

TUESDAY, JANUARY 15, 2019

10:56 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, January 14th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Monday, January the 14th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, may I have members' attention so that we can announce the schedule of the day?

Before we do that, Mr. Speaker, I would like to share with you all the quote of today, it is again from Mother Teresa, and it's real simple, Mr. Speaker, it's that "Peace begins with a smile." Peace begins with a smile.

So, Mr. Speaker, on our -- the members' desks, we have a main Calendar. We do have some introductions and some housekeeping before that, but our principal or basic work will be done from this main Calendar. And members should be ready to stand for -- be available for Codes Committee that will be called at some point off the floor.

I should also remind members that the Governor will be doing his Budget Presentation today at 2:00 p.m. at the Hart Theater. And so with that general outline, Mr. Speaker, if there are any introductions and/or housekeeping, this would now be the appropriate time.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes.

For the purposes of an introduction, Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. On behalf of my -- of Assemblyman Ed Braunstein, Tony D'Urso, it is my privilege to welcome to the floor today the Korean Consul General Ambassador Hyo Sung Park, and a number of fine South Korean Assembly -- National Assembly members, the equivalent to U.S. Congressmembers, from South Korea who joined us, leading with Ms. Park Young Sun, Pyo Chang --

(Applause)

Pyo Chang Won.

(Applause)

Kim Kyung Hyup.

(Applause)

Lee Dong Sub.

(Applause)

Ham Jin Kyu.

(Applause)

And I'm also joined by my good friends, the Korean-American leaders, the President and Chair of the Korean-American Association of Greater New York, Ms. Min Sun Kim, and Charles Yoon.

(Applause)

And, Mr. Speaker, they have joined us today because at the end of Session today we will be taking up a Joint Resolution with the Senate. The Ambassador, the South Korean National Assembly members and our Korean-American leaders are here today

to celebrate the passing of this resolution to honor the 100th year of the March 1st movement and to acknowledge the sacrifice of human rights activist and freedom-fighter Yu Gwan-sun, a 17-year-old teenage girl who died in prison a 100 years ago -- 100 years fighting for the freedom of Korea. On March 1st, 1919, Yu joined a group of other students and orchestrated one of the earliest protests against Japanese colonial rule, which ultimately led to her parents getting shot on the street, but moved an entire nation to stand up, organize and resist. Yu was tortured and killed in prison at the age of 17, but her sacrifice and bravery pushed more than two million Koreans, out of a population of 20 million, to rise up and ultimately regain Korea's independence. We'll be taking up this resolution later today. I'm joined by a number of Korean-American leaders today to celebrate this monumental moment for all of us. Thank you all. Thank you, Mr.

(Applause)

-- Speaker, and please extend the privileges of the floor.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Mr. Kim, Mr. Braunstein, Mr. D'Urso, the Speaker and all the members, we welcome this distinguished delegation from Korea here to the New York State Assembly. We extend to you the privileges of the floor. We call this the People's House, and so appropriate that you have arrived to celebrate such a heroine in your history here in this place

and time. We thank you for your friendship. We hope that you will always be welcome here, and know that you will always come back. Thank you so very much.

(Applause)

Mr. Goodell for the purposes of an introduction.

MR. GOODELL: Thank you very much, Mr.

Speaker. It is my great pleasure to welcome a -- a U.S. Government and History class who is up here visiting us. They're from Shenendehowa, I'm told. They're in Ms. Walsh's district. That school district is up near the Clifton Park area, not far from here. And they are 11th and 12th graders. And if you would please extend the cordialities of the House to this great group of students witnessing government in action.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, on behalf of Ms. Walsh, the Speaker and all the members, we welcome this class here to the New York State Assembly from Shenendehowa. We hope that you will enjoy your time here and learn, because we make history every day in this House. For good or bad, we make history every day. So, thank you. We hope to see you back in other ways over your high school career. Thank you so very much. Enjoy the day.

(Applause)

Assemblymember LiPetri for the purposes of an introduction.

MR. LIPETRI: Thank you, Mr. Speaker. I rise today

to introduce someone that frankly needs no introduction, someone that has been a part of this House before, someone who I wish for yourself, Mr. Speaker and this Body to welcome back to this Chamber and say hello to none other than our fellow friend, my fellow friend, Supervisor Joe Saladino, someone who has paid blood, sweat, and I'm sure some tears over those late night Sessions here as Assemblyman. And I ask that you, Mr. Speaker, extend the cordialities of the House to our returning friend and Supervisor, Joe Saladino.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. LiPetri, the Speaker and all the members, Joseph, welcome back. As a member, you always have the privileges of the floor. We're always good to see you, hope that you have had a good year and will have a good year coming up. Thank you so very much, you're always welcome.

(Applause)

Ms. Glick for the purposes of an introduction.

MS. GLICK: Thank you, Mr. Speaker. I rise to introduce various organizations, folks who are here today to witness some history that will be made in this Chamber and in the next Chamber across the hall, folks from the Trevor Project, from the HRC, from Marriage Equality and other organizations that are here today. I am grateful for the work that we have done together. Their support, guidance and -- and love has been very important to me here as I serve people of my district and people from around the State. I do this on behalf of myself, Assemblymember O'Donnell and Assemblymember

Bronson.

Thank you very much, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Glick, Mr. O'Donnell, Mr. Braunstein (sic), the Speaker and all the members, we welcome these distinguished New Yorkers here to the New York State Assembly. We extend to you the privileges of the floor and hope that today's proceedings will mean as much to you as it does to us. Thank you so very much. We are pleased to have you.

(Applause)

Assemblymember Griffin for an introduction.

MS. GRIFFIN: Hello. Thank you, Mr. Speaker. I wanted to give a warm welcome and -- to David Kilmnick of the LGBT Network. He is up here today from Long Island to witness historical legislation being passed and I'd like to welcome him to the Assembly today.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Ms. Griffin, the Speaker and all the members, David, we welcome you here also to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you've done and hope that you, too, get great satisfaction from the occurrences of today. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

Mr. Sayegh for an introduction.

MR. SAYEGH: Yes, Mr. Speaker. I'd like to take this opportunity to welcome the City Councilman and representing the Majority of the City Council of Yonkers who's here representing also of the LGBT community, and that's Councilman Mike Sabatino. Welcome.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf Mr. Sayegh, the Speaker and all the members, we welcome you here, City Councilman, to the New York State Assembly and, again, extend to you the privileges of the floor. Always great to have colleagues in government join us on this occasion. Thank you so very much.

(Applause)

MRS. PEOPLES-STOKES: Mr. Speaker, if we can go right to Calendar 2. We're going to start our work today with No. 576 by Ms. Glick, No. 747 by Mr. Gottfried, No. 781 by Mr. Perry and No. 881 by Mr. Zebrowski. With that, Mr. Speaker, if you can quiet the House, we can have our members get started.

ACTING SPEAKER AUBRY: Thank you very much.

The Clerk will read.

THE CLERK: Assembly No. A00576, Rules Report No. 1, Glick, Jaffee, O'Donnell, Barrett, Zebrowski, L. Rosenthal, Abinanti, Arroyo, Buchwald, Bronson, Magnarelli, Weprin, Lifton, Seawright, Cook, Englebright, Galef, Hevesi, Lavine, Richardson,

Ryan, Steck, Stirpe, Thiele. An act to amend the Education Law, in relation to prohibiting mental health professionals from engaging in sexual orientation change efforts with a patient under the age of 18 years and expanding the definition of professional misconduct with respect to mental health professionals.

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

We are on debate. Members, take your seats.

MS. GLICK: Thank you, Mr. Speaker. The bill before the House will ban the practice known as conversion therapy. This is -- the bill would make it professional misconduct for a mental health professional to engage in any sexual orientation change efforts upon a patient who is 18 years or younger. This practice has been discredited by all of the major associations, professional associations, from the New York State Psychiatric Association, the American Association for Pediatric Medicine, the New York State Society for Clinical Social Work and many others, including the Medical Society.

This -- you cannot change who a person is, and they are -- any attempts to suggest that an individual's sexual orientation can be changed by aversion therapy, the use of electroshock therapy, only serves to add additional pain and suffering to the individual who, in many instances, is not uncomfortable with who they are, but are in a family where the adults are uncomfortable with who the youngster is. And so, there are many ways in which families can get services so that adults can become counseled with their discomfiture

with the sexual orientation of their child, but it is not appropriate to try to use these pernicious practices to change the sexual orientation of a young person.

And so, that is what the bill does. It is under the State Education Law and would be deemed professional misconduct.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Will you yield --

MS. GLICK: But of course.

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

MS. GLICK: Yes.

MR. RA: Thank you. So --

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. RA: Thank you for that very thorough explanation, because it actually hit a couple of the questions that I was going to ask, and perhaps you anticipated that, so -- so, thank you for that. One of the things that has come up, and I know we have passed this bill a number of times. I also know we have several new colleagues in the Chamber. So, just in terms of, you know, you mentioned the professional associations that, you know, have said basically this is a practice that they do not agree with going on within their professions. So, this, then, takes this a step further to put in law that -- that they wouldn't be able to give this type of therapy.

But, some -- some folks have come up with -- or have expressed some concerns in terms of what the parameters are of what type of counseling somebody could provide. For instance, you know, if a -- if a young person was struggling with their gender identity or -- or with their sexual orientation, could they go to a mental health profession, and how would you kind of ensure that it didn't go in the direction of being actual, you know, conversion therapy, as opposed to just talking about that issue a young person was having.

MS. GLICK: Well, perhaps the questions arise from people who have never been in therapy. But one can be -- if the issue is that somebody is somewhat depressed, or somebody is struggling with societal or familial or religious hostility towards their sexual orientation, then obviously a counselor can adequately address those concerns without telling the young person that the answer to the problem is for them to simply pretend that they are not lesbian, gay, transgender.

MR. RA: Okay. And in terms of how we, you know, we -- we would hope we put this into law and, you know, I have supported this legislation in the past, and I'm going to be today, so, we would hope that these professionals would, you know, follow the law, but how -- how would they be, you know, charged with violating this? If somebody were to undertake these efforts, presumably, you know, those conversations are taking place within a doctor-patient situation. If, say, a patient or maybe a parent were to find out that that conversation took place, are there any issues that we need to get

around with HIPAA or confidentially in terms of being able to report that to the State Education Department?

