

**WEDNESDAY, APRIL 6, 2022**

**11:21 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, April 5th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Tuesday, April the 5th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. It's a pleasure to be here today. Happy Wednesday. I was kind of thinking it was Thursday, but it's Wednesday. I do have a quote I would like to share, Mr. Speaker, with our colleagues and guests who are in the Chambers. This one is from Alexander Graham Bell, most of you probably have heard of him, he's a Scottish-born inventor, a scientist, and an engineer who was credited with patenting the first practical telephone a very, very long time ago. And his words for us today, *When one door closes, another one opens; but we often look so long and so regretfully upon the closed door that we do not see the one that has opened for us.* Again, these words are from Alexander Graham Bell.

Mr. Speaker and colleagues, on your desks you do have a main Calendar. You also have a debate list. After housekeeping, we're going to take up resolutions on page 3 which I understand some of our colleagues would like to speak on. Mr. Speaker, afterwards we're going to begin our debate with Calendar No. 3 by Ms. Paulin; followed by Calendar No. 78 by Mr. Dinowitz; Calendar No. 102 by Mr. Aubry; Calendar No. 182 by Ms. Hyndman; and Calendar No. 358 by Ms. Paulin. There is a possibility, Mr.

Speaker, that we will announce additional floor activity, but for sure there will be a need for a Minority Conference immediately following the close of Session -- Majority Conference. Maybe the Minority, too, but we'll check with them later to find out what their needs will be, but for sure it's going to be the Majority in Hearing Room B at the conclusion of our work today, Mr. Speaker.

That's a general outline of where we're going today. If you have any housekeeping, now would be a great time, sir. Thank you.

ACTING SPEAKER AUBRY: No housekeeping at this time.

On page 3, resolutions.

Assembly No. 730, the Clerk will read.

THE CLERK: Assembly Resolution No. 730, Ms. Walsh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 10-16, 2022 as Public Safety Telecommunicators Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Walsh on the resolution.

MS. WALSH: Thank you, Mr. Speaker. Public Safety Telecommunications [sic] Week, what is a public safety telecommun -- oh, gosh, I'm going to say this wrong, hold on. Telecommunicator, oh, my goodness. The short thing is if you call 9-1-1, these are the people that take your call, all right. They're 9-1-1

operators and it's extremely important that we recognize the work that they do 24/7/365. I mean, they're there for us when we need help and we call looking for that help. They're trained to be able to handle all different kinds of calls, whether it's for police, fire, medical personnel. They can talk somebody through in an emergency until help can arrive. They're very important people in our -- in our communities and that's why I'm so glad to be carrying this resolution and I would appreciate my colleagues support in recognizing the very, very essential work that these -- that these folks do. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 731, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 3-9, 2022 as Library Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Jensen on the resolution.

MR. JENSEN: Thank you, Mr. Speaker. I first want to thank the sponsor, Chairwoman Jean-Pierre, for sponsoring this resolution and for our colleagues in supporting it. Certainly, libraries play a critical role in communities across our State, from Long Island all the way up to Western New York, and more and more libraries are

more than just rows and rows of books, they are essentially de facto community centers serving a variety of needs to the communities that they call home. And while it's important to celebrate our community libraries, our school libraries also play a critical role in enhancing the educational opportunities for our school children throughout their -- their grade level.

So I'm proud that this Body has continued to support and invest in libraries and hopefully when we do have a budget that will continue and we can all celebrate an investment in libraries because support and investment in libraries is support and investment for our community. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Jensen.

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

THE CLERK: Assembly Resolution No. 732, Ms. Rajkumar.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2022 as Punjabi Awareness Month in the State of New York, in conjunction with the observance of Vaisakhi to be celebrated April 14th, 2022.

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

MS. RAJKUMAR: Thank you, Mr. Speaker. As the first Punjabi-American ever elected to State office in New York, it is

with enormous pride that I introduce a first of its kind resolution, whereby this Body will recognize the month of April as Punjabi Awareness Month in our great State, and commemorate April 14th, 2022 as Vaisakhi Day. How magnificent our legislative Body is, ever growing in its diversity. How magnificent our State, where anyone of any background can thrive if they have a dream they are willing to work for. It's true that I am a daughter of the Punjab, a state of North India. My ancestors are from Amritsar, from the old city of Bhatti. The region of Punjab is the heart of the Sikh community. Like many Punjabi families across our great country, my family immigrated to the United States for the American Dream, settling in New York where I was born and raised. I am proud to now be the Assemblywoman for the beautiful Queens neighborhood of Richmond Hill, known by many as Little Punjab. I'm proud to say that the 38th Assembly District's neighborhood of Richmond Hill is known as the Sikh Capital of the United States. Richmond Hill is home to New York City's first Sikh temple, known as a Gurdwara, and it is the cultural center of the Sikh community.

I would like to tell you a bit about the Sikh-American community. At every Gurdwara in this country, food is made and offered free of charge to anyone, no matter their religion, gender, economic status or ethnicity. This is the Sikh practice of langar, serving free food to all with no discrimination. And they offer everyone free food every single day. Sikhs are required to defend the freedom of worship of other religions just as they would defend their

own. As my uncle always told me, Sikhs are our protectors. Sadly, Sikh-Americans are among our nation's most targeted religious group because of their distinct appearance, wearing turbans on their head. There has been a 200 percent rise in hate crimes against Sikh-Americans in the past couple years. Recently, four Sikh-Americans were fatally shot in the tragic mass shooting in Indianapolis. And just this very week in Richmond Hill, a 70-year-old Sikh man, Mr. Nirmal Singh, was assaulted in Queens. But the Sikh community forges on with joy and determination, promoting tolerance and unity.

On this Punjabi Awareness Month, we commit to ending hate crimes against all groups. In 1923, the United States Supreme Court ruled in *The United States v. Bhagat Singh* that Indians could not be American citizens, but now there are over half a million Sikhs across the United States, thriving in all fields. The future is bright for the Sikh-American and Punjabi community in our great State. This April is Vaisakhi, one of the most historically significant celebrations of the year for Sikhs, Punjabis, and Hindus. It celebrates the spring harvest. On this Vaisakhi, to all New Yorkers, may your heart dance. May you be showered with happiness. In Richmond Hill, the dhol drums play, the Gurdwaras are adorned with color. On behalf of Richmond Hill and Punjabi-Americans across the State, I proudly sponsor the historic resolution. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Weprin on the resolution.

