

Mr. Crouch for an introduction.

MR. CROUCH: Thank you, Mr. Speaker, for the opportunity to introduce some very brilliant young students from -- on behalf of Assemblywoman Lupardo and myself, we have some students here from the New Visions Law and Government Cla -- Law and Government Academy. We have 11 students here, total. I'd just briefly like to read their names. Casey Alston, Michael Bennett, Gavin Bleir, Melinda Byrne, Caroline Doherty, Farrah Fiacco, Zachary Green, Mackenzie Fry, Raven Lucas, Evan Maslin, Rachael Rosenstein. And they're here with their instructor, Annie Loew.

Mr. Speaker, some of these students have spent some time in my office as part -- as part of the program, and I know my staff person enjoyed them all. And it was a great time interfacing with some of these students. They're very young, brilliant minds, and we need to encourage programs like this. If you could please give them

the cordialities of the House, I'd appreciate it.

ACTING SPEAKER PICHARDO: Absolutely, Mr. Crouch. On behalf of yourself, Mr. Crouch, Ms. Lupardo, the Speaker and all the members, we welcome this distinguished group of individuals to the New York State Assembly. We extend to you the privileges of the floor. We hope that you enjoy the proceedings this afternoon, and thank you for everything and sort of moving this day forward and making sure that our economy and our State is going to be left in good hands when we're no longer here. Thank you so very much.

(Applause)

Ms. Weinstein for an introduction.

MS. WEINSTEIN: Yes, Mr. Speaker. I'm very pleased to introduce some guests who are here in the Chamber with us today. The -- later on, or once we actually start voting, we'll be adopting a resolution designating today -- memorializing the Governor to proclaim today as Domestic Violence Awareness and Prevention Day in the State of New York. And joining us for that occasion and to meet with others here are some members of the New York State Coalition Against Domestic Violence. I'd like to -- hopefully, everyone on my list is in the Chamber. I think I'm short one name, so we'll see. As part -- leading the delegation is Connie Neal, the Executive Director of NYSCADV; Joan Gerhardt, Jennifer Clark, Nasim Sarabandi, Jame Ni, Aissata Ba. I would ask you to welcome them in your usual good way, and let us acknowledge their presence

here and the good work they do throughout the year.

ACTING SPEAKER PICHARDO: Absolutely. On behalf of Ms. Weinstein, the Speaker and all the members, we welcome you to the New York State Assembly. We extend to you the privileges of the floor. And, unfortunately, these incidences happen too many times, and we appreciate your advocacy on supporting women and all victims of these -- of this issue, but more importantly, thank you for your advocacy. Thank you for joining us this afternoon.

(Applause)

Mr. Morelle for an announcement.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask members of the Rules Committee to go to the Speaker's Conference Room. Committee on Rules in the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Member on the Committee on Rules, Speaker's Conference Room. Please move there immediately.

Ms. Dickens for an introduction.

MS. DICKENS: Thank you, Mr. Speaker, for allowing me to interrupt today's proceedings for the purpose of introducing Corey Ortega from the Village of Harlem -- stand up, Corey -- who is here with NYC Votes, along with Nikki Yearwood. Corey is very active in the Village of Harlem and West Harlem. He just goes around and registers people, he knocks on doors. And Harlem is very, very proud of the work that he has done. So, thank

you, Corey.

And, Mr. Speaker, please welcome and extend the privileges and the cordialities of the House. Thank you.

ACTING SPEAKER PICHARDO: My pleasure. On behalf of Ms. Dickens, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend -- we extend to you the privileges of the floor, and we appreciate everything that you do to make sure that -- that folks, regardless if they live in the Village of Harlem or anywhere in the City of New York or the State of New York, have the opportunity to participate civically and with their government. So, thank you for everything that you do, and we hope you enjoy the proceedings this afternoon today.

(Applause)

Ms. Davila for an introduction.

MS. DAVILA: Thank you, Mr. Speaker. I rise today to introduce two very important people that are here, one representing my district and the other representing me. Rosa Rosari (phonetic) and Ali Son Morales (phonetic). They both are representing the Diana Jones Senior Center, fighting for senior services. But more important, Ali Son Morales (phonetic) happens to be my Uncle Ali, so we call him Tio Ali. And this is the -- often time (sic) we pay tribute to a lot of people that have done a lot of great things, and sometimes we don't pay tribute to those very same people that help you pave the way to get to where you're at right now. So I'll tell you a little story. Tio Ali taught me how to dance salsa at the age of five. He taught me how to

play baseball at the age of nine. And, ladies and gentlemen, he taught me how to box. Yes, I have a mean right hook because of him.

(Laughter)

Speaker, can you please give the cordialities of the House to my Uncle Ali his friend Rosa.

ACTING SPEAKER PICHARDO: Absolutely, Ms. Davila -- Davila. On behalf of Ms. Davila, the Speaker and all the members, we welcome part of the family here to the New York State Assembly. As family, you're always extended the privileges of the House and the cordialities of the floor. We hope that you enjoy the proceedings, and please, please come back again. And again, family's important, and it always is nice to bring family to see the important work that we do, but also to lend support and making sure that we're okay and that we continue to do the work. Thank you so very much.

(Applause)

Ms. Seawright for an introduction.

MS. SEAWRIGHT: Thank you, Mr. Speaker. It's my honor to recognize and introduce some very special guests in the Chamber today. Later this afternoon, it's my understanding we'll be taking up a privileged resolution honoring Edie Windsor. And we have here today in the Chamber her spouse, Judith Kasen-Windsor. Judith has been a champion of LGBTQI causes. She focuses her philanthropy on numerous organizations such as the Hetrick Martin Institute, Callen-Lorde Community Health Center, the Thea Spyer Center, the LGBT Community Center, and SAGE, just to name a few.

We also have in the Chamber Susie Rossi, a newly-ordained deacon at the St. Michael's Lutheran Church in Amagansett. She has dedicated her life to education, and is now a retired assistant principal from Staten Island. She's also an award-winning golfer. As well as Deborah Levinson, an activist and leader in the LGBT community, as well as a practicing CPA and avid golfer. And Gabriel Blau, who is the Executive Director of Equality New York, Chair of Equality New York's LGBTQI Coalition Coordinators.

And I ask that you please extend to them the cordialities of the House.

ACTING SPEAKER PICHARDO: Certainly. On behalf of Ms. Seawright, 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. We hope that you enjoy the proceedings this afternoon. And we want to thank you for your advocacy on behalf of millions of Americans to move this country in making this a much more perfect union in the visions of our forefathers, but more importantly, that everyone can love and be free as they see fit. Thank you so very much.

(Applause)

Mr. Blake for an introduction.

MR. BLAKE: Thank you, Mr. Speaker, for the purpose of this introduction. Allow me, colleagues, to -- to introduce dear friends and leaders from Monterrey Security. In particular,

several individuals that are here. Colleagues, Monterrey Security is the largest minority-owned security firm in the country, founded in 1999. And just some notable things about them that we should reference. While based in Chicago, they have a motto, "Do the right thing the right way for the right reason." Five pro sports leagues. They provided security for NATO. They have 4,300 employees, and in particular of note, 71 percent of their employees are people of color or women. Broken down, 32 percent African-American, 22 percent are Latino. Ten percent of all their employees are veterans, and 33 percent, colleagues, are low-level offense second-chance citizens who they gave a second chance to turn their lives around. With us today, Juan Gaytan, the President and CEO; his brother, Steve, who's the EVP; Joe Ori, who is the General Counsel; and Reyahd Kazmi, who is their Senior Advisor. All that we talked about in terms of empowering minority- and women-owned businesses and what they are doing not just in Chicago but around the country and, quite frankly, giving veterans an opportunity and giving second-chance citizens an opportunity. I thought it was appropriate for us to take a moment to pause and -- and recognize them.

