

MONDAY, FEBRUARY 7, 2022

2:43 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Donna Elia will offer a prayer.

REVEREND ELIA: Let us pray. Holy and gracious God, as this Assembly gathers, fill each member and the collective Body with all good gifts, abundant wisdom and understanding, good counsel and patience, and thank You for the privilege of public service and for each constituent, all of them known to You. Fill the Body with hope as it takes up the work of this day. Help those with differing perspectives find common ground and when they grow weary, renew their strength. When they are frustrated, help them find a way forward, and may they make the best decisions possible using intellect and reason, sound judgment and compassion. Thank You for all staff. They are entrusted with work that builds up the whole and

for this, we offer our thanks. Bless the families of all legislators and staff, especially any who are in need of healing, pour out Your well-being upon them all. In this Black History Month, we honor the achievements of African-Americans and we recommit to the work of anti-racism. Empower us to hasten the day when systemic racism will be dismantled, and persons of every race will be treated with equal dignity and respect. Bring peace and justice to our communities, our State, the nation, and the world. In Your Holy Name we pray, Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

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

A quorum being present, the Clerk will read the Journal of Friday, February 4th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Friday, February 4th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker and colleagues. It's a happy Monday. And as it is such a happy Monday, I want to share a quote from Coretta Scott King, who was

the wife of the Reverend Dr. Martin Luther King. As Reverend Elia just said, we are still in the midst of our opportunity to share a history in too many things that should happen in 365, but the words that you have from Ms. Coretta Scott King today is, "Hate is too great a burden to bear. It injures the hater more than it injures the hated."

With that, Mr. Speaker, colleagues should know that you have on your desk a main Calendar that has 25 new bills on it. After we've completed housekeeping, should it be necessary, we will consent the new bills, starting with Calendar No. 357 which is on page 3, and we will take up bills on debate starting with Rules Report No. 27, that's on page 9. Majority members should be aware that there is definitely going to be a need for a Conference immediately following the close of Session today in Hearing Room B and, of course, we will consult with our colleagues to determine what their needs may be.

Mr. Speaker, that's the general and very brief outline of where we're going today. If we do have housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We have no housekeeping and no resolutions. Mark this day down.

Page 3, Calendar No. 357, the Clerk will read.

THE CLERK: Assembly No. A00697, Calendar No. 357, Rozic, Bichotte Hermelyn, Cook, Gottfried, O'Donnell, Otis, Perry, Walker, Weprin, Cruz, Fernandez, Kelles. An act to amend the Executive Law and the Education Law, in relation to prohibiting mandatory disclosure of a criminal history record in certain

circumstances.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00940-B, Calendar No. 358, Paulin. An act to amend the Executive Law, in relation to the use of automatic license plate reader systems.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01861-B, Calendar No. 359, Dinowitz, L. Rosenthal, Galef, Abinanti, Fahy, Colton, Weprin, Lavine, Reyes, Cruz, Lunsford, Dickens, Jacobson. An act to amend the Labor Law, in relation to prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account through specified electronic communications devices.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01865, Calendar No. 360, Dinowitz, Weprin, Galef, Williams, Colton, Gottfried, Seawright, Simon, Abinanti. An act to amend the General Business Law, in relation to requiring mandatory arbitration clauses in certain consumer contracts to be printed in large font type.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02441, Calendar No. 361, Aubry, Weprin. An act to amend the Correction Law, in relation to inmates with a serious mental illness.

ACTING SPEAKER AUBRY: Read the last section.

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

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2441. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07511, Calendar No. 362, Joyner. An act to amend the Labor Law, in relation to waiving pandemic unemployment assistance repayments under certain circumstances; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07981, Calendar No. 363, Reyes, Otis. An act to amend the Education Law, in relation to removing the term incorrigible.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7981. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08163-A, Calendar No. 364, Epstein, Gottfried, Steck. An act to amend the Criminal Procedure Law and the Penal Law, in relation to requiring written notice to a defendant of his or her right to complete court ordered alcohol or substance abuse treatment in a nonreligious treatment program.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08190-A, Calendar No. 365, Weprin. An act to amend the Correction Law, in relation to allowing a telephone call prior to an incarcerated individual's transfer.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08472, Calendar No. 366, Gottfried, Paulin, Simon, Seawright, Hevesi, González-Rojas, Englebright, Galef, Kelles, Cahill, Sayegh. An act to amend the Public Health Law, in relation to the establishment, incorporation, construction, or increase in capacity of for-profit hospice.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08691, Calendar No. 367, Rozic. An act to amend the Executive Law, in relation to providing for electronic notarization and to amend a chapter of the Laws of 2021 amending the Executive Law relating to providing for electronic notarization, as proposed in legislative bills numbers S.

1780-c and A. 399-b, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7780. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08734, Calendar No. 368, Englebright. An act to amend the Public Officers Law and the Civil Rights Law, in relation to Freedom of Information Law disclosures related to law enforcement related records and records identifying victims; and to repeal certain provisions of the Public Officers Law relating thereto.

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

THE CLERK: Assembly No. A08750, Calendar No. 369, Dinowitz. An act to amend the Real Property Law, in relation to

unauthorized legal fees in connection with the operation or rental of a residential unit.

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

THE CLERK: Assembly No. A08775, Calendar No. 370, Burke. An act to amend the Public Health Law, in relation to directing the Department of Health to establish and implement an infection inspection audit and checklist on nursing homes.

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

THE CLERK: Assembly No. A08841, Calendar No. 371, Woerner. An act to amend the Domestic Relations Law and the Family Court Act, in relation to establishing a living allowance for adults with developmental disabilities.

ACTING SPEAKER AUBRY: On a motion by Ms. Woerner, 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 read -- the Clerk will record the vote on Senate print 7794. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker, just very briefly. This -- this chapter amendment in part makes an unfortunate change, I think, although I -- I will support the chapter amendment in order to implement the rest of the bill which I think is great. The one change I really don't like is it says that the support collection unit will not be able to be utilized by a parent who is attempting to collect child support that's due and owing under this section of the law. I think that that's going to pose an additional burden on the parent of an adult with disabilities who probably already has a lot on his or her plate.

So I -- I do think that that's unfortunate, but I would say that if the responsible parent is falling behind, is in arrears, the parent who is owed the support or will be trying to collect the support will still have the ability to go in and seek all the other remedies that are available to him or her to be able to get that money for that individual with disabilities. So for that reason, I'll support the chapter amendment but I do wish that the support collection unit would have been able to be used. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08842, Calendar No.

372, Dinowitz. An act to amend the Executive Law, in relation to attorney's fees with respect to claims of credit discrimination where sex is a basis and certain claims of employment discrimination.

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

THE CLERK: Assembly No. A08843, Calendar No. 373, L. Rosenthal. An act to amend the Correction Law and Mental Hygiene Law, in relation to certain functions of the Office of Addiction Services and Supports, and to use of the term incarcerated individuals; and to amend a chapter of the Laws of 2021 amending the Correction Law relating to the establishment of a program for the use of medication assisted treatment for inmates; and amending the Mental Hygiene Law relating to the implementation of substance use disorder treatment and transition services in jails, as proposed in legislative bills numbers S. 1795 and A. 533, in relation to the effectiveness thereof.

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

THE CLERK: Assembly No. A08845, Calendar No. 374, Jean-Pierre. An act to amend the Real Property Law, in relation to the definition of cultural competency training for real estate brokers; and to amend a chapter of the Laws of 2021 amending the Real Property Law relating to requiring real estate brokers to receive

training in cultural competency, as proposed in legislative bills numbers S. 979-A and A. 844-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, 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 on Senate print 7770. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08847, Calendar No. 375, Sillitti. An act to amend a chapter of the Laws of 2021, amending the Real Property Law relating to requiring real estate brokers and salespersons to receive implicit bias training as part of their license renewal process, as proposed in legislative bills numbers S. 538-B and A. 4638-A, in relation to the effectiveness 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 on Assembly print 8847. This is a fast roll call. Any member

who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08850, Calendar No. 376, Thiele. An act to amend the General Obligations Law, in relation to excluding certain seasonal use tenancies from the provisions regulating deposits and advances for residential dwelling units.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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 on Senate print 7795. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08851, Calendar No. 377, Jean-Pierre. An act to amend the Real Property Law, in relation

to the fee paid for issuing or reissuing a real estate broker or salesmen license; and to amend a chapter of the Laws of 2021 amending the Real Property Law relating to adding a surcharge to the fee paid for issuing or reissuing a real estate broker or salesmen license, as proposed in legislative bills numbers S. 2133-A and A. 5363, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, 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 on Senate print 7731. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is a chapter amendment relating to additional fees that we apply to real estate brokers and salesmen based on the original bill that passed last year. The bill last year had 35 no votes because myself and many of my colleagues felt that it was not necessary to impose more and more fees on everyone who does business in the State of New York. The fee is relatively modest. It's \$30 additional surcharge on top of the \$55 original fee for a real estate broker, and a \$10 surcharge to the original \$55 per salesman's license. But we think that as we're coming out of

the pandemic, there was certainly a lot of concern expressed last year about adding more taxes and fees on people who do business in the State of New York.