MR. WEPRIN: Thank you, Mr. Speaker. I, too, am very proud to represent one of the largest Sikh populations in New York, if not the United States. The Sikh Cultural Society and their Gurdwara is located in my district in South Richmond Hill, and that is the largest Sikh temple in the entire northeast United States. They have 9,000 members and they're headquartered in Richmond Hill. And I want to congratulate my new colleague for sponsoring this resolution. I also am proud to have done the first Vaisakhi celebration at City Hall when I was a member of the City Council in 2002, and that population has grown significantly not only in Richmond Hill, but in the entire State.

So once again, I'm so proud to represent that population, and one of my proudest moments on this floor was when I passed the -- when we passed the religious garb bill which prohibited discrimination in all employment based on religious garb and, of course, as Assemblywoman Rajkumar mentioned, there's been tremendous discrimination against the Sikh community because of wearing turbans and beards, and I'm happy to say that New York State now prohibits any discrimination in public or private employment from wearing beards and turbans.

So once again, thank you for allowing me to speak on this very important resolution, and Happy Vaisakhi to all.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying



aye; opposed, no. The resolution is adopted.

On the debate list, Calendar No. 3, Bill No. 129-A, page 5, the Clerk will read.

THE CLERK: Assembly No. A00129-A, Calendar No. 3, Paulin, Dinowitz, Galef, Otis, Seawright, Colton, Vanel, Sayegh, Zinerman, Griffin. An act to amend the Public Service Law, in relation to filing gas safety reports.

ACTING SPEAKER AUBRY: Ms. Paulin, an explanation is requested.

MS. PAULIN: Yes, thank you, Mr. Speaker. This bill would require gas corporations to file an annual gas safety report with the Department of Public Service.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: Ms. Paulin yields, sir.

MR. PALMESANO: Thank you, Amy. I know we've discussed this bill in the past so I guess we can do it again while we wait for the budget to come through, hopefully. Right now, currently, doesn't the Public Service Commission require gas corporations to provide service (inaudible) and facilities as necessary for safe and adequate service right now under the Public Service Law?

MS. PAULIN: Yes. DPS currently provides an

annual safety performance report, but there's no provision in law that requires gas corporations to report on the variety of safety measures, updates, and pipeline operations that this bill stipulates.

MR. PALMESANO: And doesn't every gas corporation transmitting natural gas, they're required to conduct a leak detection inspection annually, or even more frequently, as ordered by the Public Service Commission, correct?

MS. PAULIN: Yes. You and I had attended a hearing a number of years ago where there was a great deal of explanation about how they approach these leaks and, you know, as we learned at that hearing, it wasn't as comprehensive as we might think appropriate.

MR. PALMESANO: And when they do the -- when they do these inspections and detections, they have to submit a written report to the Public Service Commission so they know what was covered or not covered, correct?

MS. PAULIN: Yes, they do. And as I said, it doesn't include a lot of the other provisions that we're requiring in this -- in this bill.

MR. PALMESANO: Okay. Does each gas corporation, they must file an annual report with the Public Service Commission detailing all the facts pertaining to the operation and maintenance of its plant and systems as required by the Public Service Commission; that's also a requirement under the current law, correct?

MS. PAULIN: Yes. And I'll just say that, you know,

this year I asked my staff to look out for gas explosions to see if the current way of doing business was adequate and just for the record, because I think you know, this bill came out of --

MR. PALMESANO: Right.

MS. PAULIN: -- a Manhattan problem that was a number of years ago where there was a terrible gas explosion and people died, and many were injured. So I will just say in January of this year, there was a Bronx gas explosion where a 77-year-old woman died and there were eight others injured, and then in February there was a Brooklyn gas explosion where there were two homes destroyed and a third severely damaged. And there was no loss of life, thank God, but -- but there were loss of property that impacted families.

So I just don't think what's happening is enough, and clearly these were areas where there were terrible gas leaks. People reported it and, yet, nothing was done. So you know, New York City is a big place. We know from that hearing that, you know, leaks are documented, but not all of them are recorded in a -- in a timely way, so this will force much more detail to be given to DPS for them, in turn, to be able to evaluate.

MR. PALMESANO: Sure, I understand that and respect where you're coming from -- from the -- from -- with the legislation, but there are some questions I want to get to, what's required now that's not required, because right now, I mean, the Public Service Commission, they have the ability to enact actually what we're

doing here under the current order and rulemaking process if they determine that's a necessary change that needs to be made, they have the ability as a reg -- the main regulatory agency to make these changes and requirements to the utility companies to provide this data right now if they so choose, if they thought it was necessary, correct?

MS. PAULIN: I believe that they, under the current law, could likely be asking for more information, but they're not and we're seeing these gas leaks.

MR. PALMESANO: And as part of those requirements, these -- every gas utility is really required to also submit information on -- on the various safety metrics, what the PSC considers as key performance incidents on (inaudible) whether it's to -- how these pipes are operating, they have to provide that as a requirement under Public Service Law right now.

MS. PAULIN: I think if requested, that's what I remember from the hearing.

MR. PALMESANO: Okay. And if a utility fails to meet these performance levels as established in their rate proceedings, the utility must submit an action plan on improving the performance, that's all part of the requirement under the existing law that we have as far as what they have to report, what they have to provide for the Public Service Commission from a regulatory process, so that's already there, they need to do that as well, correct?

MS. PAULIN: Yes. This is to highlight the issue because we see problems out there. I just think that there could be a

better job being done and with these added requirements, which we always usually put in the law when we think that there's a gap, that, you know, there'll be more due diligence on the part of both the utility and on the part of DPS to review this situation so it's not -- so it's not a reaction to the gas leaks and instead, proactively, they're going to be looking at complaints and other things because they know they have to put it in a more detailed way in the report.

MR. PALMESANO: The gas pipe -- pipeline safety is also regulated by the Federal government with minimum safety standards under the U.S. Code and Federal regulations, so there's also State regulation and Federal regulation into this process, as well, correct?

MS. PAULIN: I'm not -- yes. I'm not talking about the standard by which they have to have the pipes. I'm talking about the activity in which they repair them and they learn about the problems. We know from that hearing they rate them, but those ratings can change and we don't know enough about the plan that they have to fix some of these areas, so...

MR. PALMESANO: Okay. All right. Thank you, Amy, for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes. As we -- you know, we have discussed this bill several times over the past few years. I certainly understand and respect where the sponsor is coming from.