So, Mr. Speaker, if we can off -- offer Monterrey Security the cordialities of this House, I'd be very appreciative.

ACTING SPEAKER PICHARDO: Absolutely, Mr. Blake. On behalf of Mr. Blake, Ms. Bichotte, the Speaker and all the members, we welcome these distinguished guests of the gentleman here to the New York State Assembly. We extend to you the

privileges of the floor. We hope that you enjoy the proceedings this afternoon. And your motto are words that everybody in this House and -- and all walks of life should live by. So, thank you for everything that you do for our communities in making sure that folks are gainfully -- gainfully employed and do the right thing all the time. Thank you so very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to ask members of the Judiciary Committee to join Mr. Dinowitz in the Speaker's Conference Room. Members of Judiciary in the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Members of the Judiciary, Speaker's Conference Room. Mr. Dinowitz is either there or on his way. Please join him for the Judiciary Committee.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to go to resolutions on page 3 and begin with Assembly Resolution No. 1142 by Ms. Espinal.

ACTING SPEAKER PICHARDO: The Clerk will read.

MR. MORELLE: Who wishes to be heard on the resolution, I'm sorry.

ACTING SPEAKER PICHARDO: Fair enough.

The Clerk will read.

THE CLERK: Assembly Resolution No. 1142, Ms. Espinal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 8, 2018 as Domestic Violence Awareness and Prevention Day in the State of New York.

ACTING SPEAKER PICHARDO: Ms. Espinal on the resolution.

MS. ESPINAL: Thank you, Mr. Speaker. Enough is enough. Seventy-eight people were murdered by intimate partners in New York in 2016. 11,379 protective orders were filed against intimate partners. Police across the State responded to over 2,000 -- 215,000 assaults by intimate partners. Enough is enough. Each one of those cases have tentacles that spread out far beyond the abuser and direct victim. They have tentacles that reach out, forever changed the life of family, friends and children that witness these events. Communities like mine, communities made up of low-income, women of color, are disproportionately affected by these crimes. The thousands of undocumented women that live in our neighborhood that are -- under our current President fear deportation more than their abuser stay silent. I say enough is enough.

So today, we pass a resolution making tomorrow Domestic Violence Awareness Day. I introduced this reso -- resolution days ago. Before I could even expect that there would be headlines that made it very clear that we have a lot more work to be -- a lot more work to do as a State and as a society to those brave women

who are standing up and speaking out. Not just yesterday, but every day. We support you. We believe you. But still, more must be done. Today we make a statement that we must come out -- out of our shadows and put an end to silence, but end to violence.

Thank you.

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

THE CLERK: Assembly Resolution No. 1143, Mr. Cusick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 8, 2018 as Police Memorial 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 adopt.

THE CLERK: Assembly Resolution No.1144, Mr. Morelle.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 5-12, 2018 as Osteogenesis Imperfecta Awareness 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. 1145, Ms.

Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to explain May 6-12, 2018 as Fibromyalgia Awareness 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. 1146, Ms. Jaffee.

Legislative resolution memorializing Governor Andrew M. Cuomo to proclaim May 6-12, 2018 as Women's Lung Health Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jaffee on the resolution.

MS. JAFFEE: Thank you, Mr. Speaker. Women's Lung Health Week celebrates and honors the power of women who stand united to fight lung cancer, as well as other lung diseases including asthma, chronic pulmonary disease, pulmonary hypertension and pulmonary fibrosis. Although smoking rates have dropped significantly over the last two decades, the lung cancer rate in women has more than doubled over the last 35 years. Lung cancer is the number-one killer of women in New York and the United States. Every five minutes, a woman in the United States is told she has lung cancer. While tobacco use increases your risk of developing lung cancer, lifestyle-related behaviors are also linked to an increase in the

risk of cancer diagnosis. Lung cancer kills almost twice as many women as any other cancer. It is the lead cause of cancer deaths for women in the United States. So let's put an end to what the ALA has called a silent epidemic. Working together through advocacy and education, we can raise awareness, increase screening and early detection, support treatment and save lives.

Today we stand together against lung cancer and for lung health. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No.1147, Ms. Hunter.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2018 as Building Safety 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.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Before I go to bills on the Calendar, let me just interrupt, if I might, for an introduction of very distinguished individuals who are here on behalf of Mr. Castorina and Mr. Cusick from the Staten Island University Hospital: Mr. Joseph Schulman, who is the Executive Vice President

of Northwell Health; Timothy Sullivan -- Dr. Timothy Sullivan, who is the Acting Chair of the Department of Behavioral Science; Mr. Frank Besignano, who is the Chair of the Board of the Staten Island University Hospital; Joanne Pietro, who is the Assistant Executive Director of the Department of Behavioral Science; and as you've already introduced, Dr. Lou Tobacco -- I don't know if he's really a doctor, but in my mind he's a doctor -- Associate Executive Director of Government Affairs. We are delighted to have these individuals in the Chamber, and always great to see -- to see our former colleague and friend.

And if you would please, on behalf of Mr. Cusick, Mr. Castorina and the rest of the Chamber, please extend all the cordialities of the House to these distinguished individuals.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Castorina, Mr. Cusick -- Mr. Cusick, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. This is the People's House. We are always so pleased that you will join us here as health professionals from Staten Island. Continue that great work. Continue to ensure that we have a healthy New York. Thank you so very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to begin consenting on page 78 of the main Calendar, with Calendar No. 825 by Mr. Gantt.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00178, Calendar No. 825, Gantt. An act to amend the Vehicle and Traffic Law, in relation to requiring reexamination of drivers in certain cases.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00330-B, Calendar No. 826, Dinowitz, Gottfried, Galef, Jaffee, Hooper, Cook, Solages, Skoufis, Blake, Mosley, Barron, Abinanti, Weprin. An act to amend the Public Health Law, in relation to prohibiting smoking within 100 feet of the entrances or exits of any public or association library

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01628, Calendar No. 827, Mosley, Davila, Walker, Joyner, Bichotte, Arroyo, O'Donnell, De La Rosa, Barron, Perry. An act to amend the Administrative Code of the City of New York, the Emergency Tenant Protection Act of 1974, and the Emergency Housing Rent Control Law, in relation to adjustment of maximum allowable rent.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01805-A, Calendar No. 828, Peoples-Stokes, Titone, Perry, Glick, Bronson. An act to amend the Correction Law, in relation to human immunodeficiency virus (HIV) prevention.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01992, Calendar No. 829, Abinanti, Rozic, Skoufis, Crespo, Cook, Hikind, McDonough,

Palumbo, Santabarbara, Hooper, Zebrowski, Gottfried, Steck, Simon, Mosley, Jaffee, Barron, Blake, Solages, Cahill, Colton, Brabenec, Englebright, Weprin. An act to amend the Transportation Law, in relation to the creation of a toll-free hotline and a website where motorists can report potholes.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02824, Calendar No. 830, Gottfried, Cook, Glick, Ortiz, Galef, Weprin. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the imposition of certain terms and conditions as part of certain licenses for on-premises consumption.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04047, Calendar No. 831, Weprin, O'Donnell. An act to amend the Executive Law, in relation to procedures for the conduct of the work of the State Board of Parole.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04371, Calendar No. 832, Titus, Weprin. An act to amend the Social Services Law, in relation to exempting certain funds in a qualified tuition program in the calculation of household benefits under public assistance programs.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05083, Calendar No. 833, L. Rosenthal, Crespo, Davila, Barron, McDonald. An act to

amend the Mental Hygiene Law, in relation to commissioning a Statewide evaluation regarding the extent of gambling by New York State residents.