The chapter amendment does two things. One is it designates that all the money will go into a anti-discrimination and housing fund, a fund that many of us support, and it moves the effective date back because in our enthusiasm about raising fees, we didn't give the bureaucrats enough time to implement. So for some of my colleagues, the fact that there will be a delay and the fact that the money will be dedicated to the anti-housing discrimination fund will justify them voting yes or changing their vote to yes. For me, I'm still opposed to raising fees and taxes on everyone who does business in the State of New York and so I'll be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Mr. DiPietro, in the negative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08852, Calendar No. 378, Lunsford. An act to amend the Civil Practice Law and Rules, in relation to insurance disclosures; and to amend a chapter of the Laws

of 2021 amending the Civil Practice Law and Rules relating to insurance disclosures, as proposed in legislative bills numbers S. 7052 and A. 8041, in relation to the effectiveness thereof.

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

THE CLERK: Assembly No. A08853, Calendar No. 379, Jean-Pierre. An act to amend the State Finance Law, in relation to the Attorney General entering into contracts with fair housing entities and providing certain reports, and to amend a chapter of the laws of 2021 amending the Real Property Law and the State Finance Law relating to establishing the Anti-Discrimination in Housing Fund and allocating moneys from fines thereto, as proposed in legislative bills numbers S. 945-B and A. 6866, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, 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 on Senate print 7728. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Mr. DiPietro, in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08854, Calendar No. 380, Weinstein. An act to amend the Real Property Actions and Proceedings Law, in relation to complaints served in a proceeding initiated on a residential mortgage covering a one to four family dwelling.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7698. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Mr. Walczyk, in the negative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09020, Calendar No. 381, Braunstein. An act to amend the General Obligations Law and the Real Property Law, in relation to excluding tenant-shareholders in cooperative housing corporations from certain housing provisions.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, 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 on Senate print 7735. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 27, on debate.

THE CLERK: Senate No. S07736, Rules Report No. 27, Senator Kaplan (Lavine, Vanel--A08741). An act to amend the Penal Law, in relation to possession or sale of unserialized frames or receivers; and to amend a chapter of the Laws of 2021 amending the Penal Law relating to enacting the "Scott J. Beigel Unfinished

Receiver Act" in relation to unfinished frames or receivers, as proposed in legislative bills numbers S. 13-A and A. 2666-A, in relation to the effectiveness of such chapter.

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

MR. LAVINE: Of course. Thank you, sir. This -- these are chapter amendments to the bill we passed last year, the Scott J. Beigel Unfinished Receiver Act, which helps to make it illegal for people to possess the component parts -- unserialized component parts of do-it-yourself weapons. Now, to be specific with respect to the amendments, one section adds this language, quote, "unserialized frames or receivers or," unquote, before unfinished frames or receivers throughout the bill. And in addition to that, this -- this amendment defines unfinished frame or receiver as any unserialized material that does not constitute the frame or receiver of a firearm, some minor modifications to the effective date, and that is what it is.

ACTING SPEAKER AUBRY: Mr. Smullen.

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

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

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine yields, sir.

MR. SMULLEN: Well, Mr. Lavine, thank you very

much for that explanation of the words in the bill, but I'd like to first -- I'd like to ask you some questions having to do with the purpose of the bill, some of the definitions -- to get into the details of the definitions because they -- they do add legal terms, and then some of the scope of the bill. So could you tell me overall why this -- after we passed this bill last year in which you and I had a vigorous debate on, why was this amendment necessary?

MR. LAVINE: Well, one of the reasons was to align our language in this statute with proposed changes to Federal regulations relating to the definition of, quote/unquote, "frames and receivers," and that was one of the primary reasons. And it was, as well, simply to clarify to make sure that licensed firearms dealers understood that unserialized is a key component of -- of what we seek to avoid.

MR. SMULLEN: And -- and this was a result that the Governor, after we had passed the bill, the Governor had sent it back to us with some proposed amendments based on analysis with Federal officials?

MR. LAVINE: You know, when you say *based on analysis with Federal officials*, the proposed amendments changes to the Codes of Federal regulations may or may not qualify, you know, pursuant to your -- your inquiry. I -- I -- I don't -- I don't know. I mean, we -- we were aware, we became aware that the President was interested, finally, that we had a President interested in protecting us from do-it-yourself weapons and that there would be changes made to

the Federal regulations.

MR. SMULLEN: So -- so this was done at the behest of the Biden Administration?

MR. LAVINE: When you say *this was done at the behest of the Biden Administration* --

MR. SMULLEN: This amendment, you say it came from a Federal --

MR. LAVINE: Did -- did I agree to these amendments at the behest of the Biden Administration? I wish I could say yes. I wish I could say President Biden consulted with me directly, but I don't think that happened. We became aware, as did all Americans who've been following this crisis, that the Federal government was finally going to play a role for the better. And we wanted to make sure that our statute comports with language in the Federal regulations.

MR. SMULLEN: So are -- are we actually in New York State, are we obligated to follow Federal definitions in statute?

MR. LAVINE: You mean as a general proposition?

MR. SMULLEN: Just from a Federalism perspective. You know, we have a -- we have Federal laws, we have State laws; is it in the interest of New York State to generally follow Federal definitions?

MR. LAVINE: It's in the interest of the people of the State of New York to give great deference and respect to Federal laws. You know, I -- I think you realize the answer.

MR. SMULLEN: What are the advantages of -- of being in countenance so people aren't confused, especially in a -- in an industry that's specifically interstate commerce as -- as such?

MR. LAVINE: I think that's a fair way to -- to describe it.

MR. SMULLEN: So that -- the reason why we are here is that the Governor thought that we should be better aligned with Federal definitions and Federal laws in regards to these components of firearms.

MR. LAVINE: I think we all agree on that.

MR. SMULLEN: Okay. Thank you very much for that.

So could you explain to me and we -- we did -- we did discuss this previously, but what is a *frame* as defined by current law? A frame of a firearm.

MR. LAVINE: I -- I do not have the precise definition handy. And I think that we -- and there is a precise definition, but I think we ought to all rely upon that precise definition. I mean, you and I know what a -- a frame is and we could discuss it in the so-to-speak vernacular, but we're talking here about something that is specifically defined in law.

MR. SMULLEN: And the same thing your -- your reply would be similar to what is the *receiver* under Federal law?

MR. LAVINE: Close enough. Close enough for government work, as they say.

MR. SMULLEN: Well, horseshoes, hand grenades and atomic bombs, you know, sort of thing is close enough but...

MR. LAVINE: And -- and we want to -- we want to make sure that at least most of those are not lawful to possess.

MR. SMULLEN: And that would be a good thing. So this does not apply specifically, then, this law or any other New York State statute that you know of, doesn't apply to the other components of firearms such as a barrel, a bolt or a slide?

MR. LAVINE: I'm sorry, can you -- can you repeat that with a bit more precision, because that's a pretty opened-ended inquiry.

MR. SMULLEN: So this law does not apply to the component of a firearm known as a barrel.

MR. LAVINE: We are dealing here with frames.

MR. SMULLEN: And receivers.

MR. LAVINE: That's what we're -- yes, that's what we're dealing --

MR. SMULLEN: And receivers.

MR. LAVINE: That's what we're dealing with.

MR. SMULLEN: So then by inference, I don't want to put words in your mouth, it would also not apply to the bolt, which is a component of a firearm.

MR. LAVINE: I'm not going to venture opinions as to what particular portions of the mechanical composition of a firearm are implicated here.