MS. GLICK: Well, clearly, anyone who is a licensed mental health professional can seek guidance from their professional associations who can -- which can provide guidance on how to deal with any concern they might have about crossing a line. But it's pretty clear if the issue that is -- if the therapist believes that the only way in which an individual's problems can be involved is simply by pretending they are not who they are, then obviously that therapist needs more training and education.

So the -- as with any of the licensed professions, the -- the Education Department acts upon complaints, in which instance the State Education Department would receive a complaint and then would investigate. And they have the ability and the authority to talk to both the therapist and the individual who has made the complaint, and then proceed with their normal investigative process. But if an individual is a mental health professional and somehow is -- when we say that the -- let me take a step back. When we say that the associations are supporting this legislation and believe it goes against the tenets of the profession, anyone who is -- believes that they should continue to suggest or recommend or engage in attempts to change someone's sexual orientation, they have recourse to go to these professional associations and be advised as to how to proceed with an appropriate therapeutic process for individuals who have sought their assistance.

But I think it's pretty clear this is not a new discussion. This has been under discussion in this House for close to a dozen years, and has been banned in states like New Jersey, where it was signed into law by Governor Christie. And so, other states have taken this step; we're not breaking new ground, sadly. So, there are many ways in which individuals could, in fact, determine that there are better ways to treat their -- their patients.

MR. RA: Okay. And lastly, this does not apply if they're seeking counseling from a religious official or a member of the clergy?

MS. GLICK: No, we -- we provide for -- the State of New York never interferes with the counseling between a religious leader and a -- a congregant even when those, um, counseling of and pastoral services are not necessarily in the best interests of the -- the congregant. But we don't interfere with that, nor do we interfere -- this is for minors under the age of 18. So, we allow adults to be defrauded.

MR. RA: Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: And I -- I thank the sponsor for -- for answering some of those questions. And, you know, I -- I know that some have expressed some of the concerns that I mentioned earlier in terms of, you know, the patient and -- you know, and patient rights. But I -- but I do think, as I said, this does -- this does get it right. It's

moving -- it's moving us forward. I know the sponsor has led on this issue for a long time, so I commend her and congratulate her that, you know, it looks like this will actually be -- be coming into law. But -- but I do think it's important that we have those, you know, religious protections, to respect that relationship, and I hope, though, this will help provide some protection to young people who -- who are struggling so that they can get help that they need, but not do something that these trade groups, these professional associations have -- have identified as something that -- that really may be doing more harm than good to -- to a struggling youth. So, I'm going to be casting my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. SMITH: As someone who is or has previously taught in the classroom as a high school mathematics teacher, I think this is an important step in the right direction in ensuring that the mental health is being addressed for our students. I want to commend the sponsor of the bill. I'm very happy that this will become law. I can't tell you how many students when I was teaching expressed uneasiness about different topics. Many, you know -- unfortunately, we have students who are suicidal and they need to get the help that they need. But we also need to make sure that mental health professionals are using techniques and are using advice and counsel

that is appropriate, and not junk science and not encouraging people to be someone that they aren't. So, for that reason, I encourage my colleagues to support this bill, and I thank the sponsor. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Ms. Glick?

MS. GLICK: Certainly.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. GOODELL: Thank you very much, Ms. Glick. I'm following the advice of our Majority member by extending my peace to you with a smile.

Obviously, a lot of support about addressing issues that may create more problems than they solve. And you've laid out quite extensively in this legislative introduction a lot of concerns on conversion therapy. The concerns that some of us have is that the language in the bill seems to be very broad. Is it your intent, as reflected by your statement earlier in the bill, that this is really aimed at conversion therapy itself?

MR. GLICK: Yes. This -- the bill is clear that this is directed to efforts to "change", although I put that in quotes because you cannot change someone's sexual orientation despite what some people might think, or what some parents might hope, you can't

change somebody's sexual orientation. And so, the bill is very much directed at attempts within a therapeutic circumstance to suggest to a young person, because this is for minors, under the age of 18, to suggest to them that problems in their life could be solved if they simply were not gay or transgender or bisexual. So, this is very targeted to sexual orientation change attempts.

MR. GOODELL: And I assume, then, based on your comments, that if an individual, a young person, for example, said you know, *I need more therapy because I am straight*, as I hope that's -- "heterosexual," I don't know what the right phrase is anymore, but, if a child says, *Yeah, I am straight, but I have -- I want some counseling about that*. That would be okay, right? So there's no attempt to change their perspective, just counsel them about their feelings. And, of course, all of us, I think, have already completed puberty, that can be a tough time for teens; that's not covered by this, is it?

MS. GLICK: No, this -- this in no way suggests that therapists should be recommending to young people, regardless of what they believe their sexual orientation to be, that they -- that the answer to their problems is to change it. Now, there may be, and have been, young people who, because of the society in which we live, believe that they ought to be straight and they really aren't, and that would be large numbers of people who subsequently come out, this isn't an attempt to say that, to somebody who clearly believes that they are heterosexual that the answer to their problems is to become homosexual. The society is not -- has not advanced so much that that

is seen as the way to solve life's problems.

The -- but, certainly, there are sufficient education and training for mental health professionals to deal with individuals' growing pains, psychological issues, without suggesting to them that the way to solve any of these is to, in fact, change your sexual orientation. So, it may be true that because of societal pressures, a lot of people who are, in fact, LBGTQ determine that they -- the answer to their problems is, in fact, to identify within themselves the fact that they have been denying who they are. It is perfectly appropriate for someone with appropriate training to lead somebody to understand who somebody is, but not to, in fact, suggest to them that the answer to their problems is to be straight, or to be gay. It is about not trying to change someone's innate sexual orientation.

MR. GOODELL: Now, I see that your bill specifically excludes from the scope of this prohibition, and I quote, "Counseling for a person seeking to transition from one gender to another." So am I correct, then that, likewise, this bill would not apply to counseling for a person seeking not to transition from one gender to another? Or does it only apply -- this bill only prohibits those who don't want to transition and allows counseling for those who do want to transition? Or are we saying transitions are outside the scope of the bill?

MS. GLICK: I would suggest to the Body that people who are in transition are -- have already made a decision about what they're doing and there may be fallout from that -- that is -- that is an

appropriate discussion to be had with a therapist, but not the determination to transition.

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

On the bill.

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

MR. GOODELL: I appreciate the sponsor's concern about conversion therapy, a particular type of therapy that's been brought under question by several professional organizations. And I am concerned that the language of the bill appears to be much broader than the intent, because the language talks about "any," any practice. I'm also concerned that the prohibition doesn't apply to those who are seeking to transition from one gender to another, but apparently does apply to those who want to transition back to their original gender.

I'm very mindful of the fact that most of us here are probably not licensed psychologists or psychoanalysts, it would be an interesting place to work, no doubt, if you were, but, most of these -- I'm concerned that the Legislature is interjecting into a well-developed profession, our view over what those professionals ought to be doing or shouldn't be doing. I received great reassurance from the sponsor that notwithstanding the broad language of this bill, its real intent is that specific type of therapy called "conversion therapy." And I appreciate that clarification from the sponsor.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Assemblymember O'Donnell.

MR. O'DONNELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. O'DONNELL: I have traveled all across this country, and occasionally I get an award, or two. I was in California getting an award for my work on marriage equality, and there was a fundraiser and there was a very handsome young man in a Speedo. I was kind of defenseless, I must admit, he was raising money to swim to Alcatraz. So, I gave him my American Express card and then when we went to the awards dinner he came over to me and he told me the following story: He grew up on a cattle ranch in Montana, and when he came out to his mother, his mother said the LGBT community are the only of God's creatures who are not born to their own kind. Think about that. The reality is to almost any LGBT person who's my age or older, we have friends and family members who have been subjected to this very thing. I wasn't, fortunately, but many of the people I know were.

We are uniquely qualified to speak for ourselves in the LGBT community because we have to come to learn and accept who we are and then we have to tell the world who we are, and often then tell our family who we are. And we're often mistreated because of that information. I am one of the lucky ones. Forty years ago I met a man and I fell in love. And he provided me with that safety to be with him safely. But many, many people don't have that. Many people don't have that.

This is so long overdue. It's almost an embarrassment that we're in 2019 having this conversation. But we are. The LGBT community is part of the fabric of American life. Most of the things that you enjoy about your life are probably brought to you by a gay person, whether you know it or not, okay?

(Laughter)

And in the end, we have to allow our children to grow up in safety. Do you have any idea what the numbers of people who commit suicide because they're afraid to be outed to their family? Do you have any idea? It is the one leading cause of suicide among children because the shame that goes along with that stays in our society. We must do better on behalf of our children than to treat them like this.

And to my dear friend, Deborah Glick, who I owe a great deal, our community owes you everything. Because you have been fighting this fight for so long, leading the way, doing the hard lifting and very rarely getting the credit, probably because you're a woman. I will be voting in the favor.

ACTING SPEAKER AUBRY: Mr. Burke.

MR. BURKE: Does it work? (Referring to microphone) Is this thing on? All right. Great. Thank you.

I have something to say on this. Before I was honored to be elected to the Assembly, I was an Erie County legislator and I drafted the first conversion therapy bill in New York State that was passed. And it was in 2016 and I named it the The Prevention of

Emotional Neglect and Child Endangerment, which was a cross that became known as the PENCE Bill. And, you know, the -- the arguments in the Chamber that day when we got it passed, became about one central thing, and it was about protecting vulnerable people and children, which I know everyone in this Body wants to do.

So, when the vote came in the Erie County Legislature, it passed unanimously. Democrats, Republicans, Conservatives and Liberals; all put, you know, whatever political differences they had -- had aside to protect vulnerable children. And I'm enormously proud to be here today, and I feel very fortunate to be in this Chamber today. And I just wanted to thank the -- the sponsor of this bill, Deborah Glick. And, you know, I'm very excited to be voting on this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Bronson.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BRONSON: I rise to thank the sponsor of this bill, Deborah Glick, for not only introducing this bill, but for fighting for years on behalf of our LGBTQ community and putting this measure forward, raising awareness about the harm that conversion therapy does to our LGBTQ teens.

