

**THURSDAY, JUNE 2, 2022**

**10:44 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if I could just have the members' attention; we have a super, super busy day ahead of us. And at this time, I'm going to be calling the Ways and

Means Committee off the floor, immediately followed by the Rules Committee. And given that we're going to take these two Committees right away, Mr. Speaker, I would like to call the House at ease.

ACTING SPEAKER AUBRY: Certainly. Ways and Means, then Rules, and the House will stand at ease. Thank you --

MRS. PEOPLES-STOKES: Thank you, sir.

ACTING SPEAKER AUBRY: -- Mrs.

Peoples-Stokes.

(Whereupon, the House stood at ease.)

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ACTING SPEAKER AUBRY: The House will come to order.

A quorum being present, the Clerk will read the Journal of Wednesday, June 1st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Wednesday, June the 1st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. I want to -- we opened up earlier just so we can get our business started off the floor. Now that we have completed that, we want to get to work on the floor. I do want to start with a quote, Mr. Speaker, as usual. This

one is from Ben Franklin. Ben Franklin is considered the Founding Father of the United -- in the United States, of scientists in particular, inventor, and he was a statesman, diplomat, a printer, a publisher and a philosopher. His words for us today: "An investment in knowledge pays the best interest." Again, Mr. Speaker, that is Benjamin Franklin.

Colleagues, you have on your desk a main Calendar and an A-Calendar. We also have a debate list. Mr. Speaker, I'd now like to advance to move the A-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. We're going to begin our work today by taking up resolutions beginning on page 3, and then we're going to take Resolution No. 1050 by Mr. Benedetto and Ms. Glick, followed by Resolution No. 1028 by Ms. Wallace. We will then go on to debate on the Calendar -- on the Calendar A with Rules Report No. 607 by Ms. Walker; followed by Rules Report No. 517 on the Main Calendar by Ms. Paulin; followed by Rules Report No. 608 by Ms. Wallace; Rules Report No. 644 by Mrs. Peoples-Stokes; Rules Report No. 664 by Mr. Jacobson; Rules Report No. 667 by Mr. Cahill; Rules Report No. 668 by Ms. Jackson; Rules Report No. 669 by Mr. Burgos; Rules Report No. 624 by Ms. Rosenthal; and Rules Report No. 626 by Ms. Rosenthal, as well.

Again, I want to thank the members for their patience

and cooperation on yesterday. We're going to need that similar kind of patience and cooperation today. If there may be a need for additional floor activity; if so, Mr. Speaker, I'm happy to advise at that moment. Right now, that's the general outline of what we have and if you have any introductions and/or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: No housekeeping, Mrs. Peoples-Stokes, but we do have an introduction by Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker, for allowing me to pause in our deliberations here today. Canadian Member of Parliament, or MP, Mike Barrett was first elected to Parliament in a bi-election in 2018 representing Leeds, Grenville, Thousand Islands and Rideau Lakes. Since that time, he's quickly proven himself as a fierce advocate for Canadians. He's fought to improve mobile access in rural parts of Canada, supporting agriculture, taking care of seniors and veterans, and fighting to slash taxes. MP Barrett serves as a Conservative Shadow Minister, which is an awesome title, for Health of the Opposition and Vice-Chair for the Standing Committee on Health. Our guest today is Co-Chair of the Questioning Period Planning, which you should ask him about if you have the opportunity. He also served previously as the Deputy House Leader.

Before he was elected to Parliament, MP Barrett served in the Canadian Armed Forces as a telecom lineman. And after his service to Canada, MP Barrett worked in the private sector, was

elected as a Municipal Councillor in the Township of Edwardsburgh Cardinal, Chairing the Public Works and Environmental Services Committee, and also sat on the Port of Johnstown Management Board. He resides in Leeds, Grenville with his wife, Amanda, and their five children, Luke, Ama, Michaela, James, and Nathan.

And the United States and Canada's trading relationship is the largest in the world as you know, Mr. Speaker, over \$700 billion. Unlike other bilateral relationships, the U.S. and Canadian economies are increasingly integrated. We make things together and thereby allow both countries to move forward and be more globally competitive. From tourism to industry and logistics, our economic partnership with Canada is arguably the single greatest economic force in Northern New York in the area that I represent, I call the front yard of America. Well, here we have it from the southern riviera of Canada, Mr. Speaker. Please welcome my friend in life and partner on border issues, Member of the Canadian Parliament, Michael Barrett.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Walczyk, the Speaker and all the members, we welcome you here, sir, to the New York State Assembly, extend to you the privileges of the floor, recognize the importance that you as a representative of Canada have in this Body. And we know the inter-relationship of our countries is so important to both of our economies. Please know that you are always welcome here. Please know that any time you need us, we will be there for you. Thank you

so very much.

(Applause)

Resolutions on page 3, Assembly No. 1058, the Clerk will read.

THE CLERK: Assembly Resolution No. 1058, Rules at the request of Mr. Cymbrowitz.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 5th, 2022 as Cancer Survivors 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. 1059, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 11th, 2022 as Belmont Stakes Day in the State of New York, and commending the New York Racing Association upon the occasion of the 153rd running of the Belmont Stakes.

ACTING SPEAKER AUBRY: On the resolution --

(Pause)

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

THE CLERK: Assembly Resolution No. 1060, Rules at the request of Mr. Thiele.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 11th, 2022 as Dragonfly 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. 1061, Rules at the request of Mr. Zebrowski.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 12th, 2022 as Filipino Independence 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. 1062, Rules at the request of Ms. Hunter.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim Sunday, June 12th, 2022 as Women's Veterans Recognition 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. 1063, Rules at the request of Ms. Hyndman.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim June 13-19, 2022 as Sickle Cell Disease 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. 1064, Rules at the request of Mr. Schmitt.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 19-25, 2022 as Lightning Safety 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. 1065, Rules at the request of Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2022 as Immigrant Heritage 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. 1066, Rules at the request of Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 2022 as Culinary Arts 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.

On the A-Calendar, Resolution No. 105 [sic]. The Clerk will read the title of the Concurrent Resolution.

THE CLERK: Assembly Resolution No. 1050, Concurrent Resolution of the Senate and Assembly providing for the election of the Regent of the University of the State of New York.

ACTING SPEAKER AUBRY: The question is, does this House concur with the Senate? The Clerk will record the vote on Concurrent Resolution.

Mr. --

(Pause)

We're going to have a Senate sub on this resolution. The Clerk will read the title of the concurrent resolution.

THE CLERK: Senate Resolution No. 2849, Concurrent Resolution of the Senate and Assembly providing for the election of one Regent of the University of the State of New York.

ACTING SPEAKER AUBRY: Mr. Benedetto on the resolution.

MR. BENEDETTO: Thank you, Mr. Chairman, for allowing me to speak on this resolution. On May 1st, 1784, the Board of Regents was formally established in the State of New York. They are charged with overseeing the entire educational structure of this

State from kindergarten to 12th grade and higher education, as well as the professions of New York. It is a charge that is not taken lightly. We regard it in the highest esteem because they have the highest of duties. And after the untimely death of Bev Ouderman -- oh, excuse me, Ouderkirk, a position on the Board of Regents was vacant from the North Country and we had to fill it. Many people were interviewed, many qualified, wonderful, good people, okay. And after due consideration and listening to the qualifications and having these -- listening to these people who wanted to be on the Board of Regents, we have come to the conclusion that the most qualified one that just stood out because of his qualifications, his backgrounds, was a man who is here today, Mr. Roger Catania.

Mr. Catania comes to us with wonderful credentials, would be an asset to the Board of Regents, to the State of New York, and to the entire education system, one of tradition that must be maintained, and we have no doubt that Mr. Catania will do it. I vote very much in favor of the resolution to appoint him to the Board of Regents.

ACTING SPEAKER AUBRY: Thank you.

MR. BENEDETTO: Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick on the resolution.

MS. GLICK: Thank you, Mr. Speaker. I just want to thank my colleagues, many of whom participated in the interviews. It is a process that is bipartisan. We have an opportunity to hear from

those who present themselves or have been recommended to us, and every member is given the opportunity to ask questions and to see if there are concerns that they may have or if there are particular issues they want addressed and they want to understand what the individual we would be appointing, what their perspective is on particular aspects of education policy.

So I -- I'm just rising to thank my Co-Chair in this endeavor, Mr. Benedetto, and all of the members who took time out of their day to listen to the many people who presented themselves. And I think that we have arrived at what is clearly a bipartisan selection for Mr. Catania. And we cannot thank him enough for being willing to undertake what will be a -- an unpaid position with a great deal of time spent with other board members and with people in the communities that he will be overseeing. So with that, I thank all the members and you, Mr. Speaker, for today's opportunity for this election.

ACTING SPEAKER AUBRY: Thank you.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker, on the resolution. Regent Bev Ouderkirk lived just down the river from me and was a phenomenal individual, phenomenal human being, incredible educator, incredible administrator in the education system. New, small, rural school districts and children were her heart and soul, she served this State honorably as a Regent and we honor her today. Her -- her passing leaves a hole in the Board of Regents literally and a

hole in the heart of the education system and rural northern New York. She brought that common sense element to the Board of Regents.

And, you know, as my colleagues have said, throughout the interview process and the vetting process that the Assembly went through here, Dr. Catania was a standout. It was very obvious that he was the best candidate for the job. And I would just encourage you, sir, know that those are big shoes to fill in Bev Ouderkirk's. The very first meeting that I had with her when I got elected to the State Assembly, I called up and said, *Hey, I'm your new Assemblyman, I'd love to meet with the Regent and talk about education policy*, and she said, *Okay, I'll meet you at McDonald's*. She was that down to Earth. But also, took education policy that seriously that she's made her mark and will certainly be missed. I'd encourage you to keep that -- that heart for poor, rural school districts, those children need you just as much as everybody else and even more so as that representative of our judicial district on the Board of Regents. Congratulations. Thank you for doing a job that has no pay, for volunteering to do this job that will sometimes bring you ridicule. It's encouraging that individuals that have done as much as you have, sir, would want to stand up and take this position.

So with that I -- I congratulate you and urge my colleagues to -- to support this candidate by voting for this resolution. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Jones.

MR. JONES: Thank you, Mr. Speaker, for allowing me to speak on this resolution. I want to echo the comments of my colleague. You know, Bev Ouderkirk was beloved in the North Country and we all respected her for the job she did and what I -- I think what we really respected and loved about Bev was she was everywhere. And if you'll know this district, look up the JD 4, it's not a tiny district. It's -- encompasses a lot of land, a lot of area, but she was always there, she was everywhere. And my colleagues from the North Country know that. So it will be big shoes to fill, but we have a person here certainly that can do that, or try to do that, I should say.

I want to thank the Chair -- the Chairs, Chair Glick and Benedetto for what they've done -- that they've done here, the process. I want to thank my fellow North Country colleagues for your support of this candidate. And I stand here today in strong support of this resolution and Roger Catania's selection on the New York State Board of Regents.

Roger started his career in education over 35 years ago as a social studies teacher at the school -- at a school in New York City. Since then, Mr. Catania has been a social studies teacher and school counselor at schools in Oregon. He moved back to the North Country in 1997 and was a school counselor at Lake Placid High School until he became the District's Superintendent in 2013, until his retirement last year. We're bringing him back out of retirement. Dr. Catania received his BA from Binghamton University and later

received his MA from Manhattanville College. He then received a Masters in School Counseling from Oregon State University, and his PhD in Education from the University of Virginia. After over 35 years in education across the North Country -- across the country, I should say, and over 25 years in the North Country, Roger Catania has established himself as a strong voice for students, teachers, and administrators. Roger resides in Saranac Lake with his wife, Amy, and two kids, James and Louis, and I am proud to support him as a candidate for the New York State Board of Regents.

Please, my fellow colleagues, join me in supporting Mr. Catania for this very important position. Thank you very much.

ACTING SPEAKER AUBRY: The question is does this House concur with the Senate? The Clerk will record the vote on Concurrent Resolution No. 2849. 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 Concurrent Resolution is adopted.

Congratulations, sir, you have been elected to be Regent in the State of New York.

(Applause)

Resolution No. 1028, the Clerk will read.

THE CLERK: Assembly Resolution No. 1028, Rules

at the request of Ms. Wallace.

Legislative Resolution urging the United States Congress to reinstate the Federal Assault Weapons Ban of 1994.

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

MS. WALLACE: Yes. Thank you, Mr. Speaker. This resolution calls on Congress to reinstate the Federal Assault Weapons Ban of 1994 which expired in 2004. This ban, which existed for ten years and was deemed Constitutional despite numerous challenges, prohibited the manufacture and sale of semiautomatic weapons, known as assault weapons, and large capacity magazines which hold more than ten rounds of ammunition.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. WALLACE: I will yield, yes.

ACTING SPEAKER AUBRY: Ms. Wallace yields.

MR. GOODELL: Thank you Ms. Wallace. In the 20 years that have transpired since this assault ban expired, has either House of the Congress repassed it?

MS. WALLACE: I -- I don't know the answer to that question. I know that it has not fully passed both Houses since then.