MR. SMULLEN: Okay. So you would say the same thing with a slide, because firearms are various things. There's rifles, pistols, shotguns, all of which are firearms. I know you went through this before, but -- and I'm not trying to be obtuse, but what I'm trying to do is to find the scope of the law and the intent from the sponsor as such to know how we are supposed to interpret this in the competition shooting community.

MR. LAVINE: So I'd refer you to Sutherland, the classic Sutherland on Statutory Construction. Where there is no ambiguity in language, there is little reason to have to go too deeply into what the intent was. There's no ambiguity in this language whatsoever.

MR. SMULLEN: Well, I'll -- I'll take that on -- on face value then.

MR. LAVINE: Well, you could -- you can always pick up a copy of Sutherland. It's a -- a good read.

MR. SMULLEN: Well, thank you. I -- if I'm -- if I have insomnia some night, I -- I might -- I might do that, thank you.

So in terms of Federal law, who is the actual, the Federal regulator of this statute?

MR. LAVINE: The actual Federal regulator of our New York State Statute Penal Law 265?

MR. SMULLEN: No, no; as far as the definitions go. We were talking about definitions of what the various components of firearms.

MR. LAVINE: There is, as in New York State, there is a lengthy and elaborate process that goes into any modifications, changes or amendments to regulations.

MR. SMULLEN: But is it the Bureau of Alcohol, Tobacco and Firearms, generally speaking?

MR. LAVINE: I would -- I would guess. I really don't know the answer to that question. I would assume so.

MR. SMULLEN: Okay. Do you know who's the -- who's the Liaison with the Bureau of ATF in New York State government?

MR. LAVINE: I don't, but I trust you're going to tell me.

MR. SMULLEN: No, actually I'm not. It's a -- it's not a gotcha question. The reason I ask is is that this bill actually increases the scope of the original bill because it includes another class of licensed -- Federally firearms licensed individuals. We originally had applied this to gunsmiths. How many licensed gunsmiths are there in New York? Is it -- general idea; do you have an idea?

MR. LAVINE: No, I do not.

MR. SMULLEN: How many licensed firearms dealers are there in New York State? How much would this -- who would this apply to?

MR. LAVINE: I would have to just venture a guess, and I don't think our colleagues want to be bored with my surmise.

MR. SMULLEN: Okay. Because they are regulated through the ATF.

MR. LAVINE: Of course.

MR. SMULLEN: Through being Federally firearm -- firearmed licensed individuals.

MR. LAVINE: Yes.

MR. SMULLEN: So I mean that's -- that's how the -- the Federal and the State division of labor, if you will, is set up in this case sort of thing.

MR. LAVINE: Yes.

MR. SMULLEN: But so -- but we don't know in this Body how many people we're actually going to affect with this law. If we don't --

MR. LAVINE: There are many people who have been victimized, killed, and maimed by do-it-yourself weapons. Now, I don't have with me today a number but, Mr. Smullen, I do have, if you want me to relay it to you, approximately 60 instances in New York State and just New York State in which from the moment we -- we passed this bill in this Chamber, there have been arrests for do-it-yourself weapons. And if -- it -- I mean, I could read it -- read it to you. I mean, we do know that some of the Boogaloo Bois were not too long ago sentenced for having do-it-yourself weapons. And I have another perhaps 55 to 60 instances. If you wish I can relate them to you. What -- what do you want?

MR. SMULLEN: Well, what I'd like to do is to get to

the -- the essence of this law and how many more people it's going to affect in New York State than the previous law that we provide, because this is -- this is -- I think -- I think we're increasing the scope of this law significantly and I think people ought to know about it. And I think -- I think that's important because, you know, we're -- we're worried about getting ghost guns out of the hands of criminals, but my worry has been and -- and remains that we are infringing on the rights of law-abiding citizens in -- in the competition shooting community through --

MR. LAVINE: I don't -- I don't share that view and when you question how many people will be effective -- affected by -- by this modification of the statute, the answer is literally thousands in the State of New York. It is becoming increasing -- it has become increasingly easier for anyone who wanted to be able to go online and purchase these unserialized component parts. And, as you know, because I do suspect or sense that you have some familiarity with firearms, it really didn't require a whole lot to be able to manufacture a working firearm that had no serial number whatsoever. My old Craftsman drill and a jig would be enough for me to be able to drill the appropriate holes, apertures where necessary and do one of these things, put one of these things together in a very short period of time. Just so you know, I -- I still have that old Craftsman drill, but I have a new DeWalt, as well, which would make it even easier.

MR. SMULLEN: Well, thank you very much. Now I know how you spend your time on the weekends, thinking about

making firearms in your -- in your home and your garage or wherever, so...

MR. LAVINE: Well, I happen to be close, personal friends of the Beigel-Schulman family. And it was their son, Scott Beigel, who this bill is named after. And as I'm sure you are aware, Scott was murdered at Marjory Stoneman Douglas High School protecting his students from someone who should never, ever under any circumstances have been close to any lethal weapon. So in addition to spending my time trying to figure out how my new DeWalt drill works, I spend time speaking to close, personal friends and sharing sympathies with them. So Scott was not killed as a result of a do-it-yourself weapon, but Scott symbolizes so many of our family members and our fellow Americans who have been murdered because some folks have a passion for firearms that trumps reason. No -- no pun intended there.

MR. SMULLEN: Well --

MR. LAVINE: And nationally, as you know, we have a patchwork quilt of rules, regulations that would make it easier in some places for people to get the components and put together do-it-yourself weapons. New York State is leading the states, but we still have plenty to deal with. You know, many of our sister states have made it easier over the course of the last few years for weapons, lethal weapons to be sold. And those lethal weapons often end up killing people in our New York neck of the woods. It's time to take action; don't you agree?

MR. SMULLEN: Well, thank you very much for your -- for your comments.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So what we have here is a bill last year that was crafted so poorly that it has to be brought back and be amended. And the reason I say that is is this takes a bill that was bad and makes it even worse to the law-abiding citizens to whom it will affect. What it does is it increases the scope of those professional people who are regulated by Federal firearms licenses, licensed gunsmiths and licensed dealers, and makes it even more difficult interaction with the competition shooting community, which will be greatly affected by the provisions of this bill.

And let me be clear, it -- it are -- the criminals they should face the justice system who are responsible for the crimes that they commit. It's the criminals who need to be held accountable under our system of the rule of law. And it is the criminals who will pay very little attention to a law such as this which is designed to make it more difficult for law-abiding citizens and the people in commerce who support them to go about their normal activities that are protected under the Second Amendment. And we, as a Body, shouldn't take direction from those outside of the State who would want to make things in consonance with their views of it. It should represent our State. For that reason, I urge all of my colleagues to vote no on this legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

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

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

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. ANGELINO: Over here. Thank you.

Does this -- does this legislation in any way impact antique firearms? I know the SAFE Act excludes antique firearms and I was wondering about this.

MR. LAVINE: I -- can you give me an example of an antique --

MR. ANGELINO: In some --

MR. LAVINE: And my -- my apologies to you because I certainly mean no disrespect, but could you give me an example of how this statute would affect antique firearms which are fully made arms, are they not?

MR. ANGELINO: Of component parts, yes.

MR. LAVINE: Well, every firearm is composed of component parts, but an antique firearms are firearms that have been in existence for an awfully long time, correct, and are completed.

MR. ANGELINO: The --

MR. LAVINE: So I don't see. I mean --

MR. ANGELINO: I can give you an example. You asked.

MR. LAVINE: Please.

MR. ANGELINO: A friend of mine is very into the Civil War and there's private property that he's been exploring and he has come up with component parts and often unserialized antiques. And it would be a receiver or a frame that you mention in this. So the quick question was does this include antiques?

MR. LAVINE: I don't -- I don't think so.

MR. ANGELINO: Okay.

MR. LAVINE: But if your friend uses one of those antiques to commit a crime --

MR. ANGELINO: Well, I think --

MR. LAVINE: I certainly -- I certainly don't want to interfere with the ability of any prosecutor to fully prosecute him for that crime.

MR. ANGELINO: How about --

MR. LAVINE: The answer -- the answer to the question is I doubt -- I doubt it, but I can't say dispositively.

MR. ANGELINO: Thank you. Also, black -- black powder discharge firearms, are they included?

MR. LAVINE: It would be the same -- the same response.

