

**WEDNESDAY, MAY 5, 2021**

**10:44 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. Good and Gracious God, Your loving kindness is poured out upon this Assembly. Thank You for this moment and for the privilege of public service. Give the Body the strength and wisdom it needs to do the daily tasks which collectively contribute to the common good. Thank You for this day and for the very breath that enlivens us. Tenderly bless this Assembly, each legislator and staff person, each family member, every constituent and community. Bless our State, nation, and the world.

As business comes before the Body, help them with

all deliberation to give the best of themselves, their intellect and reason, their heart and conviction, and when needed, problem-solving skills. Let there be room for those who hesitate to speak. Strengthen the weary and give good health to any who feel unwell, and give courage to all. As we continue to emerge from this pandemic, we are mindful of the suffering of so many. Give healing to all. Help us work together. Bring an end to violence and empower all people to speak up in the face of injustice. You who make peace in high places, bring peace with justice in our time. In Your Holy name, we pray. Amen.

ACTING SPEAKER AUBRY: Amen.

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.)

And may we wish the Reverend a happy birthday, which she had in the past Monday. Happy Birthday, Reverend Elia.

(Applause)

A quorum being present, the Clerk will read the Journal of Tuesday, May 4th.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Without objection, so

ordered.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I'd like to begin our proceedings with -- with a quote. This one this morning is coming from Hermann Karl Hesse. He is a German-born Swiss poet, novelist, and painter. His words for us this morning, Mr. Speaker, *If you hate a person, you hate something in him that is a part of yourself. What isn't a part of ourselves does not disturb us.* Again, Mr. Karl Hesse, he's a German-born poet and novelist.

Members are -- do have on their desk a main Calendar. I just want to remind folks though that today is the third Session day of the 18th week of the 244th legislation -- legislative Session. And by the way, this is the last Session day of the week of the 244th legislative Session. So colleagues you do have on your desk a main Calendar and after there are any introductions by the Speaker and/or housekeeping, we are going to take up resolutions on page 3; however, our principal work for the day, we're going to continue consent -- consenting from the main Calendar. We're going to start with Calendar No. 241 by Ms. Buttenschon and then we're going to go to Calendar No. 258 and go straight through, Mr. Speaker, to Calendar No. 279. We also are going to take up some bills on debate today. We're going to start that process with Calendar No. 35 by Mr. Gottfried, followed by Calendar No. 221 by Ms. Cruz, and Calendar No. 206 and 207 by Ms. Bichotte Hermelyn. That is the order that we will proceed in for the time being, Mr. Speaker. Should there be the

need to announce anything in the future, we'll get back to you.

Immediately following this Session though, however, there is going to be a need for a Majority Conference. And so as always, those of us who are on remotely and those of us who are in the Chambers need to with speedily get on remotely so that we can begin that Majority Conference. And, as always, Mr. Speaker, we will consult with our colleagues on the other side to determine what their needs may be.

That's the general outline of -- if you do have introductions or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We have neither.

We will go directly to resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 244, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 1-8, 2021, as Maternal Health Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 245, Ms. Byrnes.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2-8, 2021, as Professional Municipal Clerks Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 246, Mrs. Barrett.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 7, 2021, as Military Spouse Appreciation Day in the State of New York.

ACTING SPEAKER AUBRY: Mrs. Barrett on the resolution -- no, I'm sorry.

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

THE CLERK: Assembly Resolution No. 247, Ms. Simon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 6, 2021, as Dyslexia Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 248, Mr. McDonald.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2021, as Huntington's Disease Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 249, Mrs. Gunther.

Legislative Resolution memorializing Governor M. Cuomo to proclaim May 6-12, 2021, as Nurses Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 250, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 5, 2021, as Mother's Equal Pay Day in the State of New York.

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

Page 20, Calendar No. 241, the Clerk will read.

THE CLERK: Assembly No. A01177, Calendar No. 241, Buttenschon, Lunsford, Griffin, Lupardo. An act to amend the New York State Urban Development Corporation Act, in relation to marketing and expanding export trade.

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 1177. 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 number previously provided.

(The Clerk recorded the vote.)

Ms. Buttenschon to explain her vote.

MS. BUTTENSCHON: On the bill. Thank you, Mr. Speaker. Small businesses make up 98 percent of New York State businesses. They employ more than half of New York's private sector and are the backbone of our country. In my tenure as Chair of the Subcommittee on Export, I have been able to host roundtables throughout the State and have unfortunately learned that small businesses are often overlooked as potential exporters of the great New York State goods and services and, thus, information to begin and maintain an export program does not include them. Businesses need to support -- be supported in the form of updated information, technical expertise, and the development of working alliances to position themselves for maximum trade potentials within other countries, states and regions within New York State.

Due to the COVID-19 pandemic, it is more important than ever to ensure the competitiveness on a domestic and global means. We have the best products and services in the world and they deserve to be showcased. This legislation will work to do a better job at spreading information and working with businesses to make them

aware of all the possibilities and resources available to them. The State needs this and it will help these businesses grow. We must develop a comprehensive strategy to encourage and assist all businesses to realize the promise of expanded international, interstate and intrastate trade. This is common sense measure that supports our local businesses, our farmers, and helps bring new markets and introduces more consumers to all New York has to offer.

In addition, I met John Dyson, the founder of our historic *I Love New York* motto in Utica as we opened an innovative energy museum last month that was in his honor. This legislation will expand to *I Love New York* products and services. We have the best of the best in this State and we need to share our products and services with the world. I will be supporting this legislation.

ACTING SPEAKER AUBRY: Ms. Buttenschon in the affirmative.

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Calendar No. 258, the Clerk will read.

THE CLERK: Assembly No. A05668, Calendar No. 258, Gunther, Woerner, Santabarbara, Taylor, L. Rosenthal, Abinanti, Niou, Brabenec, Steck, Barron, Hevesi, Braunstein, Gottfried. An act to amend the Public Health Law, in relation to the employment of persons to function as infection preventionists in certain general



hospitals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05678, Calendar No. 259, Joyner, Otis. An act to amend the Labor Law, in relation to benefits of shared work programs.

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

THE CLERK: Assembly No. A05795, Calendar No. 260, Burdick. An act to amend the Tax Law, in relation to authorizing the City of White Plains to impose an occupancy tax.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is on A-5795. 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. I will be supporting this legislation that extends the authorization for the City of White Plains to impose an occupancy tax or a hotel tax up to 3 percent on hotels that are within city. Although I know that several of my colleagues are concerned about local government, particularly

cities imposing occupancy taxes or their own sales taxes, this will be at least the third or fourth time we've extended it for the City of Yonkers [sic] so it is not a new tax. And for that reason, I'll be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the negative on this: Mr. DeStefano, Mr. Durso, Mr. Gandolfo, Ms. Giglio, Mr. Lalor, Mr. Lawler, Mr. Montesano, Mr. Schmitt, and Mr. Tannousis. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell, so noted.

MR. GOODELL: Also -- I apologize, also Mr. Smith.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Mr. Stirpe, Mr. Barnwell, Mr. Burke, Ms. McMahon, Mr. Santabarbara, and Mr. Ramos in the negative on this one.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Burdick, congratulations on your first bill.

(Applause)

I won't tell you that this is the best you'll ever do in the Assembly, but I will tell you that we're all so glad that you actually passed it in the morning.

(Laughter)

So congratulations. Keep up the good work.

No. 261, the Clerk will read.

THE CLERK: Assembly No. A05838, Calendar No. 261, Cruz, Galef. An act to amend the Public Service Law, in relation to requiring at least one Commissioner of the Public Service Commission to have experience in utility consumer advocacy.