This bill is vitally important. It's important because being an adolescent is a difficult time no matter who you are. But if you're a member of the LGBTQ community, as Assemblymember O'Donnell just mentioned, it's even harder. The rejection of a loved

one. The rejection of an adult in your life that you care for enormously. But then you tell them that you're gay. And they suggest to you that perhaps you should have therapy to teach you and counsel you to be someone you are not after you've struggled for years to come to terms with who you are; to terms that somehow society in our community sees you different, and to address the issue that in the current time, we have a Federal government that is attacking you simply because you want to live your authentic self, simply because you want to be true to you, true to who you are.

Conversion therapy is a sham that does the exact opposite of helping our young people grow. It is an attempt to teach them and counsel them to hate who they are. How can you grow as an individual into adulthood if you're being told that you should hate who you are? That results in depression and, has been pointed out, suicide. As the sponsor pointed out, the behavioral health professionals, their associations have all determined that conversion therapy is the wrong approach to helping young people with their sexual identity or orientation and expression.

Mr. Speaker, let's be clear. Being lesbian, gay, bisexual, transgender or identifying as non-binary is not a disease, there's not a deficiency there, and it's not a disorder that needs to be repaired. There is nothing that needs to be converted here, folks. As mentioned, that's not my opinion, that's the opinion of the professionals.

Again, I thank the sponsor for her tireless work for

fighting for our LGBTQ youth, and I'm looking forward to the vote here today and the historical vote in the Senate and the Governor signing this measure into law.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Glick to close.

MS. GLICK: Thank you, Mr. Speaker. I just want to remind those members who are uncomfortable in voting yes for this measure that young people need to be respected in their feelings. I'm older than a couple of my colleagues here and came out in the -- in like 1971 or '72. There was no *Will and Grace*. There really weren't even a lot of -- when I was growing up, and I knew when I was 12-years-old who I was, what I felt, and had no support, and understood the societal strictures and hostility, and tried for many years to ignore it, to pretend I was something I wasn't. That was what caused emotional trauma, pretending to be something you are not. And while it is very easy, particularly for women, to pass, it is at great personal emotional cost.

And so, when I ran for office, there was two motivations: One, to ensure that women could control their own bodies, and that LGBTQ New Yorkers could control their own bodies. It is the same issue: The right to be who you are and to control your own destiny. I'm glad that we recognize that there are professions, and we are here to respect their research, their opinion. And I hope that as we go through the Session we will understand that it is, whether it's the medical professionals or the psychological

professionals, we are here to not impose our individual pop science, but, rather, respect the science that we learn from professionals who have the education and training.

But when it comes to the LGBT community, we have our own, our own professional education and training. And that is facing discrimination, facing ignorance, facing hostility, losing jobs. My right to hold a job, my right to be free of discrimination in housing and employment and public accommodation was not protected in this State until 2002.

So, I am so pleased that today we will move to prevent young people in the future from facing pernicious pseudoscience charlatans masquerading as health -- mental health professionals, and we will take a step forward in positive, professional mental health services for all New Yorkers, especially the LGBTQ community.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker. I would like to commend the sponsor of this bill, as well as the Speaker for allowing this bill to come to the floor. As was mentioned before, this

bill has come to the floor many, many times. But as we look around today, we do -- are having a very historical moment, not just in the Assembly and what happened here today, but what happened in the Senate.

So, I do have two constituents that came to visit my office, one of the guys just happened to be by the name Nick, and the other Miguel. They happened to be 17-years-old. And they came to me because they wanted to explain to me why this bill was so important to them. So, I will say to Miguel and I will say to Nick today that because of their wisdom and their advice, today my vote is going to be cast in the affirmative. But no longer they will have to worry and other people like Miguel and Nick do not have to worry about it as long as we have a Senate that will be able to pass this bill and give the opportunity to the Governor to give these young men the opportunity, and these young women the opportunity not to be labeled and not to be getting out of the shadow.

And thank you, Assemblywoman Glick, for your sponsorship of this bill and for tenacity, and for always don't lose track of this important big piece of legislation. And for the -- for the LGBT community, today is your day. Today is a win day for all and for all of us.

Thank you, Mr. Speaker, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker, I rise to

explain my vote. I wanted to thank the sponsor of this bill for all her work getting us to this place today and feel excited that our Senate colleagues will be doing the same, voting in favor of this bill. I speak not because just because of constituents who have come to me, but as a parent of two teenagers. I think about the discrimination that's impacted people for decades. People's sexual orientations has been put at risk. People's abilities to be who they are. Our goal here is to end discrimination against New Yorkers.

This bill takes us a step further. This bill sends a clear message to the LGBTQ community that they are good enough for who they are now; that they don't need to change; that society accepts them for where they are. I'm glad to be voting in the affirmative for this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Rivera.

MR. RIVERA: (Referring to microphone.) Oops, new toy, I've got to learn how to use it.

Very quickly, I -- I also want to commend Debbie Glick for her leadership for quite a number of years. I also want to remind everyone that it was my friend at the other corner who began to champion the right to marriage in 2008. I joined him in 2008. So I have a -- I -- I know how he feels, because I was targeted in 2008 and 2009 in my Borough of the Bronx. But guess what, I think the people in my district recognized I was standing up for the right of people to

be respected. I'm still standing. Here I am today. So, I thank all of you. It was (inaudible). And on a day that Martin Luther King celebrates his 90th birthday.

Debbie, the buck -- the buck does not stop here. The buck stops in the Senate and in the hand of our Governor. So, I think it's the best way to celebrate today, is by asking both the Senate and the Governor that now that we, as Democrats, supposedly have complete control of State government, that we somehow can continue to stopping them sick, sick messages of hate and racism that's been going around this country. And by voting yes today, which I'm going do to right now, I will be joining all of you and doing whatever we need to do to convince not only this State, but other states to follow the lead of the State of New York, stop following the lead of Colorado and other states. Provide leadership. Its time has come. Thank you.

ACTING SPEAKER AUBRY: Mr. Rivera in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I rise today to explain my vote. Today, we stand together to protect our LGBT community from not only the potentially horrific effects of conversion therapy, but from any discrimination based on sexual orientation, gender identity and/or expression. Nearly 700,000 adults in the United States have received conversion therapy, and about half of them before the age of 18. I proudly cast my vote in the affirmative and thank the sponsor of this bill, Deborah Glick, for all your work

year after year on this important bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Ms. Linda Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. I rise in support of this legislation to prohibit conversion therapy on minors. Conversion therapy has long been discredited by all of the major professional associations as feudal and, in many cases, dangerous. One's sexual orientation is innate. It is not a choice, nor is it something that can be changed through therapy or any other means. Many children who make the decision to come out are already met with bullying and teasing, merciless, relentlessly at school and at home. Some parents think that that can be changed by sending kids to therapy. It doesn't work and it is cruel to try to change what a child innately is. One has to accept what they are. So, as they say, you can't pray it away. And after this bill becomes law, you won't be able to convert them either.

I thank the Assemblymember Glick for her tenacity and all her work over the years and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Ms. Simon.

MS. SIMON: Yes, thank you, to explain my vote. I want to commend the sponsor and the advocates who have fought for so long for this bill. I'm so delighted that today the Senate will also be

passing this bill and this will finally be signed into law. And just as a point, I just want to make the point that it's a -- it's quite amazing that we are here for so long debating this bill when the words "conversion" and "therapy" do not belong together at all. So, I proudly cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to speak on the bill. First and foremost, I want to congratulate and thank my colleague, Deborah Glick, for fighting for this, for continually making this an important issue, and every activist that does care about this bill.

In echoing a lot of what my colleagues said today, you cannot control who you are. You are who you are and no one should torture you to change who you are. So, I gladly vote in the affirmative to stop this evil practice and to accept every New Yorker for who they are and allow them to live the life they choose. So, thank you.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could have Mr. Lentol and the members of the Codes Committee to proceed to the Speaker's Conference Room for a Committee meeting, and then follow through with the next item on our agenda, which is No. 747, Mr. Gottfried.

ACTING SPEAKER AUBRY: Codes Committee, Speaker's Conference Room. Mr. Lentol, our birthday boy, is on his way. Please join him.

The Clerk will read.

THE CLERK: Assembly No. A00747, Rules Report No. 2, Gottfried, Glick, O'Donnell, Bronson, L. Rosenthal, Heastie, Dinowitz, Cook, Hevesi, Cahill, Englebright, Paulin, Ryan, Abinanti, Mosley, Arroyo, Pichardo, Ortiz, Rozic, Weprin, Blake, Steck, Bichotte, Hunter, Carroll, D'Urso, Jean-Pierre, De La Rosa, Walker, Dickens, Jaffee, Simon, Burke, Cruz, Jacobson, Reyes, Fall, Romeo, Aubry, Benedetto, Braunstein, DenDekker, Fahy, Galef, Gunther, Hyndman, Lifton, Lupardo, Magnarelli, Otis, Peoples-Stokes, Perry, Pretlow, Quart, Ramos, Rivera, Seawright, Simotas, Solages, Thiele. An act to amend the Executive Law, the Civil Rights Law and the Education Law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the Penal Law and the Criminal Procedure Law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.

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

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, when Assemblymember Glick was talking about the enactment of SONDA, the Sexual Orientation Non-Discrimination Act in 2002, I was reminded that a year or so before that bill finally passed, it began to be clear to people in the transgender community that the definition of "sexual orientation" did not protect them. And they began advocating for amending the bill to explicitly include protection for gender expression or identity. They met an enormous amount of resistance. Expressing concern that if -- that the, you know, the bill was on the verge of being accepted by the then-Majority in the Senate, and people didn't want to upset the apple cart. So, here we are in 2019, once again, considering GENDA.