MR. ANGELINO: Okay.

MR. LAVINE: Somebody could, I suppose,

manufacture a do-it-yourself black powder rifle and then they would be subject to this -- to this law if they were purchasing the components, unserialized components online.

MR. ANGELINO: The reason I ask is --

MR. LAVINE: And by the way, this -- all this does is require serialization.

MR. ANGELINO: Okay. I can move on to that --

MR. LAVINE: All right.

MR. ANGELINO: -- part of this.

MR. LAVINE: And you agreed with that?

MR. ANGELINO: I didn't say that, no.

MR. LAVINE: Oh.

MR. ANGELINO: The black powder, going back to black powder, those are modern firearms --

MR. LAVINE: I'm sorry, can you say that again?

MR. ANGELINO: -- that are oftentimes excluded from pistol permits.

MR. LAVINE: Modern firearms, you say?

MR. ANGELINO: Modern --

MR. LAVINE: Yes.

MR. ANGELINO: Modern black powder firearms.

MR. LAVINE: Yes.

MR. ANGELINO: The -- if -- is there anything --

MR. LAVINE: They -- they can be. I mean, black powder firearms have been around for an awfully long time.

MR. ANGELINO: And they're --

MR. LAVINE: And they're --

MR. ANGELINO: And they're still made brand new.

MR. LAVINE: Yes, they are.

MR. ANGELINO: The -- regarding the serialization, I see if somebody does possess one of these right now, they are exempt from prosecution if they are turning it in or surrendering it.

MR. LAVINE: That's the basic scheme, yes.

MR. ANGELINO: Is there anything in there that allows them to get a serial number assigned?

MR. LAVINE: Yes. A licensed gunsmith can consult with them and can add a serial number.

MR. ANGELINO: Okay.

MR. LAVINE: And of course that serial number is then reported to the Federal government.

MR. ANGELINO: Well, once this becomes law I think there's something in there about a gunsmith knowingly possessing. So can they possess it to serialize it?

MR. LAVINE: The answer to that one is yes.

MR. ANGELINO: That's very good. Thank you. The -- does New York State license gunsmiths?

MR. LAVINE: Of course.

MR. ANGELINO: Does the Federal government also license gunsmiths?

MR. LAVINE: Yes.

MR. ANGELINO: Okay. The -- I heard my colleague to my right mentioning the component parts and I -- I don't want to belabor that, but a firearm is made up of many components, barrels, stocks, trigger groups, usually upper and lower receiver may have a serial number. So barrels don't have to be serialized?

MR. LAVINE: Not to my knowledge.

MR. ANGELINO: Okay. And what do we do about the firearms out there right now that are currently legal without a serial number?

MR. LAVINE: What do we do with the firearms that are out there right now --

MR. ANGELINO: That have no serial number that are legal.

MR. LAVINE: What -- what do we do with the firearms that are out -- you mean do-it-yourself firearms --

MR. ANGELINO: No. There are -- there are plenty of firearms out there right now. Serialization of firearms didn't take place until halfway through the century that it became mandatory. There's still plenty of working firearms out there without serial numbers.

MR. LAVINE: My bill deals only with frames and receivers, that's it.

MR. ANGELINO: But it's going to include --

MR. LAVINE: No.

MR. ANGELINO: It's going to include --

MR. LAVINE: No.

MR. ANGELINO: -- the components, upper, the frame and receiver have no serial number on them.

MR. LAVINE: This bill -- well, maybe that's something we talk about another day, but this bill addresses only unserialized components. That's it.

MR. ANGELINO: And I was reading about the component parts, the forming and at what -- believe it or not, my constituency consists of gunsmiths, I have several. And I have a gun manufacturer in my -- in my district, and they're all gunsmiths. And I've watched the process. And a frame or a receiver starts out as steel or aluminum. At what point --

MR. LAVINE: Polymer as well.

MR. ANGELINO: Yes, exactly; yes.

MR. LAVINE: Mm-hmm.

MR. ANGELINO: At what point does that hunk of steel or aluminum or polymer become a frame or a receiver?

MR. LAVINE: As soon as it is readily available to discharge a round.

MR. ANGELINO: Okay. So a -- a component part in itself, just laying there, a lower receiver, upper receiver, a frame, it can't discharge any round. It needs a barrel, it needs a trigger and a firing pin of some sort. So that's okay, it doesn't need a serial number.

MR. LAVINE: That's -- excuse me one second, I going to try to --

MR. ANGELINO: Okay.

MR. LAVINE: -- give a pretty exact answer. That's a good question.

All right. This is when it gets to be trouble for somebody.

MR. ANGELINO: Okay.

MR. LAVINE: When the components can be readily made into a functional frame or receiver through milling, drilling or other means.

MR. ANGELINO: Okay. And at some point, only because I've been to a manufacturer in my district and I've watched it happen, so at that point that's when auto -- immediately a serial number has to be assigned to that.

MR. LAVINE: The licensed manufacturers don't have to be concerned about this bill.

MR. ANGELINO: Well, I'm not -- I've seen other bills here that did include the manufacturing process of firearms and liability --

MR. LAVINE: This --

MR. ANGELINO: I had constituents ask me if on the assembly line, *Am I part of this liability* --

MR. LAVINE: Well --

MR. ANGELINO: -- *if I help manufacture this.*

MR. LAVINE: That's like comparing a nuclear submarine to a rhinoceros. One has nothing to do with the other.

MR. ANGELINO: Okay. I -- I'll pass that on.

MR. LAVINE: Oh, I -- I'd be shocked if they don't know that already, but -- but perhaps you should pass that on to them.

MR. ANGELINO: And I guess the last thing I'll -- I'll reply to -- you said the problem is the people have a passion for firearms. Passion for firearms isn't illegal, right?

MR. LAVINE: A passion that seeks to protect any amendment to our Bill of Rights that results in death or injury to other citizens is something we have to view with great suspicion and great concern.

MR. ANGELINO: Well --

MR. LAVINE: I'm sure you agree with me on that, don't you?

MR. ANGELINO: Particularly the First Amendment where the Fighting Words Doctrine, I've seen tremendous disagreements come to fisticuffs over the First Amendment. And the Second Amendment, a passion for the Second Amendment, are you going to compare the Second Amendment to the First Amendment? That passion also needs to be closely watched.

MR. LAVINE: Am I -- am I supposed to -- is that a question?

MR. ANGELINO: You asked me the question. You're the sponsor. I'm asking the questions and I was just curious, is a passion for firearms illegal?

MR. LAVINE: An overriding passion for firearms

that results in death or injury is illegal. Is there any doubt about that?

MR. ANGELINO: I -- I -- I don't know if I have to answer or not, but I'm not going to because --

MR. LAVINE: Well, you should -- give it -- give it some thought.

MR. ANGELINO: Are passions for cars illegal?

MR. LAVINE: If a passion for car -- cars or automobiles results in injury or death to anyone, yeah.

MR. ANGELINO: So we're talking about criminals. These are people with criminal intent. That passion could be criminal intent.

MR. LAVINE: It could be.

MR. ANGELINO: Okay. Well --

MR. LAVINE: However, however --

MR. ANGELINO: The passion is --

MR. LAVINE: However, let me --

MR. ANGELINO: -- in the legislation --

MR. LAVINE: -- ask you this while you read that -- that note.

MR. ANGELINO: I can't read it, it's scribbled. But

--

MR. LAVINE: Is there -- let me answer -- let me answer it this way, and I just offer this through the prism of my own life. I was a public defender in New York City in 1972. The very first case I handled was someone charged with possession of a zip gun.

Many people here don't know what a zip gun was. A zip gun was a homemade gun.

MR. ANGELINO: Yes.

MR. LAVINE: Lethal. That was 1972. My client went to jail for possession of a zip gun. Within three or four years, New York City, and not just New York City, the United States, was flooded with cheap handguns called *Saturday Night Specials* which you may recall, I don't know if you're old enough to --

MR. ANGELINO: Was there legislation written to prevent those?

MR. LAVINE: Was there legislation written? In some states, sure.

MR. ANGELINO: In this State?

MR. LAVINE: We have struggled to protect our citizens in New York State --

MR. ANGELINO: Zip gun is included in the New York State Penal Law.

MR. LAVINE: I'm -- I'm sorry, I'm sorry. I didn't mean to interrupt. I didn't mean to talk while you were interrupting.