MR. GOODELL: But during that 20-year period,

there were times where the Democrats were in the Majority in both Houses and there were times when the Republicans were in control of both Houses. But we are confident that it didn't matter which political party was in full control, it never passed in 20 years, both Houses?

MS. WALLACE: I haven't been in office for 20 years so, you know, I haven't really been paying attention to what happened in the past 20 years. I just know that it hasn't passed both Houses and I -- I think a lot has changed in the past 20 years and that's why I think regardless of whether it passed in the past, it should absolutely pass now.

MR. GOODELL: Now, of course here in the State Legislature we have access to all of our own bills where we run them through Committees, we examine the pros and cons, we often have hearings. Has this -- has the Federal bill been reviewed by any of our Committees here in the State?

MS. WALLACE: The -- the ban that existed in 1994?

MR. GOODELL: Yes.

MS. WALLACE: Well, I don't -- what was the question again? I'm sorry.

MR. GOODELL: Have any of our Committees examined the language that you're recommending we endorse? Has the language from the Federal ban been reviewed by any of our New York State Legislative Committees?

MS. WALLACE: Yes. We did the SAFE Act.



That was before I was in office, but yes.

MR. GOODELL: And does the SAFE Act implement the provisions that were contained in the original Federal legislation?

MS. WALLACE: I think it tries to implement it, yes.

MR. GOODELL: Are there any provisions of the Federal legislation that haven't already been implemented in New York State?

MS. WALLACE: I don't know specifically, but what I do know is that we have passed legislation to the best of our ability to try to implement that at a State level, but unfortunately as we all know, even things that we do in New York State there are -- that we have a gun trafficking problem where guns are illegally trafficked from other states, or people can just go across state lines and get a -- and get a weapon that's banned here. So if -- this is a problem that exists at the Federal law and it needs a Federal solution.

MR. GOODELL: Now, this Federal ban that Congress has refused to renew in the last 20 years regardless of which political party was in the Presidency or in both Houses, that focuses on rifles, doesn't it? I mean, not just handguns, but rifles as well, correct?

MS. WALLACE: It was a semiautomatic assault weapon which was defined specifically to name quite a number of different weapons, so I'm not sure.

MR. GOODELL: And how many -- how many murders occur in New York State with a rifle? Do you know what the

data is?

MS. WALLACE: I don't know that specific data. This is about semiautomatic weapons, so I'm not talking about weapons that wouldn't fall within that definition.

MR. GOODELL: Right. But almost all the rifles that are sold today are semiautomatic, right? I mean, we don't -- we don't -- we still don't use single action bolt rifles anymore, correct?

MS. WALLACE: Okay. So there are rifles that are semiautomatic and there are rifles that are not semiautomatic. This would apply only to semiautomatic rifles.

MR. GOODELL: Okay. Thank you very much for your comments.

On the resolution, sir.

ACTING SPEAKER AUBRY: On the resolution, sir.

MR. GOODELL: If any of my colleagues want to have any questions or discuss it they -- I just want to remind them we don't talk about our vote, we don't explain our vote on resolutions. But you do have an opportunity to ask questions if you want to, there's five minutes for that purpose.

I, you know, work as hard as I can and lately almost around the clock to read legislation that we're considering. And I think it's important as legislators that we have a copy of the bill and that we read it and we look at the language. Yet, here we're being asked to pass a resolution on language most of us, if not all of us have

never ever read. Now, think about that for a legislative approach. We're being asked to support legislation that we don't have and we have not read dealing with somebody else's jurisdiction. It's just not the right process and for that reason I can't support it, although I do encourage all my colleagues to read our own bills before we vote on them. Thank you, sir.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed.

The resolution is adopted.

MR. GOODELL: Mr. Speaker, can we record the -- the vote, please.

ACTING SPEAKER AUBRY: I can't hear you, please.

MR. GOODELL: I'm sorry, Mr. Speaker. Can we record the vote, please. There's quite a bit of opposition that was spoken and other than having a voice meter or decimeter, perhaps recording the vote electronically would be a fast and efficient way to record this vote. Thank you, sir.

(Pause)

ACTING SPEAKER AUBRY: The Clerk will record the vote on Concurrent Resolution No. 1028. 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 resolution. Certainly those who support it can vote here in the Chamber or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of -- this resolution; however, should there be colleagues that would like to be an exception, they should feel free to contact the Majority Leader's Office and/or vote in the Chambers. Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The ayes have it and the resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, colleagues for allowing me to interrupt our proceedings for an introduction. There are guests in our Chambers.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes needs a little quiet, ladies and gentlemen.

MRS. PEOPLES-STOKES: Thank you so much, Mr. Speaker. I wanted to introduce some guests that are in our Chambers. They are the New York State CannaBusiness Chamber of Commerce

that focuses on equity and legacy businesses. With us today we have Jamol Pugh who is from Harlem, he's a Board Member; we have Allison DeHonney who is from Buffalo, also a Board Member; Dwayne Montgomery I don't believe has arrived yet, but he is the Secretary of the organization; we have Charlene Gayle who is from Long Island, she is actually a Vice Chair; Dino Dixie is also a Vice Chair, he's from Syracuse; and we have Melvin Lowe who is from Harlem, USA, he's the Chair.

There are several other very significant members of this Board, Mr. Speaker, from across the State who have organized themselves to not just focus on the issue of cannabis equity from the perspective of where they live, but throughout the entire State in the interests of both equity and legacy. So Mr. Speaker, if you could please welcome our guests to this Chambers, offer them the cordialities of the floor and welcome them to our floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We ask that you understand that we are so happy to have you, your creation is something that people have worked for for a very long time. So you are the epitome of a dream that was had here and now you're going to turn that dream into a reality. Thank you for the work that you'll do.

(Applause)

Page 6 on the A-Calendar, Rules Report No. 607, the

Clerk will read.

THE CLERK: Assembly No. A06678-E, Rules Report No. 607, Walker, Dickens, Frontus, Cruz, Reyes, Simon, L. Rosenthal, Forrest, Sillitti, Dinowitz, Gallagher, Jean-Pierre, Mamdani, Hunter, Kelles, Epstein, Meeks, Benedetto, Cook, O'Donnell, Zinerman, Kim, Lavine, Mitaynes, Carroll, Thiele, Anderson, Abbate, Seawright, Otis, Taylor, Burdick, Bichotte Hermelyn, Burgos, Gottfried, Paulin, Englebright, Hyndman, Fernandez, Rajkumar, Septimo, Hevesi, Gibbs, McDonald, Jackson, De Los Santos, Niou, Ramos, Lunsford, Glick, Galef, Tapia, Fahy, Pretlow, González-Rojas, Davila, Bronson, Abinanti, Solages, Quart, Cunningham, J. Rivera, Stirpe. An act to amend the Election Law, in relation to establishing the John. R. Lewis Voting Rights Act of New York, establishing rights of action for denying or abridging of the right of any member of a protected class to vote, providing assistance to language-minority groups, requiring certain political subdivisions to receive preclearance for potential violations of the NYVRA, and creating civil liability for voter intimidation.

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

An explanation is requested, Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. I don't know if I'm on.

ACTING SPEAKER AUBRY: Turn your

microphone on, it's kind of hard to hear you.

Go ahead.

MS. WALKER: Okay. Thank you, Mr. Speaker.

The John Lewis -- John R. Lewis Voting Rights Act of the State of New York would codify the provisions of the Federal Voting Rights Act of 1965 into State law and strengthen such requirements to better protect the elective franchise here in the State of New York for all New Yorkers. The Federal Voting Rights Act was enacted to prohibit the discriminatory voting practices that were adopted by many states after the Civil War and into the Reconstruction era. This included certain states and political subdivisions with a history of voter discrimination to seek preclearance from either the U.S. District Court or the District Court of Columbia, or the U.S. Attorney General prior to enacting any new voting practices or procedures. Over the next several decades, Congress expanded the law to prohibit additional tests or devices that denies citizens the right to vote and to protect the rights of language minority groups, providing the means to increase their access and participation in the political process.

However, in the dark decades since its passage, Federal courts have severely weakened the protections of the Voting Rights Act making it increasingly burdensome for plaintiffs to defend their rights under the law. Then in 2013 in the United States Shelby County v. Holder case, it was -- this Court struck down the coverage formula which had been used to determine which jurisdiction should be subjected to preclearance under the Voting Rights Act. As a result,

despite the importance of the Federal Voting Rights Act and all of the turmoil that folk had to go through in order to ensure its passage, voters of color still lacked an opportunity, an equal opportunity, an equitable opportunity to participate fully in the political process and elect candidates of their choice. And for this reason, and in the footsteps of states like California, Oregon, Washington and Virginia, the John R. Lewis Voting Rights Act of New York will build on those foundations of Federal law to -- to confront evolving barriers to effective participation and to root out longstanding discriminatory practices more effectively here in the State of New York.

To that end, this bill will prohibit any laws, standards, policies or practices that would result in voter suppression and also prohibit any methods of election that will result in both dilution from members of a particular race, color or language minority group. It would also establish prohibition against voter intimidation, deception or obstruction. The bill would establish standing for aggrieved persons and organizations, as well the New York State Attorney General, to bring actions against any political subdivision for alleged allegations and would provide remedies where such voter disenfranchisement has occurred. It would require local Boards of Elections to provide language assistance in voting and elections to language minority groups under certain conditions.

And finally, this bill would also restore the original protections set forth in the amazing Voter Rights Act, which require political subdivisions with a history of voter disenfranchisement to



obtain preclearance from either the courts or the New York State Attorney General prior to making any changes that would affect the Election Laws and practices of the State of New York.

Thank you, Mr. Speaker.

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

ACTING SPEAKER VANEL: Will the sponsor yield?

MS. WALKER: Yes, Mr. Speaker.

MR. RA: Thank you, Ms. Walker. So I appreciate that thorough explanation so we can, you know, get right into questions. I mean, at the outset I -- I would say obviously there's -- there's a lot here, there's a lot of history to this issue, it's one that, you know, is being debated now in our state Legislatures, but certainly over the years has been in Congress and the White House, and we're here looking to codify it. But as I'm sure you're aware, there have been concerns raised and -- and I would say at the outset thank -- thank you for -- I know you have made an effort to address some of the concerns that have been raised by the kind of, you know, educational community with regard to this. But my -- my questions really start there. Because those -- well I guess, let me start there. School district elections would be covered under this?

MS. WALKER: Yes, they would.

MR. RA: And that would be both in terms of elected school board trustees and, you know, many of our school districts

throughout the State or most have to put their budgets up for a vote.

The budget vote would also be included, correct?

MS. WALKER: Yes. The Federal Voting Rights Act has been enforced by both private parties in the United States Department of Justice against the State and local governments including school boards since its inception in 1965. So as they say, there is nothing new under the sun.

MR. RA: But I -- I -- I think one of the issues that they've raised is, as you know, our Election Law covers, you know, our -- our elections, but our school elections are covered under provisions of the Education Law. So in terms of where there may be some conflict between the two, what will prevail, you know, in terms of governing our -- our school elections?

MS. WALKER: I'm sorry, can you repeat your question?

MR. RA: If there is a -- a conflict between what this is requiring and the provisions of the Education Law which govern our school elections, what would be the appropriate authority for our school districts to operate under?

MS. WALKER: So I'm not sure if this bill necessarily addresses conflicts with school board elections; however, if there is a policy, plan or procedure that would violate the tenets of the John R. Lewis Voting Rights Act of the State of New York then those violations would be duly subjected to the law and have to undergo any provisions or court interaction as a plaintiff who may

want to adjudicate those causes of action sees fit.

MR. RA: Okay. And when somebody -- so let me kind of go through the process. So some school district puts up their vote, there is a violation of this, alleged, right? And there's a, I know and -- and you -- you spoke about this in your explanation, there is a long list of potential remedies here. Now, what happens if a remedy is proposed by -- by the court, I guess by the Civil Rights Division, that a school district does not have the legal authority to implement? You know, we do have I think some districts in the State that, you know, have ward systems and things like that, and I know that's one of the potential remedies. So suppose there is a violation alleged and that -- they come up with that's the remedy. The school district doesn't have I think legal authority to implement something like that, so what would happen in that type of situation?

MS. WALKER: So you were correct in stating that we have had conversations with folk who have addressed issues with respect to school boards, libraries, et cetera, and which is why we are on an E-print of this bill because we have acknowledged and included language that clarifies that school board elections and library district elections will continue to be conducted under the Education Law provided that they are in -- they are not inconsistent with the protections afforded under the Voting Rights Act.

MR. RA: Okay. But -- so -- so what about in that situation, though, that there is a violation alleged and, you know, one of these remedies comes up and I'll use that, again, as an example that

they -- they decide the way to be fair to these protected classes is to implement a ward system with -- within that school district. But the school district does not have the legal authority to make that type of change to their voting procedures, so how -- how would that work?

MS. WALKER: I feel like you keep asking me the same question.

MR. RA: I -- I am, because I'm looking for an answer.