We certainly don't want to see gas explosions and people dying or being hurt. I think, though, from my perspective when I look at this legislation, we already have requirements in place that are already there for gas utility corporations to comply with, the Public Service determines that additional information is needed, they have the ability right now if it's a problem to address those issues. There's already sufficient oversight through this ratemaking process, reporting, they have regular scheduled meetings, safety audits performed by gas safety staff. Companies have to participate in these rigorous audits, both operational and staffing as determined by the Department of Public Service. There's significant Federal and State review of the process, as well.

I think where I get concerned when I look at legislation like this is it becomes -- is it really necessary, it's duplicative over -- and also with these numerous reporting requirements that are already in place, when you put additional requirements on the utility what that ultimately will do is it's going to require additional costs and those costs are ultimately going to be borne by the ratepayer. That's something we -- we continue to talk about here with legislation, I'll bring up on proposed legislation that comes through this House on a regular basis. Yes, we want to make sure there's safety in place, but the agency that is in charge of that safety, the Public Service Commission, the Department of Public Service already has significant rules, regulations, and requirements in place and if they determine more is needed to address this issue, they

-- the experts should be implementing that through their process, but if -- if we're just going to here put these legis -- legislation in to which puts more requirement, more of a burden, more cost on utilities which ultimately, when I talk about a utility, I talk about a ratepayer. And we see the continuing cost of energy bills, whether it's electric bills, gas bills this year, our colleagues, you know, when we talk about the CLCPA, I mean, that's going to be a significant cost to our people around the State with significant increase in their utility bills and other costs, conversion costs, having to transfer -- convert their homes over to full electric with some estimates say it's going to cost families \$35,000 to comply with come 2030.

This is all interwoven. The reason I'm making the correlation is because we continue to see legislation that comes down that puts more and more mandates, more and more requirements, and it's duplicative of what's already on the books, what's required, what can be required if the Public Service Commission, Department of Public Service deems it is necessary. Yes, safety is paramount and always needs to be addressed, and that's -- that's the job of the Public Service Commission and the Department of Public Service to make sure those rules, those regulations are in place, address these issues. If there was problems, they need to fix it, but I just think us as the Legislature, just putting more and more mandates and more and more reporting requirements, I don't think that really gets to solving the problem necessarily.

I think what that does, again, is just going to add

additional costs, additional burdens onto those organizations which are going to pass that on to the ratepayer time and time again. We see it all the time, our offices get calls whenever they go back to the Public Service Commission for rate increases, people don't want that to happen, but they have to recognize that when you put more mandates on, more reporting requirements, whatever it may be, there's going to be rate cases that they're going to ask for higher rates. No one ever wants to talk about that.

Again, this goes back to the CLCPA, as well, totally changing over -- totally revamping our whole energy system in this State, when we're the only state in the country doing this. The CLCPA only affects New York State, it doesn't affect China, India or Russia, and New York only contributes .5 percent of the total carbon emissions globally in the world but, yet, we're doing all this with this process to put these mandates on our families, on our farmers, on our small businesses, on our manufacturers, and it's a runaway freight train that's heading down the track that the public does not know about because now we've got these hearings going on which is really under the radar screen.

And again, 2030, I mean, when I talked to some of my colleagues, they say the public's aware. I just ask you, 2030, how many of you told the constituents you represent that by 2030 if their home is powered by natural gas, and we're talking about natural gas here, if they're heating with natural gas where 60 percent of New Yorkers in the State power their homes and heat their homes with



natural gas, 40 percent of the generation is coming from natural gas, but have you told your constituents that come 2030 if their natural gas boiler breaks down, they can't just go out and replace it with a natural gas boiler anymore. No. They're going to have fully electrify their home. They're going to have to pay costs to update, upgrade their insulation, their circuit boards, their panels, get a geothermal heat pump at a cost of \$35- to \$45,000 a year. Yes, maybe there's subsidies and tax credits. When we brought this up during the budget hearing, the lady from the geothermal industry said, *Well, it will bring it down to about \$20,000*. Tell me, how many of your constituents can afford to pay \$20,000 or \$30,000 more to convert their homes from natural gas, which is a reliable source of energy, to full electrification? The public has no idea. That's what coming from the policies coming out of this House.

And I know this bill might seem like it's harmless from that perspective, but it's just more reporting requirements, it's more mandates that are duplicative and not necessary from what I can see, and I think we need to be a little more cognizant of the legislation we're passing and putting it on the ratepayer and putting it on the consumers of this State.

So this all kind of comes place into the CLCPA from my perspective. This is a runaway freight train that the public has no idea what's coming down the tracks. 2030 is not that far away and we say we're going to do this all on our own. It's not saying we shouldn't invest in renewable energy, but we're saying we're going to do this all

on our own when China continues to build coal plants and are contributing 29 percent of the total carbon emissions globally. They're not going to help us. But, yet, we're going to decimate our total economy and bankrupt families, farmers, and businesses all for -- because we're going to address .5 percent of the total carbon emissions, global emissions in the world. It's not going to make a difference and we're not going to make an impact, and I just don't understand the policy. When I see bills, whether it's putting more mandates or requirements that are going to impact the ratepayer, going to impact the customer, I get more and more concerned about that.

So it's probably a coalition of all these issues which is going to lead me to vote against this bill. Again, understanding what the sponsor's trying to do, safety is paramount and I can understand people supporting this legislation, but these are the concerns I have and will continue to raise about how we put additional burdens and regulations on these businesses or these utility companies which is going to pass that burden on to the ratepayer. And again, rising utility bills, electric bills, gas bills, people are seeing right now. We're all getting calls in our office. This is just one more thing that's going to be added to the plate that's going to be an additional cost, additional cost, additional regulations equals higher costs for the ratepayer, the taxpayer, the family, the farmers, the small businesses, the manufacturers.

And those are concerns I will continue to bring up on this floor at every opportunity that I have because I believe the

Majority in this House and the Executive are pushing a policy based on ideology that doesn't do anything to affect or look at cost and affordability to consumers. It doesn't look at anything to deal with reliability when we know natural gas is a reliable source of energy. Again, we're talking about natural gas here. It's a reliable source of energy. But you're going to tell people in Western New York or the North Country, come 2030 you can't replace that natural gas boiler or furnace, you're going to have to put a geothermal heat pump in and your prices are going to spike, but, oh yeah, by the way, you're going to be relying on electric, you're going to be relying on solar and wind to power your home. I don't want to rely on solar and wind to power my home, that's not a reliable source of energy because it's intermittent. So you need backup sources of energy to do that which is where natural gas comes in.