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. I know we barely beat the Mock Session first vote of the day, but this is our first vote of the day. So, members please cast your vote. Those of you who are near the Chamber, please make your way in for your first vote of the day.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05539-A, Calendar No. 834, has been amended.

Assembly No. A06153, Calendar No. 835, Cusick, Perry, Errigo. An act to amend the Labor Law, in relation to work hours for lifeguards.

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 would like to ask members of the Real Property Taxation Committee to join Mrs. Galef in the Speaker's Conference Room. Real Property Taxation in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Real Property Taxation, Speaker's Conference Room, immediately.

The Clerk will read.

THE CLERK: Assembly No. A06233, Calendar No. 836, Abbate, Brindisi, Santabarbara, Steck. An act to amend the Civil Service Law, in relation to resolution of disputes in the course of collective negotiations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06413-A, Calendar No. 837, Abbate, Brindisi, Colton, Jean-Pierre, Solages, McDonough, Woerner, Santabarbara, Pheffer Amato, Weprin, Pellegrino, Curran, B. Miller. An act to amend the Retirement and Social Security Law, in relation to certain disabilities of University police officers appointed

by the State University of New York.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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, sir. As I indicated earlier, we would like to take up the bills that constitute our domestic violence package. I'd like to start with the first three, if I can give those to you, beginning with Calendar No. 110, which is on page 14 of the main Calendar by Ms. Weinstein. Follow that with Calendar No. 115 -- 1-1-5 --by Mr. Zebrowski on page 15, and then this grouping I would like to conclude with Calendar No. 306 by Mr. Lavine, which you can find on page 33.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01481-A, Calendar No. 110, Weinstein, Simotas, Jaffee, Fahy, L. Rosenthal, Perry, Zebrowski, M.G. Miller, Paulin, Skoufis, Titus, Gottfried, Blake, Otis,

Lavine, Colton, Seawright, Bichotte. An act to amend the Executive Law, in relation to prohibiting employers from discriminating against victims of domestic violence; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A01516, Calendar No. 115, Zebrowski, Galef, Cahill, Colton, Hooper, Abbate, Gunther, Titone, M.G. Miller, Seawright, Bichotte. An act to amend the Civil Practice Law and Rules, in relation to establishing a time period in which an action to recover damages for injury arising from domestic violence must be brought.

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. A04014-A, Calendar No. 306, Lavine, Otis, M.G. Miller, Crespo, Fahy, Walker, Bronson, Richardson, Bichotte. An act to amend the Public Health Law, in relation to hospital domestic violence policies and procedures.

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. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. I will be voting in favor of this bill. I appreciate the efforts of the sponsor to increase training in hospital employees to recognize domestic violence. I would also, however, recommend that in the future we also consider expanding this type of training for those that are most likely to be in contact with victims of domestic abuse to include judges, court personnel, law enforcement, school district employees, health and mental health professionals.

So, with that as an initial start, certainly, this is a good step in that right direction and I look forward to more progress in this area. Thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you. Mr.

Goodell in the affirmative.

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 would like to ask members of the Consumer Affairs Committee to join Mr. Titone in the Speaker's Conference Room. Consumer Affairs.

ACTING SPEAKER AUBRY: Consumer Affairs, Mr. Titone will meet you in the Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes, sir. Let's take up the next three bills in this order, if I might: Calendar No. 424 by Ms. Weinstein, which is on page 45 of the Calendar. And then Calendar No. 65 by Ms. Rozic, which is on page 10, followed by Calendar No. 73, also by Ms. Rozic on page 6.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05921, Calendar No. 424, Weinstein, Weprin, Seawright, Mosley, Bichotte, Joyner. An act to amend the Family Court Act and the Criminal Procedure Law, in relation to notification of rights of victims of domestic violence in criminal and family court proceedings.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. We need to ask members of the Codes Committee to go to the Speaker's Conference Room. Codes Committee, Mr. Lentol is prepared to take you there.

ACTING SPEAKER AUBRY: Codes Committee, Speaker's Conference Room. Join Mr. Lentol, please. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A00946-A, Calendar No, 65, Rozic, Abbate, Abinanti, Blake, Brindisi, Bronson, Colton, Jones, Otis, Raia, Richardson, Rodriguez, L. Rosenthal, Simon, Walker, Castorina, D'Urso, Seawright, Niou, Pheffer Amato, Bichotte. An act to amend the General Business Law, in relation to requiring the release of individuals from shared or family wireless telephone plans in instances of domestic violence.

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

But before we get to that, let's have the House settle down, please. Members, conversations should cease. Conversations

should cease. Members take their seats, please. We will wait until that folk pass you there, Ms. Rozic.

MS. ROZIC: Okay.

ACTING SPEAKER AUBRY: Go ahead, Ms. Rozic.

MS. ROZIC: Okay. Thank you, Mr. Speaker. This bill would require wireless telephone companies to permit victims of domestic violence to cancel their contracts with the companies without incurring any cancellation fees. The victim would need to request such a cancellation in writing, and provide an official document that proves such abuse occurred in the past six months. These documents could include domestic incident -- a domestic incident report, a police report, an Order of Protection or a signed affidavit from a medical provider, rape crisis counselor, domestic violence advocate, court employee in the appropriate capacity, or social worker. This bill would also require the wireless telephone company to provide the victim with a new telephone number, if requested. As you know, 98 percent of victims of domestic violence and their cases involve some form of financial abuse, and around 75 of domestic violence-related murder happen when the victim is attempting to leave. So, allowing victims to cancel contracts and change their telephone numbers due to a necessary quick move or otherwise is essential to their safety and security.

ACTING SPEAKER AUBRY: Mr. Goodell.

But we will ask that crowd -- members, you're in

between the two debating entities. If you would sit down. Thank you.

Mr. Goodell, proceed.

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

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

MS. ROZIC: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Rozic. I wanted to review what's in the bill first and see -- make sure everyone understands what we're talking about. This bill would only apply, if I'm correct, for a shared phone plan. So it would have to be a plan that's with the abuser as well as the victim?

MS. ROZIC: Yes.

MR. GOODELL: And this provides that the contract could be canceled within six months of a reported incident of domestic abuse, correct?

MS. ROZIC: It would be dated within six months of the document's issuance.

MR. GOODELL: And does that document have to be issued after the contract has been signed, or could it be six months -- up to six months before the contract?

MS. ROZIC: It's within six months.

MR. GOODELL: So, in other words, if a person were the victim of a domestic abuse, say, on January 1st, they couldn't

sign a binding contract for the next six months?

MS. ROZIC: They could sign any contract that they wanted, but they wouldn't be able to opt out. They would be able to opt out of this particular one.