MS. WALKER: Yes, and the answer that we've given all along is that we have taken into consideration the concerns that school boards have brought up and that school board elections will continue to be conducted under the Education Law, granted they do not interfere with or butt up against the protections that are afforded under the Voting Rights Act. And when they do and if they do, then they would be subject to all of the tenets and provisions that's provided in the law.

MR. RA: Okay. So -- but, I mean, maybe I'll ask this a little differently. What happens if the remedy is not consistent with the Education Law in terms of what the school district actually has the power to do? If we're telling them to comply with this, you have to implement a ward system, but they don't have the legal authority to implement such a system for future elections.

MS. WALKER: Well, they can always go to the court and the court can address any such remedies that they seek. I mean they -- they could avail themselves of all of these provisions. I

mean, I don't know how many different ways -- is there an answer you're looking for, sir?

MR. RA: I'm -- I'm looking for how a, you know, legally formed entity under our laws of our State who has obviously provisions of both the Election Law and the Education Law that are governing them, if they're told this is the remedy to your violation, but they don't have the legal authority to do such a remedy, I guess I'm -- I'm looking for what happens at that point. I --

MS. WALKER: So maybe --

MR. RA: -- I think that's their concern.

MS. WALKER: -- help me understand why would they not have the legal authority to implement a decision that was made whether it was through the procedural processes of the Voting Rights Act or in court. What would prohibit them from its implementation? What -- what's the legal authority you're referring to?

MR. RA: I -- I -- because I don't believe the laws of our State enable a school district to take that type of action on -- on their own to make that type of change.

(Pause)

MS. WALKER: Okay. So clearly, I -- I've heard a different way of -- of answering the question the same way. There is a process if there are any changes that a school board -- a school district would need to make to their voting processes, procedures, practices, et cetera. As a prophylactic measure, they can go to the New York State

Attorney General for a preclearance in order for them to certify that the new procedures that they are planning to put in place are not in violation of the law. If in the event that they implement such a law without first getting this law precleared, and it has been determined by a plaintiff to challenge that particular determination or that act in court, then the court will set aside the remedy by which the school district would be required to adhere to.

MR. RA: And I think preclearance is a little bit of a different situation. I'm going -- I'm going to move on because I don't -- I think we're going to somewhat agree to disagree here, I don't want to keep asking the same question a different way. But -- but I just would like to state again that my reading of this bill and my understanding of current New York State law is there is very much the potential that a school district could be ordered under this as a remedy to do something that they do not have the legal authority to do. And there's going to be a conflict of our laws and perhaps, I don't know what the -- what the remedy is at that point, perhaps it's a -- an act of this Legislature to -- to implement the remedy, but that is one of the concerns.

But I -- I -- I want to move on with regard to I asked earlier about when a district school district puts out their budget vote. So in the instance that a budget vote goes out and there's some allegation of a violation of this and, you know, they go through the process. Now, the budget obviously has to be in place for the school district to operate. Now, it could get to the point that an election

actually gets thrown out as a result of a violation of this statute, like that an election's canceled and a new election is ordered?

MS. WALKER: Yes.

MR. RA: So how, under that instance, I guess what does the school district do if they have now passed a budget and then the courts come in and say, *No, that election is invalid, you have to have a new vote*. What situation is the district under in terms of operating for that interim period until a new vote can be had? I think there's, you know, there's notification procedures that have to happen to the public, you know, notifying of the vote, all of that goes into it and I could see a scenario in which a district essentially is in a situation where they have no legal -- legally-approved budget to operate under. I mean, I think they wouldn't be able to operate their schools, they wouldn't be able to so much as, you know, buy, you know, anything they need, a pencil sharpener, a, you know, vehicles, whatever they need; they have no legal authority to operate.

MS. WALKER: Well, I would say that they should think about those effects prior to the implementation of any voting procedure or apparatus that would affect, abridge, deny any person access to -- equal access to the franchise, whether it's on the basis of race, color and/or language minorities. If they believe that these actions that they are undertaking may violate in some way, shape, fashion or form the Voting Rights Act of the State of New York, then I would encourage them to preclear any of those such changes before having to go through dire consequences. Because, quite frankly, this

bill is not about convenience. This bill is to particularly make any entity, any political subdivision uneasy whenever it is that they are taking any action which has the potential to be discriminatory in effect and/or racially motivated.

MR. RA: Okay. So -- now, let me ask, because you've gotten into the preclearance provisions a couple times. So what about, you know, a situation, say something like we went through the last few years. Two years ago, you know, the school districts had to suddenly put off their votes and they actually switched to a solely absentee vote. If there was some type of emergency situation, like the COVID pandemic or something else that necessitated a change, would the preclearance provisions be applicable, is there any exception with regard to that?

MS. WALKER: As long as the effect qualifies under the Voting Rights Act, yes. For instance, one of the more concrete cases that I can mention, of course, with one of our school districts is East Ramapo. There's already been a successful lawsuit under Section 2 of the Voting Rights Act. It was a case that was brought by the National Association for the Advancement of Colored People in the Spring Valley Branch against the East Ramapo Central School District. The court found in that particular case that the at-large system used for electing the nine members of the East Ramapo School Board denied the district's Black and Latino votes of effective choice in its elections, violating the Voting Rights Act. And they had to curtail any of those such provisions in accordance with the court.



MR. RA: Okay. Thank you. So I guess that would be my last question. So it's those types of situations -- in terms of the preclearance provisions, they are binding on all or those that -- I mean, we've talked about this over the years when we had these, you know, these provisions at the Federal level before the court decision you had mentioned earlier. It's where there's been some history of discriminatory practices or -- or an entity has had trouble in the past that they are going to need preclearance for any changes under this bill?

MS. WALKER: Yes.

MR. RA: Okay. Thank you very much, Ms. Walker.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just quickly. You know, with -- the point that I'm making is that the Education Law, which governs school district elections, is separate than the Election Law. There is a real possibility here of there being that type of conflict where a district is asked to impose a remedy that they don't have the legal authority to do. And I appreciate the effort to address their concerns, but I think any of us who have looked at the memos that have come out, and I know, you know, many of these groups that have put in opposition, you know, there's groups that I never heard of opposing anything this Legislature has done who have put in opposition to this bill, and I know there are entities who take this issue very, very seriously who have put in opposition, and I don't think they take that lightly. They

are very concerned with how the conflict between the Education Law that governs their elections and the Election Law could work under this. So while I very much share the goal of -- of the sponsor, I think we need to do more work to make sure the provisions fit together so we don't end up in what I hope would be an unintended situation where a school district is unable to operate legally with a budget or, you know, conduct their elections in a way that fits the provisions of the bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Walker. You know, as you know, Article III of the New York State Constitution, Section 4, specifically contains requirements on how legislative districts are to be drawn, not just for our office, but for others as well. And it provides that when drawing district lines, the Commission shall consider whether such lines would result in a denial or abridgement of racial or language minority voting rights. And districts shall not be drawn to have the purpose, nor shall they result in the denial or abridgement of such rights. It goes on to provide some other factors,

it says districts shall be drawn so that based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate, or to elect representatives of their choice. And then it talks about having same size districts, having contiguous territory, compact in form as possible, and not drawn to discourage competition and recognizing, to the extent possible, existing districts or pre-existing political subdivisions.

Now, that language sounds very similar to the language of your bill. I mean, your bill uses almost identical language in some respects. So in that regard, my compliments to you. My question is do we have any pending litigation challenging any State or local redistricting based on the existing Constitutional provisions that prohibit any discrimination against individuals based on their race or based on their language?

MS. WALKER: Well, I would like to state that one of the things that this bill does that the provisions that you just read does not do is that it allows for standing for certain individuals to be considered plaintiffs to bring causes of actions against voter intimidation, against vote dilution, and against voter disenfranchisement.

MR. GOODELL: And I appreciate that, but --

MS. WALKER: In addition to that, it also laws for an opportunity for the New York State Attorney General to preclear any changes that could have that type of discriminatory effect. But

notwithstanding the fact that those particular provisions have existed, we have seen time and time and time again instances where there have been political subdivisions that have affected that, including one prominent example was just recently in 2021 in the Rensselaer County Board of Elections which dealt with early voting site designation.

MR. GOODELL: Is that the only lawsuit that you're aware of? Are there any -- my question was very specific. I'm looking for a number --

MS. WALKER: You're asking a lot of questions. Let me continue to answer the first question --

MR. GOODELL: So let -- let me be -- let me be clear.

MS. WALKER: -- because that's not the only --

ACTING SPEAKER AUBRY: Excuse me, members. So...

MR. GOODELL: Thank you, Mr. Speaker, I'll withdraw my first question because --

ACTING SPEAKER AUBRY: One minute, one minute. So we go back to the basic principle of this House, question asked, question answered. We don't want people interfering people's answers or questions, please.

MR. GOODELL: Thank you, Mr. Speaker. So I'll withdraw the last question because apparently I didn't phrase it very well.

ACTING SPEAKER AUBRY: Well...

MR. GOODELL: So it might help, since I asked one question so far and used up four minutes. My question is very specific. Are you aware of any lawsuits currently pending challenging any existing districts based on failure to comply with the existing Constitutional requirements? I'm not asking about how this law is different, I'm not asking about standing, I'm asking are you aware of any lawsuits that are pending and, if so, how many and where are they? Are there any lawsuits challenging things on existing Constitutional standards that prohibit racial discrimination?

MS. WALKER: So in *The People of the State of New York v. a Rensselaer County Board of Elections* [sic], there was just a recent court case in 2021 where the court ruled that the Rensselaer County Board of Elections' decision not to place a site in a centrally located area within Troy was arbitrary and capricious, and must be annuled --

MR. GOODELL: Great.

MS. WALKER: -- as the Board of Elections commissioners repeatedly refused to select an early voting site that was easily accessible to Troy residents where the majority of the county is Black, Hispanic or low-income. In addition to that in 2016, we saw more than 100,000 voters were illegally purged by the New York City Board of Elections in my beautiful home county of Kings County. And so we are seeing that these particular actions are pervasive, they're long going -- long ongoing, and they are presently still as relevant today as they were in 1965.

MR. GOODELL: Thank you, Ms. Walker.

On the bill, sir.

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

MR. GOODELL: So as I mentioned, we already have Constitutional provisions that ensure that people have a Constitutional right not to be discriminated on -- based on race or language. And as my colleague pointed out, those provisions are working, because whenever there's been a violation, as my colleague pointed out, the lawsuit -- the courts have stepped in. And she gave us two concrete examples, which I appreciate.

So then the obvious question is, well, how is this different than what we already have enshrined in our Constitution? Well, let's look at some of the remedies. Under the current law, if there's a problem, the court orders the municipality to fix it; they ordered Rensselaer County to fix it. But under this law, the court has free reign to do almost anything it wants. And let me give you some examples. It can say that you can no longer elect people by district or ward. Whoa, wait a minute. See, Jamestown has a State-granted charter, it has districts and wards and it has a couple of at-large candidates. This suggests that a court can simply ignore the city's charter and do whatever it wants. But that's not all. It can even select an alternative method of election. Ignore city charters, ignore county charters, ignore existing State law. It can eliminate staggered elections, so maybe half a city council is elected this year and half is

elected next year? It can say no, from now on we're going to do it some other way.

It can increase the size of the legislative Body. Can you imagine that being applied here? One hundred and fifty, no, we think you really need 162. And of course, if they can increase the size, presumably they can reduce it. We don't really need 150 Assembly Members. They can move the date of the regular election. Imagine that chaos. You have a county-wide election, the court steps in and says, you know, your village over here in this corner, we don't think they were doing it right, they keep the election open until they get around to addressing it? They can add voting hours or days.

ACTING SPEAKER AUBRY: Ms. Walker, why do you rise?

MS. WALKER: Will the speaker pause for a few questions?

MR. GOODELL: As soon as I'm done reviewing your bill, I'd be happy to address your questions.

In the meantime, continuing on page - well, let's see, so you can follow along with me - it's page 5. I'm down toward the bottom. The interesting thing about this is a lot of these things are controlled not just by laws, but by charters. So Chautauqua County has its own charter. In order to adopt a county charter, they have to have public hearings, they have to have a referendum by the voters. Our county charter was amended a few years ago to reduce the size of the Legislature to save money, and for other reasons, and it was

overwhelming approved by the voters. This bill would give a court the power to override the charter of the county that was approved by the voters in a referendum.

These are astounding powers. Now, you might say, well, they wouldn't exercise those powers under this law if there's obviously good reasons for the current standard. No, not true at all. This bill actually states that you cannot defend the existing provisions even if, and I quote, "The current program can be explained by factors other than racially polarized voting, including any of the other criteria that is set forth in the Constitution." This bill says we don't care what your intent is. I'm not just making that up or summarizing, it says, *Evidence concerning the intent of the parties -- of the intent of the voters or elected officials cannot be considered.*

What's amazing about this is the court can make a determination that an election is invalid not only based on what may have occurred in the past, but after the election. So there's no challenge as to the districts, the voting makeup, the election locations, all that's not challenged, after the election it turns out that someone didn't win, they can challenge the election based on the grounds that they were a minority and they should have won if the districts were drawn differently.