So this House continues to ignore that, they continue to talk about how great the CLCPA is and how we're going to lead, but they don't want to talk about the negative aspects of it and the impacts whether it comes to cost, affordability, and reliability. Those are key issues that need to be addressed that's not being addressed. I certainly hope the Climate Action Council looks at this a little further as we move forward and recognize that natural gas is an important part of our energy portfolio from -- from an affordability perspective and from a reliability perspective.

So I thank you, Mr. Speaker and my colleagues, and I thank the sponsor for the debate on the bill. I understand her intention

is well intended, but based on the reasons I've laid out here over the past 14-and-a-half minutes, I am going to be voting no on this legislation. Thank you.

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 Assembly print 129-A. 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 reported.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill for the reasons articulated by my colleague, but certainly those who support it can vote in favor on the floor of the Assembly here, or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation; however, there may be a few that would like to be an exception. If so, they should please feel free to contact the Majority Leader's Office and we will ensure their vote is properly recorded.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 10, Calendar No. 78, the Clerk will read.

THE CLERK: Assembly No. A01514, Calendar No. 78, Dinowitz, Reyes, Sayegh, Gottfried, Galef, Simon, Stirpe, Steck, Glick, Zebrowski, Weprin, Cruz, Fernandez, Kelles, Jackson. An act to amend the General Obligations Law, in relation to prohibiting employers from requiring certain conditions or preconditions of employment.

ACTING SPEAKER ROZIC: An explanation is requested.

MR. DINOWITZ: The bill amends the General Obligations Law by prohibiting any employer from requiring an employee or person seeking employment to waive, arbitrate or otherwise diminish any existing or future claim right or benefit to which the employee or person seeking employment would otherwise be entitled to under any provision of New York or Federal law. And the section here would also specifically exempt contracts or agreements negotiated with any labor union through collective bargaining.

ACTING SPEAKER ROZIC: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER ROZIC: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. GOODELL: Thank you, Mr. Dinowitz. As I understand it, this bill would prohibit an employer or employees outside of a collective bargaining agreement from agreeing to arbitration to resolve any employment disputes; is that correct?

MR. DINOWITZ: It would prohibit an employer from mandating or making it as a condition that the employee agreed to that unwillingly.

MR. GOODELL: Now, as you know in 2017 there was a Kentucky State Court case, *Northern Kentucky Area Development v. Snyder*, and I believe that went up as well on the Federal court, dealing with the exclusivity of the Federal Arbitration Act. And in that case, if I'm not mistaken, the court ruled that the Federal Arbitration Act preempts state law in this area and would prohibit this type of legislation. Is this legislation in any way different than the legislation that was struck down in that case?

MR. DINOWITZ: Yes. Well, first of all, it's New York and, secondly, it's not exactly the same.

MR. GOODELL: And what -- why would this not be preempted by a Federal arbitration -- the Federal Arbitration Act?

MR. DINOWITZ: I don't believe it is. I think the purpose of this is because we want to make sure that -- that employees or potential employees aren't coerced into signing agreements that they don't want to sign, but feel they have no choice in signing and that's the purpose of this. And these restrictive or force of employment contracts I believe should not be allowed in the State of New York.

MR. GOODELL: As you know, this was also dealt with in the U.S. Supreme Court *Circuit City Stores v. Adams* which held that contracts of employment were not excluded from the Federal Arbitration Act and, thus, many employees are subject for mandatory arbitration and that was preempted by Federal law. Is there any distinction between that legislation and this legislation?

MR. DINOWITZ: Well, I mean, neither you nor I are judges so we're not in a position to interpret other rulings, but I would say that this -- that those cases are not on point in terms of what this legislation deals with. The legislation is only six lines long in terms of the heart of the legislation, and I think it's pretty clear what it tries to do, and I'm sure that deep down, you really would support that because you don't want workers in your district coerced into signing something that they feel that they shouldn't sign, as I -- and I wouldn't want that either.

MR. GOODELL: But there is no question whatsoever that the purpose of this legislation is to bar mandatory arbitration clauses and employment agreements. I mean, that's the

whole purpose of this, with the exception of collective bargaining agreements, correct?

MR. DINOWITZ: Well, no, I would put it a little differently. I would say that the main purpose is to prevent employees or potential employees from being coerced into signing agreements.

MR. GOODELL: Okay. Just more recently, Chief Judge DiFiore stated in February of 2020, so just a couple years ago, in her State of the Judiciary that, quote, "Arbitration and mediation should be utilized more frequently in civil cases," and she cited that piece, *Alternative dispute processes are, one, that streamline litigation, make New York courts more affordable*. Would you disagree with her analysis as it relates to employment arbitration?

MR. DINOWITZ: Well, I don't believe her words in the State of the Judiciary are part of a court ruling, and while in some cases arbitration may actually make sense, but the issue here is not necessarily whether arbitration is good or bad, it's whether an employee should be coerced into signing an agreement that would allow for arbitration. So I'm not going to agree with Judge DiFiore because she could be right sometimes, but not necessarily all the time on this. Sometimes it's good, sometimes it's bad, but it shouldn't be -- it shouldn't be that an individual is subject to coercion.

MR. GOODELL: Now, you used the word coercion, but this bill bars any arbitration agreement in a contract as a precondition for employment. Are you suggesting that employees are being coerced to accept the job on those terms and conditions?



MR. DINOWITZ: No. I'm suggesting that they would be coerced into accepting requirements of arbitration to get the job.

MR. GOODELL: Well, you're using the word coerced in a very interesting way because clearly any employee who accepts a job agrees to accept a job on the terms and conditions that the employer set forth. And the employer might say, *These are your hours that you have to work*, right? Are you saying the employee is then coerced into working those hours? And the employer might say, *This is a dress code*, are you saying employees are now coerced into wearing that dress code or complying with it? I mean, these are all terms and conditions of employment, there's no coercion any more than there is in any other term and condition. They can either accept the job with those terms and conditions, wear the uniform required by the employer, work the hours required by the employer, comply with all the other terms and conditions set (inaudible/cross-talk) or not.