MR. GOODELL: During the -- for six months after -- after they sign the contract --

MS. ROZIC: Yes.

MR. GOODELL: -- even though the abuse occurred before? Wouldn't that tend to discourage phone companies from signing contracts with victims of domestic abuse?

MS. ROZIC: No.

MR. GOODELL: I mean, from a phone company's point of view, if they have a one-year contract, as an example, they want to make sure that that contract is enforceable. If on day one a victim walks in the front door and they -- they have the absolute right to walk from the contract, wouldn't that be disadvantageous to the victim? I mean, wouldn't the phone company say, *We're not going to sign a contract with you because it's not worth anything?*

MS. ROZIC: Well, listen. This -- this bill actually just covers and talks about current existing shared-use plans, and the ultimate goal is to protect the victim of the domestic violence from the abuser who's also in the plan.

MR. GOODELL: As you know, oftentimes this -- there's almost a cycle of domestic abuse. Often, there's a breakup, then they get back together. And, typically, it can go five, six, seven

times, right, before they finally break free, if you will, of that abusive relationship. Can a phone company, when someone comes in for a joint plan, ask if either of them have been a victim of domestic abuse within the last six months?

MS. ROZIC: I have never heard of a phone company doing that, but that doesn't mean that they can't.

MR. GOODELL: So the answer is yes, they could? Of course they wouldn't do it now, because it's irrelevant. But if this bill became law, that would become relevant, right?

MS. ROZIC: Again, I have never heard of a phone -- or a telephone company doing that, but...

MR. GOODELL: If -- this bill provides that they are only entitled to the cancellation if the request is made in good faith. Certainly, I appreciate and support that concept. Is there a mechanism under this bill for a phone company to question whether that request was in good faith?

MS. ROZIC: Under this bill -- this bill really just speaks to the fees incurred, the cancellation fees and getting out of a plan. It doesn't really speak to a specific company's rules or regulations.

MR. GOODELL: Now, this bill requires a phone company, upon request from a victim, to give the victim a new phone number. Of course, if the victim has a new phone number, that presumes they have a current plan?

MS. ROZIC: It would be the shared-use plan.

MR. GOODELL: And so, can the phone company, as a condition of giving them a new phone number and presumably a new contract, require the victim to waive the right to con -- to cancel the new contract that they just came in to sign up for?

MS. ROZIC: Again, this -- that's out of the jurisdiction of this bill. This bill just speaks to those cancellation charges.

MR. GOODELL: If an individual buys a phone and these -- I've been told that smartphones are expensive. I still have a Blackberry, it was very cheap. But if someone comes in and buys a new phone on an installment purchase contract, it might run years. And they want to cancel it after, say, two months into the contract. Do they then have to pay for that phone or return the phone? And if they return the phone, does this bill require that they get a discount?

MS. ROZIC: That's up to the company's regulations. Again, that's not in this bill.

MR. GOODELL: And so, you would envision, then, a cell company might have two contracts? One for the purchase of the phone, one for the phone service, and your thought was the contract for the purchase of the phone would not be subject to cancellation, only the service contract?

MS. ROZIC: Can -- can you repeat that? It was hard to hear.

MR. GOODELL: I -- I apologize, I couldn't hear you.

MS. ROZIC: I -- I couldn't hear you, so...

MR. GOODELL: Well, fair enough, then.

(Laughter)

ACTING SPEAKER AUBRY: Maybe we can --

MS. ROZIC: Can you repeat that?

ACTING SPEAKER AUBRY: -- try and quiet down. Even the most quietest conversations, when you have multiple, will interfere. And we need to try and increase the volume.

Ladies and gentlemen --

MR. GOODELL: Let me --

ACTING SPEAKER AUBRY: -- proceed.

MR. GOODELL: Let me see if I can be a little bit louder. If an individual is buying a cell phone under an installment contract with the phone company and they are a victim of domestic abuse, does this bill give them the right to cancel the installment contract or only the telephone service?

MS. ROZIC: This bill only speaks to the cancellation charges. All of the other aspects of it would be up the company's regulations.

MR. GOODELL: So they could cancel the contract. They wouldn't be charged a cancellation fee, but then based on what the contract says, they would either have to pay off the phone in full or return the phone or whatever the contract might say on the installment contract. So the only thing that's waived is a cancellation fee.

MS. ROZIC: Correct.

MR. GOODELL: Now, it's my understanding and based on other discussions with you that you are considering other amendments if -- if this bill were to come forth again. Is that correct?

MS. ROZIC: That's correct.

MR. GOODELL: Would you explain what those other amendments might -- are -- might be?

MS. ROZIC: So, after having talked to a lot of different interested parties, we are tightening some of the language to just make sure that it does specify cancellation. The word "cancellation" is in there. And then also allow -- we are considering allowing a provider of wireless services to allow a person who opts out of the shared phone plan and who is a victim of domestic violence, that they might impose cancellation charges or other fees on the actual abuser.

MR. GOODELL: Thank you very much. I didn't mean -- was that it? I didn't mean to cut you off. Thank you very much, Ms. Rozic.

On the -- on the bill.

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

MR. GOODELL: I think we all appreciate the challenges that occur if there's a joint plan and it turns out that that joint plan is between an abuser and -- and a victim, and so it only makes sense that we want to help the victim get out of that joint plan. As explained by the sponsor, there are other issues, more than just a

cancellation charge. So it's not a panacea, by any means. Because if the victim is buying an expensive phone on an installment plan, that portion of the contract presumably either remains in effect, meaning they continue to make monthly installment payments until they own the phone, or it's cancelled, in which case they either are going to have to return the phone or pay it off in full. Either which option creates an interesting dilemma. The other interesting thing about this bill is that it basically says to the phone company, *Don't -- don't give joint plans to people if there's any concern that there might be domestic violence because those contracts might not be worth the paper it's written on.*

I very much appreciate the sponsor's willingness to consider some amendments that address some of these issues. I'm particularly pleased that the amendments she's considering would enable the phone company to impose a cancellation charge on the abuser. And I think that's important not only as a deterrent to the abuser, but to keep the cost of the phone service down for everybody else. We shouldn't punish an innocent third-party like the phone company. If there's an abuse, we ought to transfer those costs, as much as possible, on the abuser. So I very much appreciate those comments.

And last year I voted against this bill. This year I will be supporting it based on the amendments that have been made. But I -- I do think we might want to also consider what happens in the context of the installment purchase. Thank you very much, Mr. Speaker, and again, thank you very much to the sponsor.

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. A01056, Calendar No. 73, Rozic, Abbate, Abinanti, Blake, Bronson, Colton, Crespo, Jones, Otis, Raia, Richardson, Rodriguez, Simon, Seawright, Pheffer Amato, Bichotte. An act to amend the Public Service Law and the General Business Law, in relation to requiring companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an Order of Protection, or a signed affidavit.