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

THE CLERK: Assembly No. A06229, Calendar No. 262, Thiele, Otis. An act to amend the Town Law, in relation to requiring an electronic version of a town clerk's sign-board on a town website.

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 3984. 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 number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I will be supporting this bill, although there are concerns by some of my colleagues that we are imposing another mandate on local governments. By way of background, for many types of actions you have to post public notice, for example, on a mortgage foreclosure; you have to post public notice in addition to advertising. And that public notice in Upstate New York has been done on a bulletin board, a physical bulletin board maintained by the town clerk which, other than the town officials that might walk in from time to time, nobody actually sees.

This bill would say that if the town has a website that's regularly maintained, and they can do so without any significant expense, they should allow you to post those legal notices on their electronic bulletin board and meet the statutory requirement for posting. It really kind of brings our procedure up from the 1900s into the -- into the 21st Century, and it's the right move and I appreciate the fact that my colleague who drafted this bill ensured that it was clear, that it was only if there was not a significant expense to the municipality and they already have a web page and they can do it without a -- a considerable burden on the local government. And

because of those protections, I will be supporting it, even though it is an additional requirement on those governments. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the negative on this legislation: Mr. Friend and Mr. Walczyk. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06305, Calendar No. 263, Woerner. An act to amend Chapter 55 of the Laws of 2011 amending the Environmental Conservation Law relating to authorizing angling by a single individual with up to three lines in freshwater, in relation to the effectiveness thereof.

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 record the vote on Senate print 2044. 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. A06389, Calendar No. 264, Fahy. An act to amend Chapter 141 of the Laws of 2014 amending the Environmental Conservation Law relating to authorizing the hunting of big game in the County of Albany with rifles, 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 6389. 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. Glick to explain her vote.

(Pause)

Ms. Glick to explain her vote.

Okay.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Mr. Barron, Ms. Weinstein, and Ms. Glick in the negative on this one.

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. A06436, Calendar No. 265, Paulin, Galef, Otis. An act to amend the Public Service Law, in relation to directing the Commission to establish standards and safeguards for certain radio and phone providers to meet eligibility to provide lifeline services.

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 6436. 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. A06503, Calendar No. 266, Stirpe, Otis. An act to amend the State Administrative Procedure Act and the Economic Development Law, in relation to requiring the Division for Small-Business to publish a small business complete guide.

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 6503. 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. I will be supporting this legislation. I think it's a great idea that the Department of -- Division of Small Business, which is a section in the Economic Development Administration, publish a -- a small business compliance guide. This legislation provides that the guide will include, but not be limited to changes regarding permits, licenses, taxes, insurance, workplace safety, compensation, wages, hours and benefits. My only comment is it's really unfortunate we have to have a publication that goes out annually that covers so many subjects in the State of New York, and I look forward to the time when we can publish a guideline that identifies all the regulations that we are streamlining or reducing. But in the meantime, letting our small businesses have a small book every year on all the new regulations we pass will probably improve our compliance. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I'll be



very brief. I support the -- the bill because I do think our small businesses struggle every year to -- to figure out what regulations they need to be in compliance with, especially since we as a Body tend to pass many regulations and new laws and new bills to -- to take effect.

Several years ago, New York State Senate did a study on regulations in New York State and they found that there were over 750,000 business regulations in the State of New York. So just think about that and how hard it is to comply with all of the regulations. The only thing that would make this bill better is if we could find a way to reduce regulations in the State of New York and make it easier to do business. So maybe that's something we can work on as we move forward. With that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06871, Calendar No. 267, Cahill. An act to amend the Public Service Law, in relation to utility membership dues used for lobbying activities.

ACTING SPEAKER AUBRY: The bill is laid aside.

On Mr. Cahill's motion, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A06877, Calendar No. 268, Zebrowski. An act to amend the Insurance Law, in relation to

allowing insurers to dispense with or defer inspections of private passenger automobiles prior to the provision of coverage for physical damage thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06888, Calendar No. 269, Barrett, Lupardo, Stirpe, Otis. An act to amend the Agriculture and Markets Law, in relation to a public awareness campaign regarding Lyme Disease and other tick-borne disease.

ACTING SPEAKER AUBRY: On a motion by Mrs. Barrett, 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 4089. 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. A06910, Calendar No. 270, Cusick, Fall, Colton, Durso, Griffin, Reilly. An act to amend Chapter 395 of the Laws of 1978, relating to moratoriums on the issuance of certificates of environmental safety for the siting of facilities and certification of routes for the transportation of liquefied

natural or petroleum gas, in relation to extending the effectiveness of the provisions of such chapter.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06970, Calendar No. 271, Walker, Jacobson, Otis. An act to amend the Election Law, in relation to establishing an electronic absentee ballot application transmittal system.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06971, Calendar No. 272, Paulin. An act to amend the Not-for-Profit Corporation Law, in relation to leasing of cemetery lands.

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 6971. 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. A07018, Calendar No. 273, Hevesi, Barron. An act to amend the Public Health Law, in relation to requiring residential health care facilities to document the reason for an individual requesting a voluntary transfer or discharge;

and to amend a chapter of the Laws of 2021 relating to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Hevesi, 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 6204. 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. A07019, Calendar No. 274, Seawright. An act to amend Chapter 223 of the Laws of 1996, amending the Banking Law relating to permissible fees in connection with open end loans, in relation to extending 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 7019. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the

Majority or Minority Leaders 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. A07022, Calendar No. 275, Wallace, Barron. An act to amend Chapter 462 of the Laws of 2015, amending the Elder Law relating to long term care ombudsman access to assisted living facilities, in relation to the effectiveness of certain provisions of such chapter.

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 7022. 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. A07024, Calendar No. 276, Woerner, Pretlow. An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to coupled entries.

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 7024. 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. A07093, Calendar No. 277, Clark, González-Rojas, Lunsford, Paulin, Gottfried, Simon, Meeks, Lavine, Bronson. An act to amend the Social Services Law, in relation to eligibility requirements for the receipt of child care assistance.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07120-A, Calendar No. 279 was previously amended on Third Reading and is High for Friday.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could have members turn their attention to Calendar No. 35 by Mr. Gottfried on debate; Mr. Gottfried is prepared.

ACTING SPEAKER AUBRY: Calendar No. 35,  
page 6.

MRS. PEOPLES-STOKES: And, Mr. Speaker, immediately after that could we go right to Calendar No. 221 by Ms.

Cruz, followed by Calendar No. 206 and 207 by Ms. Bichotte Hermelyn.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. The Clerk will read.

THE CLERK: Assembly No. A00459, Calendar No. 35, Gottfried, Paulin, Niou, Fahy, Hevesi, Sayegh, L. Rosenthal, Kim, Quart, Epstein, Aubry, Walker, Cruz, Steck, Perry, Dickens, Hunter, Reyes, Cook, Simon, Darling, Walczyk, J. Rivera, Seawright, Fernandez, Glick, O'Donnell, Carroll, Taylor, Bronson, Otis, Gallagher, Weprin, Vanel, Forrest, Jackson, Galef, Meeks, Rajkumar, Anderson, Lunsford, Clark, González-Rojas, Burdick, Barron, Burgos, Dinowitz, Zinerman, Mamdani, Lupardo. An act to amend the Criminal Procedure Law, in relation to vacating convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution.

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

MR. GOTTFRIED: Thank you, Mr. Speaker. This bill expands a law that we enacted a number of years ago which was, for the country, a pretty landmark law at the time that provides people who are the victims of sex trafficking and -- and -- and other forms of trafficking, it enables them -- and if as a result of that trafficking they were coerced into performing various criminal acts, specifically -- specifically prostitution-related offenses, then they could get those prostitution-related convictions expunged on grounds that they only

did those things as a result of being coerced through trafficking.