Now, the interesting thing about our State Constitution says no discrimination is allowed based on race or language. It says no discrimination is allowed. This bill takes the opposite approach. This bill says you must discriminate to make sure



that people who are minorities or have a different language have the maximum, not an equal, but a maximum chance of being elected. Nah, that's not the way our system works. These are astounding, astounding provisions that allows a court to take over the legislative function of this Legislature in reapportionment and redistricting, to allow a court to override a county charter or a city charter to say to your city, *Oh, you can't have wards or you can't have at-large, or some combination.* To say, *You thought your election was on the second Tuesday in November, we got news for you, we're going to extend it. You thought you were electing a city council with nine members? Nah, we think you should have 12 or 13,* presumably it'd be an odd number. It'd be odd if it weren't an odd number. It tramples the separation of powers.

And then you look at the actual implementation. It says if there's a problem and someone raises an issue, they have to give advanced notice, and the municipality then has a few weeks to correct it. But if they want to try to correct it, they have to send in their plan for pre-approval and they have to implement the new plan within 90 days, but there's no time frame for the pre-approval to be reviewed. And it goes on to say if the pre-approval hasn't been approved, it's deemed denied. So you have a situation where State bureaucrats in Albany who have never been elected, who have no idea where your municipality is, would have trouble finding it with a GPS, are given the power to override a charter, a plan of government, the time frame, the number of people who are elected, even though, even

though, there's been no violation of the State Constitution established under current law.

My friends, you all know I talk about the Constitution whenever I get an opportunity. I am delighted that our Constitution has addressed this issue decades ago by making it absolutely clear that there cannot be, and never shall be, discrimination based on race or language. We already have the procedures to address that should it occur. And as my colleague pointed out, it has been addressed successfully in other situations, and I would encourage others to address it under the current law. But authorizing this level of power to a court subject to approval of unelected bureaucrats hundreds of miles away is an affront to democracy, it's an affront to the role of our elected officials, it's an affront to our school boards, our libraries, our fire districts and everyone else who operates these elections conscientiously and should not be subjected to this type of power being given to third-parties, whether it's bureaucrats or the court. And for that reason, I'll recommend against it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: Thank you. Will the sponsor yield?

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LAWLER: Thank you. You brought up East Ramapo as an example, and that happens to be in my Assembly

District so I just wanted to walk through it with you a little bit. There is no question that there has been challenges within the East Ramapo Central School District, and in large part because you have a growing religious community who predominantly chooses to send their children to private schools, and you have a public school community in which the population has been on the decline, although there's been an uptick recently with more immigrants moving into the community. Almost 75 percent of the students enrolled in the school district attend private schools. So when you're talking about some of the challenges there, you have a large voting population that sends their children to private schools.

The court ruling that came out did try to ensure, understandably, that there was representation on the school board from the public school community, which is predominantly Black and Brown children. And when the court ruled that it needed to be a ward system, do you know what the results were of that election in comparison to what the board makeup was prior to that ruling?

MS. WALKER: What I'm trying to understand is the relevancy of your question with respect to the subject matter that we are here to which is -- or we're discussing, which is the Voting Rights Act of the State of New York.

MR. LAWLER: You brought it up as an example, so I want to drill down on it.

MS. WALKER: I -- I -- we or anyone else here do not have the, as Mr. Ra would indicate, legal authority to relitigate the

components of the East Ramapo lawsuit. I will just state that this particular piece of legislation deals with voter disenfranchisement, voter dilution, or any other act that is taken from a political subdivision, including school districts, that would affect disproportionately Black and Brown individuals, and would be racially motivated and/or bias in its affect. And in any event, whether it's East Ramapo or any school district in the State of New York, if you are found to have come in violation of any of those such provisions, then you will be subject to this piece of legislation.

So no, sir. I do not know what the outcome was of the East Ramapo District with respect to nine members, 12 members, ten members, except to say that there was a clear violation in this particular school district that required court action in order to make sure that the rights of those individuals who were adversely affected be protected.

MR. LAWLER: So the makeup of the board prior to the court ruling was 6-3 in terms of non-public school representatives versus public school representatives. The makeup once the ward system was implemented was 6-3, non-public school representatives versus public school representatives. They just recently had an election. The makeup remains in the ward system 6-3. I don't think there's any question that we want to make sure that people of all communities are represented in elected office, whether it be in this Chamber, whether it be in a school board election or a municipal election. We want our elected officials to represent the community

at-large.

The only point I would make to you and why this is relevant to -- to your bill and the example that you used is that the ward system was put in place and it didn't change the outcome. And part of the reason it didn't change the outcome is because of the system that we have with respect to funding mandated services for non-public school students. And I have articulated on this floor many times the need to address that because when you have competing interests that we have set up through this system, people are going to vote their interest in these elections understandably. And so I think if your bill seeks to, in the same way the lawsuit in East Ramapo sought to create a ward system, if that is something that may result in certain municipalities or jurisdictions, sometimes it's not going to change the outcome. And I think we need to better understand what some of the causes are of why these outcomes occur in some of these districts.

And so, Mr. Speaker, on the bill.

I think -- I understand why the sponsor is -- is bringing this bill forward. I think there most definitely needs to be protections across the spectrum to ensure that protected classes of people are, in fact, protected; that their voting rights are protected and that they have a seat at the table both in terms of voting and in terms of representation. But I think my colleague using that as an example doesn't capture the full picture of what is going on in East Ramapo and the needs to address the system there from an educational standpoint. You cannot have 75 percent of your enrolled students

attending a private school and expect that the public school will be getting all of the services that they're entitled to, because of the mandated services that are required by New York State. There's been so many shifting costs to pay for those mandated services that have impacted the public schools in East Ramapo. And I think it is imperative that we address that challenge. I have brought it to the attention of the Chair of the Education Committee, I have brought it to the attention of our Majority Leader. It needs to be addressed. This will not solve the problems in East Ramapo, which my colleague highlighted as an examples. So --

ACTING SPEAKER AUBRY: Ms. Walker, why do you stand?

MS. WALKER: Will the speaker yield for a couple of questions, just two questions?

MR. LAWLER: Sure.

MS. WALKER: So in the present case that you're discussing, the East Ramapo case, based on the violations of the Voting Rights Act that were presented there and adjudicated, there was a \$5.4 million judgment that required the school district to have to pay those public schools, correct?

MR. LAWLER: Yes.

MS. WALKER: In addition to that, there was a Federal monitor that was put in place to protect those particular students from ever being discriminated against by this particular school district, correct?

MR. LAWLER: Yes.

MS. WALKER: So I asked these questions because don't you think it's disingenuous then to indicate to this Body that the only outcome here was the change in the number of the members of the board without acknowledging that there were some real, underlying concerns, and you say challenges, but I would -- I would bear to say that it was more than just challenges that the court was addressing. But to give the impression that the outcome was only about the changed number of people on the board as opposed to the implementation of the Federal monitor, as well as monetary damages to make up for the discriminatory effect that this had on our students.

MR. LAWLER: No. And we, by the way, last year we passed legislation to give State monitors veto power, okay, over -- an oversight over East Ramapo Central School District in the budget. The challenges here are significant, but my -- you used that specific example in talking about an at-large system versus a ward system, and that's what I was making reference to.

MS. WALKER: Thank you.

MR. LAWLER: But what I am talking about, and I appreciate that you brought up this particular district because it warrants a lot more attention from this Body than it deserve -- than it gets. And it requires more significant changes to how we fund those mandated services. Because if you want a school board that is reflective of the public school community, then you need to make sure that there are not competing interests for those resources through the

public schools. And that -- and that is really what my point was in making reference to that and responding to you using that as an example.

I actually have one more question for you if you would yield?

MS. WALKER: Yes, I would. Thank you.

MR. LAWLER: Thank you.

MS. WALKER: Can I also just indicate that there would not have been a need perhaps for a lawsuit in that particular situation with East Ramapo if this bill had been in place in order to get preclearance from the New York State Attorney General. And even if that particular political school district or subdivision received a notice of a potential violation, they would have been provided, under this law, a 50 day cure period during which they have an opportunity to pass a resolution affirming it -- affirming its intent to enact and implement a potential remedy for such violation. Perhaps there could have been a public comment period, as well, for people to have voiced their opinions in order to make recommendations to the school district in order for them to bring their proposed changes into compliance with the Federal Voting Rights Act.

MR. LAWLER: I appreciate that.

With respect to this bill, in general, has this bill been taken from the Federal bill that has not become law, the framework of it?

MS. WALKER: So the Federal bill -- which Federal



bill, because there are a lot of Federal bills.

MR. LAWLER: The John Lewis Voting Rights Act.

MS. WALKER: So this bill is the New York State John R. Lewis Voting Rights Act. This bill is a codification of many of the provisions of the Voting Rights Act of 1965, as well as a consideration of a number of New York State-based lawsuits, as well as an opportunity for us to be able to have the protections of Section 5 that we no longer have under the Federal Voting Rights Act of 1965 based on the Shelby County case.

MR. LAWLER: Does this bill in any way address redistricting?

MS. WALKER: Yes and no. And the reason why I say that is because any time there are any changes to our redistricting plans and our maps, that again would fall under violation whether it be packing of districts and/or cracking of districts, placing particular people in particular areas with the sole basis of political expediency as opposed to keeping communities of interest together in compliance with the Federal Voting Rights Act. And in the event that there are any challenges here that would affect any of those protected tenants of this particular piece of legislation in our redistricting process, then yes, it would be subject to this New York State Voting Rights Act.

MR. LAWLER: So do you believe if this law were to be enacted, do you believe that the unconstitutional maps that were passed by this Body for Congress and State Senate would violate those provisions?

MS. WALKER: Do you mean the unconstitutional maps that we're working with now or...

MR. LAWLER: Where's the unconstitutional maps that we're working with now?

MS. WALKER: I will say stay tuned for further litigation, sir.

MR. LAWLER: I'm sure the Assembly maps will be thrown out as an unconstitutional violation of the process in the new lawsuit, if that's what you're referring to.

MS. WALKER: No. What I am saying is that the only determination of constitutionality is that that can be done or required by our Federal courts, and I do not have the legal authority to dictate what's Constitutional and what's not Constitutional.

ACTING SPEAKER AUBRY: And Mr. Lawler, the bell has rung.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1046-E. 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 for the reasons I

mentioned. Although as I also mentioned, we're very thankful that these fundamental protections are contained in the New York State Constitution. Those who wish to vote for this legislation are certainly encouraged to do so on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Meeks.

MR. MEEKS: Thank you, Mr. Speaker. This is a Party vote and the Majority will be in the affirmative. If there's anyone who chooses to vote otherwise, please contact our office and let us know otherwise. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you. I remember the events of March 7th, 1965, Bloody Sunday, in Selma, Alabama. And I think that - and I just want to speak from a personal perspective - I think what I saw on that day, as well as what I had seen on our little ancient black and white television about police dogs attacking young people in Birmingham and throughout the South helped to shape the course of my life for the better. Now, I did, thanks to my involvement in government and politics, get to meet John Lewis several times and got to express to him how much he had meant to me as a young person. And to his credit, he just took that in stride. I don't think he was terribly, terribly impressed, but he was a very generous and very kind

man. And I want to commend the sponsor and urge all colleagues with a social conscience to vote in favor of this. And want to say, finally, two things: I will be voting for this bill, and I suspect that somewhere, some way, somehow my old friend John Lewis has a smile on his face. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: I rise to commend the sponsor not just on this wonderful bill, but on a outstanding debate. This is an important bill that is going to go a long way towards ensuring that we have fair voting practices for everybody. You know, the fight against the Federal Voting Rights Act goes back to its inception, from Newt Gingrich to Mitch McConnell, we have seen people try to erode the hard-fought for rights that we have enshrined in our Constitution. You know, the idea that this is going to create some kind of windfall for politicians or a tidal wave of lawsuits, it's ridiculous. This is important and I think that our political subdivisions need to be made to eat their broccoli from time to time and do the right thing. So I vote in the affirmative and, again, commend the sponsor.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Ms. Zinerman.

MS. ZINERMAN: Good afternoon. I, too, rise today to commend the sponsor on this bill. As a card-carrying member

at-large of the Brooklyn NAACP, an organization that has fought for voting rights for people of color for a century now, it's disheartening that we still have to continue to pass bills to help protect the voting rights of individuals in this State, but we are happy that we have legislators in this Body and in the Senate who stand at the vanguard of those protections. I want to say to each and every one of you as you think about the young people that we are encouraging every single day, those 16- and 17-year-olds that now have the ability to preregister to vote, that they have something to vote for, and they should not be afraid to exercise their voice. Because there are 150 members in this Body and I hope that each and every one of them thinks about those young people in their district when they cast their vote today, to say to them that they did all that they could to ensure that no one will take their right to vote and express themselves away from them. So again, I want to thank the sponsor and I want to thank each and every one of you who have fought the hard fight and will continue to do so. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Zinerman in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Today is a proud moment and I want to first begin by encouraging all of our colleagues to vote in the affirmative on this bill, because the New York State Assembly has passed one of the most significant pieces of legislation considered here in Albany. Its sole mission is to safeguard

the very cornerstone of our democracy, the right to vote. And of course, I would like to acknowledge a number of folk -- groups who were very integral in this process. Of course, the Dubois Bunche Center and the CLSJ of Medgar Evers College, the NAACP, as well as the NAACP Legal Defense Fund, the New York Cities -- Civil Liberties Union, the ACLU, AALDEF, PRLDEF, and a number of other organizations who have been there to support us.