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

MS. ROZIC: Thank you, Mr. Speaker. This bill would require cable, telephone and satellite companies to permit victims of domestic violence to cancel their contracts with the companies without incurring any cancellation fees. Such as the bill we just saw before, the victim would need to request such cancellation in writing, and provide an official document that proves such abuse occurred in the past six months. And they include a domestic incident

report, a police report, an Order of Protection, a signed affidavit from a medical provider, rape crisis counselor, domestic violence advocate, court employee in the appropriate capacity, or a social worker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Unlike the bill we just discussed which only applied to cell phone plans where both the abuser and the abused were in a joint plan, this bill applies to any telephone contract, any cable television or satellite television contract without any required nexus at all between the abuser and the abused. There's no requirement, for example, that the telephone or cable TV or satellite service be to a joint apartment. They could be entirely separate. There's no nexus whatsoever between the alleged domestic violence and the cancellation of the contract. The alleged domestic violence could have occurred before the person signs up for the new service. And so they sign up for a new cablevision service, they're in a new apartment. Five months later, they could cancel the service with no cancellation charge. Unlike the previous bill, there's no attempt at all to impose any responsibility on the abuser. So, 100 percent of the cost of the cancellation falls on the telephone or cable TV company or the satellite company. And I think we should recognize that putting in cable services can be expensive. I mean, the first time cable service is

put in, the cable company has to run a cable to the house, they have to run it up to the proper room, they have to install it. The first time you put in DirectTV or a satellite TV, they actually install satellite dish either on the house or in the yard. And so, if we say that the person who is hiring you to do all this work has the absolute right to cancel the contract at any time through no fault whatsoever of the company, then what you're going to find is a number of unintended ramifications. First, you're going to find that cable companies or satellite TV companies are going to be inclined to charge the entire installation costs upfront, because if they don't charge it upfront they might not get it back. Second, you're going to see that these companies -- especially if it's an expensive installation -- are going to be reluctant to install the service for anyone who might be a victim of domestic abuse. And you might say, *Well, how would they know?* Well, if you've ever canceled in the last six months from that company, they're going to know. Which means the first time you cancel your service will be the last time they put it in for free for you, and that has negative ramifications for the victims themselves. I think if we're -- we're trying to help victims, and certainly that's a laudable goal, we want to make sure the legislation is carefully tra -- crafted that there's a clear nexus that the abusers are punished and that we don't create ramifications that will have a negative impact.

I would also point out that there's constitutional issues on the Federal level, because the U.S. Constitution contract clause -- the U.S. Constitution contract clause says no state shall pass

any law impairing the obligation of contracts. And what we say here is regardless of what you state in the contract, regardless of the length of time that's is negotiated, regardless of the rate that you're charging based on that time period, regardless of the amortization, one party that can -- one party can cancel that contract at any time as a result of activities that have nothing whatsoever to do with the other party. And so I seriously question whether we even have the authority. I would love to see this bill come back up with a nexus that connects it directly, that's more narrowly crafted, which would make it easier to withstand that constitutional review. But until then, unfortunately, I will not be able to support this bill.

Thank you very much, Mr. Speaker, and again, thank you to the sponsor for the explanation.

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, sir. Before I take up the next two bills, I would like to ask members -- members of the Governmental Operations Committee to join Mrs. Peoples-Stokes in

the Speaker's Conference Room. Governmental Operations in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Governmental Operations, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes, sir. If we could take up the following two bills as our continuing through this pack of domestic violence bills: Calendar No. 101 by Ms. Weinstein -- excuse me -- which is on page 13 of the main Calendar. Follow that up with Calendar No. 251 which is on page 8. That's by Mr. Aubry.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01390, Calendar No. 101, Weinstein, Titone, Jaffee, Perry, Zebrowski, Seawright, M.G. Miller, Paulin, Titus, Otis, Bichotte. An act to amend the Civil Practice Law and Rules, in relation to exempting parties liable for failure to obey or enforce certain Orders of Protection or temporary Orders of Protection in domestic violence or domestic relations matters from the provisions of Article 16 of such law, entitled "limited liability of persons jointly liable."

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

MS. WEINSTEIN: Yes, Mr. Speaker. And first let me say, Mr. Goodell, it's much more pleasant having this discussion at 4:00 p.m. than our prior last discussion at 4:00 a.m. And -- and since over the years there's been some confusion, I believe, as to what the

bill does, let me just start with what the bill doesn't do. So, the proposal does not in any way change any substantive tort laws to establish the right to recover in -- in court. A plaintiff must still prove that a defendant owed the duty of care which was breached and which breach caused most often her -- the injuries. The bill doesn't -- also does not change the high threshold, the proof required to establish liability for personal injuries, nor does it shift the burden of proof. And it also does not remove any immunities specifically granted to police or -- by the Public Officers Law. So what the bill does, very simply, it says that if there has been established in court liability for a special reliance and relationship of the plaintiff on the defendant's actions and words and direct communication, then once that high threshold of liability has been reached, then the victim of domestic violence can receive a court award for all of her injuries, all of her damages, from all defendants. In other words, the municipality may be responsible for the full amount of damages, even though their liability may be less than 100 percent.

ACTING SPEAKER AUBRY: Mr. Curran.

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

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

MS. WEINSTEIN: Yes, I'd be happy to.

MR. CURRAN: Thank you, Helene.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. CURRAN: Real quickly, so as you just said, this bill does not at all change the liability standard in finding against a municipality when they fail to enforce a temporary Order of Protection or an Order of Protection, right?

MS. WEINSTEIN: Correct.

MR. CURRAN: Well, all this bill seeks to do is actually amend the formula by which a plaintiff can recover those funds from individual defendants.

MS. WEINSTEIN: Correct.

MR. CURRAN: So, just that everybody understands. So, currently, what the formula or the law is, it's -- it's a thing called strict liability, and that if a person is injured due to the non-enforcement of an Order of Protection, they can sue the municipality, and if they find that the municipality violated what is called a "special duty," then the municipality will be on the hook. But it would only be on the hook for the percentage by which a jury may find it responsible for the overall injury, right?

MS. WEINSTEIN: Yes. Correct.

MR. CURRAN: So, if -- so if a person calls up the police department and -- and has them respond and they show them an Order of Protection and the police officer, for any reason, doesn't enforce that Order of Protection and that person later incurs an injury because of it, a jury may find that they violate that special duty, but they may find that the municipality was only 10 percent responsible for the overall happening of the accident. That's -- that could happen,

right?

MS. WEINSTEIN: Actually, I -- I think you're impugning liability where under the standard for a special duty, the circumstance that you described would not rise to that -- that level. There has to be an affirmative action on behalf of the municipality to -- that the -- the plaintiff relied upon a special duty beyond what is owed to the general public, and there has to be that direct communication between the municipality and the injured individual. So under the sort of the brief fact pattern that you mentioned, there wouldn't even be -- the -- the municipality would not, in a court, be found liable.

MR. CURRAN: Right. And -- and I only used a real brief just to establish --

MS. WEINSTEIN: Right.

MR. CURRAN: -- like you said, there's a higher standard for the municipality --

MS. WEINSTEIN: Correct.

MR. CURRAN: -- and whatever that standard is that they find that they violate that special duty, but they could be found only 10 percent liable. And under that given circumstance, then now a municipality would only be responsible -- say it was a \$1 million verdict, they would only be responsible for 10 percent of that or their portion of the negligence, right?

MS. WEINSTEIN: Yes. Under -- under the -- the current law, we -- we do -- as I think you're aware, we do have 13

exceptions --

MR. CURRAN: Right.

MS. WEINSTEIN: -- already where municipalities can be held both jointly and severally liable for injuries to -- damages to a plaintiff. So this would join those other instances where we do allow a municipality to be found totally liable for all damages.