Several other states -- quite a few other states have not only enacted a law modeled on what we did about -- I guess about ten years ago, but quite a few states have gone beyond that and have said that if -- that whatever crime you were coerced into doing through being a trafficking victim, you could apply to a court -- to the court that sentenced you to have that -- that conviction vacated. And that is what this bill would do. It would broaden the scope of the law to eliminate the very narrow list of predicate offenses and provide this relief to someone who is a sex trafficking, labor trafficking, et cetera, victim to get a criminal conviction that was the result of essentially being forced into it by being trafficked, to get the conviction expunged or vacated.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: Mr. Gottfried yields, sir.

MR. GOODELL: Thank you, Mr. Gottfried. And I appreciate your explanation. So under current law, if an individual is a victim, establishes that they're a victim of sex trafficking or loitering for prostitution or engaging in prostitution or promoting prostitution,



then -- then that's a defense, if you will, for any prostitution or sex trafficking related charges; that's the current law, correct?

MR. GOTTFRIED: Well, if -- if they were trafficked, whether it was sex trafficking -- well, if they were a victim of trafficking, they can get an expungement or a vacating of the conviction, but only for direct prostitution offenses. Being a prostitute themselves, soliciting in a schoolyard, and -- and I think there is one other, I can find it for you. But essentially, it is narrowly limited to vacating convictions for prostitution offenses.

MR. GOODELL: And then this bill would extend it to any crime without limitation, correct?

MR. GOTTFRIED: Correct.

MR. GOODELL: So as long as you are arrested, for example, as a -- as a prostitute and as a defense to that prosecution defense you asserted that you were actually a victim, then you could make a motion and avoid any criminal liability at all, or there would be a presumption of innocence even if it -- the other charge was like a felony DWI, or vehicular manslaughter, or sexual assault of a third party, or bribery, or embezzlement, or a violent crime like assault, or illegal possession of a weapon, right? It wouldn't matter what the subsequent crime was.

MR. GOTTFRIED: Well, just to -- to modify your procedural proposition, the motion is a motion to vacate a judgment. So it happens after you've been convicted. I mean, I suppose you could -- you could raise that as a defense at your original trial, but --

because there's no law against it, but it's hard to imagine anyone doing that because at the time you're under arrest for prostitution, you are, you know, essentially in fear for your life because of the -- because of the trafficking.

MR. GOODELL: Can we --

MR. GOTTFRIED: And so you -- you come back after the conviction and presumably after you have been freed from your trafficking status and are then free to go back to court and say, *Please, Judge, I was coerced into this by being a trafficking victim.* And it would then be in the discretion of the judge whether to grant that motion.

MR. GOODELL: But this bill says that -- a couple of things. First on a procedural level, that-- that motion doesn't have to be made with due diligence under this revised law. The current law requires such a motion be made with due diligence, this one eliminates the requirement that that motion to vacate be made with due diligence, correct?

MR. GOTTFRIED: Yeah, I -- I think our law has recognized that victims of traumatic experiences like this can't really expected -- can't really be expected to, you know, come running to court for relief with "due diligence." They --

MR. GOODELL: Is there any -- is there any time limit at all on this? I mean, could it be years later?

MR. GOTTFRIED: I suppose it could. Again, it would be up to a judge, and the longer you wait the harder it will be to

prove your case to a judge. Um --

MR. GOODELL: And that -- I'm sorry. If you make this assertion, let's say you make a motion a few years later, am I correct that your motion starts with a presumption that your participation in the violent offense or whatever the offense might be was because you are a victim of sex trafficking?

MR. GOTTFRIED: Ah, I don't see where there is presumption language here --

MR. GOODELL: I'm looking at page 2, line 20 and 21.

MR. GOTTFRIED: Page 2, line 21, um... well, if there were -- if there is a documentation, yeah, that at the time you were a victim of -- of trafficking, yeah, that would create a presumption.

MR. GOODELL: Now, I note that this goes on to say that a motion --

MR. GOTTFRIED: Because otherwise -- otherwise it -- I mean, it's kind of impossible to prove other than by saying, *I was being kept in slavery and I did what my master told me to do*. You know, to prove that *the reason I did what my master told to me to do is because I was in slavery*, is kind of hard, and that's current law.

MR. GOODELL: So one other thing, I see this adds language --

MR. GOTTFRIED: I don't what you could --

MR. GOODELL: -- that --

MR. GOTTFRIED: By the way, I -- if you're asking me --

MR. GOODELL: Oh, I apologize, Mr. Gottfried.

MR. GOTTFRIED: If I could complete my answer, since you're asking about that part of current law, it -- it might -- someone might suggest that you have an alternative to -- you know, to propose, but in the couple of times we've passed this bill before, I don't think anyone's offered such a suggestion.

MR. GOODELL: I'd be glad to -- to forward suggestions following our debate.

Looking a little bit further in this, it says that a motion to vacate a conviction shall be confidential and may not be made available to any person or public or private entity unless specifically authorized by the court. So that means that the victim, for example, of a violent assault that may have occurred, or the -- the victims of vehicular manslaughter, the family, for example, of someone who was run over while the defendant was drunk, they wouldn't even have an opportunity to know that the person who killed their loved one is making a motion to have the -- the conviction vacated, is that correct?

MR. GOTTFRIED: No. First of all, even if that language were not in there, unless the victim or the victim's family has the rather odd habit of scrutinizing on a daily basis all the court filings in the State, they're not likely to have stumbled across this fact anyway. But the -- the court can always say that it wants to notify the

victim or the victim's family. The court would be free --

MR. GOODELL: Of course --

MR. GOTTFRIED: -- to do that.

MR. GOODELL: As you know --

MR. GOTTFRIED: Whether that would have any bearing on -- on the merits of whether the person did what they did because they were forced by their slavery into doing it, you know, it would be an interesting question, but that would be up to the judge.

MR. GOODELL: Of course, as you know, many victims of violent crimes, particularly loved ones of those who've been killed via an assault or gun violence or vehicular manslaughter, they often watch very carefully to see if and when they -- the defendant is available for parole and they're authorized to speak in connection with a parole hearing. And of course, they have the right to speak at sentencing, right?

MR. GOTTFRIED: Right.

MR. GOODELL: And so why is it that we would not want to extend that right to them if a defendant who claims that they killed their loved ones in a drunken accident or shot 'em dead should be exonerated completely because they were -- a prostitution -- a prostitute. I mean, shouldn't we affirmatively provide the victim's family with that notice as we do in parole hearings and as we do in sentencing?

MR. GOTTFRIED: I don't think so. First of all, the whole theory of this legislation is that someone did something, and it

may have been a very bad thing, but someone did something because they were coerced into it because of being sex trafficked or -- or labor trafficked. And I think those victims are going to be a lot more willing to come forward and get their record cleaned so they can go -- so they can become productive members of society and start their life again. I think they're a lot more likely to do that if they don't have to fear that their life story is going to be spread all over the papers, or all over town. And again, the -- whether -- the family probably has no knowledge of whether to contribute to the proceeding as to whether the defendant was a trafficking victim. They're not likely to know anything about that, and that's the issue in the case. The issue in the case is was the -- was the person coerced and victimized into doing what they did. And again --

MR. GOODELL: So -- oh, I'm sorry.

MR. GOTTFRIED: -- remember, it's all within the discretion of the judge, including if the judge wants to invite the family in, the judge can do that.

MR. GOODELL: Thank you. Am I correct that if this bill passes, just to use it as an example, Ms. Maxwell, who is currently in prison awaiting trial on charges that she helped Jeff Epstein recruit dozens of young women could, as a defense, claim that she was a victim herself? And if she --

MR. GOTTFRIED: From what I --

MR. GOODELL: -- established that she is a victim, then she would be exonerated from all related charges, at least in --

under State law?