You know, discrimination against transgender people and -- and non-binary people in New York is not some intellectual exercise. This discrimination is real and hurts people every day. It hurts them in employment. It hurts them in housing. Even in communities that have enacted GENDA legal protection, there have been cases of transgender people using the bathroom in a public place that they are legally entitled to use, and being arrested by police in New York City for using the bathroom they're entitled to use. There are instances of people being physically attacked for the same conduct. And, most seriously, to this day there continues to be all too many instances - any instances would be too many - of assault and

murder against people who are selected for assault and murder because they are transgender.

Now, in most parts of New York State, you know, the vast majority of New Yorkers have been living in communities that, by local law, have enacted GENDA protection. So, in New York City, in Suffolk County, in Albany, in Westchester, Rochester, this is not new; this has been the law for years. At the State level, several years ago Governor Cuomo had the Division of Human Rights rule that New York's prohibition on sex discrimination should be interpreted as applying to discrimination based on gender identity or expression. So, in many ways, Statewide, this has been the effective law in New York for years.

I would -- I would bet that every single one of us has, on numerous occasions, without each knowing it, been in public restrooms with transgender people. I think all of us know people who are transgender, and we may not even know that. What New York law does not do to protect transgender people, we do not apply the Hate Crimes Law to protect them, and this bill would to that.

So, this bill would extend our -- our Human Rights Law, similar provisions in the -- in the Education Law to -- to add discrimination based on gender identity or expression, and it would also add gender identity or expression to the protected categories under the Hate Crimes Law. You know, this is -- this legislation does not exactly put New York at the forefront of progressive social change. GENDA is the law in Salt Lake City, and has been for years.

GENDA is the law in Charleston, South Carolina, where the assault on Fort Sumter occurred. It's the law in Charleston, West Virginia. In Minnesota, which is probably among the places at the forefront of progressive change, it has been the law since 1992. It is the law in Kansas City, Missouri. It is the law in Dallas, Texas and El Paso. For crying out loud, it's time to make it the law in New York. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Gottfried, and there's no question as to your perseverance on this subject. I think you mentioned this was first introduced in 2003?

MR. GOTTFRIED: Yes.

MR. GOODELL: And since 2003, a lot has changed, I think you would agree. And, in fact, you mentioned it quite a bit. Right now, of course we have numerous Federal and State courts that have interpreted our sexual harassment laws to also apply to transgenders, correct?

MR. GOTTFRIED: Yes, although at the Federal level, all of those decisions are under serious administrative assault.

MR. GOODELL: But certainly not in New York under New York --

MR. GOTTFRIED: That is correct.

MR. GOODELL: Yeah. And as you correctly noted, in 2016, nearly three years ago, the State Human Rights Commission very clearly extended the sexual harassment protections to include transgender individuals, correct?

MR. GOTTFRIED: By regulation, yes.

MR. GOODELL: Yeah. And so -- and you mentioned that the vast majority of New Yorkers live in jurisdictions that have local law that already addressed the subject.

MR. GOTTFRIED: That is correct.

MR. GOODELL: So, my question then, is, if this has been already been addressed by the Division of Human Rights and by numerous court cases, including New York cases, and by numerous local laws, what's the need for this legislation?

MR. GOTTFRIED: Well, a couple of things. Number one, a regulation that is enacted by the Division of Human Rights can be changed by -- or repealed by the Division of Human Rights at any point. Secondly, there are a lot of places in New York State that have not enacted local laws. And, finally, transgender people and others with gender identity and expression different from mine, or I assume yours, are due the respect and recognition of being included in our Human Rights Law. And, finally, the bill would add that protection to the Hate Crimes Law, which -- that would not happen by administrative regulation.

MR. GOODELL: One of the interesting things about the existing laws that prohibits sexual harassment, sexual

discrimination, is that the law itself recognizes many areas where we traditionally, historically and legally recognize differences between the sexes. For example, the U.S. Department of Labor mentions a number of different situations, social clubs, like the Boys or Girls Club, for example. Mother-daughter, father-son events, institutions that only admit one sex or a -- or another sex, all those are reflected in our current law and under Federal law, as well, even as the Federal and State courts and even as the Division of Human Rights extended these protections to include transgender. So, my question to you is, whereas the Federal regulations outline a number of exceptions where we treat the sexes differently and legally, does your bill, likewise, make those distinctions?

MR. GOTTFRIED: A -- an institution or an entity that can legally in New York say it is only for men or only for women, or only for boys or only for girls, if it may do that legally today, it would be allowed to continue to do that tomorrow - if this bill -- if and when this bill is signed by the Governor - just as they can today under the administrative regulations, and just as they can today under local GENDA laws. This would not change that.

MR. GOODELL: So, to be specific, let's say a -- pick a particular organization, a women's college, an all women's college, can that college, if this bill is adopted, say we only allow women whose physical makeup is a woman to attend this college, and we will not allow individuals whose physical makeup is as a -- a male attend our women's college even if they are transgender?

MR. GOTTFRIED: That is a different question and, therefore, the answer is different. Someone who identifies as female under this bill would be entitled legally to enroll in a -- in a women's college, assuming they qualify, and vice versa. And so, there are, around the State, in New York City and elsewhere, there are institutions of education and others that have said, *We only admit women, we don't want to admit transgender women*. They have been told no, a transgender woman is a woman like somebody born with two X chromosomes and continues to identify that way.

MR. GOODELL: And would that also apply, for example, to women-only sports teams? An individual with a male anatomy under this bill would then, if they identify as transgender, would be allowed to play on a woman's -- otherwise woman's-only sports team?

MR. GOTTFRIED: As has been happening in instances around the country under similar legislation, yes, transgender people would participate in sports teams or other things according to their gender identity.

MR. GOODELL: And, likewise, I know there's a lot of scholarships, certainly there are in my community, that are really aimed at only women only in an effort to, you know, advance women. Likewise, then, someone with a male anatomy could, if they identify as a woman, would be eligible for those scholarships under this legislation?

MR. GOTTFRIED: Yes. And, you know, it's

interesting that you keep referring to anatomy. There are transgender people who have had anatomical surgery, there are transgender people who have not. I don't know if you would say that somebody who identifies as a transgender woman and by appearance and dress and everything else is female, I don't know if you would want that person on the men's basketball team. I don't know if the men's basketball team would want that person on their team.

You know, at some point in today's discussion, I imagine we're going to discuss bathrooms. I don't know which bathroom some of our colleagues would want that person, who, by all appearances is female, I don't know if our -- how many of our colleagues think that person ought to go -- ought to use the men's bathroom. Maybe there are people who think, *Well, they just shouldn't play sports, or, They should, you know, go before they leave, or hold it in 'til they get home.* I've always wondered that in this debate. So, it seems to me the sensible thing is that you participate in the institutions that conform with your gender identity. And that has been the law and the practice all over New York State for many years, and civilization goes on.

MR. GOODELL: And now -- by the way, just an aside, I -- I can assure you that no basketball team would want me to play on their team, but it has more to do with my lack of skill than my identity, I think. But--

MR. GOTTFRIED: Right. Me, too.

MR. GOODELL: There are a number of businesses,

as you know, that cater specifically to women. Curves gym, for example. I know there are some new, high-level, high-quality, I guess they're called, apartment units or rental units that really focus on catering to one gender or another. The same analysis would apply to those entities, as well?

MR. GOTTFRIED: Of course. And as far as I know, such entities are doing as well in New York as they do anywhere else.

MR. GOODELL: Now, it should be no surprise, of course, to any of us here that many times parents are very concerned, particularly with their teenage kids, about just what they're exposed to. And so, whether there are showers at public beaches where you shower off after coming out of the ocean or sporting events after you've worked out, you shower off before you dress into street clothes. What protections does this bill have for the parents and their children who may not want to shower with somebody whose physical anatomy is different than their daughter's?

MR. GOTTFRIED: Well, the same thing that happens to white parents who are petrified of the thought of their child showering with a black person. And people may not express that thought as much today as they did in prior decades, but you and I remember those times when that kind of thought was expressed all over the place; that people didn't want their children sitting on the same toilet seat that black people had sat on. There are, I'm sure, parents who are petrified of the thought that their little boy will go to a -- will use a -- a locker room that a gay boy is using. But, you know

what? People have gotten used to that.

And all over New York this legislation has been the law for years, and I've never heard anybody expressing a problem about it, other than some of my colleagues who have said, *Oh, people will be up in arms*. Well, you know, that hasn't happened. People in Suffolk County, where this has been the law for years, are not up in arms. People in Rochester or Salt Lake City or Charleston, South Carolina are not up in arms.

MR. GOODELL: Thank you very much, Mr. Gottfried. I always appreciate your comments. Thank you.

MR. GOTTFRIED: Thank you.

MR. GOODELL: On the bill.

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

MR. GOODELL: The challenge that I think all of us have is that we, obviously, want to be supportive and sympathetic to everyone. I mean, everyone's God's children; whether you're straight, gay, transgender, we're all God's children. And so, yeah, we want everyone to have the maximum opportunity. There's no doubt about that. The challenge that we have is, how do we balance the desire of those who may be different with those who may not want to be exposed on a sexual level to a different anatomy.

I had three teenage daughters at one time, they're all older, thankfully, they survived. I didn't have to kill any of them. I'm sorry. But, getting back, I -- I didn't want my teenage daughter

showering with guys. And I didn't care whether the guys' -- what their perspective was, I just didn't want that to happen. There's a time and place. And that wasn't the time or place. So, we recognize as a society there's a lot of differences between men and women. We recognize those differences, and we embrace those differences, right? So, we have scholarships that are available just for women because we want to help women advance. We have an MWBE Program, right? We have special contractual benefits that we give to women-owned businesses. We have special social clubs that cater just to women, or Curves because some women don't want to work out in the presence of guys, whether or not they identify -- how ever they identify, they want to be amongst their colleagues.

So, the problem we have here is this bill, as aptly explained by my colleague, goes way beyond all the current protections that we have for transgender individuals. And the courts have made it very clear that where your sex doesn't make any difference, where your anatomy doesn't make any difference, you are protected under the Division of Human Rights, under the court cases, under the Federal EEOC, under the Federal law and regulations, you're protected now. But what this bill says is that no longer are you -- no longer can we have programs that help women specifically; if you claim you're transgender, you're eligible.

Thank you very much, Madam Speaker.