MR. CURRAN: Right. And -- and -- but this bill would shift that. It would take it away from that 10 percent and because -- and I -- if I understand the -- the bill sponsor's memo is, because a lot of times the abuser does not have the resources to pay their portion of the 90 percent, say, 90 percent of that verdict. So the intent is to make sure that the victim is made whole.

MS. WEINSTEIN: Correct.

MR. CURRAN: Okay. So assuming that in -- in -- in a case where a police officer receives a call and he responds to a domestic violence call from a neighbor and he goes to the house and he finds a couple, and he's told by the couple -- he could be told that the person that is there is not the person in the order to show cause or the woman says that, *Please don't enforce it, it's been vacated*, and for whatever reason, and just assuming for the purposes of this, the police officer calls the headquarters and he's told -- he's told that there isn't a true Order of Protection. And that police officer goes back and he talks to them and he says, *Okay, there's no Order of Protection. I believe you. And I'm going to do what you want and I'm not going to arrest him. But I'm going to tell him to go away.* And just assuming

that a jury finds that that is a violation of the special duty, and that jury comes back -- and if it is, if -- if it's an assumption saying that this is a violation, it comes back and the jury says, *Okay, he violated his duty. He should've took him in, regardless.* And that jury finds that the officer's actions resulted in 10 percent, or was 10 percent responsible for that person latering -- later harming that individual after he left and it's a \$1 million verdict. Under that circumstance, under this bill, that municipality, due to the erroneous actions of that officer, would have to pay the full \$1 million if the main defendant couldn't, correct?

MS. WEINSTEIN: The end of your scenario is correct in terms of what the bill would do, but the beginning part where you describe a situation is not one that would ever --

MR. CURRAN: Rise to the level --

MS. WEINSTEIN: -- rise to the level of -- of municipality liability. I mean, the -- because it's a very high threshold. You have to -- to establish negligence in this -- in this situation -- let me just explain it, you know, just say it again. The plaintiff must still prove that a defendant owed a duty of care, which is beyond what's owed to the general public, that they affirmatively assumed the duty of protection and they said something affirmatively, the victim reasonably relied upon such duty and that the damages resulted from that reliance up -- to date, the cases have been few and far between where this exacting standard has been attained, and there's even been a -- a small portion of liability established.

MR. CURRAN: But regardless of all of that -- and --

and like I said, you're absolutely right. The standard is not being changed here. But if a jury was to find that the standard was violated and found that the municipality was at least in part --

MS. WEINSTEIN: Yes.

MR. CURRAN: -- responsible for it. And there are varying degrees of what they could find. They could find it as -- as little as 1 percent or as much as 50 percent or above.

MS. WEINSTEIN: Correct.

MR. CURRAN: Whatever that may be, what we're doing in this bill is essentially now making the municipality the insurer of the abuser because he can't satisfy his portion of whatever judgment is rendered against him. That's what we're doing.

MS. WEINSTEIN: Well, you know, the -- the opposite -- if we don't do this in those limited circumstances, then you're making the victim a self-insurer of their own injuries. So between the victim and the limited times that their municipality has affirmatively established a -- presented a -- a special duty above what's beyond -- what's owed to the general public, I would come down on the side of the injured party, the victim of domestic violence, versus the municipality who, as you say, regardless of the percentage has some responsibility for the harm that took place.

MR. CURRAN: And let me just ask you, there is -- there is a Crime Victims Fund, correct?

MS. WEINSTEIN: Yes.

MR. CURRAN: And if -- if a person under the

current situation, under the current formula, could a person who does not obtain the full judgment from an abuser go and apply to the Crime Victims Fund for some funds for relief?

MS. WEINSTEIN: Yes, but that -- those are very limited and would be less than would be available for pain and suffering and other kinds of injuries.

MR. CURRAN: Thank you, Helene.

On the bill, Mr. Speaker.

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

MR. CURRAN: Just really quickly. You know, the intention of this bill it -- it -- it's really -- I think everybody agrees with what the intention of this is to make sure that we try to aid a victim of domestic abuse as much as possible and to make them whole in any way that we can. All we're essentially doing in this bill is we are substituting a municipality, and actually the taxpayer, for the acts of an abuser, and the reason why we're doing that is because the abuser can't pay his portion of a judgment that he was found liable for.

And for those -- for that reason alone, I'm going to ask my colleagues to vote against this legislation. Thank you, Mr. Speaker.

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.)

ACTING SPEAKER PICHARDO: 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. Mr. Speaker, could we get just a little quiet? It just seems a little noisy here.

ACTING SPEAKER PICHARDO: Ladies and gentlemen, please, can you take your seats? Take your conversations outside. We're on debate. Thank you.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Before we go to the next bill we'd called up, I would like to ask members of the Environmental Conservation Committee to join Mr. Englebright in the Speaker's Conference Room. En Con in the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Members of En Con, Speaker's Conference Room. Chairman Englebright is on his way there as we speak.

The Clerk will read.

THE CLERK: Assembly No. A03110, Calendar No. 251, Aubry, Perry, Lifton, Peoples-Stokes, Titone, Paulin, Bronson,

Zebrowski, O'Donnell, Pretlow, Jaffee, Crespo, Magnarelli, Mosley, Rozic, Barrett, Gottfried, Simotas, Hevesi, Blake, Arroyo, Ortiz, Quart, Cook, Hooper, Cahill, Pichardo, Richardson, Weprin, Stirpe, Lupardo, De La Rosa, McDonald, Steck, Bichotte, Pellegrino, Niou. An act to amend the Penal Law and the Criminal Procedure Law, in relation to sentencing and resentencing in domestic violence cases.

ACTING SPEAKER PICHARDO: An explanation has been requested, Mr. Aubry.

MR. AUBRY: Certainly. This particular bill -- timely as it may seem, this bill enables a judge to have discretion in sentencing and resentencing domestic violence survivors who are convicted of certain crimes where domestic violence was a significant contributing factor in their criminal behavior. In order to be eligible for this consideration, a judge must determine that the survivor meets three-part criteria. Specifically, the judge must find a, one, that the defendant was a victim of substantial domestic abuse at the time of the offense; that such abuse was a significant contributing factor to the commission of the crime; the sentence otherwise required by law would be unduly harsh. Currently, only defendants who are convicted of violent felony -- violent felonies committed directly against their abuser are eligible for alternative sentencing as victims of domestic violence. This bill permits judges to use their discretion for victims convicted of non-violent and other illegal acts only in those circumstances where domestic violence was a significant contributing factor in the commission of the crime. Certain convictions are not

eligible: Aggravated Murder; First Degree Murder; acts of terrorism; and any offense that requires registration as a sex offender.

Additionally, this bill will allow domestic violence victims who are currently serving a sentence of eight years or more to apply for resentencing. In order to be eligible for resentencing, they must be serving a sentence of eight years or more; have two pieces of evidence, one of which must be either a court record or a police report, proving that they were a victim of domestic violence at the time of the offense; and meet those three required eligibility factors for the bill. A victim can request a court to appoint an opportunity to assist in his or her application for resentencing, and may appeal any denial of the motion or the new sentence itself.

Lastly, this bill permits victims of domestic violence access to his or her presentencing report for use in filing a motion for resentencing.

ACTING SPEAKER PICHARDO: Mr. Ra.

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

ACTING SPEAKER PICHARDO: Do you yield?