MR. ANGELINO: No, the --

MR. LAVINE: But the answer is obvious.

MR. ANGELINO: I'm under the time constraint.

MR. LAVINE: The answer is obvious that in 50 years, we faced a crisis that we didn't have 50 years ago. That crisis has been enabled, enabled and fostered and brought upon us by some

people in some states who don't believe firearms should be regulated at all. And --

MR. ANGELINO: I believe they do.

MR. LAVINE: Well, you believe they -- they -- you believe they do believe firearms should be regulated?

MR. ANGELINO: No. I believe they should be regulated --

MR. LAVINE: Good.

MR. ANGELINO: -- without infringing upon the rights of -- every time we write a law, we make a new class of criminals and that's more on the bill, so I'll get back to questioning. So the passion part that you mentioned, what about accidentally injuring somebody with a firearm?

MR. LAVINE: That is utterly, with all due respect, irrelevant to the subject we are discussing.

MR. ANGELINO: Okay.

MR. LAVINE: And -- and you say okay, so I agree with you.

MR. ANGELINO: Mr. Speaker, I'll go on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: In the seconds I have remaining, first and foremost, Scott Beigel was a hero. I know exactly what he did down there at the Stoneman High School and I send my condolences to the family. The -- the situation we have now is it's death by a thousand cuts here. It's we continue to write this legislation

in detail what we're trying to prevent from happening and there are smart people out there who can -- can get around this by using their skill in manufacturing firearms. We've seen it with the SAFE Act and we're going to see it with this. Alls we're doing is creating another class of people who can get arrested and have a criminal record when we should be focusing on people with criminal intent who, more times than not, don't build their own firearm, they steal one. And for that reason, I will ask my colleagues to join me in voting no on this.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

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

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

MR. LAVINE: Certainly.

MR. LAWLER: Thank you. Can you just clarify for me why the chapter amendment is necessary?

MR. LAVINE: I answered that directly in response to the first questioner. Were -- were you here for that?

MR. LAWLER: No, I -- I missed that part.

MR. LAVINE: All right. So I think that I'd simply suggest you check the record for that.

MR. LAWLER: Well -- so I read the Governor's approval memo and the Governor says, *Amendments are necessary to*

not only ban unfinished frames and receivers, but to also ban finished frames and receivers that are unserialized. This change ensures that no one can escape criminal liability. So is the objective to strengthen the Penal Law and ensure that prosecutors are prosecuting everyone for these offenses? What is the purpose?

MR. LAVINE: We don't -- Mr. Lawler, we don't ensure that prosecutors prosecute, do we? Do we?

MR. LAWLER: Oh, we pass laws and they should uphold those laws.

MR. LAVINE: Well, they --

MR. LAWLER: They swear to uphold the Constitution of the State of New York and the Constitution of the United States.

MR. LAVINE: There's nothing in this bill about prosecutors prosecuting people.

MR. LAWLER: Well, the Governor is saying this change ensures that no one can escape criminal liability. How do you ensure nobody escapes criminal liability without prosecuting --

MR. LAVINE: We pass -- we pass laws with the objective being that people will not escape criminal liability.

MR. LAWLER: Which means that they have to be prosecuted, correct?

MR. LAVINE: Mr. Lawler, I don't know quite how people can be charged with crimes without a prosecutor, do you?

MR. LAWLER: Right, that's -- well, I agree. They

have to be prosecuted. So the objective is to ensure that prosecutors are actually prosecuting. That's how you ensure somebody doesn't escape criminal liability, correct?

MR. LAVINE: Prosecutors have their tools, they have their resources and we trust that they will discharge their responsibilities as they should.

MR. LAWLER: I don't know what that means.

MR. LAVINE: You don't know what that means?

MR. LAWLER: No.

MR. LAVINE: All right. So let me -- let's discuss that, Mr. Lawler.

MR. LAWLER: Please.

MR. LAVINE: What's the job of a prosecutor?

MR. LAWLER: To uphold the law --

MR. LAVINE: To prosecute.

MR. LAWLER: And to enforce it.

MR. LAVINE: To prosecute.

MR. LAWLER: Right.

MR. LAVINE: So --

MR. LAWLER: That's upholding the law and enforcing it.

MR. LAVINE: Prosecutors are supposed to discharge their responsibilities, we agree on that.

MR. LAWLER: Right. So the chapter amendments are necessary to ensure that nobody can escape from criminal liability,

correct?

MR. LAVINE: I have -- in the years I've been in government, I have never once spoken for the Governor. And the Governor has issued a statement, that's the Governor's statement.

MR. LAWLER: Right, but in order for this chapter amendment to go forward, you had to agree to the Governor's statement, did you not?

MR. LAVINE: Oh, you know the answer to that.

MR. LAWLER: What is the answer? I don't remember.

MR. LAVINE: Well, what do you imagine the answer is?

MR. LAWLER: Well, I would like you to tell me. I don't know the answer.

MR. LAVINE: The answer is of course -- the obvious, and the answer is yes.

MR. LAWLER: Okay, so you're not speaking for the Governor, you're agreeing with the Governor.

MR. LAVINE: I am speaking for myself.

MR. LAWLER: Right, okay, but you said you agree with the Governor. So amendments are necessary to not only ban unfinished frames and receivers, but to also ban finished frames, receivers that are unserialized. This change ensures that no one can escape criminal liability by completing an unfinished frame or receiver to a finished state without a serial number, without having it

been assembled into an operable gun. What I'm trying to get here --

MR. LAVINE: That's what I'm curious about.

MR. LAWLER: Yeah, no -- listen, we live in a State right now where prosecutors are choosing not to uphold the law, not to ensure that people do not escape criminal liability. So I'm just trying to get the intent of this chapter amendment is to ensure that prosecutors are very clear about what the law is and that they actually prosecute crimes and ensure that no one escapes criminal liability; that's the intent, correct?

MR. LAVINE: Mr. -- Mr. Lawler, I practiced criminal defense law for a long time and I saw prosecutors courageously prosecuting cases. There were also a couple of instances where I cannot say and would not say that prosecutors operated courageously, but I would tell you this, that the overwhelming majority of the many prosecutors who I've worked with on a State and a Federal level took their responsibilities very, very seriously, and I was honored to be able to work with them.

MR. LAWLER: I would agree with that statement. I would also say we certainly have had prosecutors who have abused their authorities, there's no question about that --

MR. LAVINE: We've had prosecutors indicted.

MR. LAWLER: -- in any walk of life -- in any walk of life that is true. I'm just trying to get clarity to make sure based on the fact that the Governor's approval memo talks about the need for these amendments to ensure that no one escapes criminal liability, I

just want to understand your intent is to ensure that prosecutors actually prosecute these offenses, correct?

MR. LAVINE: My -- my intent is to make sure that this violation of the Penal Law is well defined.

MR. LAWLER: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: At a time when gun violence is through the roof in New York City, at a time when prosecutors in New York City are substituting their judgment for that of the laws that are passed by this Body, I think this is a very timely amendment. I don't know why the sponsor was so bashful about acknowledging what the intent is. But the intent is, according to the Governor, to ensure that no one can escape criminal liability. And I'm glad to see that the Governor believes that, I'm glad to see that the sponsor believes that. It's time for this Body to exercise its authority and make sure that prosecutors are upholding the laws of the State of New York, the Constitution of the State of New York, and the Constitution of the United States of America.

So I appreciate the sponsor bringing this chapter amendment forward and I hope that all of our District Attorneys across the State of New York, especially in New York City, recognize the need to prosecute gun violence and to uphold the laws of the State of New York. 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 on Senate print 7736. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this amendment, but those who support it should contact the Minority Leader's Office so we can properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Ms. Sillitti.

MS. SILLITTI: Thank you, Mr. Speaker. I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I ask that Majority members contact the Majority Leader's Office at the number previously provided. We will then announce your name accordingly.

ACTING SPEAKER AUBRY: So noted, thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. To explain my vote.

ACTING SPEAKER AUBRY: To explain your vote,

sir.

MR. GOODELL: Last year the original bill came up and there were 42 negative votes, and those negative votes reflected a lot of the concerns that were raised again today because the chapter amendment does not address the challenges that were raised in the earlier debate, but rather makes this bill even more expansive in the opposite direction of the comments that were made last year.