Today, we prohibited voter suppression in the State of New York. Today, we prohibited voter dilution in the State of New York. That any impairment of the ability of members of any race, class or color, or language minority group should and will be able to elect the candidates of their choice and/or influence any outcome of any election that's relevant to them.

It also prohibits voter intimidation, deception, and/or obstruction -- obstruction, which would include any act, including threats of violence, the infliction of violence, restraint, injury, harm, or practice any intimidation that obstructs, impedes or interfere with the ability to vote, including the obstruction of access to a polling place. It also allows for a standing where any voter suppression, voter dilution, voter intimidation, et cetera, is committed that there can be aggrieved persons, organizations, as well as the New York State Attorney General to be able to bring such cases. It provides for preclearance in the event that there's any particular political subdivision with a history of discrimination in our voting rights, that those particular locations and locales and political subdivisions will

have to or should and will be required to preclear any actions that would enact or implement any affliction on our election processes.

Thank you very much, Mr. Speaker, and I vote in the affirmative.

ACTING SPEAKER CAHILL: Ms. Walker in the affirmative.

Mr. Aubry to explain his vote.

MR. AUBRY: First of all, my congratulations to the sponsor of this legislation. It is certainly timely, it is certainly necessary. As a young man, we had a saying in my streets, *The ballot, not the bullet*. Today, that still rings true. We do not believe, by history, that the rights that have been secured ex parte to the way the Constitution was written, were guaranteed or will be guaranteed in the future.

So as elected officials representing communities who have been disenfranchised historically, we cannot do anything more or less than ensure that those rights are guaranteed as we move forward. And we know, as we have watched in this country, that those rights can be taken away. If you get a Conservative Supreme Court, or you get a Conservative President, or if any of those things happen, the world changes for us. We have historically seen that world change. Reconstruction, we were elected after slavery, we served in legislatures. We were allowed to be Senators in the United States. And that was taken away, despite there was a Constitution, despite there was a guarantee of legal protection, but they were taken away.

So to think that that simply, because it's in our Constitution now, is forever guaranteed would be foolhardy on our part.

So we take these actions to guarantee that this place that we serve in always has us here to serve in, and that those school boards and those city councils always has a place for us to serve where we are represented, where we can represent. And no, we don't have to just represent communities of color, we end up representing everybody. My district is two or three percent Black, two or three percent Black; I have served there now for 30 years. We have the ability to do more than you think. We have the ability to rise above our history. Thank you. I vote in the affirmative.

ACTING SPEAKER CAHILL: Mr. Aubry in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you very much, Mr. Speaker. I was born in the 1960s. We're not in the 1960s now, we're in 2022 and currently, there are numerous voter protections enshrined in the United States Constitution and the New York State Constitution. To that end, many of the portions of this bill can be regarded as duplicative of existing law and are troublingly expansive. Voter disenfranchisement, vote dilution, voter intimidation are already prohibited by the operation of existing laws.

Arguably, this bill will create a litigation boon for any entity that decides to bring quasi class actions on behalf of injured voters. Not surprisingly, many of the entities that would be conferred



third-party standing are in support of this bill. Ultimately, this legislation will present unfettered access to courts for subjective voter rights, availing municipalities, school boards, and boards of election to a litigation bomb.

And I just want to say in closing, I will not be supporting this piece of legislation, that it is rare that a piece of voter legislation would be opposed by none other than the New York State School Boards Association, the New York State United Teachers, and the New York Library Association. We would not normally see memos of opposition from them to a piece of voter legislation. And to me, that tells me that this is just not a very good piece of legislation, with all due respect to the sponsor. So I will not be supporting it. Thank you.

ACTING SPEAKER AUBRY: Mr. De Los Santos.

MR. DE LOS SANTOS: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to commend the sponsor for this historical bill. I am a proud cosponsor of the legislation. But today is truly about election justice, it's about doing the right thing, and I am beyond proud of this Body for not only introducing this important piece of legislation, but also for what this would do in the future. And it is also an example of what democracy and this Body is capable of doing. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I certainly do want to

commend our colleague for putting this piece of legislation together, and I'm almost sure that the people who are feeling as though there should be a reason to be opposed to it will find out that there is no reason to be opposed to an opportunity to pursue justice for all. We often say justice for all, but we already know that it's really not specific enough, because there are a ton of us who have never seen justice for all.

There are a ton of people who have had this experience of having their voting rights disenfranchised. I can recall the first time our Black mayor was elected. I had been a committee person in that district for at least a decade, but when it came time for his election, somehow in the places that used to have four voting machines only ended up with two. So the people, particularly in the communities of color, had to wait in line longer. That's a specific example of disenfranchising people. The County of Erie was hoping that these people would go home because they didn't want to stay in line long. Well, they didn't go home. They stayed in line and they voted.

So very often we get challenged like this and we have to step up and keep moving even when you try to take something from us, but if we can use legislation like this one to keep you from doing that and help you understand why you shouldn't do it, I think we're in a better position so that when we recite that Pledge of Allegiance, we can feel real sure that it is about everybody and that nobody is excluded. So I want to commend the sponsor for this legislation and I

hope the day will come soon when we can truly believe and say with all honesty that justice is for all. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause/Cheering)

ACTING SPEAKER AUBRY: Totally against the Rules -- thank you.

The Clerk will read, page 14, Rules Report No. 517.

THE CLERK: Assembly No. A01023-A, Rules Report No. 517, Paulin, Griffin, Simon, Jacobson, O'Donnell, Zebrowski, Otis, Burgos, McMahon, Ramos, L. Rosenthal, Solages, Burdick, Carroll, Glick, Seawright, Cymbrowitz, Walker, Benedetto, Lavine, Dinowitz, Fernandez, Fahy, Abinanti. An act to amend the Executive Law, in relation to requiring reporting on a seized or recovered gun to the criminal gun clearinghouse; and to amend the General Business Law and the Penal Law, in relation to preventing the unlawful sale of firearms, rifles, and shotguns to individuals with a criminal record.

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

An explanation is requested, Ms. Paulin.

MS. PAULIN: Yes, of course. Whoops. Now yes of

course. The bill will enhance the sharing of crime gun information by requiring State and local law enforcement agencies to submit crime gun information to Federal databases and, additionally, the bill establishes security training and recordkeeping standards for retail gun dealers in the State.

ACTING SPEAKER AUBRY: Mr. Gallahan.

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

MS. PAULIN: Yes, of course.

ACTING SPEAKER AUBRY: Will you yield, Ms. Paulin? Ms. Paulin yields, sir.

MR. GALLAHAN: Thank you, Ms. Paulin. Could you please describe to me exactly what the criminal gun clearinghouse is, where it's located?

MS. PAULIN: So these are all Federal databases that -- that already use, they already exist, and many local, State and municipalities -- local municipalities already use these databases, they're free. They just have to be subscribed to. So what these three different databases are, are essentially, I mean, you want specific -- that specific one then I have to look, but -- but I know that, you know, for example, the first database, which is, again, it already exists, the criminal gun clearinghouse which is the one you mentioned, essentially traces and tracks crime guns. So if a gun is found at a crime scene and the -- they wanted to see whether the bullet that, you know, whether the gun that was used, the bullet that, you know, that

hit the person or what have you, you know, they want to know where that gun came from. They would put the information into this database and they would be able to sometimes track it down to even the gun dealer where it came from or the person that bought it. So it's an ability to really get down to the granular with these guns.

MR. GALLAHAN: What kind of data are they looking for in this database? Is it -- is it the bullet, is it the, I mean, how -- how do they identify when they fire a gun --

MS. PAULIN: Well, it's three different databases -- right.

MR. GALLAHAN: They take the gun and fire the gun and are they taking the bullet and using the bullet, or what are they using for their data to compare this to what's already in the system?

MS. PAULIN: So the database that you mentioned, the first one that's listed in the bill, that database is the gun. So they would look at the serial number, you know, markings on the gun, any -- any ability to track and trace, you know, that particular gun.

MR. GALLAHAN: Mm-hmm.

MS. PAULIN: The second database is both the bullet and the -- and the gun. So the -- and then the third database is, again, the gun. It's the stolen -- it's the National Crime Information Center, which is NICS, which can track stolen guns. So they're all a little different and we're saying, you know, particularly for the second one, for example, that helps you in an actual crime scene because if they

can understand the bullets that came out of a certain gun, they can almost figure out if somebody else reported that there was that type of bullet used in a different crime in a different place they can -- they then know that they discovered that particular gun. So -- and then the reciprocal for that particular database is if they found the bullet, they could track it to a -- to a gun. So all of them have slightly different purposes, stolen, the actually crime scene, and then the third one is just trying to figure out where that gun came from.

MR. GALLAHAN: Okay, thank you. This bill also requires law enforcement agencies to participate in ATF's collective data-sharing program for the purpose of sharing gun tracing reports among all law enforcement agencies in the State on a reciprocal basis. How many agencies are currently reporting?

MS. PAULIN: How many what?

MR. GALLAHAN: How many law enforcement agencies are currently reporting?

MS. PAULIN: We just know that they're not reporting in a timely way, there's many, many that do report. But we have so many local police departments and, you know, I know, you know, for example, where I live we have very little crime. We've had two murders in the history of the village. So -- both of them domestic violence. And so they -- they may not -- I mean, we happen to have a sophisticated community, they probably do subscribe, but they may not because they wouldn't have an ongoing need. But, again, it's free. And so we just want to be sure that these guns that are found and used

are put into the respective databases to help solve crimes and to help all of us address where these crime guns are coming from in a very timely way.

MR. GALLAHAN: Thank you, I can appreciate that. You know, the bill also states that law enforcement has 24 hours to report this, and law enforcement today, they're all understaffed and they're going to have a very difficult time reporting this. Is there a penalty for not reporting, and --

MS. PAULIN: It -- it's not --

MR. GALLAHAN: -- to add to answer my question, to add to my question, the national clearinghouse also has a requirement, but that requirement is in a timely manner. So why would the reporting agencies from the police agencies being required 24 hours, but the clearinghouse has a -- an undefined -- determined amount of time? That would seem to be me that really would slow the process down.

MS. PAULIN: So the clearinghouses are not State clearinghouses, they're Federally-based, and we have -- we're a State so we have no jurisdiction over a Federal database. So if it was up to me, I would probably put a time limit on those, as well, but we don't have jurisdiction. So the only jurisdiction we have is starting the process, and that means getting the data into the systems as quickly as possible.

MR. GALLAHAN: So is there -- is there a penalty to law enforcement if they don't get it in within 24 hours --

MS. PAULIN: No.

MR. GALLAHAN: -- who monitors that?

MS. PAULIN: It's an expectation that --

MR. GALLAHAN: Okay.

MS. PAULIN: -- that they should do it, and police departments, you know, usually follow the law. So I have confidence that they will comply with it.

MR. GALLAHAN: Unless they're understaffed and they can't follow the law.

MS. PAULIN: Well, I think if --

MR. GALLAHAN: Which many are currently understaffed.

MS. PAULIN: I -- I think --

MR. GALLAHAN: Thank you for your answer, I appreciate that.

MS. PAULIN: Yeah, okay.

MR. GALLAHAN: So let me understand this reporting process. So law enforcement reports to the clearinghouse; the clearinghouse reports to the National Training Center; the National Training Center reports to the ATF; the ATF reports back to the Superintendent of State Police and also the reporting agency. So all this paperwork has to travel this big circle in order to come back to the local agency that first reported or found that stolen, lost, whatever gun that they found and turned it in. Can we really trust all these government agencies to keep this -- this paper trail in force and all



these processes through all these -- all these different agencies? I mean, who is going to monitor the process? And, you know, we created a domestic terrorism task force here in New York over two years ago and they haven't even met. So how much confidence can we have that all these agencies will perform all these duties and this will get back to the superintendent and the local law enforcement agency in a -- in a -- in an expedited amount of time?

MS. PAULIN: Do you want me to answer?

MR. GALLAHAN: Please.

MS. PAULIN: So I recently was -- not recently, pre-COVID, was -- served on a jury and one of the issues happened to be with a crime gun and, in fact, it was reported, which is -- it was the only way we could prove the crime was to get the information from these same agencies. And so the police -- this is what the police and the district attorneys rely on now. It's what we all use in the entire United States to deal with crime guns. These are -- these are centers. We do not have one in New York actually, we have to farm this out because this is -- it's much better if it's in a place where they do this work on a regular basis; they do it much quicker. So I would say that it's being done now, this is how we do it. All we're saying is that we want everyone to do it so that we have even more data to put more criminals behind bars. This is a criminal justice issue so that we have an ability to track and trace guns so that we -- they're not used a second time. This is an ability for the police to get access to information that can help prosecutors prosecute the crimes and -- and,

you know, this is really currently the way that we do it in the -- in the country.