MR. AUBRY: Certainly, Mr. Ra. My pleasure.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. RA: Thank you. So, you went through a little bit of -- of what this does compared to what's currently in law, and -- and we know there's this -- this current section that does provide some

discretion at that time of sentencing for victims of domestic violence, but in a situation where they have committed a -- a crime against their abuser. This does not require the victim to be the abuser, correct?

MR. AUBRY: Correct.

MR. RA: So, the victim of -- of this particular crime that -- that this person who has been subject of abuse could be any other person, any third party, somebody that has completely unrelated to the underlying domestic violence issue.

MR. AUBRY: Correct. And let me only say this to you. I think our knowledge of what domestic violence is and what impact it has on the victim of it has expanded over time. Years ago, we wouldn't even be talking about this. It wasn't recognized. People didn't report it, nor did we at all think about the long-term impact that individuals who've undergone this particular crime have had. And what it may induce them to do. This is pernicious behavior that goes on in people's houses. As a matter of fact, obviously, as we know, years and years ago the male was the king of the household and allowed to do much of whatever he did. And if you struck back, the law was going to go after you, never recognizing the kind of impact that that abuse has had. So, yes, we are opening up this discussion to recognize these other factors, and to give a judge an opportunity to look at those factors in both sentencing and resentencing.

MR. RA: Okay. And, you know, no question, I think we know -- we know more today about the impacts, the long-term impacts on a victim of domestic violence than maybe we did in the

past, and it's certainly appropriate that we have this conversation. But I -- but I think one of the discussions we have to have here is now we're getting into there's some third-party not related to -- to this incident and, you know, that -- that victim is now -- now another victim of -- of this. So, I wanted to just ask in terms of, you mentioned non-violent offenses, but there are some violent offenses that this would apply to, correct? Like Manslaughter, First Degree Assault, Battery, Robbery?

MR. AUBRY: Learned counsel tells me that those are current law -- currently available.

MR. RA: Currently available under those limited circumstances when -- when the victim of domestic violence has committed the against an abuser?

MR. AUBRY: Yes.

MR. RA: Okay. So, on that -- on that point, one of the issues that was raised by -- by the District Attorneys Association, there's a provision in this on page 3, I believe it starts on line 13, that references subsection 6 of 70.6 in the -- in the Criminal -- in the Penal Law which deals with second-felony offenders. So, in essence, this would be somebody who has a prior conviction, and then could still be given a lower sentence under -- under this provision. Is that correct? It goes from, I think, between eight and 25 years to -- is it three and eight years, I believe?

MR. AUBRY: As -- as always, when whenever we raise this issue the question becomes could be, not guaranteed that

they get it. They're given the opportunity to go before and have it looked at by a judge to determine whether or not it's significant enough for the judge to decide, based on the evidence provided, that a reduced sentence was in the interest of justice.

MR. RA: Sure. Okay. So, when somebody is, you know, having this considered, does it require -- is this all going to be done at the sentencing time, as it is under current law?

MR. AUBRY: They can make an application if that someone is currently serving time.

MR. RA: Yes.

MR. AUBRY: Other than that, for those, you know, current offenses, you're right. That would be done at a time of sentencing.

MR. RA: Okay. Is there -- is there any requirement of, you know, the person at the time of their trial raising any type of defense like duress or any type of affirmative defense?

MR. AUBRY: No, they do not.

MR. RA: Okay. And you -- you talked about a moment ago, but so, going on to the resentencing aspects of this, which I know is -- is a substantial portion of the bill. The person, I think you said, would have had to have served eight years in order to be eligible?

MR. AUBRY: You have to have had an eight-year sentence. I don't believe -- any time, I presume, in -- within that eight years, one would be able to apply, but it would have to at least be an

eight-year sentence. So, if someone was doing five years, they couldn't do it. If someone had a sentence of four years, they couldn't do it. If you had seven-and-a-half, you couldn't do it. It would have to be eight.

MR. RA: And -- and that -- you know, in that resentencing circumstance, that person would have had to have been the victim of domestic violence at the time of their offense?

MR. AUBRY: Yes.

MR. RA: Okay. Last -- lastly, I just wanted to ask, there's -- so, does -- in terms of the considerations of the judge, is there any type of requirement that there have been, you know, a police report or a conviction or anything, of the domestic abuser?

MR. AUBRY: I believe when we began we said there were three determining things that had to be in place in order for this to be eligible. That was serving eight years or more, which you covered; having two pieces of evidence, one of which must be either a court record or a police report proving that they were victims of domestic violence at that time of the offense; and meet all three of the other eligibility factors of the bill.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: So, you know, in this package we've done today, you know, there's been a number of good bills, and in a lot of

them, you know, they just make sense, and some of them may, you know, cause some -- some issues with contracts or -- or with a -- a local government. But on this bill we're talking about something entirely different, because there is now a second victim involved. There is now a person who also is -- is looking, you know, for justice for a crime that has been committed against them. And this victim in this circumstance doesn't have -- under this bill there wouldn't have to be any nexus between them and the -- and the domestic violence. And, you know, we mentioned some of the changes in terms of sentencing. You know, somebody under that section who has already been convicted of a non-violent crime, now coming for a second one, can end up with a sentence less than somebody who is a first-time offender for -- for that crime. So, we're -- we're now looking at an area where, you know, rights have to overlap a little bit and we really have to do a little bit more of a balancing. The provision in current law is designed to allow for the judge to consider when somebody is a victim of domestic violence and commits a criminal act against their abuser, to consider that and make sure that there is not an unduly harsh sentence imposed. This greatly, greatly expands that, and has the potential for some real unintended, but certainly foreseeable, consequences whereas some other victim completely unrelated to -- to the domestic violence may not get justice for a crime that was committed against them. So, I -- I certainly, you know, respect the position of the sponsor. I certainly agree that there is an impact on a victim of domestic violence that -- that may reach, you know, beyond

that individual's circumstances with that partner. But we are really opening up for -- for some real lenient sentences for -- for crimes that could be pretty horrific, and -- and I think this bill does not properly strike that balance between the rights of the victim of that crime and -- and protecting the victim of domestic violence.

That's why I'm going to be voting -- voting in the negative, and I know a number of my colleagues will be doing so as well. Thank you.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Aubry to explain his vote.

MR. AUBRY: It's different being on this side of the world.

ACTING SPEAKER PICHARDO: It sure is.

(Laughter)

MR. AUBRY: To explain my -- my vote, Mr. Speaker. This is a bill that we've carried for some time. And as we have carried this bill, I think our understanding of what domestic violence is, its impact, and the frequency that we find it occurring in our society has expanded. And we've -- that expansion cannot be acknow -- ignored. We have to recognize how what goes on behind

closed doors that oftentimes went unreported, impacts human beings who have suffered from it, and that that impact can be a causative factor in other distorted actions that they may take. While individuals should be held accountable for their actions, there should be a way for us to recognize that for years, we have not given them the opportunity to be heard. Police departments sometimes refuse to do what is necessary. If you can't, you know, get an officer to come, if you can't prove that you were beaten, all of those circumstances that leaves individuals -- women and men -- defenseless and feeling as if they have no other alternative in life. And so by taking this step, among others that we've done today, we -- we try to reshift the balance here to give that opportunity, not only for those who are facing this now or will face it in the future, but also for those who have faced it in the past when our ears and our hearts were not so touched. But our ears and our hearts are touched now. We understand, more than ever before, what this means to individuals. We cannot be silent to that. We cannot then back away from the opportunity to say that justice may not have been done and that we should go back and try to correct that injustice, and accord individuals who have suffered this way with an opportunity to be heard and to be looked at as total human beings like you would want to be looked at.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Aubry in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. -- Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker.