MR. DINOWITZ: Except for the lack of minimum wages or except the lack of health coverage. Yeah, a lot of people despite the fact that we do have a booming economy with amazingly low unemployment rate in this country at the moment, unlike a year or two ago, the fact is there are many people who very much need a job and would feel that they have to accept even unjust terms to get the job. I mean, that's just the way it is and I would hope that you might be a little more sympathetic to the plight that many people face right now. People -- there are still many people who need jobs and most

people, when faced with a choice of being out of work or taking the job even though there are some really bad conditions, will still take the job because they feel they have no other choice. They want to provide for themselves and for their family, and that's what I mean by coercion. And there are many things that people do agree to when you take a job. You know what the salary is going to be, or you should know what the salary is going to be, but in terms of signing unjust conditions to get the job, no, I do believe that's coercion. I believe that the two sides are not equal in terms of the power that they have, and we don't want that to be the case. We don't want people to accept a job with conditions that are just inappropriate, unjust, and coercive.

MR. GOODELL: Now, as I mentioned before, I've represented management and I've represented unions, and my experience is that unions often negotiate for arbitration. And I see that if a union wants arbitration and negotiates for it, that would be allowed under this bill, correct?

MR. DINOWITZ: If it's the subject of negotiation between two parties, both of whom are sort of on the same level in terms of the power that they have, that's a different situation than when one individual acting alone without the backing of a union has to sign a contract with an employer.

MR. GOODELL: So I go back to the earlier premise, if unions are negotiating for arbitration and this bill allows that arbitration, why are we excluding nonunionized employees from

seeking that same type of protection?

MR. DINOWITZ: I don't think this bill so much excludes that as it provides that they shouldn't be forced to accept it. There's a big difference.

MR. GOODELL: Thank you for your comments, as always.

Madam Speaker, on the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. GOODELL: Obviously this bill reflects a continuing effort by this Body to prohibit arbitration, notwithstanding the fact that almost everyone outside of this Body believes that arbitration is a faster, more efficient and, in many ways, a much better way of resolving disputes, especially in the employment context. And it's better for the employee because it's faster, so they get the employment issue resolved quicker; it's less expensive, which is great for an employee who doesn't want to have to invest a lot of money in legal fees; and in addition to being faster and less expensive, it's more accessible for an employee. And for these reasons, unions typically negotiate for arbitration clauses because it help employees.

And, of course, we have our own Chief Judge once again saying that arbitration and mediation should be utilized more frequently. Why? Because the court system is all backed up, especially with COVID. And as a practicing attorney, I can tell you the court system is expensive, time-consuming, and slow. And for an employment dispute to be resolved in the courts, you're looking at

months if not years before it gets resolved. These binding arbitrations are a tremendous benefit for employees and that's why, for example, the Capital Region Chamber wrote and said, *The associated costs for employees are lower, and arbitration allows for a faster resolution in comparison to what's available through the court system. The rules governing arbitration, as well as the oversight by the courts, ensure a fair process for all parties involved.*

So in addition to conflicting with the Federal Arbitration Act, which preempts this field as the U.S. Supreme Court has held, this legislation inadvertently hurts employees by making it extraordinarily slow, difficult, and expensive for them to resolve employment disputes by banning this as a term and condition of employment except when negotiated by a union. For that reason, I would recommend my colleagues vote against this. Again, thank you to my colleague, I always appreciate his insights. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Read the last section.

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

ACTING SPEAKER ROZIC: The Clerk will record the vote on A1514. 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 will generally be opposed to this, because we favor quick and cheap resolution of employment issues by employees, but those who support the bill are certainly free to vote here on the floor in favor of it, or contact the Minority Leader's Office. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Ms. Hyndman.

MS. HYNDMAN: I would like to -- thank you, Madam 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, please call -- if there are any exceptions for Majority members, please contact the Majority Leader's Office at the number previously provided and your name will be announced. Thank you, Madam Speaker.

(The Clerk recorded the vote.)

ACTING SPEAKER ROZIC: Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Madam Speaker, to explain my vote. This is not a budget bill, it has nothing to do with the most pressing of issues in front of New York State right now and I vote no.

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

(The Clerk announced the results.)

The bill is passed.

Page 11, Calendar No. 102, the Clerk will read.

THE CLERK: Assembly No. A02266, Calendar No. 102, Aubry, Zebrowski, Epstein, Sayegh. An act to amend the Penal Law, in relation to criminal mischief in the third degree and criminal mischief in the second degree.

ACTING SPEAKER ROZIC: An explanation is requested.

MR. AUBRY: Certainly, Madam Speaker. This bill raises the monetary threshold of property that is considered intentionally damaged for criminal mischief in the third degree, an E felony, from \$250 to \$1,000. It also raises the monetary threshold of property that is considered intentionally damaged for criminal mischief in the second degree, a D felony, from \$1,500 to \$3,000. Under State Law, damaging property in excess of \$250 is a felony, while actually stealing the same amount of property is a misdemeanor. This corrects an oversight by the Legislature that has been around for awhile. I think the original date of establishing this was 1915, which is when Babe Ruth hit his first home run, which is when the Lusitania was sunk, when Woodrow Wilson was President, and when singers Billie Holiday and Frank Sinatra were born. Unfortunately, Billie Holiday died in a New York City hospital with \$70 in her account, and Frank Sinatra died a billionaire. Inequities of the world continue. So that's the purpose of the bill.

ACTING SPEAKER ROZIC: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the

sponsor yield for just a couple questions?

MR. AUBRY: Certainly, Ms. Walsh.

ACTING SPEAKER ROZIC: The sponsor yields.

MS. WALSH: Thank you so much. So I think that all of us understand the idea that over the last 100 years there have been inflationary changes, so changing the threshold I understand that that's the reason for the -- for the bill is to kind of adjust those up after being so long at the -- the same level. My question has to do with so as you mentioned, the changes that this bill makes are to criminal mischief the third and criminal mischief second. Are there any changes in this bill to criminal mischief fourth?

MR. AUBRY: No.

MS. WALSH: Okay. So what if -- say that this legislation is passed and becomes law, what happens in the future if there's damaged property that is worth more than \$250 but less than \$1,000. What is the charge going to be for that?

MR. AUBRY: Well, if criminal mischief happens under those circumstances, it would be dealt with under the provisions of the law as it stands at that time for criminal mischief in the fourth. Right. So we don't change that. That would be subject and certainly may consider that, but that's not what this bill considers.

MS. WALSH: Okay. Because right now under current law, criminal mischief in the fourth is for damage in any amount below \$250 and so if we don't change that threshold then, isn't there a gap then between say \$251 of value up to \$999? Isn't that just

an ambiguity then that gets created in the law?