MR. GALLAHAN: I think the system is quite convoluted, I can't see it being very helpful all the time.

The bill states, also -- you have a section of this bill that talks about retail dealers. Can you define, please, a retail dealer?

MS. PAULIN: There's actually a definition in the bill. I'll just find it and read it. So a dealer, dealer means a gunsmith or dealers in firearms licensed pursuant to Section 400 of the Penal Law. If you look in the Penal Law under the licensing section, it's a section that licenses both individuals that are permit holders and also gun dealers.

MR. GALLAHAN: Okay, thank you. So that would include Runnings, Walmart, Cabela's, Bass Pro?

MS. PAULIN: If they -- if they are a licensed gun dealer, yes.

MR. GALLAHAN: Okay. So my next question would be in the bill it states that if you're not 18 or over, you cannot go in these -- these retail dealers without a parent or guardian.

MS. PAULIN: So it really doesn't state that, it says that access to its inception, if you want to look it's page 4 of the bill, Section 875-C, Access to Firearms, Rifles, and Shotguns: *Every retail dealer shall exclude all persons under 18*, that's the section you're talking about, *of age from those portions of its premises. Those portions*, that's the key, *of its premises where firearms, rifles,*

*shotguns, or ammunition are stocked or sold.* And so if you go into a Walmart, you know, I don't know if they still sell guns or they don't --

MR. GALLAHAN: Ammunition, yeah.

MS. PAULIN: Okay, ammunition. All you -- you would block that off and then the rest of the store where they sold televisions or whatever else, clothes, would be completely accessible to everyone.

MR. GALLAHAN: Let's talk about Bass Pro or Cabela's.

MS. PAULIN: To what? I'm sorry.

MR. GALLAHAN: Bass Pro or Cabela's where the co-mingling of firearms and ammunition are next to the canoes and the bows, and gun cases. And how does a -- how does an 18-year-old go there and -- and -- and buy a bow or a canoe when it's in direct -- direct correlation to the ammunition and guns in the -- in the same section, the sporting goods section of the store?

MS. PAULIN: In that case, that store would have to section that off and then -- and put the ammunition in a place where a child couldn't get it.

MR. GALLAHAN: I think that would be a large unfunded mandate for our -- for our retailers. Let me ask you about this scenario. A 17-year-old went through all the licensing, that individual has got his pre-licensing course, he's got his or her New York State hunting license. He drives his car and he wants to go rabbit hunting or squirrel hunting on a Saturday afternoon. One

thing's missing, he doesn't have ammo. He's been properly trained, he has a license to hunt in New York State. He is responsible, never been in trouble, able to carry a firearm. How does that individual obtain ammunition that day to hunt his quarry?

MS. PAULIN: Sir, how old is that person?

MR. GALLAHAN: Seventeen.

MS. PAULIN: He's 17 and he is licensed to hunt by himself?

MR. GALLAHAN: Yeah, absolutely.

MS. PAULIN: He would go with his parent to buy the ammunition needed, or an 18-year-old -- or his friend.

MR. GALLAHAN: That's trained in firearms, been through a safety training course, is 17-years-old, has his own automobile, can actually go out and live on his own, still needs mom or dad to go in and buy him these shotgun shells, still legal to hunt.

MS. PAULIN: Or a friend who is 18, yes.

MR. GALLAHAN: I see. So the bill also states if you're - with a retail dealer - so a student goes to a high school and goes into the trades to be a gunsmith and two years later he graduates, he's 18-years-old. He's got to wait three years in order to practice his trade because he cannot be in a retail gun store. So how can you take someone's livelihood from them? How can you discourage someone from wanting to go to trade school, which we're all trying to promote, we don't have enough electricians or plumbers, or -- I mean, this is a trade that he can -- he or she can expose anywhere, go anywhere in the

country and get a job. And you're telling them that after you go through your training, your technical training, vocational training, after school and you are a licensed gunsmith, you cannot practice your trade for three years. How do you -- how does that work?

MS. PAULIN: You're talking to the section that limits someone who is selling the guns --

MR. GALLAHAN: Correct.

MS. PAULIN: -- to 21.

MR. GALLAHAN: Correct. But he can't even be in the store if he's 18.

MS. PAULIN: You know, I would just point to the two recent tragedies we've had in both Texas and in Buffalo. Young people, 18-years-old, there's got to be some threshold where we admit that that might be too young to have this kind of access.

MR. GALLAHAN: I'm talking about a responsible person that goes to a vocational school in order to advance their career, to make a living, to be a part of society and pay taxes and -- and be a part of his community or her community, and you're going to keep them from doing that for three years.

MS. PAULIN: Yes.

MR. GALLAHAN: It just doesn't make any sense. It makes no sense to me.

MS. PAULIN: It -- it --

MR. GALLAHAN: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: Thank you. This is an overreach of government and it's creating unfunded mandates on many small and large retail dealers and local governments. Creating a -- it creates a maze of reporting that will certainly not be effective long-term in gun-related crimes. Let's enforce gun laws currently on the books and the core issues of the violent behavior currently ongoing in our society by getting back to the accountability of your actions. Building back the family unit and addressing our mental health crisis here in New York and all across our country. I'll vote in the negative on this and I hope my colleagues will join me. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Will the sponsor yield for a couple questions?

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

MS. PAULIN: Yes, of course.

MR. GANDOLFO: And don't feel like you have to turn around and keep looking at me, it's fine.

MS. PAULIN: Yeah, okay.

MR. GANDOLFO: So my first question is on the storage of firearms and ammunition required in here. This bill states that dealers would have to store all the rifles and shotguns in their establishment in a safe or a vault, and or also goes on to say or a locked and secure area on the business's premise. Is that an either/or

thing? Do they need a vault on their premise or is some kind of locked room acceptable?

MS. PAULIN: No. The security aspect of it, we've actually, believe it or not, most of you are newer than probably the last time we debated this bill --

MR. GANDOLFO: Mm-hmm.

MS. PAULIN: -- but there were other provisions and I think they were raised by your Conference, and we amended to show -- to -- specifically in that section to address -- to make it -- to make it more consistent with what gun dealers are doing now.

MR. GANDOLFO: Okay. Yeah, because a concern I heard from a dealer in my district was that they have thousands of firearms, they would have to move them every night and then bring them back out in the morning, so that's good to hear.

MS. PAULIN: As long as they're locked, you know --

MR. GANDOLFO: Okay.

MS. PAULIN: -- and secured.

MR. GANDOLFO: Okay, just generally secured and locked on their premise, okay. And in terms of the ammo being stored separate and away from customers, was there a reason for that new requirement, or were there instances of customers maliciously loading ammunition into firearms in stores?

MS. PAULIN: I think you just want to keep everyone safe, just like we have the safe storage bill, you know, that

we voted on in this Chamber to keep ammunition in a home separate from the actual gun; this would -- is similar.

MR. GANDOLFO: Okay. You know, one concern that I have with that I share with some of the dealers in my district is that the way their stores are set up, it's going to require a massive, kind of rework of their showroom with construction, costs and labor just to satisfy that requirement. But I'll move on to the next requirement which is the video surveillance requirement. Is there any current requirement for gunsmiths or dealers to have video surveillance?

MS. PAULIN: No, not to my knowledge.

MR. GANDOLFO: Okay. I think most of them do, though, so that's not really the problem I have with it.

MS. PAULIN: It came out of an incident -- there was an incident in 2003 where there was a gun dealer that actually shared space, ironically, with a child care center.

MR. GANDOLFO: Mm-hmm.

MS. PAULIN: And the guns were stolen, there was no surveillance, never mind the fact that there were kids during the day around these guns, that's not -- wouldn't even be permitted now, but they were -- they were stolen right out of --

ACTING SPEAKER AUBRY: Ms. Paulin, I know in polite society we require you to look him in the eye --

MS. PAULIN: Yeah, I know, I'm -- sorry.

ACTING SPEAKER AUBRY: -- but we can't hear you, so... while it's --



MR. GANDOLFO: I heard you.

MS. PAULIN: I'm not looking.

ACTING SPEAKER AUBRY: Yeah; right.

MS. PAULIN: Okay.

MR. GANDOLFO: I heard you. So my issue with that is the requirement is for them to store the video footage for about two years, and the stores that I spoke to, they have high definition footage, most of them do store it for a period of anywhere from two weeks to maybe two months. And part of the reason for that is the cost associated with storing those large video files. The one store I spoke to, they have all their cameras in place, high definition footage, it costs them \$25,000 for a server to store all this footage just for two weeks.

So my concern is the cost to store all that footage for two years, it's about 50-times the storage. Is there -- are there any -- is there any funding in this to help them satisfy that requirement, because that could be hundreds of thousands of dollars.

MS. PAULIN: Honestly, it's the first time I'm hearing about that expense. I think that we have to probably weigh the needs of law enforcement for the use of that video versus the cost and we should just maybe continue to talk about that aspect of it and confer it with both to make sure we have hit the right balance but, you know, I hear you. I don't -- but there's no provision in here for -- for cost.

MR. GANDOLFO: Okay. You know, that's

something I didn't consider when I initially read the bill until I spoke to some of the dealers in the districts. I hope some kind of amendment could be made to that because it does seem a little onerous. The one gentleman I spoke with, he actually used to be in that industry and estimates it could cost \$500 to \$1 million to have that kind of system, especially with all the different video feeds that are required here.

MS. PAULIN: Understood.

MR. GANDOLFO: And moving on to more recordkeeping, the record of the traces. I saw for the records of the acquisitions and dispositions, an electronic file was acceptable?

MS. PAULIN: Yes.

MR. GANDOLFO: Would that also apply to the record of the traces? In that, it says those must be kept in a secure, fireproof file.

MS. PAULIN: Can you just point me to the section, the record of the tracing you're saying?

MR. GANDOLFO: Yes, 875-F4.

MS. PAULIN: F4. Ah, here we go. So I mean, we say -- because these are actual forms, I actually have a copy of it, that have to be filled out by the individuals. I don't know, you know, I guess they could be scanned and kept, and certainly if, you know, we would be open to doing that, but it just says, you know, we basically just say "secure." So secure container designed to prevent loss by fire, theft or flood. You know, the rationale being this is the way we -- the

ATF traces, you know, crime guns.

MR. GANDOLFO: Right.

MS. PAULIN: Sorry. But -- so we just want to make sure they're secure, but -- and they're usually hand filled out so I think we could probably work out, again, you know, with this technology that we now have, you know, a way -- a way to do that. I'm not sure the provision allows for it, though.

MR. GANDOLFO: Okay. Yeah, those dealers I spoke with, they -- they keep both at the moment. They're actually running out of room to keep the paper copies and then they feel to replace those with those secure --

MS. PAULIN: Mm-hmm.

MR. GANDOLFO: -- containers will be a very high cost, so they were just hoping to see some kind of maybe amendment to this to allow an E-book as long as it's properly kept and backed up and made available to law enforcement.

MS. PAULIN: And we do give the superintendent a lot of flexibility, you know, to outline some of this, so there may be some wiggle room there.

MR. GANDOLFO: Okay. All right, great. Thank you. And the final point is on the effective date. Considering some places that I've spoken to will have to reformat their shops and get new materials and implement new security systems if they don't already have it, I have heard concerns with some supply chain crises that they will not be able to comply within the 180 days if they do

have to undergo labor and construction. So I just hope to see some -- maybe that looked at, as well. I would hate to see businesses that are trying to make a good effort to comply be out of compliance and have their license put at risk. So that's my final concern with that is maybe some kind of consideration there.

MS. PAULIN: So you know, the -- there's going to be, because we've never had these inspections before, by the Superintendent of Police. You know, currently under the Federal law ATF does inspect, but we know that they don't do it on a regular basis or sometimes at all. So -- which is why we are implementing this bill. So you know, the -- the bill actually calls for inspection every three years and the -- it's going to take time, you know, really, honestly for all of the -- all of those inspections to take place. So this probably, even though the bill is saying 180 days, there is some flexibility because of the nature of how many there are compared to the ability for the State Police to be able to actually do those inspections.

MR. GANDOLFO: All right. Well, thank you for taking my questions and I hope you will consider some of these suggestions. Mr. Speaker, I yield back.

MS. PAULIN: Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly.

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

MS. PAULIN: Oh, boy; all the way in the back.  
Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Ms. Paulin. I just was wondering, did we have any conversations with the ATF in regards to the -- the influx that they'll now get requests for since this is making sure that they -- that departments in New York State --

MS. PAULIN: I'm not sure what extra work the ATF has here.

MR. REILLY: Well, because currently like with the NYPD, currently there are a criteria of when you submit a request to the ATF, and that was worked out in agreement with them. Now, this would increase exponentially. So I was wondering if there was, just to see logistically, how this legislation will roll out into the street and into practice every day.