As with all gun legislation, this bill operates on the premise that the criminals will follow the law, and that all we need to do is tell criminals, *Stop violating the law* and we'll solve the problem, and of course we all know that fundamental premise is absurd. There are others though that are not criminals who do follow the law and those are those who use guns in competition. These are law-abiding individuals that have customized guns that are very, very high-tech. They're not guns built in a garage using your Craftsman tools, these are guns that are very high-tech.

So we have a bill that hurts all the lawful gun owners that use these specialized, custom guns and does little to nothing to address the serious concerns we all have with gun violence. And as the sponsor noted, even as we pass more and more laws that are only followed by law-abiding gun owners, our neighboring states are making guns more and more available, which goes back to the point that about 90 percent of the guns recovered in crime scenes in New York City come from outside of New York State.

So I think what we would best do is instead of

penalizing lawful gun owners is to focus our efforts in reducing gang violence and use of guns in an illegal manner. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker, to explain my vote. The 2nd Amendment says, *A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.* The key points there that I think are in conflict so often in this Chamber are *well-regulated*, which the sponsor of this bill likes, and *shall not be infringed*, which I really love. In New York, this Body consistently infringes on the 2nd Amendment all the time. We do these things in the SAFE Act or what color the gun should be or, you know, what serials to stamp on a new part of the weapon. Here's the saddest part that this bill and nothing that this House has presented so far this Session does anything to reverse bail reform, get after DAs who don't prosecute crimes, do anything about the defund the police movement or coddling felons that end up back in our communities to do these crimes. People in cities are actually dying, officers are getting shot this year and this, some more numbers on different parts of law-abiding guns is what this Body can come up with? What a joke.

Microstamping, SAFE Act, two serial numbers on everything, we can go ammo possession, the color of a weapon, whether it looks scary or not, you can legislate that all day long and you know who doesn't care, Mr. Speaker? Criminals.

ACTING SPEAKER AUBRY: Pause for a minute, Mr. Walczyk. Would you please put your mask on as is required?

MR. WALCZYK: Of course.

ACTING SPEAKER AUBRY: Thank you.

MR. WALCZYK: I urge my colleagues to uphold the Constitution, vote no and get back to work.

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

MR. LAVINE: Thank you. We face a clear and a present danger. We either confront that danger and protect our citizens or we do not. I want to protect our citizens. February 3, Somers, 11 arrests, over 100 firearms seized, including ghost guns. February 3, police seized 225 ghost guns in New York City. February 1st, Boogaloo Bois supporter sentenced to four years in New York City ghost guns case. I have at least 60 references to the dangers posed by ghost guns. Either we stand up to protect our families and our citizens or we do not.

Finally let me simply say this: These amendments are being done to better define the crime. No one should escape liability because a definition contained in the Penal Law is insufficient. Again, every law-abiding citizen who needs to have or wants to compete in shooting can do so, and all they need to do is get a serial number on their -- on their firearm. That is it. Clear and present danger, stand up and defend ourselves or not. I choose to defend ourselves and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Mikulin, Ms. Miller, Mr. Montesano, Mr. Ra, and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 32, the Clerk will read.

THE CLERK: Assembly No. A08752, Rules Report No. 32, Abinanti, Sayegh. An act to amend the Mental Hygiene Law, in relation to the appointment of members to the Developmental Disabilities Advisory Council.

ACTING SPEAKER AUBRY: On a motion by Mr. Abinanti, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. This bill is a chapter amendment. It amends Chapter 683 of the Laws of 2021. That bill, which is now law, changed the appointing authority of members of the Developmental Disabilities Advisory Council to include legislative appointments. This bill further changes the appointing authority and increases the membership of this advisory body from 33 to 35. It provides that the Governor shall have 23 appointments, the Legislature ten appointments. The original law provided that the Governor had 33 of the 33 appointments.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. ABINANTI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Abinanti yields.

MR. GOODELL: Mr. Abinanti, your bill that we considered last year had great bipartisan, unanimous support. And that bill, amongst other things, had eight appointments each from the President of the Senate and the Speaker of the Assembly, as well as Minority representation. This chapter amendment cuts the number of representatives from the Legislature Majorities by half. Why?

MR. ABINANTI: The Governor was unwilling to allow the Legislature to take control of a board where the board had previously had no appointments. So in the give and take, we asked to have 18 of the 33 and settled with getting ten of the 35, which is a significant increase for the Legislature. So we kind of moved the ball forward and got pushed back a little bit. But I would suggest that we -- we gained a lot. And I would also note that the bill that we passed last year gave the Majority of the two Houses 16 appointments and the Minority two. This bill gives the Majority eight and the Minority two. So the Minority did not lose any, it was the Majority that gave up some of the seats.

MR. GOODELL: Indeed, although I must be honest, I actually liked your -- your bill last year better than the chapter amendment. What are your thoughts?

MR. ABINANTI: I liked my bill last year better, also, but we do need to deal with a Governor and we do need to keep a good relationship with the Governor and our choice was to take something or have the Governor veto the bill and get nothing at all. I think this is a good move in the right direction.

MR. GOODELL: Thank you, Mr. Abinanti.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Both the bill sponsor and I agree that his bill last year was better than this chapter amendment, but the chapter amendment even as amended is better than where we started from three years ago. And so recognizing that we're making some progress, although not as much as we in the Legislature might like, I will be supporting this bill reluctantly because I actually liked the bill that we adopted without amendments last year better. But with that caveat, I will be supporting it. Thank you, sir, and thank you to the sponsor.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7848. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 38, the Clerk will read.

THE CLERK: Assembly No. A08769, Rules Report No. 38, Joyner, Colton. An act to amend the Labor Law and the General Business Law, in relation to actions for non-payment of wages; and to amend a chapter of the Laws of 2021, amending the Labor Law and the General Business Law relating to actions for non-payment of wages, as proposed in legislative bills numbers S. 2766-C and A. 3350-A, in relation to the effectiveness thereof.

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

MS. JOYNER: Yes. This is a chapter amendment that clarifies that the liability of a contractor for any such wage claims does not preclude an employee from pursuing a wage claim against the employer, the subcontractor, for unpaid wages, and would give the contractor ten days to cure. The amendment further clarifies that a subcontractor shall provide all lawful information required by Article 6 and 19 of the Labor Law for all employees upon request. This information could be used by the contractor in an action to recover from the subcontractor.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

yield?

ACTING SPEAKER AUBRY: Ms. Joyner, will you

yield?

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields,

sir.

MR. GOODELL: Thank you very much. I

appreciate your explanation. I had some questions to understand how this would act in -- in actual practice. So let's say you have a major construction project, a municipality is building a new building, for example, or a private company is building a new building. They may have a general contractor. That general contractor might subcontract out multiple portions of it, right? You might have a plumbing subcontractor, you might have a general subcontractor, you might have one on heating and air conditioning. So you -- as the project goes on as typical in the large projects, the contractor submits a payment request to the owner. And if that project is being financed, which accounts for almost all of them, the bank will require as a condition of advancing the construction funds, that the contractor submit a certification that the materials have been paid for and the labor has been paid for. And they attach to that voucher a waiver by the material men and the subcontractors so that they can get paid. Am I correct that even though the subcontractors certify that they're paying their employees the correct wage, and even though the individual employees might waive any liability, those waivers and certifications

are not binding on the employee; is that correct?

MS. JOYNER: You are correct. It would be voided under this bill.

MR. GOODELL: So it doesn't matter if the employee waives any liability or certifies they've been paid properly and they do it under oath and it's notarized and sealed, it doesn't matter under this bill, correct?

MS. JOYNER: If wages are not paid and the employer decides -- the employee decides to go after the contractor, yes, the contractor would be on the hook.

MR. GOODELL: Now, in a larger construction project where there's a lot of subcontractors, the general contractor will typically require a payment and performance bond of the subcontractors, and that's often a requirement of the owner as well. And when the project is all finished and the owner is paid in full and the subcontractors have been paid in full, based on their contract with the general, all those payment and performance bonds end, right, and there's no more -- no more need for it because everything has been paid.

MS. JOYNER: Okay, yes.

MR. GOODELL: So then my question is under this bill, am I correct that an employee can come back three years after the project has been completed, after all the payment and performance bonds have expired, and file a claim against the general contractor, correct?