ACTING SPEAKER ROZIC: Mr. O'Donnell.

MR. O'DONNELL: On the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. O'DONNELL: Every year we have this discussion, I try to stay in my office, A, to preserve my blood pressure and, B, so I don't express anger. When I was Corrections Chair I visited 38 prisons. And every prison I went to, the first question I asked, *Are there any trans people here?* And if there were, I would find them, speak to them to ask them if they were safe. Because the reality is, a trans person in New York is never safe, they are never ever safe.

I didn't have the easiest life, and many of you have heard me talk about that, many of you have told your stories, too. I'm here to tell you that every one of our stories is nothing compared to the daily life experience of a trans person. You have absolutely no idea. Their lives are at risk. They're more likely to be murdered walking down the street than anybody else. That's the reality. We have made so much progress in the last decade and, yet, we still don't say, if you are a trans person you can't be fired from your job, you can't be evicted from your home, you can't be stalked and murdered. You've got to be kidding. These discussions reduced to a base level, I feel like I'm in third grade. They are here, they are part of our community.

And I would like to recommend a show for you. There's a show called *Pose* on FX. And it's all about the beginning of that community in New York City and what they went through, what they go through. And is it better today? Yes, it's better today because

the sponsor mentioned in places like Suffolk County, that bastion of liberalism, they figured out we should make sure that our people are protected if they are a trans person. I urge you to vote yes. Thank you very much.

ACTING SPEAKER ROZIC: Ms. Glick.

MS. GLICK: Thank you, Ms. Speaker. Not everybody who is here today was here in 2002. We passed, after 10 years, it became law, but for 10 years, since 1993, this Body had been trying to -- had passed and trying to get the other House to deal with basic civil rights for LGB New Yorkers. The Sexual Orientation Non-Discrimination Act passed year after year with growing margins. In the end, the attempt to include transgender people in the basic civil rights protection did not occur. And there was a devil's bargain made to pass SONDA with the belief that we would come back within a year or two and take care of the transgender community.

Now, this is the 50th year of the Stonewall Rebellion that started the modern LGBTQ struggle. And what people will not remember is that the people who started, who fought back against the constant harassment by the police and just by the powers that be, were at the time people who were referred to as "transvestites," or whatever. And it was essentially the trans community, though it was not called that at the time, that led that fight. And for three days there was disruption in the district I now represent, which led to the beginning of an organized struggle for basic civil rights for the LGBT community.

So here we are 50 years later, finally recognizing that basic civil rights protections for gender identity and expression should become the law of the New York State. This is not radical, it is not revolutionary, it is decades overdue. And I want to commend the sponsor -- and since I'm on the bill, I can mention Mr. Gottfried's name, which we're not supposed to do when we're explaining our vote. So, I want to thank the sponsor for sticking with this year in and year out. This will be a historic day for passage of this bill in both Houses, and for my bill. It is a major step forward. But as my colleague said, the people who are most in danger of being killed, the people who are unable to get jobs primarily are trans women of color. And it is crucial that we begin to give the trans community basic civil rights and begin to provide legal protection and recourse for the trans community. Thank you very much.

ACTING SPEAKER ROZIC: Mr. Bronson.

MR. BRONSON: On the bill. I rise to commend the sponsor for fighting for this piece of legislation over the last many years and for continuing to educate not only the Legislature, but the community-at-large of the importance of this anti-discrimination measure.

Some of my colleagues have already talked about the hate and the assaults and the murders of our trans community. Some of you may or may not know that every year we have a trans day of remembrance, to remember those souls that we've lost to the hands of others, or because of suicide. Last week I attended a community

meeting because a trans woman of color had been assaulted merely because she looked differently and she walked into a convenience store, and someone was offended by that. So offended that they felt they had the right to hit her and to kick her.

That's what this bill is about. It's about putting into law a prohibition against those types of hate crimes. It's also about putting into law anti-discrimination measures to say that you cannot be fired from a job, you cannot be evicted from your apartment, you cannot be denied from a loan at a bank, simply because you are living your authentic self, simply because you want to identify as the gender who you are, or express yourself in a different way.

As has been mentioned, in 2002, gay, lesbian and bisexuals entered the world of protection and employment and banking and housing, et cetera. But we did not include our trans community. This bill would -- will change that. This bill will edge us ever closer to the perfection that this nation is looking for. We did not reach perfection when Lincoln emancipated the slaves; we did not reach perfection when women earned the right to vote; we did not reach perfection when the Civil Rights Act was passed and we will not reach perfection today, but we'll edge ever closer to full equality for people who are part of the trans and non-binary community. We will edge ever closer to having full equality for of our LGBTQ individuals.

This is not about bathrooms. This is not about showers. This is about being adults, about the human being and about the -- the idea that we can celebrate our differences. We can see

strength in our differences. We will be a better State when we do so. And for those of you who say, *Well, the Human Rights Division is already recognizing this under the Governor's directive, or, That the case law is -- is in place, so somehow there's already protections.* I remind you that at the Federal level, the previous Administration put those protections, some of them, in Executive Orders, some of them through directives to various agencies; yet, we have a Federal Administration now that wants to redefine what gender means as a way to close its eyes on the trans community, as a way to say if we don't look at you, we can't see you and we can't acknowledge you for the dignity and the human beings that you are. This bill is bigger than just New York State. This bill is about a country that has an ideal of reaching perfection of full equality for every human -- every human being no matter who they are, what they look like, where they come from, who they love. Because every human being has dignity. Every human being with that dignity deserves full equality, justice and an opportunity to succeed. Trans individuals can not succeed if we do not allow them to be employed, we don't allow them to get bank loans, we don't allow them to live in our communities. We cannot close our eyes on the trans community.

I say to my colleagues today, let's send a message to the trans community and say we see you, we care about you, and we believe you deserve full equality.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: I just have one quick question. And I -- I know that, you know, amongst the provisions this is amending, you know, obviously relate to how different practices are -- are considered in various parts of our law, including the Education Law, so -- so the question is, I think, pretty specific. Would a religious institution like a, you know, all girls religious high school, be required under this to admit a student who identifies as female, but was, you know, born male?

MR. GOTTFRIED: As they do in New York City and Albany County and Westchester and Rochester and Salt Lake City, yes.

MR. RA: Okay. Thank you.

ACTING SPEAKER AUBRY: Ms. Dickens.

MS. DICKENS: Thank you, Mr. Speaker. You know, today we're about to pass, hopefully, historic legislation for the LGBTQI community. I was blessed to be able to open up the very first center for the LGBTQI community called the Harlem Pride, and provide them with a Safe Haven in Harlem in which they could go. A few years ago, we had a transgender woman attacked and murdered on the streets of Harlem. It caused us to rally together, to fight. But today, I thank the sponsor because now the LGBTQI community will

have law and legislation for protection. Where as before they could be murdered and, oftentimes, the police didn't even care.

So, thank you to the sponsor, and both sponsors, for the historic legislation and having the fighting spirit to continue to push through legislation that has been difficult to pass, and for many, many years was not even thought to be relevant. I urge my colleagues to vote in the affirmative to protect all communities, because this is a civil rights issue and not merely a gay issue. Thank you.

ACTING SPEAKER AUBRY: Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to speak on this important bill. I rise in support of GENDA, a critical piece of legislation that protects the rights and dignity of our community. First, I want to thank the sponsor for introducing this bill 16 years ago, but it shouldn't take 16 years to pass such a commonsense bill.

Transgender and gender non-conforming New Yorkers deserve the opportunity to live happy, healthy and fulfilling lives like anyone else in this State. The proposed bill prohibits discrimination and hostility towards transgender people. It protects them from discrimination and discriminatory treatment that exclude them from housing, employment, education and access to health care services. All very basic needs that safeguard transgender people who are often innocent targets of cruel, baseless hate crimes.

Folks who identify as trans and gender non-conforming make up a large percentage of our homeless youth

population. Like Assemblymember O'Donnell said, there are -- they are more at risk of being victims of violence and murder. They also have the highest rates of suicide. I've had several close transgender and non-binary friends commit suicide. The depression from having body dysphoria or having your family not want you can be debilitating.

My best friend was gender non-conforming. She passed away two years ago. And we have known each other since we were 13. What kind of influence did Betty have on me all these years? What kind of impact did Betty have on me as a child? I learned compassion, open-mindedness, love, loyalty, friendship, humility, and most of all, to ask important questions like, *Do seagulls like chocolate cake? Do cows eat cheese? And why is the word "frolic" so freakishly happy?* Betty deserved to be treated just like any other kid, like a human.

This bill is common sense. But it's also not enough. We must continue to look at how to best serve and protect transgender and gender non-conforming New Yorkers. For example, we must also improve our system by funding and protecting services for TNGC Health Care. Betty became a physical therapist to help people feel safe when they were needing health care. I think this is only the beginning of a conversation that we need to have to support our TGNGC friends and family.

As a progressive State, we must lead by example for other states to follow. Just last week, Florida Governor Ron DeSantis

signed an anti-discrimination order that intentionally left out all LGBTQ people. While others might not grasp the notion that discrimination of any kind is disgusting and unacceptable, we have the very real opportunity here in New York to back up our progressive values by providing an equity-focused and rights-based approach to change our community. Like Assemblymember Glick just said, this is not radical or revolutionary, it's just right.

So, thank you, and I urge folks to vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I, too, want to rise and really commend the sponsor of this legislation for his steadfastness in introducing it year after year after year and, in some cases, Mr. Speaker, answering the exact same questions that he has answered in the past. It takes a lot to keep doing the same thing over and over and over and not getting a result.

Finally, though, Mr. Speaker, I think we may be at a place in the State of New York where we're ready to get the kind of results that will benefit all New Yorkers. It has been mentioned more than once on this floor that this is about civil rights. We don't have the right to choose for people who they should be, or what they are. That is not our call as legislators. That is their call and their connection with their God. Once they have made that decision, we have a responsibility to treat them as we want to be treated. And so, for folks who think that there's something wrong with allowing people to have

that dignity, I'm going to pray. Because I think that everybody deserves dignity.