MS. PAULIN: So are you suggesting that if there's a crime gun in New York City, they don't always submit it for -- to the crime databases to get an understanding of where that crime gun has come from?

MR. REILLY: Well, the legislation says an abandoned gun. It doesn't necessarily mean that it was tied --

MS. PAULIN: Right.

MR. REILLY: -- to a gun -- to a crime. So that's -- that's the question why I'm asking you because they may request it with the ATF, but it may get shelved and not -- you may not be able to get any data on it, they may not even take the information. So that's why I'm asking is has there been any consultation with the ATF in

regards?

MS. PAULIN: No, there's been no consultation, but our understanding is they're well-equipped to accommodate an increase in the number. I mean, you know, if the suggest -- if the worry is that it's going to take them longer, you know, to get the information back to us, I certainly could understand that. I don't know, you know, how many more guns we're going to be providing for tracking and tracing, but there are -- without that data, you know, we really can't even get a handle on the number of guns out there that could potentially be used for crime.

MR. REILLY: Okay. So -- thank you, Ms. Paulin.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So the reason why I raised those concerns is that there are thousands of guns recovered yearly in New York City. And some are recovered in hotel rooms, some are recovered in homes that were for sale, some are recovered for crimes, some are recovered in regards to shootings. Some are recovered in different ways, maybe a gun buyback program. Now, these are all going to create an influx and that 24-hour requirement to notify to the clearinghouse and then to notify the ATF may create a burden. And I think that's one of the concerns that law enforcement may have. Now, especially if there's an active crime scene, within a 24-hour requirement to make that initial notification may not be practical. And unfortunately, it's words like I mentioned yesterday in legislation,

when we put words in like *shall*. Shall says that they have to and there's no exception; do that within 24 hours. It's those little intricacies that we talk about each day in the legislation that comes before us that really determines how it's going to work in practice when we're really on the street, when the police are investigating those crimes, and when they're logging that evidence. And the active investigation that they're -- the detectives are on the scene doing the investigations. Now it's going to have to take a pause to make sure that they're coming up on that 24-hour window and the information has to be logged. Sometimes those firearms in those crime scenes aren't even removed from the crime scene within 24 hours.

So these are things that I talk about every day up here when I say the things that we have on paper don't transition to the street the way they're intended. And the reason why we point this out is because we try and improve it.

So I just wanted to raise those points and make everybody realize that in the grand scheme of things, I get what the intention is, but remember, when you're dealing with a place like New York City, there are thousands, and I mean 5-, 6,000 guns recovered a year. Not all are connected to a crime, but this legislation would require every one of them go through that process. And that includes our gun buybacks where there's no questions asked. So remember that.

So that's why I think we have to make sure that the words that we use in this legislation can actually be practical. Thank

you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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 Senate print 4970-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 provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Based on the concerns that have been expressed by my colleagues, the Republican Conference is generally opposed. Those who support this legislation are encouraged to vote yes on the floor or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, this is an affirmative vote for the Majority Conference. Any members wishing to vote in the negative are encouraged to call the Majority Leader's Office at the numbers previously provided. Thank you.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Ms. Paulin to explain her vote.



MS. PAULIN: I just wanted to let everyone here know that I introduced this bill in 2001 and I'm very, very proud that today we are at the point where it's a two-House bill and it's about to be law. Thank you.

ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 608, the Clerk will read.

THE CLERK: Assembly No. A06716-A, Rules Report No. 608, Wallace, Griffin, Thiele, Fahy, McDonald, Cusick, McMahon, O'Donnell, Simon, Jacobson, Burgos, Otis, L. Rosenthal, Solages, Burdick, Carroll, Glick, Ramos, Cymbrowitz, Sillitti, Fernandez, Dinowitz, Lavine, Zebrowski, Abinanti. An act to amend the Penal Law, in relation to establishing the crimes of making a threat of mass harm and aggravated threat of mass harm.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced -- I'm sorry. We put the right bill up?

I'm sorry. On a motion by Ms. Wallace, 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 89-B. 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. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to speak in favor of this legislation. This bill will -- and explain my vote. This bill establishes the crime of making a threat of mass harm and making an aggravated threat of mass harm. This includes threats of serious physical injury or death against people at a school, a place of worship, a business, a government building or other place of assembly. In the wake of Buffalo and -- and the Uvalde massacre -- massacres we've experienced a number of threats from individuals purporting to commit copycat mass shootings. Some of these threats rise to the level of a terroristic threat which is covered in another section of law. But others, it's less clear. What is clear is that making a threat alone panicked an already shaken community and caused needless fear and anxiety by the public and expended law enforcement resources needlessly. Schools and businesses were interrupted while those threats were investigated. This legislation would give law enforcement another tool in the toolbox to deal with these kinds of threats and to hold -- hold those who make them accountable and hopefully deter any kind of copycat threats like this in the future.

Thank you for giving me an opportunity to explain

my vote and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 664, the Clerk will read.

THE CLERK: Assembly No. A10497, Rules Report No. 664, Committee on Rules, Jacobson, O'Donnell, Peoples-Stokes, Simon, McMahon, Griffin, Otis, L. Rosenthal, Burdick, Carroll, Glick, Cymbrowitz, Walker, Dinowitz, Lavine, Fernandez, Zebrowski, Abinanti. An act to amend the Penal Law, the General Business Law and the Executive Law, in relation to the unlawful purchase and unlawful sale or delivery of a body vest.

ACTING SPEAKER AUBRY: Mr. Jacobson, an explanation -- oh.

On a motion by Mr. Jacobson, the Senate bill is before the House. The Senate bill is advanced. And Mr. Jacobson, an explanation has been requested, sir.

MR. JACOBSON: Thank you, Mr. Speaker. This bill would amend the Penal Law and would restrict the purchase and sale of bulletproof vests known under New York State law as body vests. Only those in specific professions would be able to purchase these bulletproof vests; police officers, peace officers, those in the military and other professions as -- as to be designated by the

Department of State. It would be illegal to sell, exchange, give or dispose of these bulletproof vests to an individual that the one making the transfer knows or reasonably should have known that the person is not engaged or employed in an eligible profession as defined. And that would be police officers, as I said, peace officers, those in the military and those other professions to be designated by the Department of State. Violations of these provisions would be a Class A misdemeanor for the first offense and a Class E felony for any subsequent offense.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Thank you. Just a quick note on this bill. I'm a -- I'm working with a number of people in the let's say the gun -- gun people, the gun stores owners, a few of them, a friend of mine who was a former Marine. And what we've been doing for the last couple of months is if you know that there's an expiration date on all body armor so that when police forces, law enforcement, when that body armor expires in New York State they have to give it up. We've been going around to all these different entities in the State, asking them to donate their body armor and we've been sending it over to the Ukraine. That body armor is actually going to individuals, not law enforcement, not army, but actual individuals in the Ukraine, homeowners that are defending their country right now. It sounds

pretty amazing but that's one of the things we're doing. It says a lot about our country and our Constitution. You don't think that can happen here, but we've been sending plane loads over to the Ukraine for the last couple of months. We're working now -- the gentleman that I -- I know is working now with about four other states and getting their donated body armor and getting it coordinated and sent to the Ukraine. Just another reason why body armor for individuals is important. It's important to that country, I know we all support that country and individuals over there. This is going to the homeowners. I can't make that more clear. This is going to individuals and not military. These are people that are defending their country on the frontline. We say it can't happen here, but that's exactly why the Second Amendment was put into place over 200 years ago. It's because our Founding Fathers and many of us today still do not trust the government. And for good reason. So I think we need to be able to protect ourselves. The only ones who are going to be getting this with this bill are going to be law enforcement or others. Obviously, the criminals will have it. But just I want to make that point. I know there's a lot of other points to be made on this, but just I wanted to let people in this Chamber know that there are other uses for body armor and is actually going to individuals that use it to protect themselves from harm's way in -- in Ukraine. So, I just wanted to bring that up and bring it to everyone's attention. I don't think they knew about it.

And thank you for the opportunity, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions, please?

ACTING SPEAKER AUBRY: Mr. Jacobson, will you yield, sir?

MR. JACOBSON: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. DURSO: Thank you, Mr. Jacobson. So, just a question. Within the legislation, would you be able to purchase body armor, vests, however we want to call it, in another state? Say Pennsylvania, New Jersey, anywhere else and then have it in your possession in New York State?

MR. JACOBSON: This bill does not go into possession. It -- it restricts the sale and purchase.

MR. DURSO: So it's just the sale of body armor in New York State for their residents. But I could -- me personally, I could go buy it in another state and have it here without any penalty.

MR. JACOBSON: Right. What you're referring to is another bill, but that bill -- that isn't the form of this bill.

MR. DURSO: Okay. My next question is the carveouts for people that can have body armor or purchase body armor, within that carveout you didn't mention EMS workers, public safety officers, perhaps armored car workers. Is there a reason why?

MR. JACOBSON: Well, I -- I would expect that those workers who are not listed as peace officers which is -- there's

30 different categories.

MR. DURSO: But they don't -- they don't fall under peace officer.

MR. JACOBSON: I understand. I would expect that the Department of State would list those because that's required in that type of work, and the whole idea is that those who have legitimate reasons to have it in their employment would be able to purchase or be sold this bulletproof vest. And I would expect that the Department of State would list those. And I am sure that if they omit something that should be there, I'll be the first to submit a new bill.

MR. DURSO: So maybe it's is a silly question, why wouldn't we just list them in the bill now? Why leave it up to the Secretary of State, Department of State to list them later?

MR. JACOBSON: Because I am sure that I would miss a profession. And the Department of State is used to doing that when they talk about different professions that are covered in different areas. So I know that if I listed certain ones I'm sure I would miss them. And so I think it would be better for the Department of State to do it, and then eventually if we need to amend it or if something did not apply then we can go from there.

MR. DURSO: So, currently if this bill is voted upon, goes into law, when would the Department of State come out with that list?

MR. JACOBSON: Hold on.

MR. DURSO: And just -- I just -- a question as

you're looking it up. So if this law was to go into effect, whether it's 180 days, immediately, those people that I just listed just for a couple of reasons, EMS workers, whatnot, would not be allowed to purchase body armor, correct?

(Pause)

MR. JACOBSON: Well, there's no specific time, but someone could apply. I mean, someone could obviously contact the Department of State and say this profession should be in. But I would think under common sense they would move along on this because it's important.

MR. DURSO: I would -- I would hope you're right on that. No offense, I'm not going to leave it to the State to move along fast with anything. What is the timeline for this if it's voted on today to be put into effect?

MR. JACOBSON: It's in the bill that someone can make a request.

MR. DURSO: So if this law is enacted today, right, and voted upon today and passes, how long before the legislation takes effect?

MR. JACOBSON: It takes effect right away -- 30 days, excuse me. It's 30 days.

MR. DURSO: Thirty days. So 30 days from now, if someone doesn't apply, doesn't get the application in, it's not approved, and let's say it's a New York City EMS worker like one that recently got shot on Staten Island, they would not be allowed to



purchase body armor until their particular class, at a request, would be allowed to purchase that armor, correct?

MR. JACOBSON: I want to get to the -- I had all this listed which then my computer --

MR. DURSO: It's okay. I have -- I have some time, I'm sure.

MR. JACOBSON: (Inaudible) specific bills there and then you put it down and it got knocked out. But the specific in the -- yeah, peace officer. I think that's -- excuse me, let me -- let me pull up that section.

MR. DURSO: Sure.

MR. JACOBSON: All right.

MR. DURSO: I don't have that much time, so I don't want to give you too much time.

MR. JACOBSON: I'll give you your time back.

ACTING SPEAKER AUBRY: Mr. Durso, we'll stop the clock.

MR. DURSO: Okay, thank you, sir.

(Pause)

MR. JACOBSON: (Inaudible) sir --

ACTING SPEAKER AUBRY: Hold on. We'll start the clock now.

MR. DURSO: Okay, thank you.

ACTING SPEAKER AUBRY: And everybody calm down. Thank you.

MR. JACOBSON: It's all right. We're -- you know, we're going to be here late tonight anyway, so...

(Laughter)

ACTING SPEAKER AUBRY: Don't use that excuse, sir.

MR. JACOBSON: That I can predict. Police officers, peace officers is listed, and the military. I know firefighters in New York City are listed in -- in that as well as a peace officer. And then it goes through the list, probation and there's many others. But it's -- I don't believe EMS is there, but that would make sense and I would expect that it would be.

MR. DURSO: So obviously one of my concerns, obviously, what it would be EMS workers, public safety workers. My other question would be, so if you are an ex-police officer, so you are no longer on the job, right, and you're working school security, do they qualify under this or would the school have to make a request for their school -- I won't even call them a resource officer because not every school hires them as a school resource officer. School security have to apply for this, and would they be able to get body armor under this provision?