MR. GOTTFRIED: I would say that from what you and I and the general public know about this case, she is probably more of a trafficker than a person who was trafficked.

MR. GOODELL: Although, as we both acknowledge --

MR. GOTTFRIED: Well, if the time was --

MR. GOODELL: -- the current law -- the current law expressly acknowledge --

MR. GOTTFRIED: It -- it --

MR. GOODELL: I'm sorry, I apologize, Mr. --

MR. GOTTFRIED: It would be easier if I could answer the questions. If a -- a person being a trafficker does not get them anything under this statute --

MR. GOODELL: Although we expressly, under this law, provide that it is a defense to a trafficker that the trafficker themselves, or herself, or himself was a victim, correct? I mean, that's expressly included in the language of the current law, right?

MR. GOTTFRIED: If a person was -- was convicted of -- of -- of trafficking and was also a victim of trafficking, then the fact that they were a victim of trafficking would be grounds for moving to vacate a conviction for trafficking. The -- the example you're citing is very inflammatory and intentionally so, I assume, but has nothing to do with this bill. Because there is -- there is -- there is no -- there is no suggestion that I've seen that the people you're talking

about were trafficking victims, they were trafficking perpetrators.

MR. GOODELL: Well, of course we haven't heard her defense yet, and we're working hard to increase all those defense options for her. Thank you, Mr. Gottfried.

On the bill, sir.

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

MR. GOODELL: So this is a bill that should probably be named the *Sex Victim Get Out of Jail Free Card*. And this is just like Monopoly, except there's real victims involved. Under this bill, if you are fortunate enough to establish yourself, and I use that word *fortunate* in somewhat of an ironic way, if you are fortunate enough to be classified as a victim of sex trafficking, you can use that as a presumption of innocence for any crime whatsoever. That's what this bill says. You can use it as a defense to a DWI, a felony DWI. You can use it as a defense for vehicular manslaughter. You're drunker than a skunk, you ran over -- you killed innocent victims, you can say, *But I was a victim of sex trafficking*, and you have a presumption of innocence. You can use it as a defense where you shoot and kill other people. No exceptions, none.

Now I understand that if you're a victim of sex trafficking you may be under intense influence, and we have always recognized in New York State, always, the defense of duress. But the defense of duress establish -- requires you to establish that there is so much duress you couldn't control your own actions and this takes it a



step farther by eliminating that and replacing it with a presumption on every crime and, therefore, I cannot support it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill.

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

MR. REILLY: So I understand the intent of this legislation. I -- I understand that we're trying to help those that are the victims of sex trafficking and those that lives are in danger from it. But I think there's no guardrails to really hold those accountable that commit serious crimes while in the performance of prostitution. You know, during my career -- I spoke many times here about my career in the Police Department, talking about the work that I did in Midtown Manhattan. And one of the cases that I couldn't help but reflect on during this debate is a case that happened on West 50th Street and 8th Avenue, where a prostitute had a John in his car and they had a fight over payment. The prostitute pulled out a knife, held it to his throat, made him get out of the car and carjacked him. Under this legislation, if passed, you can vacate that with just simply convincing someone that she was a victim of sexual trafficking.

I think there has to be some guardrails where the things that we discussed during this debate, the more serious crimes, you don't just get a *get out of jail free card* for those events. Many of the prostitutes that I arrested during that -- during my career were also

repeat offenders for pickpocketing, grand larceny, stealing credit cards from their victims, or customers, however you want to present them as, and that was their own volition. They were making extra money by do -- by committing those crimes.

So I think when we look to help those that are the victims of sex trafficking, it's a noble concept and a noble idea, but I think when we expand it to this extent, we are actually protecting those who will use this as cover to continue their criminal enterprise. So for those reasons, I cannot support this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Reilly.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Cruz.

MS. CRUZ: So I've talked on the floor before about the prior work that I used to do investigating labor and sex trafficking. Unlike most of the folks in this room and who are watching us, I actually sat across victims -- victims of labor and sex trafficking and I had to make the determination of whether they were actually victims. So you go through the process of asking them deep questions about the facts, about timelines, about who they are, about who these alleged traffickers are. And I have to be honest, I've yet to meet the first

survivor of human trafficking that sits there and says, *You know what? I'm going to use this to continue my quote/unquote "criminal enterprise."* Most of the time, if not 100 percent of the time when these survivors come to us, they come in search of help, in search -- in search of survival, in search of some sort of public benefit, of immigration help, of labor help, of actually escaping. There were times when I entered a -- a few farms and a few brothels, I don't know even know what they call them now, in -- in dense locations with the police. And we had to ask the questions. And again, I have yet to meet a single one of them who actually understood that they were being trafficked. And I think that's the part that we're not discussing here. Often these crimes occurred to them and they don't even understand that that's what's happening to them.

And so when we're fighting against this bill, and where we're having the argument that this is a *get out of jail free card*, we're skipping a whole lot of steps. We're skipping the step where someone, usually an attorney, an ADA, a police officer, an investigator comes into contact with this person to make the determination that they're possibly a trafficking victim. If they're lucky enough, that case will be prosecuted. If they're not lucky, generally they come into the system because they were, themselves, were arrested. Sometimes it's for engaging in sex work, and let's keep in mind there's a difference between someone who chooses to engage in sex work and someone who is a trafficking victim, because they're doing against their will. And that's key here.

So let's say they got arrested. Let's say they got tried, and then let's say that they finally faced what was happening to them and that they're looking to move forward with their life, and sometimes that arrest is for sex work, sometimes that arrest is for a lot of other things. Why can't we give them the opportunity to start their life again? Because if that non-sex work-related arrest had to do with what the trafficker did to them, was forcing them to do -- I mean, let's think of sometimes we have farm workers that are trafficked. What if they got arrested for, I don't know, falsifying information and -- and they were being forced by their trafficker, by the person who brought them to the farm, those instances actually occur. And to then sit here and say that this is some sort of privilege, that they were -- that they were -- that we're giving them some sort of privilege where, actually, we owe this to them. We as government owe them the opportunity to restart their life.

So I'm going to urge my colleagues to really use common sense, to really understand how the system works and to not make arguments that somehow these folks, these survivors are out there trying to figure out how to game the system. By the time they get to a lawyer that actually looks at how they can vacate this conviction, they've already gone through the system, the ringer, they're probably on mental health services and all they're trying to do is erase a -- a crime that was committed because someone was forcing them to do something against their will and now they can't get a job, they can't get a place to live, they can't move on with their life. And so how can

we say we really care about victims, just not those victims. That makes no sense.

And so I thank the sponsor of the bill. I thank the community who has been standing behind supporting this bill for so long, and I hope that this is the absolute last time that we have to make this argument so that we can truly give victims their justice. 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 Assembly print five -- 459. 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 will be generally opposed to Calendar No. 35, which is Assembly Bill No. A00459 that allows for the vacating of convictions for any offense from anybody who is a sex trafficker, and it relates to the confidentiality of all those records. Thank you, sir. If there's those who support this, they should certainly contact the Minority Leader's Office so we can properly record their vote. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority colleagues will generally be in the affirmative

on this one -- bill that would attempt to protect people who are being, on a regular basis, human trafficked in our country. Those who desire to be an exception should feel comfortable in contacting the Majority Leader's Office and we will properly record your vote.