And again, I want to thank Mr. Gottfried for his -- and I shouldn't have mentioned his name, forgive me, especially new members, but I am a sponsor of the bill. I want to thank him, again, because it's long and hard to get to this point. But it's a great day when we can say to New Yorkers across the State no matter where they live or what communities they come from, that you are as important as your neighbor. You are as important as the person who sits next to you in school, sits next to you in church, or even goes with you to college. You are as important as the next person and we are grateful for your presence in our society.

With that, Mr. Speaker, I look forward to voting for this legislation. I hope that my colleagues will, as well, but I'm not sure where we are with the Senate. We do have other speakers, that's great.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, it was mentioned a couple of times that this bill goes -- or asked whether it goes beyond the protections that we now have in many communities in New York and Statewide by regulation and the answer is, this does not go beyond those protections. These are protections that we have had in many communities in New York for years and by regulation in New York for several years, except that it

adds what cannot be done by regulation or local law, and that is protection of the Hate Crimes Law to finally deal with the really horrendous issue of violence against transgender people.

You know, the Sexual Orientation Non-Discrimination Act was first introduced in 1971. I was at the first press conference for the bill. It was finally passed in its 32nd year. This bill was introduced first in 2003, 17 introductions ago. It is now passing the Assembly, I trust, for the 12th time. I guess the good news is we're not going to have to have this debate again in this Chamber.

I want thank a really dedicated and persistent army of advocates - many of them transgender people, many of them not - who have created and sustained this movement and -- and brought us to this day. They are far too numerous for me to -- to mention by name. I do want to mention two people, two members of my staff, my Chief-of-Staff, Wendi Paster, who has been working on this issue since several years before the bill was first introduced; and Sherri Salvione, who is sitting here with me, who has been involved in this struggle and the struggle for LGB rights for many, many years.

So, to close. Every school child knows the words of the Declaration of Independence, that *We are all created equal, that we are endowed with certain inalienable rights, and that among those are life, liberty and the pursuit of happiness*. Most school children do not recite by memory Thomas Jefferson's next line, which applies particularly to us and to what we are doing today, *That to secure these*

rights, governments are instituted. That's our job and we are doing a part of that job today. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to talk on this bill. You know, again, I want to commend my colleague for sponsoring this bill and for being such a staunch leader in the fight for the LGBTQ community, specifically for the rights not to be discriminated against. So, thank you, my colleague.

It is with great pleasure that I rise to support the Gender Expression Non-Discrimination Act, GENDA. Everyone, regardless of gender identity, and/or gender expression, should have a right to a happy and healthy life free of discrimination of any kind, including being protected against hate crimes. Via Supreme Court ruling of Obergefell v. Hodges in 2015, same sex couples were given the right to marry on the same terms as opposite sex couples under both the due process clause and the equal protection clause of the 14th Amendment. That decision came after years of advocating and supporting a marginalized community.

Now, it's time to support another critical issue, a critical issue in the LGBTQ community because it's a basic human right. A basic human right is at stake. I stand with my LGBT community in support of GENDA to ensure equality for all. We need to enshrine protections and make sure no one can be, or feels that they can be erased because of their identity, and because we know that human rights are non-negotiable. Other states has (sic) passed

GENDA already. It is long past time for New York to take this same step. Our State's Human's (sic) Rights Law, which are typically at the forefront of our country's Civil Rights Laws, have lagged behind far too long. We need this now. We need to make sure people who are harassed for their identify know we in New York State will not stand for it.

So, I -- Mr. Speaker, I'm really excited today. For 16 years, New York State has been trying to push this legislation. Basic human right. Basic human right. And, finally, with God's will and all the prayer, we're going to see this pass. I urge all my colleagues to join me and others here who support this bill to vote in the affirmative. I thank you.

ACTING SPEAKER AUBRY: Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. I rise to comment on my support for this very important and groundbreaking piece of legislation, GENDA.

We recognize that our history has shown us repeatedly that the 14th Amendment provides protections over the people of this country for many different things, including something as dangerous as death. When we have had conversations throughout the course of time over equal protection, over equal protection under the law, we have looked at it from many different racial standpoints. It was -- it was what gave us justices under Plessy v. Ferguson. It is what gave us the Voting Rights Act. And it's time now for us to recognize that while we have equal protection for women, equal

protection for classes which includes race, that it's time for us to act and protect all of the human rights of all of our -- of the people of not only this State, but to send a resounding sound to our country that so many individuals who need us to stand with them as they are going through the same injustices that we know of and that we've lived through.

One of the things that I've always believed in is that there are many different protections that may have taken us over 200 years to achieve, but we recognize that all of these human rights will take us an eternity to protect. And right now, our brothers and sisters of the LGBTQ community need us now more than ever. So, it brings me great honor and a great privilege to do my part in justice, to do my part in supporting fairness and equity not only here in our State, but again, to be very encouraging across the country to -- to look to New York State as a leader on this topic, and follow suit with us as we protect individuals who need us the most.

Thank you, Mr. Speaker. I look forward to voting in the affirmative.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I represent the largest population of undocumented trans Latinas who, every day, face the fear of violence, deportation or death. This is the same neighborhood where Julio Rivera was killed and where Nayra and Gabriela were attacked two years ago because they lived their truth. I thank the sponsor, because this bill brings us closer to protecting them. And because I can go back and tell Nicolas, a -- a trans young Latino man that our government will protect his right to be who he is. Today, I cast my vote proudly in the affirmative in the name of Jessica and Elizabeth, two trans Latina activists in my neighborhood. Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker. And I, too, would like to join to thank the Speaker for allowing this bill to be on the floor, and the sponsor, who has been working so hard for many, many years to bring light, finally, at the end of the tunnel to this important issue. It is sad truth that the current Administration in Washington has helped to create a political climate that makes these protections necessary and urgent. This Administration in Washington has already banned military services for transgender citizens. As a proud veteran, I am standing right here to not just to vote for this bill,

but to give a vote of confidence to my cousin who is a Warrant Officer Pilot in the U.S. Army who happened to be one of those transgender individuals who had to be on the shadow. And because of her, she has given me the courage not to just speak on this particular bill, but to continue to help and to continue to bring visibility to the importance of the human right issue that this community has continued to face and continue to face today with a draconian public policy that continues to come from Washington.

Therefore, Mr. Speaker, 18 states and Washington, D.C. have already acted to protect their transgender and gender non-conforming residents, and 11 cities and counties in the -- in New York has (sic) done the same. So, with that, Mr. Speaker, I withdraw and I will be voting on the affirmative on this bill. And, thank you, because today is a wonderful historical moment for every single one of us. Thank you.

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

Ms. Linda Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. I rise today for what I hope will be the final time in support of the Gender Expression Non-Discrimination Act.

When this legislation was first introduced by Assemblymember Gottfried in 2003, transgender and gender non-conforming individuals were even less visible than they are today. And many people did not know transgender people or what the term

"gender expression" even meant. Despite the tremendous progress we've made, transgender and gender non-conforming individuals still live in a society where they face an immense amount of discrimination and harassment on a daily basis.

Just days ago in Alabama, Dana Martin became the first transgender individual killed in 2019. She was found inside her car in a ditch with a fatal gunshot wound to her head, a story all too familiar to the transgender community, and the stark reminder that the fight for equality is not yet over. We will no longer allow this important conversation to be reduced to something as trivial as bathrooms. The fact of the matter is that transgender and gender non-conforming people are people just like everybody else. You might even be friends with someone and not know that they are gender non-conforming or transgender. That happens. They are people; we need to protect everyone's rights in this State and, today, we're making a great leap forward by protecting people who are discriminated on -- against because of their gender identity expression. And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker, and colleagues, in support of this legislation and first and foremost, let us celebrate and -- and congratulate the sponsor for his continued leadership on this issue. We stand, of course, with our transgendered

sisters and brothers and our gender non-conforming, as well. As a minister, the Scripture that is quite appropriate for this, on what would have been Dr. King's 90 birthday, is Romans 14 and 13: "Therefore, let us stop passing judgment on one another. Instead, make up your mind not to put any stumbling block or obstacle in the way of a brother or sister." We come here today to pass laws that actually help one another and as a co-sponsor on this bill, we stand in support greatly. We send a powerful message to all of our people across our City and country that we stand in support with the LGBTQ community in all aspects and in all ways, whether it's in our district with BOOM!Health or Sage, it is time for us to demonstrate justice and opportunity for all.

So, we are grateful for this moment. We proudly are excited that we will be passing GENDA on today, but let us realize that if we are here to be our brothers' and sisters' keeper, we have to do that for all of our communities, and we do that on today. I proudly stand in support and will be voting in the affirmative. Thank you.
Mr. Speaker.

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

Mr. Ryan.

MR. RYAN: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I'd like to recognize the sponsor for his discipline, his diligence and hard work on this issue, and also advocates like Buffalo Stonewall Democratic Club, Buffalo Pride

Center, who's been advocating on this issue for well over a decade. With the vote today, New York will join in offering protections to all its citizens, like towns, cities and counties have already done in New York State. Buffalo passed this law for its citizens over a decade ago and everything has gone smoothly, but no longer will our citizens have to rely on a patchwork of municipal laws. They will now have their rights provided to them by New York State, as it should be.

So, previously our votes were rhetorical and theoretical, but this year this vote will make it so the laws that protect our citizens will be held by every citizen. So, I'm proud to cast my vote in the affirmative and I withdraw my request and I do cast my vote in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ryan in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I rise to explain my vote. Today, we're taking a monumental step in passing this GENDA legislation. I want to commend the bill's sponsor and in the memory and the spirit of the great Edie Windsor, I proudly cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me the privilege of explaining my vote. Three years ago I

attended my first night -- friends' Night of Remembrance and I listened to the recitation of the names of New Yorkers who had lost their lives simply because they were trans individuals, and I felt my heart breaking. Today, we take a tremendous step towards equality and justice for all New Yorkers, and I thank the sponsor of the bill for his steadfast leadership. I thank the good people of Saratoga Pride for their continued advocacy on this issue and other issues related to the LGBT community. And today, I proudly cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. First, I would like to commend the sponsor on his hard work of shepherding GENDA through this Body over the years. I would like to also thank all those advocates who have been pushing this issue. Making sure that transgender and gender non-conforming New Yorkers are not discriminated against and have the same equal rights as every other New Yorker is essential to making sure that our society is both its most free and open. So, I commend the sponsor, I commend everyone here today and I'm very happy that this will hopefully be the last time that GENDA is taken up on this floor and that we make history today. Thank you very much and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Mr. Dinowitz.