MS. JOYNER: Yes, after giving ten days notice and an opportunity to cure. But again, they would have to prove that there was, you know, an allegation of a violation of unpaid wages. So there would still be proof -- they would still be required to show proof in order to pursue a civil action.

MR. GOODELL: Now, of course, these claims that we're talking about are claims filed by an employee of a subcontractor.

MS. JOYNER: Correct.

MR. GOODELL: Not the employees of the contractor itself, correct?

MS. JOYNER: Correct.

MR. GOODELL: And the employment arrangement with those employees, in other words, how much they were supposed to be paid and their hours, those were all contractual arrangements not with a contractor, but with a subcontractor, correct?

MS. JOYNER: Yes.

MR. GOODELL: So how would the contractor know how much each of the employees of every one of his subcontractors have negotiated in terms of payment terms and conditions? How would he even know?

MS. JOYNER: I mean, the contractor could stipulate to have all that information on the onset before they enter into these agreements with the subcontractor, but it's our position that the contractor is in the best position to vet reputable and responsible

subcontractors rather than the employee trying to figure out who these subcontractors are who many are fly-by-night companies.

MR. GOODELL: Okay. So what you're suggesting is that a general contractor that may have dozens of subcontractors would require every one of his subcontractors to give him a copy of every single employment agreement of everyone that's working on the job even if it was just one day or two days or a week, and then you would expect the general contractor to verify that every one of those subcontractor employees were paid in accordance with their individually negotiated agreements with the sub in order to avoid liability; is that correct?

MS. JOYNER: So the intent of the bill is to incentivize good business practices which includes finding good, reputable partners. We do not want anyone to go without being paid, and that's what this bill does. If the employee cannot get through to the subcontract to recoup their lost wages, the contractor is on the hook.

MR. GOODELL: Now, this bill provides a ten-day cure --

MS. JOYNER: Yes.

MR. GOODELL: -- for the general contractor to address any unpaid wage claims of an employee, of someone that they didn't even hire, of a subcontractor before a civil lawsuit can be brought against the general, correct?

MS. JOYNER: Yes.

MR. GOODELL: And it's not a defense by the general contractor to say he paid the subcontractor in full, correct, that's not a defense?

MS. JOYNER: No; correct.

MR. GOODELL: Is there anything under the current law that would prevent a general contractor from settling a lawsuit at any time prior to a jury verdict?

MS. JOYNER: Is there anything to preclude that or a mandate?

MR. GOODELL: Yes.

MS. JOYNER: No, not under this bill.

MR. GOODELL: So it's nice that we give them a ten-day cure period, but in reality they have a cure period that extends right up until the judgment is rendered, correct?

MS. JOYNER: That could be a possibility.

MR. GOODELL: Okay. I -- just one other observation. This law makes it clear that the employee has three years to file a claim, correct, after the job is completed?

MS. JOYNER: I mean, the contract law allows for three to six years to go after and pursue a civil action, but this -- that -- that's not addressed in this particular bill, no.

MR. GOODELL: Okay. Thank you very much, I appreciate your clarifications.

MS. JOYNER: Thank you.

MR. GOODELL: On the bill, Madam Speaker.

All of us in this Chamber, everyone of us, Republican, Democrat, Liberal, Conservative whatever, all of us think that employees should be paid in full for the work they do. That's not an issue, we all agree with that. I would hope that all of us agree and, in fact, it's noted in this bill as well that the entity that is responsible for making sure their employees are paid in full is the employer. It's the employer that negotiates what the wage rate is, the hours, the benefits; it's the employer that negotiates every aspect of that employment agreement. And what this bill does, and the original bill and it's continuous with this bill, is it says that someone who hires the employer as a subcontractor now is responsible for making sure that the employees, who the general contractor never hired, are paid a wage and benefit package that the general contractor never negotiated and may have no information about. And that liability by the general contractor applies even if all the employees of the subcontractor certify under oath that they've been paid in full and they waive any claim. The statutory language in this amendment says no agreement or release by an employee to waive liability shall be valid.

So let's assume for a moment that you are the general contractor, that you have hired a number of subcontractors to come in and renovate your kitchen. And a whole bunch of people come, they converge on your house and thankfully you're on vacation so you don't have to go through that challenge. They all converge, you never meet the employees, you don't know what they're being paid or how much they're being paid. You come back, the kitchen is beautiful, you have

the bill, you pay it in full. This bill says that three years later you could have personal liability if one of those subcontractors that you hired didn't pay their employee. Think about that for a minute. Think about that.

Now, every large contractor who is doing the city a public works project, and they are required to provide payment performance bonds not just for them but for their subs, under this bill will now be required to keep those payment and performance bonds in place for three years after the project's done. And believe me, those payment and performance bonds are not free, and the insurance companies that give those payment and performance bonds have to record them on their balance sheets as a potential liability. And so it restricts their ability to give more performance and payment bonds and whenever you have a shortage of supply with an increase in demand, we all know it means it's going to be more expensive.

The reason the Republican Caucus opposed this bill in the first place is because we don't want individual homeowners who pay in full for work on their house to get a bill three years later and have personal liability. And we don't want to drive up the costs to every other private and public entity who's engaged in construction be required by requiring these performance bonds to be in play for three years. We opposed the initial, I appreciate the amendments that provide a ten-day cure period but, in reality, you can settle any time right up until the day of trial. So it's nice we get a ten-day grace period when we already have typically a couple years to settle. So it's

nice, but it doesn't really address the issues. And for that reason, I will be opposing it and recommend that my colleagues oppose it as well. Thank you again to the sponsor. I always appreciate her direct and forthright answers. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote on Senate print 7773. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this bill for the reasons I explained, but for those who support the legislation, I encourage them to call the Minority Leader's Office so we can properly record their vote. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The colleagues should be aware that this is a Party vote generally in favor; however, there may be some colleagues who will decide to cast their vote in the negative. Should that happen, please feel free to contact the Majority Leader's Office and we will properly

record your vote.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record the following colleagues in the affirmative: Mr. Brabenec, Mr. Byrne, Mr. Michael Lawler, Mr. Reilly, and Mr. Schmitt. Thank you, Madam Speaker.

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

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. Could you please record our colleague, Ms. Buttenschon, in the negative on this one.

ACTING SPEAKER WOERNER: Thank you. Are there any other votes? Announce the results. (The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 43, the Clerk will read.

THE CLERK: Assembly No. A08780, Rules Report No. 43, Thiele. An act to amend the Public Service Law and Public Authorities Law, in relation to requiring a compensation statement to be filed by certain gas corporations, electric corporations, water-works and steam corporations; and to amend a chapter of the Laws of 2021 amending the Public Service Law and the Public Authorities Law

relating to requiring a compensation statement to be filed by certain gas corporations, electric corporations, water-works corporations and service providers, as proposed in legislative bills numbers S. 1544-A and A. 4403, in relation to the effectiveness thereof.

ACTING SPEAKER WOERNER: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Mr. Thiele, an explanation is requested.

MR. THIELE: Thank you, Madam Speaker. I guess this is the theme of the day. This is a chapter amendment to Chapter 826 of the Laws of 2020. And this particular chapter amendment would amend Chapter 826 by -- the original bill was designed to require every gas, electric, steam, and water-works corporation having a gross operating revenue over \$1 million to file a compensation statement. This chapter amendment modifies that by stating that it only applies to those companies that -- whose rates are regulated by the PSC. So it narrows the number of -- of -- of utilities that would be required to file the statement. It also adds directors whose compensation would have to be included in the statement, as opposed to just executive officers. It provides a definition of compensation and of the executive officers. It also adds provisions requiring this information to be placed on the website of the Public Service Commission. In the case of LIPA, on the -- on their website -- I'm sorry, also on the Public Service Commission's website. So there's a slightly different provision for LIPA because it's a public authority.

ACTING SPEAKER WOERNER: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

MR. THIELE: Yes, I yield.

ACTING SPEAKER WOERNER: The sponsor yields.

MR. GOODELL: Thank you, Mr. Thiele. Certainly our -- our largest utilities in New York State are all publicly traded and this information is already on their SEC reports, isn't it?

MR. THIELE: (Inaudible) on the SEC reports, but I know that it is relevant to the rate making process in the State of New York that such information, whether compensation is reasonable to the public process of rate making and having it available to the Department of Public Service is -- is part of that process, and that's why it's included here.

MR. GOODELL: Now, the threshold for reporting is that any utility that has more than \$1 million in sales, correct?