ACTING SPEAKER AUBRY: So noted.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. You know, I was sitting here reading -- I had to pull up the language as I was listening to debate, and I just want to clarify that this section only applies if the judgment is the result of the defendant's participation in the offense -- I'm sorry, if the judgment of conviction is a result of the defendant's participation in sex trafficking. So in other words, the defendant must have committed the offense because of sex trafficking. And, you know, I submit that that is the guardrail that applies, that the judge makes a decision that the defendant was forced into sex trafficking and that's what caused her participation, or his participation in this offense.

So I fully support this bill. I think it's the right thing. And I just want to say that I don't think any victim of -- of sexual assault thinks -- or sex trafficking considers himself fortunate to have been a victim. So I vote in the affirmative and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Wallace in the

affirmative.

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, the bill doesn't say that you just walk into court and demand that the -- your judgment be erased. You have to provide government documentation of your status as a victim of trafficking. Even if you provide that government documentation, showing that, it is still up to the discretion of the judge. And this bill is modeled on the law in states across the country and it has previously passed the Assembly four times, each with more than 100 votes. And I hope we will do that again today. And I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for an opportunity to explain my vote. This past Saturday I attended an event in front of City Hall in the great City of Buffalo where some young ladies are actually taking a ride down to Virginia, and they're literally going to walk, taking turns, from Virginia to Buffalo. And what they're doing is called a FreeTHEM Walk. This country right now has so many young people, and even older men and women, that are being abducted specifically for the purpose of sex trafficking. And sometimes the only way you get to get out is by defending yourself or doing something that you definitely did not want to do. This is a real problem. It's a new level of slavery.

And so these young ladies led by Kelly Galloway are going to walk hundreds of miles in an effort to try to free people from being abducted. There are some young people in the City of Buffalo right now that we don't even know where they are, they've been abducted. We really do have to move forward with shutting down opportunities for men and women to abuse other humans for their purposes. And if that happens and that human has to protect themselves and their life, I think society owes them an opportunity. No one's going to get through this process without going through our State court systems, and I think it's going to be a fair process. And I want to commend the sponsor of this legislation because sometimes it's just right to do what's right. So thank you, Mr. Gottfried, I look forward to voting in the affirmative on this one.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. And perhaps it was all the years I spent in Federal court that gave me this compunction to want to try to correct the record. A few observations. This has absolutely nothing to do with the case against Ghislaine Maxwell, who is being prosecuted in the Federal court. Nothing. You may as well be comparing a nuclear submarine to an orange. Secondly, with respect to confidentiality, the law proposed here expressly provides that a judge has the ability to share the fact that the motion is being made with the so-called victims of whatever criminal



activity would have occurred. Thirdly, from the point of view of prosecutors, and I represented many high level cooperators in Federal and State court, this is a valuable tool because if we want to be able to attract sex workers to be able to cooperate in prosecutions of higher-ups and those -- the higher-ups of those higher-ups, we need to do something to try to protect them, and protecting their record is of extreme importance.

This provides a ray of hope to those who, unfortunately, and many of them as little children, little tiny children are victimized, to be able to return to society and to be able to become a productive part of -- of our society. I think this is a great bill, I'm happy to vote for it. And what's in the back of my mind now is in -- in conclusion, Anatole France's famous statement that, *The law, in its awful majesty, prohibits both rich and poor from stealing bread and from sleeping under bridges*. Let's do what we can to protect everyone in our society. I'm pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Morinello.

MR. MORINELLO: I'm trying to unmute. I did unmute.

In the past, I've had different feelings on this particular bill. But I -- I'm drawing upon my experience when I was on the bench. I did numerous trainings on domestic violence, on violence, and we had trainings on trafficking. One of the most

startling things is in Mexico, a small city in Mexico, there are two schools of thought on trafficking. There's one -- one school of thought is where they teach the traffickers how to abuse and intimidate; the other teaches them how to cajole and how to be nice and bring them in. And then they go out into the villages of the -- the poor villages, and they use these tactics and bring these women, these young girls into the States, they smuggle them in. And what was even more shocking is one of the largest group homes for human trafficking was in Maryland right outside of Washington, D.C.

With some deep, deep studies, you can find that this is prevalent around this country and that we need to recognize it. I also feel that the judge has enough discretion, and it's not going to be a wholesale passing on this. I do support this bill, I have changed my position from the past, and I've done some additional research on it. I vote yes and I thank the sponsor. Thank you.

ACTING SPEAKER AUBRY: Mr. Morinello in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. And I agree with all my colleagues who have expressed their deep horror and opposition to sex trafficking. It is fundamentally inappropriate, inhumane, and should be something that we focus on reducing and eliminating whenever possible. And so normally when we want to eliminate or reduce an activity that we find abhorrent, we make it illegal. And then if the person is arrested, we look at ways to get them

out of the system. So, for example, when we look at diversion courts for drug treatment, we look at diversion courts for those with mental health, and we should look at implementing a similar process to help people get out of sex trafficking.

And although we had those tried and proven approaches in helping others in other situations, this Legislature has taken the opposite approach. So instead of arresting those who solicit prostitution, including the people who arrange for the prostitutes, the pimps, earlier we said that it's no longer illegal to solicit for prostitution. So instead of intercepting them and bringing them into the judicial system and trying to help them and help them get out of it, we've now eliminated that as even a crime. And this goes one step further. It says if you're facing years in prison, it's a good time for you to claim that you're a sex victim and that while you're sorry, you may have killed, hurt, maimed, shot, assaulted or otherwise done horrific crimes, you should get out of jail free. And I cannot support that concept. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Colton to explain his vote.

MR. COLTON: I rise to explain my vote. I am very conflicted by this legislation. I absolutely believe that we should not victimize somebody who was forced into trafficking, no matter what kind it is, but I am also very disturbed by the fact that under confidentiality, victims will not have a chance to be aware of this. I

believe that, you know, we need to refine this bill a little bit more so that we do recognize the rights of people who may have been victimized who can then present whatever evidence they have of what happened here and -- while still protecting the rights of those who may have been in sex trafficking by force, by -- not by choice. I think the existing law does permit such a defense to be raised. I would like to expand it, but I am very concerned about the rights of victims not being, you know, being made aware of the opportunity to give their information to the court and, therefore, reluctantly I must vote in the negative.

ACTING SPEAKER AUBRY: Mr. Colton in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the affirmative: Mr. Byrne, Mr. Durso, Ms. Giglio, Mr. Lawler, Mr. Morinello, Mr. Schmitt, Mr. Smith, and Mr. Walczyk. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Ms. Hyndman.

MS. HYNDMAN: Please record our colleagues in the negative: Mr. Colton, Mr. Santabarbara, and Mr. Eichenstein.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Calendar No. 221, page 19, the Clerk will read.

THE CLERK: Assembly No. A02199, Calendar No. 221, Cruz, O'Donnell, De La Rosa, Seawright, Lavine. An act to amend the Civil Practice Law and Rules, in relation to interest upon judgment.

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

MS. CRUZ: Thank you, Mr. Speaker. A2199 seeks to amend CPLR 5003 to allow for the calculation of interest from the original date of entry of denial of a summary judgment in cases where such denial is reversed or appeal. This change would apply in cases where summary judgment was first denied then granted an appeal from the date of entry of the order originally denying summary judgment. It would require that the interest on judgments to be measured from the date of the entry of the order originally denying summary judgment in cases where summary judgment is granted an appeal after being denied. Calculating that interest from such a date will result in a more equitable outcome for those who bring an action that is ultimately decided in their favor, often after waiting years for a resolution of that matter. If a plaintiff is granted summary judgment on appeal, it is a matter of fairness to allow such plaintiffs to receive interest on a judgment from the date of the original denial of summary judgment because the plaintiff should have been granted summary judgment from such a date to begin with.