MR. DINOWITZ: To explain my vote. I'm so grateful to our sponsor, whose name I can't mention, as well as all the advocates who worked so hard on this. This is an issue which has been before us many, many times so to see it come to fruition today, along with the previous bill, is such a great way to start this Session. And I'm particularly happy to see that the Senate, after all these years, has finally passed this legislation. I'm confident the Governor will sign it into law. This is another step as the Assembly has always led the way on in fighting for civil rights, in fighting for equal rights for all. So, it's a great day and it's another great day for democracy. I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Ms. Richardson.

MS. RICHARDSON: Thank you, Mr. Speaker, for the opportunity to explain my vote. I first want to commend the sponsor of this legislation. Sixteen years has been a very long time, but I'm grateful for the foresight of the sponsor in understanding that it is important that we stand up for those who are voiceless at times. You know, it's not hard to see that I'm a woman. It is not to see that I'm African-American. And what I know by those two demographics that are attributed to me is that I know discrimination is all too real. And so, I empathize with those New Yorkers who for all these years have to hide who they truly are and -- and -- and have to hide and

conceal how they truly express themselves (sic) just because it makes other people uncomfortable. Today, we stand up for you and we say live in your truth and walk in your purpose. And, again, I'm just so happy to be a member of this Body in this moment of time to say that we did this today. We brought civil rights and equal rights to all. And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker, to explain my vote. The debate on this and when we discuss this, we always look at the political, the policy, the broader social context of the legislation that we're considering today. And all those things, of course, are very, very important. But suffice it to say that for many of us, we either have family or friends or those that are close to us that are directly affected by this legislation. And, for me, I'm no exception to that. I respect the privacy of -- of those that are close to me. I'm not going to mention any names today, but suffice it to say, you know who you are. This vote is for you. And I cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Thiele in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. You know, I've -- we've had many bills here that send a

much bigger message than the issue itself. And I don't know the exact year, I can't remember, but I know that I have expressed publicly earlier last year regrets, regrets over a vote that I can't take back and a message that is sent to people I care deeply about that felt that it did not represent them or respect them. I say that today, because I'm proud to cast my vote. And I voted for this bill in support in the past, but I wanted to take the opportunity to tell those that I care about deeply and those that I respect that I do so understanding that it's an opportunity to express support for all communities, that the LGBT community, those close to me from my Chief-of-Staff, to family members, to know that I vote for you and that I want to move forward as a partner and supporter of all communities. I fight for those that I feel don't have a voice. I often talk about the marginalized and the undocumented, but today I just want to say to everyone in the LGBT community, count on me and moving forward, there'll be no discrepancies. I can't take back votes in the past, but I can move forward in support. So, I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A00781, Rules Report

No. 10, Perry. An act to amend the Judiciary Law, in relation to the State Commission on Prosecutorial Conduct; and to amend Chapter 202 of the Laws of 2018 amending the Judiciary Law relating to establishing the Commission on Prosecutorial Conduct, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, 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.

We'll rescind that. An explanation is requested by Mr. Goodell.

Mr. Perry.

MR. PERRY: Mr. Speaker, I was waiting for the request from my colleague. This bill will make changes to the Laws of 2018 pertaining to the creation of the prosecutorial conduct -- on prosecutorial conduct to address concerns voiced after the passage of that bill in response to claims of possible unconstitutional or Constitutional flaws.

ACTING SPEAKER AUBRY: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would the sponsor yield, please, for a few questions?

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

MR. PERRY: I'm happy to yield today.

MR. PALUMBO: Thank you, Mr. Perry. As a result of that memo from the Governor, there was also a lawsuit that was filed, is that accurate, by the District Attorneys Association?

MR. PERRY: Absolutely right.

MR. PALUMBO: And as a result of the pending litigation, I have a stipulation that was entered into where the plaintiff, the District Attorneys Association, was to be notified of any proposed Chapter Amendments or legislation. Do you know if they were -- if they were, in fact, notified of this?

MR. PERRY: I'm advised that it's been made that the changes agreed to have been made public and that they have access to that, and also that they were directly advised.

MR. PALUMBO: Okay. Because that would certainly be that stipulation was so ordered is my understanding. So the defendant, the State of New York, would be in contempt of this stipulation if they, in fact, did not notify the plaintiffs, and my office had contacted them this morning and they were not yet notified. So, I think that's certainly a defect that we should be concerned about.

But in any event, there were three primary areas where the Governor had some concern and if we could maybe just address those briefly and see what sort of changes we made to this bill to, in fact, come into compliance. And initially, I believe it was kind of a simple adjustment, and please correct me if I'm wrong, that the Commission was going to be appointed by 11 members and six of

those were by the Legislature. So, as such that improperly delegated the authority to remove a prosecutor from the Executive to the Legislature; was that point one essentially?

MR. PERRY: I think you're grossly misreading or misinterpreting --

MR. PALUMBO: Okay.

MR. PERRY: -- what would come from that action, but that's no longer the case. We have substantially changed that provision and after negotiation with the Executive, we have -- the changes regarding to appointments are as follows: The 11 member Commission would -- previously, the Governor had two appointments. The change is now give four appointments to the Governor. We have also increased or made specific qualifications in addition to the language previously, so there are -- so we reduced the legislative appointments from four to -- that was from six to four and increased the gubernatorial appointments from two to four.

MR. PALUMBO: Okay.

MR. PERRY: And -- and we also made it and -- that only the Governor can remove the appointees.

MR. PALUMBO: Okay. So then as far as the overall selection, that was vested back in the Executive I'm assuming by that change. Now, there was another issue regarding active sitting judges, because they're not allowed to engage in anything other than judicial -- judicial roles. So, we now changed that I guess to be retired judges and a law school dean or professor; is that accurate?

MR. PERRY: Yeah, well we did address the issue raised regarding the participation of judges and the -- yeah, the appointments would now include retired judges that would be made by the Chief Judge of the Court of Appeals, one with public defense experience, one with prosecutorial experience, one a full-time law professor or dean with criminal law experience. And let me remind you that judges are not just judges. They are free citizens and they participate in a lot of other activities other than sitting on the bench.

MR. PALUMBO: Understood. And now, Mr. Perry, the last issue was the disclosure of records and interference with criminal cases. I know that was a big concern, that during an investigation if there was some disclosure, that information was going to be made public and it would ultimately, and it would most likely impede the active criminal investigations that that prosecutor was handling. So, as a result of that concern, is that now no longer -- is that no longer the case? Was that addressed, as well?

MR. PERRY: Well, the previous -- the previous -- the bill passed into law. We were very careful to address that concern and -- and we tried to deal with this again and we have added that in such circumstances we're -- are you still interested in my answer?

MR. PALUMBO: I'm sorry?

MR. PERRY: Just checking if you're still interested in my answer, because I know you were quite distracted over there.

MR. PALUMBO: No, no. Someone just called my name. Go ahead, Mr. Perry. I'm listening. I'm certainly listening.

MR. PERRY: Okay. We added that the Commission shall not exercise its powers before the filing of charges that led to the prosecutor's investigation, or a year from when the crime or crimes that led to the investigation and the complaint.

MR. PALUMBO: Very good. Now, regarding this process, Mr. Perry, this begins by either a complaint or upon the own volition of the Commission. So, my information indicates that it doesn't need to be a legally verified complaint; is that accurate? That someone could just essentially write a letter about some alleged prosecutorial misconduct and they don't even need to swear to the truth of those facts.

MR. PERRY: This amendment does not make any changes to that.

MR. PALUMBO: To that. So, it still can be an unverified document to begin an investigation against a prosecutor.

MR. PERRY: The process would involve that when a complaint comes to the Commission, they'll review it. They will have discussions and very carefully review that complaint and they'll come to a decision whether it's worthy of further action. And then they are empowered to take the appropriate action to properly do an investigation on that case.

MR. PALUMBO: Okay. And just two other quick areas. As far as that -- so, that wasn't changed. Was there any change with respect to the Commission's ability to grant immunity to certain witnesses should they choose to do so?

MR. PERRY: No, there were no changes in that.

MR. PALUMBO: There were no changes. And in any event the Commission grants immunity to someone, does that carryover to a subsequent criminal prosecution? For example, if there were witnesses involved in the misconduct and the Commission refers their findings to another prosecutor, Attorney General, another District Attorney, the Feds, and they ultimately charge the -- the prosecutor who's acting inappropriately with a crime, do those witnesses now have immunity in the subsequent criminal prosecution? Because that's a concern, that the Commission may be able to affect the subsequent prosecution or grant immunity to some individuals who may be co-conspirators, so-to-speak, an unindicted co-conspirator. The Commission will make that decision, not the ultimate prosecutor who is going to take the case against the -- the offending prosecutor.

MR. PERRY: Yeah. That's a pretty complex question. Let me just...

(Pause)

The amendments that we're voting on today does not make any changes --

MR. PALUMBO: No changes to that aspect?

MR. PERRY: -- those aspects of the law.

MR. PALUMBO: Very good. Okay. Thank you.

And lastly, Mr. Perry, it's my understanding that the prior Commission, or the current Commission since it's currently law that we're amending, they can suspend prosecutors from duty in the

event that they feel it's appropriate without any type of hearing; is that still the case?

MR. PERRY: Yeah. The ability to make that suspension would come only after the Commission has thoroughly reviewed the complaint and completed its investigation and found that there were -- they were validating the complaint and, certainly, the prosecutor would have had an opportunity to be heard.

MR. PALUMBO: Certainly. So after that hearing with the Commission, they can technically remove them temporarily by way of a suspension and then refer it to the Governor for removal?

MR. PERRY: Suspension or any kind of discipline would not arbitrarily occur without due process.

MR. PALUMBO: I understand.