MR. THIELE: And has its rates regulated by the Public Service Commission.

MR. GOODELL: So for example, in my area we have a rural electric cooperative; it's owned actually by the ratepayers. It has more than \$1 million in sales but it's miniscule compared to, like, a ConEd or National Grid or something like that, but they would still fall in this category, right?

MR. THIELE: If they exceed the \$1 million, yes, they would, assuming that their rates are regulated by the Public

Service Commission.

MR. GOODELL: Yeah. So some utilities, of course, are massive and have -- are outside of New York State but have operations in New York State. So they might have a generating facility in New York State but might have distribution in New York State. The threshold is -- under this if they're regulated by the PSC on their rates?

MR. THIELE: That's correct.

MR. GOODELL: So for those that are entirely within New York State, let's say ConEd -- or National Grid, for example, or LIPA, this provides that their compensation is to be allocated between that compensation that's paid by ratepayers and compensation that's paid some other way. For a regulated utility in New York State other than the ratepayers, is there any other source of income for those utilities?

MR. THIELE: Other income? There may be interest income, other income there may be.

MR. GOODELL: And so --

MR. THIELE: But certainly, you know, there may be -- well, in the case of LIPA, for example, you know, they certainly were -- after Superstorm Sandy they got Federal dollars, you know, so there could be situations for that.

MR. GOODELL: So I look at the balance sheet and let's say a company has \$10 million in sales and \$1 million came in from the Federal government and \$2 million came in from sales of

electricity to third parties. Are you saying it would only report two-thirds of their income, they would only report the 70 percent of their compensation that came from the ratepayers?

MR. THIELE: I don't think that's what this says. It says that if they're over a \$1 million they have to report, and if they have to report they have to report all of their compensation.

MR. GOODELL: So in other words, they would report the full amount of compensation --

MR. THIELE: That's correct.

MR. GOODELL: -- let's say only 30 percent of it or only 70 percent, whatever the number might be, comes from the ratepayers.

MR. THIELE: Yeah, that's correct. The amount of their revenue that comes from ratepayers is not part of this bill. The revenue -- the amount of revenue only triggers the duty to report, and if the duty to report is triggered then they have to report all their compensation for the executive officers and the directors that are covered by this bill.

MR. GOODELL: So my last set of questions really relates to why -- why are we requiring that executive compensation be reported publicly? Shouldn't our focus be on whether the rates are reasonable and not what the executive compensation is? I'm -- I'm very mindful, by the way, that many corporations recognize that a competent, highly-paid executive will result in the lowest rates to ratepayers because the organization runs well compared to a

lower-compensated executive who screws things up. I mean, shouldn't our focus always be on the ratepayers and how much they're paying and not what they're paying to get the best price?

MR. THIELE: This is simply transparency to report the amount of compensation in these cases. These are -- well, in the case of LIPA, it's a public authority but in the other cases, these are monopolies that are granted that franchise. You know, their rates are regulated, they are public utilities, and I think that's the key word, it's in the Public Service Law. You know, no one's saying that that rate, whatever rate they report that it might not be a reasonable rate or something that they could explain certainly to ratepayers why they had that level of compensation. We're not saying it's good or bad, we're just saying they have to report it. And certainly, all utility companies that I'm aware of, you know, they do their share of public outreach into the communities that they serve and they certainly have every opportunity to explain to the customers they serve why those rates of compensation are what they are and why it might actually be working to the ratepayer's advantage.

MR. GOODELL: Thank you, Mr. Thiele. I appreciate your insights.

MR. THIELE: Thank you.

MR. GOODELL: On the bill, Madam Speaker.

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

MR. GOODELL: In my office is a sign that says, *If*

you think it costs a lot of money to hire a professional, wait until you hire an amateur. When people come to my office and ask for legal services and they say, *Well, I think that fee is high,* I said, *I can give you a lot of lawyers if you want a reference. They'll charge you a lot less.* And, of course, they don't have the same experience or perhaps the same track record. How many of us go to the hospital for a serious condition like a heart attack or something like that and say, *I want your cheapest doctor.* I will share with you that when I seek out medical care or a dentist, or even expert advice for a jury trial, I don't seek out the cheapest, I seek out the best, the most cost-efficient. And that's a balancing act.

Running a massive utility with the regulations that we have in this State, that we have every year is an extraordinarily complex job. And if we have high-quality executives that are expert in their fields, what we pay them may save the ratepayers a bundle of money. So what this bill says is to all the executive -- top executives and, and this bill expands it to the directors, we're going to make sure all your neighbors know what you're making, but only if you work in New York because if you work outside New York State, you can keep that information confidential subject to SEC disclosure requirements.

I had the good fortune of heading up a housing rehabilitation corporation, and it was extraordinarily effective and not because I happened to be the Chairman of the Board despite me being the Chairman of the Board, but because we had an extraordinarily capable executive director. And from time to time, people would

come into me and they'd say, *I can't believe you hired that executive director, I went into his office, he was playing games on his computer.* And I said, *Yeah, your point?* Because he was extraordinarily effective in developing, implementing, and running grant programs and housing programs. That company went from one or two low-income apartments to over 100. And my mission wasn't to micromanage him, my mission, thankfully for everyone involved, was the big picture. And we should keep our focus on the big picture, too. Instead of us trying to micromanage complex organizations and making it perhaps embarrassing or more difficult to pay them the compensation they need, distracts from what our real mission ought to be which is what can we do together to minimize what ratepayers pay.

I opposed the original bill for the reasons I just mentioned. As my colleague pointed out, this is a chapter amendment and a chapter amendment accomplishes some great things that we suggested last time we debated it. First, it reduces the scope so it only applies to the utilities and not everyone who supplies anything to the utilities with the exception of LIPA, which is somewhat unique, and that was the great amendment and I compliment my colleague. And the other thing it did is it made it clear that when you're trying to allocate the percentage of salary paid by a utility's ratepayers, you can just go with an estimate because it would probably take a mathematician and an accountant years to figure out an exact number. So those amendments are positive and I commend my colleague, unfortunately the original bill has a lot of problems with it and the

concept is still problematic. Many of my colleagues will vote in favor of the chapter amendment because it makes a bill that we may have thought wasn't good better, and other colleagues of mine may vote against the amendment because it doesn't go enough in terms of addressing those issues.

Thank you, Madam Chair, and again, thank you to my colleague.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell.

(Pause)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote on Senate print 7816. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. For the reasons I previously mentioned, I have deep concerns about us forcing what is otherwise private, proprietary information to be publicly disclosed where it might not otherwise be disclosed, and losing the focus on keeping rates as low as possible by employing the best people we can employ; however having said that, I appreciate the

amendments which reflected a lot of concerns we raised in debate last year and dramatically limited the scope of the original bill which applied to every service provider, every subcontractor, if you will, for a utility. And so because the bill is so much narrower, and I appreciate my colleague's sensitivity to that, I will be supporting this bill even though I have deep reservations over the overall concept.

Thank you, Madam Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Please record the following colleagues in the negative: Mr. DiPietro, Mr. Friend, Mr. Manktelow, and Mr. Palmesano. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr.

Goodell.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Please also add Mr. Tague in the negative. Thank you.

ACTING SPEAKER WOERNER: You're welcome.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER WOERNER: We have no housekeeping, but we do have a number of fine resolutions which we will take up in one vote.

MRS. PEOPLES-STOKES: Okay.

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

(Whereupon, Assembly Resolution Nos. 533-540 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I now move that the Assembly stand adjourned and that we reconvene -- Madam Speaker, apologies, but would you please call on my colleague, Ms. Hunter, for the purposes of an announcement?

ACTING SPEAKER WOERNER: Ms. Hunter for the purposes of an announcement.

MS. HUNTER: Yes, this evening there will be a requirement of all Majority Conference members for a Conference immediately after Session.

ACTING SPEAKER WOERNER: Majority Conference immediately following Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Ms. Hunter, for the announcement.

Madam Speaker, I now move that the Assembly stand

adjourned and that we reconvene at 3 p.m. on Tuesday, February the 8th, tomorrow would be a Session day.

ACTING SPEAKER WOERNER: The Assembly stands adjourned.

(Whereupon, at 5:18 p.m., the Assembly stood adjourned until Tuesday, February 8th at 3:00 p.m., Tuesday being a Session day.)