Furthermore, this proposal would allow to -- for the

increase in efficiency in the judicial system and foster a solution of cases pending appeal where one side anticipates the realistic outcome of the case and appeals to extend the litigation and delay payment of the judgment.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. CRUZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you. So just a couple of questions for you. What is the current rate of interest that would be paid to plaintiff who prevails on appeal on one of these motions?

MS. CRUZ: It's 9 percent as set forth in CPLR 5004.

MS. WALSH: And do you happen to know what the average rate of return is on a, like a savings account right now?

MS. CRUZ: I can speak on a personal note, it's like something like 1 percent, it's not a lot.

MS. WALSH: It's under 1 percent.

MS. CRUZ: Yeah.

MS. WALSH: Right, okay. So you kind of stated in your explanation of the bill what the purpose was for the bill, but would you mind just stating again what the purpose is for enacting this?

MS. CRUZ: Yeah, it's fairness. So if -- if someone ultimately prevails on -- on this appeal, the interest would start accruing from the date where they would have won in the first place. So it's just to make things fair because during that meantime, often up to two years in some of our -- in some of our departments, the person has to not only pay for -- for legal fees, they have to pay for medical fees, it's to make them whole.

MS. WALSH: So because -- thank you. Because, you know, and I are attorneys, but...

MS. CRUZ: That's the rumor.

(Laughter)

MS. WALSH: Yeah. But many of our colleagues aren't, I thought we could maybe just talk about a couple of hypothetical situations that might just kind of make this a little bit more real for people as they're kind of deciding what to do with this bill. So for example, plaintiff, which a plaintiff is the injured party -- allegedly injured party, walks into a restaurant, okay, and is -- walks into the restaurant and is hit by a sign that falls down -- falls down on his head. Okay. So we do depositions, there's questioning, the owner of the restaurant admits during his deposition, *Hey, I hung that sign and I thought I hung it well, but I guess I must have missed a bolt or so*, you know, and at that point, the injured party, the plaintiff, files a motion for summary judgment. So it's really, in my experience, these types of motions filed by plaintiff, the injured party, are pretty rare. Usually motions for summary judgment are filed by the defendants

saying that there -- there aren't any issues of facts, but here the plaintiff is filing it. So plaintiff files it, it goes to the trial judge. The trial judge takes a look at the facts and says, *Viewing this in the light most favorable to the defendant, I'm going to deny the motion for summary judgment*, and then the plaintiff appeals and goes up to the Appellate Division; have I got that right so far, that's -- that's -- that's procedurally how things go, right?

MS. CRUZ: It could in some instances, yes.

MS. WALSH: Well, when it's denied, if the plaintiff wishes to appeal. They could just go home but, you know, if they appeal, then they're going to go up to the Appellate Division, they have to file their Notice of Appeal within 30 days, but then they have up to nine months to perfect the appeal and we know that, you know, around the State - well, just take COVID out of it for a minute - just in the regular course of business it's not unusual for an appeal to wait until some months have passed before the appeal is perfected, and sometimes you can even get that extended even more. Then it's going to go on to an appeals calendar, might get argued in person, definitely, you know, it would be fully briefed and then you have to wait for the Appellate Division to make a decision. But after all that time goes by, let's say the Appellate Division says, *You know what, trial judge? I think you got it wrong. We're going to grant summary judgment*, but there hasn't been any determination of damages at that point so they're going to remand it back to the trial court. The trial court then is going to make a determination of what the damages are going to be.



So this bill, I believe, is going to say we're going to assign 9 percent interest, so over nine times what, you know, you would get out of a savings account, nine times interest from the -- all the way back to when the plaintiff originally filed the motion for summary judgment, correct?

MS. CRUZ: No.

MS. WALSH: No, okay.

MS. CRUZ: This bill -- the 9 percent is already set by law. This is something that let's say --

MS. WALSH: Yes, right.

MS. CRUZ: -- it gets decided way up, and I'm going to speak in non-lawyer terms, at the beginning -- at the beginning stage in the court process it gets decided then and there's some delay of payment or there's an appeal, that -- that 9 percent interest is already built in. It's a completely different section of the law. We're not saying that. What this change does is that if you could have actually succeeded before you took it all the way to appeals, before the court originally denied it, then you attach an already existing mandated 9 percent.

MS. WALSH: I -- I think we're saying the same thing, you're just making the point that the 9 percent is set in statute.

MS. CRUZ: Yes.

MS. WALSH: It's not like -- the judge doesn't say --

MS. CRUZ: I'm doing it for clarification.

MS. WALSH: -- *I'm going to pick a percentage and*

*I pick 9 percent.*

MS. CRUZ: Yeah, no. I'm doing it for clarification because I want to make sure that there's no confusion that my law doesn't -- my proposal of the law doesn't say 9 per -- doesn't touch the 9 percent. It only touches when it attaches.

MS. WALSH: Exactly --

MS. CRUZ: Yes.

MS. WALSH: I completely understand what you're saying, yep. But I'm also right, aren't I, that the time period where it does attach, that statutory percentage of 9 percent, that attaches all the way back to when plaintiff first made that motion for summary judgment, which could be some time ago, correct?

MS. CRUZ: Not when he makes the motion, when he's -- when the motion is decided.

MS. WALSH: Oh, when it's denied by the trial judge.

MS. CRUZ: Yes, mm-hmm. Correct.

MS. WALSH: Okay, gotcha. Thank you for that clarification. All right. Now, so what about a situation where a plaintiff sues a defendant, the defendant then brings a counterclaim against the plaintiff. Does that -- does that defendant who makes a counterclaim get the benefit of what your bill says?

MS. CRUZ: In the motion for summary judgment, there isn't a counterclaim. That would be a completely different procedure. So I'm not -- if he were to then follow through with that,

yes, but we're not -- we can't conflate the two necessarily here.

MS. WALSH: Okay. Well, I'm asking because by making that counterclaim, it's -- it's as if the defendant is stepping into the shoes of the complaining party or the plaintiff by bringing a counterclaim. So I'm just wondering if they get the benefit, if they get turned down to be able to get that.

MS. CRUZ: Well, give me one second.

(Pause)

Yeah, this just applies to the plaintiff in the summary judgment, not to the counterclaim.

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

Mr. Speaker, may I please go on the bill?

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: Thank you. So I think that proudly, and as many of my lawyer colleagues can relate to, I really can see both sides of this one. You know, I think that on the pro-side for the bill, you know, it could be a really long time before we get a dollar amount assessed on the value of damages. Hold on a second. I got my papers not in front of me. Okay. I think that this -- this bill will really only apply to a very relatively small number of claims brought each year because, you know, one person described it to me almost as like the unicorn case, right, because most of the time it's the defendants who are bringing summary judgment motions instead of the plaintiffs. It would be a case where maybe it would be a fall under

the Labor Law or something that approaches something like strict liability before the plaintiff is actually going to be the one bringing this summary judgment motion.

So I don't think it's going to really impact a whole bunch of cases, but I also think that -- and I appreciate the fact that the sponsor is not setting a 9 percent statutory interest. That's already in the law. However, we've got to consider the fact, you know, in -- in order to be fair to the plaintiff, which is, I think, what the sponsor is intending by having this bill, we want to also make sure that it's not really a penalty to the defendant because interest is not supposed to be a penalty. We've got a Court of Appeals case which is I think the *Love* case, ironically, *Love v. State* that says that interest is not supposed to be a penalty, but it really does approach a windfall for the plaintiff if they're able to get this 9 percent interest relating all the way back to when the trial judge denied initially the -- the summary judgment motion. So it really could add up considerably. It could potentially skyrocket and become higher than the value of the judgment itself.