MR. PERRY: That in itself would have been a careless provision and we were sure to make sure that throughout the process, a prosecutor who is -- against whom a complaint has been made, the investigation and any subsequent discipline would come after -- after a full exercise of due process to the prosecutor.

MR. PALUMBO: Sure. And I understand and I appreciate that, but my concern is this: The removal of an elected official is an Executive duty. That is reserved to the Governor only. So, even a suspension is, in effect, a removal and this Commission can do so after having their own hearings; isn't that accurate?

MR. PERRY: The Governor does in the -- in the law make the ultimate decision as far as disciplining of the prosecutor,

because the Commission would make recommendations and, by the way, one of the changes we made to -- is to establish this Commission within the Executive so that it -- it takes care of a concern raised by the DAs Association about constitutionality and the issue relating to the Department or the powers of the office. And -- and so, the Governor's Office would retain control throughout, because this Commission is established in the Office of the Governor.

MR. PALUMBO: Thank you. Thank you, Mr. Perry.

On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALUMBO: Thank you, Mr. Speaker. Now, these concerns are not alleviated, unfortunately, by this Chapter Amendment. Most specifically, this Commission is -- is a very different animal than the Committee on Judicial Conduct because this is what this Committee was modeled after. But the difference is this: A District Attorney is a lawyer and one of the litigants, so we do have a process called a grievance process, as we all know when we discussed this last year when the original bill came through, the bill-in-chief. But the Committee on Judicial Conduct is appropriate because you don't have a sanction for an offending judge who's acting inappropriately. There is no way to necessarily grieve a judge. You need this Committee to possibly remove an elected official.

A prosecutor is a very different type of person. That is something, or they are someone, he or she, that can only be

removed as an Executive power by the Governor. This Commission -- and it cannot be delegated. There's a case from about 90 years ago, Chief Justice Cardozo dealt with the removal of the Borough President in Queens and specifically said that they cannot, you cannot delegate those issues, it's in *Ray Richardson*. And pursuant to that section, the Governor appointed a State Supreme Court Justice to hear the charges and report his recommendations to the Governor.

In ordering the Justice not to proceed, the Court of Appeals held that the Legislature does not have the power to give the Justice of the Supreme Court the, quote, "Duties of a prosecutor in aid of the Executive." So -- thus, it would be unconstitutional for the Executive or Legislature to charge a judiciary with administrative functions except when reasonably incidental to the fulfillment of judicial duties. So, a retired judge or otherwise, whoever we have on this panel, this is an Executive privilege really, and the fact that we're now appointing political people to now get involved in investigations on unverified -- of unverified complaints is kind of a specious attempt to just create another layer that will be used as a sword for social justice reforms and not a true ethical evaluation of a prosecutor's conduct or misconduct.

There are many other vehicles to do this. As I said, you can grieve. You can bring criminal charges against them, but this Commission has all bark and no bite other than the fact that they can suspend. But after that they -- they can censure and they can ultimately admonish, but they cannot ultimately remove because that's

reserved to the Governor. And even in the bill, it allows them to then make a recommendation to the Governor. So, they're going to have all this -- this fuss and a long convoluted investigation to ultimately say, *You know what, Governor? You need to independently make a decision. We think this is terrible.* And then the Governor needs to do his own investigation for the ultimate removal. So, this --

ACTING SPEAKER AUBRY: Mr. Palumbo, you have run out of time. There's no one else and you certainly can sign up for another 15.

MR. PALUMBO: Thank you. I was really close. I'll need about 30 seconds.

ACTING SPEAKER AUBRY: We'll hold you to that.

MR. PALUMBO: Wonderful. Thank you. Thank you. But that's really -- the bottom line is this, that this is something that is political in nature and is not another layer to keep an eye on unethical prosecutors. Those layers already exist. I encourage my colleagues to vote in the negative, and I'll be doing the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Barron to explain his vote.

MR. BARRON: To explain my vote, Mr. Speaker. I'm voting yes on this, but I'm very disappointed that this has been watered down to the point where the Governor has almost complete and total control over this Commission. I don't think that was our original intent for that to happen; I don't know if he threatened you with a veto if you didn't do it. But we are now giving him four, we have four, he picks the people, he makes the final decisions if someone's going to be removed. This was supposed to be for this legislative Body to have some authority, you know, over that process and to make sure that prosecutors just like us, they have a Judicial Committee on grievances and commission that would have that kind of power and authority. This is the Governor's Commission now so whatever he decides, for the most part, is going to be done.

I'm very disappointed in this, but this is all we have and it's better to have something than nothing, as y'all say sometime, but I'm very disappointed in this. We should have stayed strong, left our six appointments, the Governor has two. Some of the Commission's power should have been within this Body and not within the Governor. As a matter of fact, I convinced myself so much I'm going to change my vote. I'm voting no. Thank you.

ACTING SPEAKER AUBRY: Mr. Barron in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00881, Rules Report No. 11, Zebrowski. An act to amend the Real Property Tax Law, in relation to providing a temporary extension for payment of real property taxes owed by a person who has been either a furloughed or designated non-pay Federal employee due to a period of a lapse in discretionary appropriations by the Federal Government, or by the spouse or domestic partner of such person; and to provide for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker. On December 22nd of 2018, the Federal Government officially shut down. And for 25 days since that point, due to a budget impasse, our Federal Government has not been opened. And for what that means for about 16,000 New Yorkers is that they are not getting paid, they're either furloughed and not showing up or they have to work without pay.

While we could probably engage in a robust debate about the President's wall and Federal policy, I think what we can all agree on is that those 16,000 New Yorkers have nothing to do with the current Federal budget debate and they are caught up in this whirlwind

that's going on down in Washington, D.C. and they have to make decisions about whether or not to pay for food, medical bills, utility bills, housing and all the things that our families are struggling with. At the end of this month, most municipalities in New York State will -- property taxes will become due and this is another bill that our families are going to have to figure out whether or not they can appropriate enough money in their own family budgets for this or for those other type of things. What this bill would do is it would allow our local governments to extend that deadline without penalties or interest to help out our --

MRS. PEOPLES-STOKES: Shh. Gentlemen in the back, please.

MR. ZEBROWSKI: Thank you, Madam Majority Leader.

What this bill would do would allow our local governments to extend that deadline without penalties or interest to allow our families across New York State, those 16,000 individuals, to better budget -- to better handle their budgets. At the point the Federal government opens, there'll be a 90-day period for which, of course, these taxes will become due. At the end of the day, I ask my colleagues to support this bill because these residents, our neighbors in New York State, are truly hurting for no fault of their own. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Mr. Dilan.

MR. DILAN: Yeah. I just would like to thank the sponsor for this legislation. On behalf of those 16,000 New York State residents, I know I certainly represent a few of them. Some of them happen to be TSA workers and this little bit of relief should definitely be opted-in by as many localities throughout the State as possible. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Dilan in the affirmative.

Mr. Schmitt.

MR. SCHMITT: Thank you. I want to thank Mr. Zebrowski for introducing this legislation. I was proud to co-sponsor this specific piece of legislation and it's -- the reason I ran for State Assembly was to represent my district and work in a bipartisan fashion on commonsense issues. This is one of them. We have so many residents in my district that are affected by this, that -- they cannot afford their basic day-to-day food, medication, utility expenses and if we could take the pressure off even just for one or two pieces like the property tax, basically temporary relief until their pay starts flowing again, it will be well worth it. So, I commend all the colleagues who voted in support of this legislation and I hope that it advances through the other Chamber and the Governor signs onto it. And this is an example of getting the job done, delivering real results. I think Washington has a lot to learn from this and I hope they take in stride to get to work and help residents of our State and my district.

Thank you.

ACTING SPEAKER AUBRY: Mr. Schmitt in the affirmative.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. I rise to explain my vote. I, like a number of my colleagues probably, I've been kicking around these Capitol halls since 1991 and back when we passed the bill or whatever we did where after April 1st when this Body does not pass a budget on time while we, as legislators, don't get paid, many people don't realize that the first year that that went into effect, staff members didn't get paid either and, quite honestly, it really stinks to be a pawn in a political debate. So, this is the least we can do for those hard-working Americans that -- that many of which are reporting to a job and not getting paid, and those jobs are to ensure our safety in the air and on the land. So, this is the least we could do. I'd like to thank the sponsor, well done. And I plan on voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Raia in the affirmative.

Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker, and to the sponsor for this legislation. Absolutely in support of this and as someone who had the opportunity to serve in the Federal Government, it's -- it is critical that we are attentive on this. There are individuals right now that are showing up at food stamp lines trying to figure out

how they could provide food for their families. They're trying to assess money in their savings account that they otherwise didn't have to think about before. We don't think about this sometimes in terms of the impact, but for all the individuals who are having their livelihood impacted because of a discriminatory racist wall, it is unacceptable and this is exactly why we need to provide support to them. So, this extension provides help in any way. We're grateful for this and I'm grateful for the sponsor stepping up in this way and proudly supportive of this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we pause for a moment to introduce one of our colleagues -- former colleagues, the distinguished Bronx Borough President, Ruben Diaz, Jr., is in our presence. Always like to welcome him.

(Applause)

Mr. Speaker --

ACTING SPEAKER AUBRY: On behalf of the Speaker and all the members, Ruben, welcome back my brother. It's good to see you. Thank you for joining us. You're always welcome. As a member, you always have the privileges of the floor.

(Applause)

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

ACTING SPEAKER AUBRY: We have numerous fine resolutions, we will take up in one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 19-24 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to remind our members that the Governor's Budget Presentation is at 2 p.m. in the Hart Theater. Our Sergeant-at-Arms, Wayne will -- and his staff will be available to Members on the Concourse. And I move that the Assembly stand adjourned until Wednesday, January the 16th, tomorrow being a legislative day, that we reconvene on Tuesday, January the 22nd at 2 p.m., that's the next Session, is Tuesday, January 2nd (sic) at 2 p.m. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the Assembly stands adjourned.

(Whereupon, at 1:32 p.m., the Assembly stood adjourned until Wednesday, January 16th, Wednesday being a legislative day, and to reconvene on Tuesday, January 22nd at 2:00 p.m., Tuesday being a Session day.)