MR. AUBRY: There certainly is the opportunity for you and I to join together and sponsor another bill to correct that. It took only 107 years to get to this, I'm sure it will take us a shorter period of time.

MS. WALSH: Very good. Thank you so much.

Madam Speaker, on the bill.

ACTING SPEAKER ROZIC: On the bill.

MS. WALSH: So really, my thought, as I said, I personally don't have any issue with changing thresholds, especially when it's been, you know, a century since it had been changed. I understand that. My concern has to do more with the ripple effect that happens when you address a portion of the criminal statute and not all of it. So -- and I appreciate the sponsor's answers to my question.

So what this bill does, as far as I can tell, is that if there's damaged property that's under \$1,000 in value, I think that what might happen is that there would be a misdemeanor charge and an automatic desk appearance ticket for damage to items that are worth under \$1,000, but it's not really clear because there weren't any changes in this bill made to criminal mischief in the fourth.

So again, picking up on that idea of the ripple effect and maybe the unintended consequences should this bill be enacted, stealing an item valued at under 1,000 would be punishable as a Class A misdemeanor, but reckless destroying the same item would not be an offense, notwithstanding that recklessly endangering property



valued at over \$250 would be a Class B misdemeanor. So the issue is that as you wouldn't be able to destroy property without endangering property, you know, it's arguable that those who recklessly destroy the property could be charged with a lesser endangering offense as a Class B misdemeanor.

So although the New York State Defenders Association does support this legislation, in the past we've had -- the most recent vote that we had in 2019 did have I think 22 no votes, and this bill itself has been under consideration in this House since 2009. So I just think it's important when we do create legislation, I understand I think the reason for wanting to do it, but I think we have to be careful that we don't have an unintended consequence or confusion from the ripple effect of changing these different thresholds.

So for that reason, I'm not going to be able to support the legislation as it's currently drafted. Perhaps this could be corrected in, as the sponsor indicated, maybe subsequent legislation or a chapter amendment, but as it stands right now I won't be in support. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. TANNOUSIS: Madam Speaker, at a time when violence has increased drastically in our State and in our great City of New York, I do not believe that this is the right time to tie the hands

of our District Attorneys' offices and of our law enforcement. As a prosecutor, I saw this charge more prevalent in domestic violence cases, for example, where two parties would get into a domestic argument. One of them would break the other's iPhone and, of course, a used iPhone even so would have a value of over \$250. And if we pass this bill, and I understand that the amount has not been changed in over 100 years, if we pass this bill I think that this goes into a continued process of this Body to tie the hands of our law enforcement to not give them the proper tools to keep us safe. For that reason, I'm in the negative. Thank you.

ACTING SPEAKER ROZIC: Mr. Reilly.

MR. REILLY: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. REILLY: So my colleagues have pointed out some specific issues that arise from us taking up this legislation. One of the issues was the deficiency in the numeric value of the crime where there's a gap in this current legislation. And yes, I understand the sponsor and our colleague that was on debate said that they would work together, and I'm sure all of us in this Chamber would work together to fix those changes; unfortunately, we see how slow things turn here. And we wait, and we wait, and we wait, especially on the criminal justice front. These changes, in fact, are holding up budget negotiations today. We're a number of days late on the State Budget, and that's the problem I have, that we're always rushing to be the first,

that we don't get it right. And yes, I understand that there's a gap here and it hasn't been raised in a century, and yes, is there a way to fix this and to correct it. There is, but we need to make sure that we do things the right way because once we pass this and once the Senate passes it and the Governor signs it into law, we will be talking about this two, three, maybe four budget seasons from now, looking to change something. We should have got this correct, we could have gotten this correct, but unfortunately it's Albany and this is what happens.

We need to be more intentional with the work that we do, and to make sure that we don't have to go back and have fixes. Just like every year we come back and we get amendments to the legislation that are being corrected. We can avoid that by making sure that we fix that gap now before we actually pass it and have to wait for those unintended consequences. For that reason, I will unfortunately be voting in the negative. Thank you.

ACTING SPEAKER ROZIC: Read the last section.

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

ACTING SPEAKER ROZIC: The Clerk will record the vote on A2266. 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 will be generally opposed to this legislation, but certainly any member that wants to vote in favor is encouraged to do so on the floor or by calling the Minority Leader. Thank you.

ACTING SPEAKER ROZIC: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is generally going to be in favor of this piece of legislation; however, there may be a few that desire to be an exception. They should feel free to reach out to the Majority Leader's Office and we will make sure their vote is properly recorded. Thank you, ma'am.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Madam Speaker, if you could record our colleagues Mr. Englebright, Mrs. Gunther, and Mr. Colton in the negative on this piece of legislation. Thank you.

ACTING SPEAKER ROZIC: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Calendar No. 182, Clerk will read.

THE CLERK: Assembly No. A05618, Calendar No. 182, Hyndman. An act to amend the General Obligations Law, in relation to the provisions of consumer and employment contracts.

ACTING SPEAKER ROZIC: An explanation is requested.

MS. HYNDMAN: This bill would give consumers

and employees the right to reform contracts that are not written in plain language, or which are not wholly encompassed within a single document.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

MS. HYNDMAN: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you so much. There we go. Thank you. I just have a couple of questions for you about the bill. So under General Obligations Law Section 5-702, that provision already requires the use of plain language in consumer transactions so why, then, is this bill necessary?

MS. HYNDMAN: Well, this bill is necessary because it applies to consumer and employment contracts, and that -- the section of the General Law that you cited I believe is -- eludes to personal property.

MS. WALSH: But doesn't this bill do more than just simply require plain language?

MS. HYNDMAN: Well, as you know, a lot of times people come to us if they have contracts that they're not really able to decipher, they think as legislators we will be able to help them with it. So this allows it to be reformed in a plain language for consumers and employees without having to look for other sources to refute their documents that -- the contracts.

MS. WALSH: All right. So -- and I think all of us want to be sure that contracts are clear and that people understand them before signing them, I think we all want that. But doesn't this bill also allow a consumer or an employee in the case of an employment contract to actually seek a court order to -- well, the term in the bill says reforming any contract, and that was the point of my questions is what does it mean by reforming the contract? It allows -- it allows the consumer or employee to actually go to court to, I guess, get advice or an advisory opinion about what the -- what the contract means; can you explain that part of the bill?