On the other side of things, you know, I think that although the, say insurance company representing the defendant, although they can't control the speed at which the court system proceeds on an appeal, they always have the ability to step in and try to settle or resolve a case during the pendency of that appeal or even afterwards if it gets remanded for a trial on damages. So I do think that probably having this become law would encourage settlements in

these types of cases, so I do see that side of things, as well.

I think that that's pretty much all I have to say about that. I probably will end up supporting this bill, honestly, because I think that -- I think that it really is not going to impact that many cases and I do think that insurance companies do always have the ability to -- to settle cases and resolve them as -- as we go forward. So thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Goodell.

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

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

MS. CRUZ: I thought you wouldn't ask.

MR. GOODELL: Thank you, Ms. Cruz.

ACTING SPEAKER AUBRY: Ms. Cruz yields.

MR. GOODELL: Thank you, Ms. Cruz. I just wanted to flesh out a little bit how this might work. Let's say a plaintiff makes a motion for summary judgment and wins. Of course, the summary judgment only deals with liability, it doesn't deal with damages, right?

MS. CRUZ: Can you repeat that last -- liability doesn't deal with what? I didn't hear you, I'm sorry.

MR. GOODELL: A motion for summary judgment

by the plaintiff only deals with liability, not with the amount of damages, correct?

MS. CRUZ: That's correct.

MR. GOODELL: Many of us non-lawyers - well, I'm a lawyer - but many non-lawyers may not realize that even if you win a motion for summary judgment there may be extensive discovery and maybe even a jury trial over the amount of the damages, correct?

MS. CRUZ: That's correct, yes.

MR. GOODELL: So let's follow a scenario where the plaintiff makes a motion for summary judgment and wins, and two years later you have a trial and they establish the amount of the judgment, hotly contested, they establish the amount of the judgment. Under current law, interest starts once the judgment is rendered, correct?

MS. CRUZ: That's correct.

MR. GOODELL: So under current law, even if the plaintiff wins the motion for summary judgment, under current law interest only starts once the liability has been established, correct?

MS. CRUZ: Correct, yes.

MR. GOODELL: But under this bill, if the plaintiff's motion for summary judgment is initially turned down and then reversed, the judgment interest runs not from the date of the judgment but all the way back to when the motion was turned down even though they would have never gotten interest if their motion had been granted in the first place, right?

MS. CRUZ: Yes, but you're -- can --

MR. GOODELL: So my question is --

MS. CRUZ: -- can I ask you a question about your scenario? In your scenario, at what point is the summary judgment being made?

MR. GOODELL: Well, let's say it's --

MS. CRUZ: Because I think by the use of your language, you're trying to imply that it would have been all the way at the beginning of the trial, and it's unfair --

MR. GOODELL: No, no, no, after the date of summary judgment, right?

MS. CRUZ: -- so I want to -- uh huh.

MR. GOODELL: So why is it fair, under this bill, that we award interest all the way back to the date the motion for summary judgment was denied when we wouldn't give interest even if it had been granted?

MS. CRUZ: Well, it's fair because in a summary judgment procedure even if you're not determining the amount, you are determining that the facts point to a clear decision of who's winning basically.

MR. GOODELL: Oh, sure, but I mean --

MS. CRUZ: And all you have to then determine -- if you allow me to finish my sentence, all you have to now then determine is what the amount is.

MR. GOODELL: Well, having been a practicing

attorney for 40 years, I've represented plaintiffs and defendants and often the real issue in the case is not liability, it's the amount of damages. So why do we give a special retroactive 9 percent interest for those plaintiffs whose initial motion on liability was denied when we wouldn't do it even if it would have been granted? I mean, that's fundamentally unfair. Why do we treat some people with retroactive 9 percent interest which, by the way, if you're looking at savings account, it's probably 20 to 30 times more than you can get in a savings account; why do we do that? Why should we do that?

MS. CRUZ: We do it because the other side is forcing the plaintiff to go through a protected appeal process that sometimes, depending on which jurisdiction you're doing, it can take up to two years to even get into a courtroom, let's not even talk about how long the actual court date and hearing, et cetera, et cetera, could take place. So if you're forcing someone to go through all of that and spend the money to get their own medical care, perhaps, pay for the lawyers, et cetera, et cetera, at a time that had we made that decision back then, had it been on their side, you would've spent a lot less time making sure -- making -- figuring out what the amount was and who was winning.

MR. GOODELL: So the purpose of this, then --

MS. CRUZ: It's about fairness.

MR. GOODELL: -- is to punish defendants for defending themselves on liability.

MS. CRUZ: Well, you call it punishment, I call it



encouraging settlement.

MR. GOODELL: Well, it's great if you're the plaintiff to encourage settlements, and it's horrific if you're a defendant who's contesting liability, right? I mean, that's why we have two sides and lawyers representing both sides so --

MS. CRUZ: I would disagree because generally you have defendants --

MR. GOODELL: -- so you're saying the purpose of this -- let me just, if I may, finish my question. So you're telling me that the reason we want to do this is because we want to punish people for exercising their right under our Constitution to challenge liability.

MS. CRUZ: No, I am absolutely not saying that. I am saying that when these appeal processes happen, it's generally the side with the most money who can afford to drag this out -- it's a game of who's going to give up first --

MR. GOODELL: Oh, so your --

MS. CRUZ: I let you finish, so now you got to let me finish, right? So it is a game of who is going to give up first, who has more money for lawyers, who has more money to drag this out as long as possible.

MR. GOODELL: So havening practiced for years, I can assure you, not all defendants are rich and not all plaintiffs are poor, right? You can have a rich plaintiff and a poor defendant, right?

MS. CRUZ: I appreciate you reminding me, another lawyer, that you've also practiced for years, but yes, I could see what

your argument is but, again, this is about fairness.

MR. GOODELL: Well, I would agree.

MS. CRUZ: Oh, good, now we're agreeing on something.

MR. GOODELL: Yes, and am I correct, though, that until there's a judgment rendered, a defendant does not owe the plaintiff that money, correct, that's why we have this process. That's why we have a Constitutional right to a civil trial, right?

MS. CRUZ: Yes, and had the decision been made at the point that we are triggering here, then the money would be owed from that point.

MR. GOODELL: Thank you. I appreciate your comments, Ms. Cruz.

On the bill.

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

MR. GOODELL: We have two problems that are obvious on this bill. The first one is not addressed at all by the bill and it certainly doesn't relate in any way to the sponsor's desire and that is the fact that currently in New York State our interest rate is set by statute. It doesn't vary based on inflation or average interest rates. And so as a result, as my colleagues have noted, the interest rate is 9 percent, which is higher than anything else you can get except for highly, highly speculative junk bonds. So it creates this problem where if you lose a case and liability is established, there's a

tremendous incentive to pay right away because you lose money for every day you don't pay because the interest rate is so much out of whack with what you can receive anywhere else. But that's just an overriding issue on this bill and not addressed by this bill.

So everyone should understand that in a trial, there's two aspects to every trial. The first aspect is establishing who is at fault. And as my colleague noted, that's not a black and white issue, nor is it all or nothing. Oftentimes you'll have a case where the plaintiff might be partially at fault. You might have a car accident where both drivers were not driving properly, in which case the court has to allocate liability and sometimes that's complex. You can have cases where the liability is clear, or fairly clear, and not factually dependent.

So it's a two-step process. The first process is to establish who's at fault and how much of the liability they bear, what percent, since it may be allocated amongst many people, and the second is to establish damages. And when you're dealing with a personal injury case, you don't look up in a little blue book like you do for your car value and say, *Oh, by the way, a broken arm is worth X-dollars and pain and suffering is worth Y-dollars and let's add it up.* It's often very complicated because often, the plaintiff may have pre-existing injuries, or they may have recovered faster than they claimed. They might have even claimed that they're still disabled, yet the defense has pictures of them doing construction work with no signs of illness or injury. So those can be very complicated.