Members have on their desks an A-Calendar. I now move to advance the A-Calendar.

ACTING SPEAKER PICHARDO: On a motion by Mr. Morelle, so ordered.

The Clerk will read -- Mr. Morelle. I'm sorry.

MR. MORELLE: Yes, thank you, sir. So, I would like to take up the A-Calendar beginning with Rules Report 3-0, and follow all the way through the Calendar.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Assembly No. A08948-A, Rules Report No. 30, Dinowitz, Abbate, Pheffer Amato, Titone. An act in relation to terms and conditions of employment of certain nonjudicial officers and employees of the Unified Court System.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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. A09665, Calen -- Rules Report No. 31, Abbate, Dinowitz, Pheffer Amato. An act to --

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10275, Rules Report No. 32, Peoples-Stokes. An act to amend the Executive Law, in relation to the reimbursement of shelter costs and crime scene cleanup for certain non-injured victims.

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, Mr. Speaker. I will be supporting this, and I know many of my colleagues will as well. We appreciate the sensitivity of the sponsor to ensuring that the unreimbursed cost of a cleanup involving a crime scene involving a domestic violence victim is eligible for compensation under the Crime Victim's Compensation Board. I would note that the Assembly Republican Domestic Violence Task Force has also recommended increase reimbursement for other expenses like the cost of short-term temporary assistance or the cost of residency and services, and those other costs can be very, very important to have covered as part of an overall response to domestic violence, and hopefully we will be looking at that later this year or next year as well.

Thank you very much, Mr. Speaker. And, again, appreciation to the sponsor for this legislation.

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.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. First of

all, there are no conference announcements this evening, which I'm sure will make people happy. And, Mr. Speaker, though, I do understand there are a number of resolutions, including two different ones on which Mrs. Peoples-Stokes wishes to be heard, and then Ms. Seawright wishes to be heard as well.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 1156, Mrs. Peoples-Stokes.

Legislative Resolution celebrating the life and accomplishments of Frank B. Mesiah, longtime civil rights leader and former NAACP president.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to bring comments in regards to this great man, Frank B. Mesiah. Mr. Mesiah was, I would say, the true epitome of an American. He moved from the South to Buffalo some years ago. He was -- he worked at Bethlehem Steel. He served as a Buffalo police officer. He went to college at Buffalo State and got a degree in teaching. He also taught in college. And he spent a number of years as the President and CEO of the NAACP. Mr. Mesiah will be well-remembered for his willingness to stand up when things were wrong in the police department, in the fire department, in the school systems, and anywhere within the Western New York community that impacted people of color. Mr. Mesiah leaves his three daughters. His wife,

unfortunately, three months ago preceded him in death. This was a great man who served Buffalo and Western New York in a major way, and he will truly be miss -- missed, and I appreciate the opportunity to bring his name to the floor of the New York State Legislature.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

The Clerk will read.

THE CLERK: Assembly Resolution No. 1148, Ms. Seawright.

Legislative Resolution celebrating the life and accomplishments of Edith Windsor, an American LGBT rights activist and technology manager for IBM.

ACTING SPEAKER AUBRY: Ms. Seawright on the resolution.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I rise today to speak on this important resolution honoring a dear friend of mine, Edith Windsor. And we're joined in the Chamber by her spouse, Judith Kasen-Windsor, who's here today. Edie took nothing for granted, and used every tool she had to fight. Edie Windsor was committed to the rights we cherish and hold dear to the fight -- the fight for freedom and equality. When the Federal government refused to acknowledge Edie's lawful marriage, she said, *Enough is enough*, and along with her attorney, Roberta Kaplan, brought her case all the

way to the United States Supreme Court, where United States vs. Windsor successfully overturned Section 3 of the Defense of Marriage Act. Edie be -- Edie believed that joy should never be delayed. After her spouse Thea Spyer died, Edie found joy again with her surviving spouse, Judith Kasen-Windsor, which is here with us today. Today we honor Edie as a champion for people, changing the lives of LGBTQI individuals across the nation.

Today I call on my colleagues in supporting this important resolution commending the life of Edie Windsor. Thank you.

ACTING SPEAKER AUBRY: On the resolution, Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. Edie and Judith are -- were -- Edie was a constituent, Judith is a constituent. Edie was full of energy, courage and determination. She did not intend to be the hero that she has become. So often in history, people just standing up for themselves find themselves standing up for a community. Edie did that. She made it possible for so many in our community to have the right to marry, and she will never be forgotten. But I'm also personally grateful to her for my ability to get married after nearly 20 years in a relationship. So, I am grateful to her, and I'm grateful to Judith, who continues to fight for the rights of the LGBT community.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Simon on the

resolution.

MS. SIMON: Thank you, Mr. Speaker. I pause to remember Edie Windsor, who is someone who I had the pleasure to get to know, not as -- as closely as some of my colleagues, but she was just a person full of life and light. She loved everyone. She was wonderful and gracious and kind to everyone; to children, to anybody, whatever your stripes. She was out there. She was willing to fight, and she was willing to just open her heart to -- to everyone, and we could not do any better than to honor her today with this resolution.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker, I rise to join my colleagues and thank the sponsor of this resolution, Assemblymember Seawright, for bringing it forward. I met Edie a couple of times, but I didn't really know her. I knew her public persona, but I didn't know her. I -- I realized, though, that she had a lot of energy, she had courage and she had a willingness to put herself out there for the benefit of the LGBT community. And for that and for her -- her work on behalf of -- of our community, but also for the lawsuit that she ultimately brought forward and took all the way to the Supreme Court, I'm forever grateful. Because Edie helped my community, the LBGTQ community, to take another step forward. Another step forward to full equality. I thank Edie, I remember Edie and I also thank you, Judith, for -- for being there with our community.

Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried on the resolution.

MR. GOTTFRIED: You know, I'm -- I'm -- I'm thinking of what Congressman Charlie Rangel sometimes says, which is, *Everything's been said, but not everyone has had a chance to say it.* I don't want to add a lot to the -- to what's been already said about Edie, but on the other hand, I didn't want the occasion to go by without saying what an amazingly delightful and energetic and, I don't know if she was always as -- as extraordinarily cheerful and enthusiastic as she was every time I ever met her. She did an -- an enormous amount of good, and I miss her greatly.

Thank you.

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

Mr. Gottfried for a piece of housekeeping.

MR. GOTTFRIED: Yes. Mr. Speaker, speaking of delightful, on page 35 of the main Calendar, Calendar No. 324, Assembly -- my bill 4277, if you could star the bill. And on the same page, Calendar No. 328, my bill, Assembly No. 4355, if you could also star that bill.

ACTING SPEAKER AUBRY: Bills are starred.

We have numerous other resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 1149-1155 and 1157-1158 were unanimously adopted.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I now move that the Assembly stand adjourned until 10:00 a.m., Wednesday, May 9th. Tomorrow, ladies and gentlemen, is a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:50 p.m., the House stood adjourned until Wednesday, May 9th at 10:00 a.m., that being a Session day.)