MS. HYNDMAN: So it says may seek a court order so a consumer doesn't have to go to court. They may if they choose to seek the court -- court order. It doesn't require that they do so.

MS. WALSH: And that's a -- that's something that's not currently found in our law. That's a new provision or a new avenue for the consumer or employee; isn't that correct?

MS. HYNDMAN: Yes, it is new.

MS. WALSH: Okay. And that's -- I guess that's really the only question -- bill questions that I had for you. I think at this point, thank you to the sponsor and I'll just go on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: Thank you. So I think we already have, as I said, under the General Obligations Law, plain language requirements. We want contracts to be clearly understood by all parties to a contract, or an employment agreement for that matter.

And so we already have that provision in the law, but what this bill does that's a little bit different and goes much further than what our current law requires is it gives this consumer or employee the ability to seek a court order reforming any contract covered by this section, and it says, and I'm quoting from the bill, "Such reformed agreement shall reflect the understanding of the parties, and the court may exclude terms not written in plain English or found in a separate document."

So one of the things that I think it's -- everyone always jokes about the colleague to my right who likes to talk about the New York State Constitution, but truly this bill does implicate the contracts clause of the New York State Constitution -- the U.S. Constitution, in Article I, Section 10, Clause 1 which states that no state shall pass a law that impairs the obligation of contracts. And the leading case on this is an oldie but a goodie, 1924, *Tidal Oil v. Flanagan*. So this provision in the United States Contracts Clause says it applies to all state legislation and prevents substantive impairments of contracts.

So my concern is, number one, that the United States Constitution says that no State, i.e. New York, can create legislation that impairs contracts in this way. So I think that this bill probably is unconstitutional. Also, I think that it kind of ties in with an earlier argument from this afternoon -- or this - are we in the afternoon, yeah, we are - in this afternoon saying that kind of like arbitration is a bad thing, but it's not really a bad thing. It really is a great tool and this is

an instance where arbitration could be used whether with a consumer or an employee in order to resolve a contractual dispute. But instead what this bill does is it's diverting the consumer or the employee to -- away from arbitration and into the already beleaguered and very backlogged court system to try to render some kind of an advisory opinion about what the contract means, if there are terms that need to be changed, and I don't think that that's an appropriate use of the court system and it's a very insufficient one and, certainly, a time-consuming and expensive one.

So for all of those reasons, I am not in support of this particular piece of legislation and I'd encourage my colleagues to also vote in the negative on this one. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5618. 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 legislation, but those who



support it can certainly vote in favor of it here on the floor of the Assembly or by notifying the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this consumer-friendly piece of legislation; however, there may be some that would like to be an exception. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I will be voting in the negative on this bill. In addition to the comments from my colleague, Ms. Walsh, who brought up some great points, I would point out that this bill is kind of strange in the sense that it purports to require plain English in all contracts unless it's a union contract. So does this bill say then -- meaning that if you have a union contract, you don't have to have plain language, you can be as complex as you want to? It just doesn't make sense to me. I don't understand why we would carve out that kind of exception.

The second point I would make is that as a practicing attorney, I have helped negotiate and draft employment contracts, and

if you're dealing with a specialized employee, maybe an engineer or a scientist or legal counsel or upper management, those contracts can be extraordinarily complicated. They can deal with issues like deferred comp, they can have complex compensation provisions relating to, you know, the profitability of the company, debt/equity ratios, a whole number of financial terms that most of us would prefer not to know what they mean. And so we don't want to say that an employee can't negotiate a contract that's complex, that's very beneficial to the employee because it can't be written in plain English.

And last, this bans the use of multiple agreements. So if we have an employment contract, are we supposed to attach the entire benefits package to every contract, the entire copy of what's covered under your insurance and not covered under your insurance? I mean, it's standard practice, right? You refer to those other documents. So if you want to know if you're an employee here of the State, they don't attach our health plan to your contract. They say, *Here's the link, look it up.*

So in New York State, we want to be as helpful as we can to employees. We want employees to be able to negotiate complicated agreements where it's to their best interest. We certainly want them to be able to understand, and this goes too far. Thank you very much, sir and, again, thank you to my colleague for her comments, and Ms. Walsh.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 358, the Clerk will read.

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

ACTING SPEAKER AUBRY: Ms. Paulin, an explanation has been requested.

MS. PAULIN: Yes, of course. The bill (inaudible/mic not on) -- automatic license plate reader technology by law enforcement agencies and require those same agencies to post it on a website if they have one and, if not, in the main office. And it would also require training for police officers on that same said -- the Municipal Training Council's report and -- and standards.

ACTING SPEAKER AUBRY: Mr. Morinello.

MR. MORINELLO: On the bill, sir.

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

MR. MORINELLO: On this particular issue, I'm going to read from the Municipal Police Training Council, license plate reader model policy, March 2021. In that, it does give various conditions. They have addressed this issue. And the purpose is to provide guidance to law enforcement agencies in developing their written policies and procedures regarding the use of license plate

reader technology. The policy promotes public safety and efficiency of law enforcement, criminal investigatory activities throughout the use of license plate reader technologies and protocols while doing the appropriate safeguards in place to protect the privacy, civil rights, civil liberties of individuals. This policy is intended to allow the individual needs of police agencies in New York State, regardless of size or resource limitations.

As we go forward, this Body seems to incorporate many bills that are either not necessary or ignore the fact of they're already in place. The one issue that comes up many times is private -- privacy. When you are on a public street, you have no expectation of privacy. This policy manual protects that and it says, only in public places. Each individual police department, because of this policy, can adopt it exactly or move it towards what they feel is necessary for their own. It's part of the overall training of police agencies, and these policies are written. The manual is there.

So on that basis, I feel that this is an unnecessary, overburdensome policy that already is in existence in a more simplified form by the agency that was -- members were selected by the Governor's Office, by the Majority, and this has been revised, as I said in 1921 [sic]. So based upon that and not burdening the taxpayers with unnecessary legislation, I urge my colleagues to vote no on this particular legislation. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: Many years ago, law enforcement officers would go out on parole, particularly those on night shift, with a notepad in their hand and they would patrol the hotels, motel parking lots and if they were good, curious officers they would write down all the license plates that were parked there, knowing that for every car that was in a hotel/motel parking lot, there had to be a reason and that might be a nefarious reason. So they would write down all these plate numbers and get the state of the vehicle and maybe a general description, they'd go back to the station and if they had an amicable desk sergeant they would ask that sergeant to run all the license plates. And about once or twice a night shift, you would come up with a stolen car from Missouri or a wanted person from Florida, and the traffic violations the car wasn't moving so those would be ignored. The reason we did that was because there was no exception of privacy, the car was parked in a public area, and this is what we wanted our law enforcement officers to do at that time.