Now under the current law if the plaintiff makes a motion for summary judgment on just the liability and wins, they don't get a judgment, it goes to the next step of calculating what damages, if any. And I have had cases, as many of us have, where you may have liability and very low judgment or not -- or a mix judgment, so there -- the liabilities cancel out each other. But under current law if you win that motion, you don't get interest until the liability has been established, until the amount has been established, and that could be years later. Under this bill, you'd get retroactive interest not to the date that your liability was first established, but to the date the motion was denied. So Plan A, the motion is granted, no interest runs until the judgment. This bill presents Plan B, your motion is denied and you get retroactive interest at 9 percent.

So what happens? What is the perverse incentive that occurs? Well, here's the perverse incentive that this bill creates. If you're a plaintiff and your liability is great you can do a little happy dance if they deny your motion for summary judgment because you'll be able to deny -- delay the case at least ten months just before you file your brief, and most likely over a year just to get it reversed. And then what do you do as a plaintiff? You've got the liability established, right? The interest runs until the date, under this bill, that the motion was denied and so now you don't even need to fight the motion very much. And then you drag out the liability side, the judgment side, why? Because you're getting a client 20, 30, 40 times more than they can get anywhere else. And so this gives an incentive

to a plaintiff to drag out the case as long as they possibly can because they already know they're going to get money and they already know they're going to get retroactive interest at a rate that's far in excess of anything they could get anywhere else for their client.

Now when we start telling people that they can get interest against a defendant even though there's no judgment whatsoever against the defendant, there's nothing the defendant can do to protect themselves is there, except to waive their Constitutional right to due process. Think about that. What we're saying is we should adopt this so that we put pressure on defendants to waive their Constitutional right to due process, their Constitutional right to have a jury listen to the case because if they exercise their Constitutional right and they ask a jury of their peers to determine how much they owe, we will penalize them with 9 percent retroactive interest.

The system reflects a balance. The system that we currently has says to the defendant once a jury or a judge has established that you owe money, you should pay it right away. But the current system also says until a jury or a judge has said how much you owe, you don't have to pay. And this bill says unless you waive your right to a trial and settle, if you try to defend yourself on the first motion for summary judgment, we're going to penalize you by forcing you to pay 9 percent interest retroactively even though you could now have even paid them off retroactively because there was no establishment of liability. It violates fundamental due process, fundamental concepts of fairness and for those reasons, I won't be able

to support it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Lunsford.

MS. LUNSFORD: Thank you very much. Will the sponsor yield?

MS. CRUZ: Yes.

ACTING SPEAKER AUBRY: Ms. Cruz, will you yield? Ms. Cruz yields.

MS. LUNSFORD: I just have a quick question because I actually was a plaintiff's lawyer for ten years, and in those ten years I think I filed the summary judgment motion twice. This is a very rare occurrence. In the event -- under our current CPLR if I were to win as the plaintiff, the summary judgment motion on the first try, when would the 9 percent attach?

MS. CRUZ: At the time when the decision would have -- could have been made.

MS. LUNSFORD: Okay, so right then.

MS. CRUZ: Yes.

MS. LUNSFORD: So if I were to lose and it's appealed, under current law if I were to win on appeal, when does that 9 percent attach?

MS. CRUZ: If you were to win appeal, it's at the same time.

MS. LUNSFORD: At the same time as the appeal.

MS. CRUZ: Yes.

MS. LUNSFORD: So that then creates a difference. If I had won the first time, the 9 percent attaches at the time I won at the Supreme Court level.

MS. CRUZ: That is correct.

MS. LUNSFORD: So there's a gap.

MS. CRUZ: Of a whole lot of money for many people.

MS. LUNSFORD: So what your law is -- what your proposal is doing is just aligning the decision.

MS. CRUZ: Arguably yes, especially when you think about the fact -- I think you mentioned it in saying that you've only filed two of these --

MS. LUNSFORD: Yes.

MS. CRUZ: -- and this is a rare occasion, but in those rare occasions that it does happen, it puts the person on the losing end in a hole -- in a financial hole that we are trying to -- to make right.

MS. LUNSFORD: And -- and do you happen to know how much it costs to file one of these appeals in New York?

MS. CRUZ: A lot of money.

MS. LUNSFORD: I'll say on average just the printing costs would routinely run me about \$2,000.

MS. CRUZ: And that depends also on the hourly rate of whatever lawyer you hire.

MS. LUNSFORD: That's correct. I mean, that's truly

just printing the material to send to the court. So it's an onerous and costly decision for a plaintiff to decide to appeal one of these decisions, correct?

MS. CRUZ: Yes, and arguably the financial incentive for the other side to drag it out as much as possible.

MS. LUNSFORD: All right. Thank you very much. That's all.

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 2199. 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. I'm so blessed to have great colleagues in the Republican Conference that speak eloquently on both sides of this bill, but the Republican Conference will be generally in the negative. Those who would like to vote in the affirmative should contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority colleagues will generally be voting in the affirmative on this one. There may be members who would desire to



be an exception. If so, they should feel free to contact the Majority Leader's Office, we'll be pleased to record their vote.

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

(The Clerk recorded the vote.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. Generally, as my colleague on the other side mentioned, these are uniform cases. You know, you have to go through the whole process of presenting enough evidence for your summary judgment motion to be granted. So when -- when we're saying that on appeal you should get the money back to the date of when the decision would have been made, it's because this money would have belonged to the plaintiff in the first place. The plaintiff now has to be out money for medical costs, for lawyers and for God knows what else depending on the particular case. And all we're saying is if -- right now under the law there's an incentive to drag out the case as much as possible because in some jurisdictions we're seeing outwards of 18 months and now with COVID we're going to see an even longer time, all we're saying is in these few instances where it happens, we should be protecting New Yorkers enough to make sure that we're making them whole. And I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I have the following colleagues that would like to support this legislation: Mr. Brown, Ms. Giglio, Mr. Giglio, Mr. Lemondes, Mr. Montesano, Mr. Morinello, Mr. Norris, Mr. Ra, Mr. Reilly, Mr. Tannousis, and Ms. Walsh. Also Ms. Miller. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Ms. Wallace and Ms. Woerner in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Calendar No. 206, page 18, the Clerk will read.

THE CLERK: Assembly No. A06046, Calendar No. 206 --

MRS. PEOPLES-STOKES: Mr. Speaker -- Mr. Speaker, if we could just reserve hanging on that one right now --

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, I'm sorry.

MRS. PEOPLES-STOKES: -- and I actually like to ask you, Mr. Speaker, if you have any housekeeping or resolutions.

ACTING SPEAKER AUBRY: We have a number of fine resolutions which we will take up with one vote, Mrs.

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

(Whereupon, Assembly Resolution Nos. 251-255 were unanimously approved.)

No other housekeeping, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Thank you very much. If you could now call on colleague Jaime Williams for an announcement.

ACTING SPEAKER AUBRY: Ms. Williams for an announcement.

MS. WILLIAMS: Thank you, Mr. Speaker. At the call of the Speaker, conference will follow immediately. Thank you.

ACTING SPEAKER AUBRY: Majority Conference immediately following Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Majority colleagues, if you can maintain your position in the Zoom as we speak, we'll be going right into a conference with the Speaker.

I now move that the Assembly stand adjourned until Thursday, May the 6th, tomorrow being a legislative day, and that we reconvene at 2:00 p.m. on Monday, May the 10th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:55 p.m., the Assembly stood

adjourned until Thursday, May 6th, Thursday being a legislative day, and to reconvene on Monday, May 10th at 2:00 p.m., Monday being a Session day.)