So fast forward many years and technology gave us the license plate reader. The first license plate reader in my agency was in 2005, 17 years ago. And over the course of that -- and in 2005 when we did get our first plate reader, we were by far not the first agency to have that equipment. The first knowledge that I have of a policy on that was in 2011. So now we're talking, you know, 11 years

ago. And a lot of it had to deal with data storage use, dissemination, is it FOILable, but 11 years ago we were dealing with that. I believe it was in March of 2021, DCJS, who oversees Municipal Police Training Council, gave us their model policy and recently, the former Governor wanted to reinvent policing in New York and have every agency accredited. Part of that accreditation process is the use of technology, privacy, and specifically, license plate readers.

So all of this is already being done. I don't know what this burdensome bill is going to do that isn't already being done. If this is signed into law, I think there's going to be employees at DCJS that are going to see this, they're going to look at this and say, *Okay*, and set it aside because it's stuff that they're already doing. And this -- this -- this is sort of like the equivalent of this legislative Body coming out with policy on how we should operate a rotary telephone. We have been doing this for almost 20 years and there's really no need for this. I would urge my colleagues to vote no on this. It's not needed, it's redundant, and it's something that's just going to be burdensome for a State agency. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

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

MS. PAULIN: Yes, of course.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. LAWLER: Thank you. What is the impetus for

this bill?

MS. PAULIN: There was a local police department in Westchester County that -- they had a problem because one of the police officers that was monitoring the license plate readers was also using it to stalk his girlfriend and they realized that there were no policies in place to -- back couple of many -- you know, before this, the license plate reader model policy was instituted. So that deputy mayor called me and said, *You should be aware that there should be a Statewide policy.* Since that time, there has been a Statewide policy that was developed by the very Body that we were saying in the law. So there doesn't need to be a new Statewide policy, but we did put additionally in the law that that same policy, which I have right here and I think one of, you know, one of your colleagues had already pointed out, that that policy should be available on the website and/or in the main building of the police organization so that police officers are very aware of the policy and -- and, therefore, know that they would be violating something if they -- if they did something inappropriate. So it was on a suggestion of the agency itself.

And, you know, and then this bill also requires training not to be in addition, but to be incorporated into the training system right now that's used so that if there is a license plate reader, and I'm not objecting to license plate readers, I'm just saying that if the police organization is using that, then those police officers are educated on what they can and cannot do so that they don't violate or harm unsuspecting victims.

MR. LAWLER: Okay. So the -- the legislation is almost basically looking to codify what has already been done into law, to a degree?

MS. PAULIN: Yes. The license plate reader model policy does not need to be redone. We're calling for it to be developed by the exact same police municipal -- Police Training Council that did develop it and so, therefore, it doesn't need to be redone. The only thing that this bill actually would be requiring is that it then gets put up on websites and/or into the police main office and that police officers are trained, which we would expect that to be happening because it is being put into this manual, but we're just saying, essentially, reminder, you know, please make sure this is now incorporated into training with police officers.

MR. LAWLER: When you say they should be trained, are you looking for it to be part of, like, the police academy training that they go through?

MS. PAULIN: Their existing training, we're not looking for additional training.

MR. LAWLER: Okay. So are we providing any funding to help ensure that the training is available?

MS. PAULIN: There --

MR. LAWLER: And then -- and who would be -- sorry. Who would be the person tasked with training?

MS. PAULIN: The same trainers. The same trainers now. We're not saying that there has to be anything additional. We're



just saying that as part of the curriculum, please don't forget that you developed these policies so that you're training officers to be aware of them. Kind of like our ethics training, you know, it gets updated, you know, nothing new about it, but there might be a few more questions that we get educated on.

MR. LAWLER: Okay. And in no way does this bill limit the use of license plate readers, correct?

MS. PAULIN: No. There's no -- at all. We don't speak to that in the bill.

MR. LAWLER: Okay. All right. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 940-B. 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, Mr. Speaker. For the reasons mentioned by my colleagues, the Republican Conference is generally opposed to this legislation. Those who support it can certainly vote in favor here on the floor or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally going to be in favor of this piece of legislation; however, there may be some of our colleagues who would like to be an exception. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I very much appreciate the questions and discussions from our colleagues. It's always refreshing to have all of our colleagues be knowledgeable on the background and what's going on. And as noted by one of my colleagues, this policy has already been in place now not for a long time, but since 2021, and both parties acknowledge that and I appreciate that. And sometimes we think, well, what's the harm of passing a law that codifies, if you will, what we're already doing. And I would just point out that I have a conference room and all of you are welcome to visit any time you want. I have about 100 feet, linear feet of McKinney's, about 100 linear feet of New York State statute. Now, McKinney's also has in micro print some of the cases talking about those, but every time we add more and more, it increases the cost to everyone else and makes it more and more difficult to find what's really important.

So I would urge my colleagues to just keep in mind that as the laws and regulations in New York blossom, it creates more and more cost, and it makes it more and more difficult for people to find what's really important. For that reason, I'll be opposing it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I would like to remind my colleagues that there is a need for a Majority Conference today, and the members will be contacted as to the details of that conference, the time of that conference, the location we already know will be Hearing Room B, but members will be contacted personally to know what time that conference is. So Mr. Speaker, I now move that the Assembly stand at ease.

ACTING SPEAKER AUBRY: The Assembly stands at ease.

(Whereupon, the Assembly stood at ease.)

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ACTING SPEAKER MCDONALD: The House will come back to order.

MRS. PEOPLES-STOKES: Do you have any further

housekeeping or resolutions?

ACTING SPEAKER MCDONALD: We have no resolutions, but we have one bit of housekeeping.

On behalf of Ms. González-Rojas, Assembly Bill. No. 8 -- A8339, Assembly bill is recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Tax Law.

ACTING SPEAKER MCDONALD: There is a motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned and that we will reconvene at the call of the Speaker. Thank you.

ACTING SPEAKER MCDONALD: The House stands adjourned.

(Whereupon, at 7:01 p.m., the Assembly stood adjourned and will reconvene at the call of the Speaker.)