(Pause)

MR. JACOBSON: Well, for example, those that are designated as peace officers, they include constables of town, villages, so forth. Sheriff, undersheriffs, investigators of the State Commission on Investigation, employees Department of Taxation. It goes on. And

--

MR. DURSO: So you have to have peace officer status and that's what we discussed. But under current law, to my understanding, that once you retire from the police department you no longer have police powers. Therefore, you could not wear --

MR. JACOBSON: I would think the Department of State would have security officers and -- and those -- those --

MR. DURSO: But they'll have to apply, correct?

MR. JACOBSON: They would have to apply until the Department of State comes out with their list.

MR. DURSO: Okay. Thank you. And just one other question. So, in light of recent school shootings and in school shootings that have happened, unfortunately, for the past couple of years, there was a moment in -- and they're still going on where students are actually wearing bulletproof backpacks. I don't know if you've heard of these at all. They're new to me, too. I just wanted to know if a bulletproof backpack, if a child was to wear one, can they still purchase these and would these fall under these provisions?

MR. JACOBSON: It would not fall under the provisions. I -- I got calls on that.

MR. DURSO: Okay, I'm just --

MR. JACOBSON: And it would not because a body vest is specifically defined. And it has certain qualifications.

MR. DURSO: The plates and the -- the distance from that it could withstand a shot, correct?

MR. JACOBSON: Absolutely. And -- hold on, I'll get you your section. It's -- there's a specific definition of what it is.

MR. DURSO: So your understanding is, just so I have it on record, so that parents that are concerned, students that are concerned that are buying these Kevlar backpacks --

MR. JACOBSON: Right.

MR. DURSO: -- correct, those would still be allowed to be sold --

MR. JACOBSON: Absolutely.

MR. DURSO: -- and worn and used?

MR. JACOBSON: Absolutely.

MR. DURSO: Okay. Thank you, Mr. Jacobson, for your time.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. DURSO: So I -- I happen to believe that this is a well-intentioned bill, Mr. Speaker. I -- I do agree. I don't think you should be able to -- in my personal opinion, I don't believe you should be able to walk into a Target or a five-and-ten store and buy body armor. But the fact of the matter remains is that some of our most vulnerable that may need it, EMS workers, public safety workers, people that drive in armored cars, just to name a few. And really, to be perfectly honest, as we've seen lately, our ex-police that -- that are retired police officers that work in schools in school security, if this bill is enacted today and it goes into effect in 30 days, they might not

be able to apply and/or get those very needed pieces of equipment that could save their lives and so they could save the lives of others in a -- in a timely manner. No offense to the State -- or maybe it is an offense to the State -- but I don't trust us here in the Legislature or the State to do anything in a timely manner. We could be putting people in danger. The people that save us, protect us on an everyday basis and our children, to not have the equipment that is required. Again, I agree with the -- the bill and understand the intention of it, but again, I think it could have been laid out better. The listing of eligible people and/or jobs and positions that really require these and it's needed for them that are not listed correctly, it makes me a little nervous.

So, therefore, as the bill is presently constituted I can't support it. I do hope it gets amendments in it, because like I said, I don't think we all need to be walking with body armor on but those that protect us and do the job, that we need to protect our children and our loved ones do. So, therefore, I -- I won't be able to support this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So one of the questions I was going to ask and my colleague just before me did, was the backpacks. And I know that it was mentioned about the definition of a body vest. It says

for the purposes of this section, body vest means a bullet-resistant soft body armor providing as a minimum standard a level of protection known as Threat Level 1, which shall mean at least seven layers of bullet-resistant material providing protection from three shots, 158-grain lead ammunition fired from a .38 caliber handgun at a velocity of 850 feet per second. Now, the reason why I read that out is even though body vest is in quotes, if you have a backpack on it's on your body. It could be considered a body vest. Now, that's a clarification that I think we need to make because there are families that are purchasing these for their kids.

Now, during the last debate, the last questioning, there was a lot of talk about common sense. I wish common sense was that common, because it's really not. And one example of that was in 2014, long before I was here, when the SAFE Act was passed. I'm a retired member of law enforcement, like you know. I have a 15-round magazine. When the SAFE Act passed, I was a felon as a retired police officer. It goes further. Common sense didn't take place then either. On-duty police officers were a felon until it was corrected. That's a fact. So that's why when I raise the points here I do it because I foresee that we're going to need changes. We see all the time, every time we come back to Session the following January we have amendments. Why? Because there's errors in the bills, in the legislation. Things that we often point out on this floor. Things that we point out in Committee that just fall on deaf ears. We could fix this. We can fix everything that we're talking about if we just slow

down and talk about it.

Now, one thing that was raised, one of my colleagues earlier talked about how bullet-resistant armor is being sent over to Ukraine. I mentioned this today while talking to my colleagues. In 1994, '95, the New York City Police Department was having our police officers donate their vests to the Department to give them to police officers in Puerto Rico who did not have the vests. Now my question is, would the New York City Police Department now, potentially offering an unlawful sale because in the bill it actually says a person is guilty of the unlawful sale of a body vest when they sell, exchange, give or dispose of a body vest. Now, the only ones that are exempt -- and the prior debate talked about the State Department and Secretary of State making those exemptions -- according to the definitions of the New York State Penal Law, if you're defined as a police officer under those sections in the New York State Penal Law, you're considered a police officer or a peace officer. Well, giving those vests to a police officer in Puerto Rico, that police officer is not defined under the New York State statute as a police officer. Matter of fact, they're not a police officer in New York State. So the issue becomes are we creating agencies that may be offering services, a vest, to underserved communities and police officers that are defined under their law, are we taking away that opportunity? That's what I'm talking about when we say this legislation may not transition to the street the way we intend. So the unforeseen consequences is that common sense that we often see is not that common. So those are the

little technical things that we need to talk about. Once again, we're going to pass a bill and we're probably going to have to see some amendments. Not only in this one, but I'm sure in probably at least a few dozen of the next hundred bills we're going to do today and the ones that we've done in the past. A little conversation goes a long way that we can fix these things. Hopefully we can eventually get to that point.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Angelino.

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

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

MR. JACOBSON: Yes.

MR. ANGELINO: Thank you, sir. The -- the body vest thing sounds familiar. Is -- are the -- is the body vest mentioned other places in the Penal Law?

MR. JACOBSON: Yes, it is. The body vest is mentioned in Section 270.20, subdivision 2, which my colleague was reading from before.

MR. ANGELINO: The -- and I can tell by the bill number, 10497, this is relatively new. Have we seen this before? I -- I think I've seen this one before, unlawful sale. Not the criminal use -- or not committing a crime while armed wearing a vest. But has this one been on the floor before?



MR. JACOBSON: No, it hasn't been on the floor before that I -- at least since I've been here. I know other states have similar laws. But the purpose of this -- and I talked to my police chief in the City of Newburgh and this -- this bill is a very pro-police, pro-law enforcement bill. Because the problem is that unless -- and you mentioned and colleagues mentioned legitimate reasons to have a bullet-proof vest -- unless you have these legitimate reasons, it being used by criminals or would-be criminals because they feel emboldened, they feel empowered. That's what happened in Buffalo. What happened in Buffalo, he went to the supermarket and the security guard there shot at him and it didn't do any good. And what happened? Then he -- then that shooter killed the security officer. And if you're emboldened and you feel that you're invisible, you think you're Superman and you can stand there with your chest open and nobody's going to bother you. And that's why we want to have this bill, because the whole idea is to make sure that bad people don't use these for bad purposes as much as -- as much as we can do.

MR. ANGELINO: Thank you. So, the -- the provision -- this is -- this is to prevent a whole bunch of -- anybody on the street from buying body armor.

MR. JACOBSON: In general.

MR. ANGELINO: Because the -- the bill that's already on the books doesn't go far enough because it wouldn't have stopped the Buffalo shooter from buying that.

MR. JACOBSON: It wouldn't have stopped it from

purchasing it. It would have -- it's -- he was going to be charged with an additional crime --

MR. ANGELINO: Right.

MR. JACOBSON: -- but the whole idea is try to prevent people from committing the crime using the bullet-proof vest.

MR. ANGELINO: And the -- I heard the definition of sales also includes giving and things like that. So that -- that was my concern because I -- I've worn body armor for 40 years, and initially I bought it myself. It's very expensive and it's not something that people usually go out and buy. I don't know how the -- the heinous crime that we're talking about, I don't know how he afforded that.

But, Mr. Speaker, I'm going to go on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: Thank you to the sponsor. I -- I was looking, I think this came up sometime in the last year or two, a similar bill just like this. I don't know what happened to it. While we're talking about body armor, this is something that can protect anybody from a number of things. You seldom heard the term "bullet-proof vest" used today because police officers, security guards use this because it's protective for their ribcage and their vital organs for blunt -- blunt trauma. This includes knives, car accidents, even, you know, a blow to the chest from a fist. So body -- bullet-proof vest is seldomly used because it actually armors your internal organs. There's other people who find these useful that are going to be denied

the purchase of that. And I saw the list of police, peace and military. Those always come to mind right away because we see that all the time. But I know the ambulances all around me in my towns all have body armor in there. The ones that you may not be aware of are horse racing jockeys on a racetrack with -- on a dirt track. Go up to Saratoga, watch those dust clouds. And those dust clouds are rocks and pebbles. Those pebbles are being shot backwards at other jockeys at a velocity that could really do permanent damage. They wear these. Another one that is a use for these for the public, there's some people who choose to wear these when they go hunting. And, you know, you're out in the woods and you don't know who else is out in the woods with you. So just a -- it's a risk that some people think is worth taking, but they want to protect themselves by having body armor. The last example I will give you of somebody giving another person body armor, I don't know how many perp walks we've done of taking somebody out of the station, trying to get them to court for heinous crimes and it was deemed necessary to give them body armor to protect them in case of an assassin. And I don't know if that's going to be allowed to happen anymore.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I think we've covered the -- the bases fairly thoroughly, so I'll just call for a Party vote on this bill.

ACTING SPEAKER AUBRY: Well, we do have other of your colleagues who don't think it was covered thoroughly.

MR. GOODELL: Well, in that case, Your Honor, I would defer to my colleagues who want to express their concerns in even more detail. Thank you, sir.

ACTING SPEAKER AUBRY: We appreciate that. I'm sure they do.

Mr. Byrne -- oh, Ms. Byrnes, I'm sorry.

MS. BYRNES: Today was your last day to try to, today or tomorrow, to try to get it right, sir.

ACTING SPEAKER AUBRY: I'm human. I just keep failing.

(Laughter)

MS. BYRNES: Mr. Speaker, if I might just ask seriously one question of the sponsor.

ACTING SPEAKER AUBRY: Certainly.

MS. BYRNES: Thank you.

MR. JACOBSON: Yes.

MS. BYRNES: Thank you, sir. When it comes to requesting an exemption in order to be able to legally purchase, are exemptions only going to be given or authorization only going to be given to a class of people or a class of type of employment or is it available to any individual who thinks that they may, for their own particular reason, have a need to purchase it?

MR. JACOBSON: It can be either for the class or it

can be an individual.

MS. BYRNES: Okay. And -- I apologize, approximately how long do you anticipate it taking to get authorization?

MR. JACOBSON: How long do I anticipate what?

MS. BYRNES: Authorization to be able to -- be able to apply to the Department of State and be authorized.

MR. JACOBSON: Well, I hope it would go as quickly as -- as we can -- we can do it. I think that by the time this gets signed the Department of State is going to be ready to perform. At least I hope so. And I believe that we -- by the time this bill becomes law it will be ready to make sure that we list as much as possible the commonsense professions that I think all of us agree upon, and then we'd be ready for other applications.

MS. BYRNES: Thank you, sir.

On the bill.

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

MS. BYRNES: Again, I don't need to go too much farther, but there are, as we talked about, different classes, groups of people or individuals in the need sometimes to be able to act and protect yourself very, very quickly. There are a lot of people who have dangerous jobs that aren't law enforcement or any of these delineated professions. There are people who have jobs because of them are threatened and have credible threats made against their life. I know it's hard to believe, but there was a time when I had 24/7

police protection for a while because of a credible threat on my life, and other judges in the City of Rochester who were in similar situations. And according to this law we would not be able to go and be able to buy body armor ourselves to take reasonable measures to ensure our own safety absent driving to Pennsylvania. And I just worry -- and I -- I totally understand, sir, where you're coming from and I do not disagree at all. My concern is just that there are times that don't allow for a process to take place. Where if there is a credible, instant threat that needs to be addressed, making an application to the Department of State and waiting for a reply I just don't think is always realistic.

So with the deepest of respect and totally understanding where you're coming from, I will be voting no on this bill. Thank you, kind sir. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

And Mr. Lawler.

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

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

MR. JACOBSON: Yes.

ACTING SPEAKER AUBRY: Mr. Jacobson yields.

MR. LAWLER: Thank you. So, under current law citizens over the age of 18 can purchase body armor in all 50 states in person, correct?

MR. JACOBSON: I think there are restrictions in a number of states.

MR. LAWLER: The only state that I'm aware of that restricts the purchase of is Connecticut, where it restricts online purchase. So 49 states currently allow online purchases, all 50 states allow in-person purchases. That's my understanding.

MR. JACOBSON: Well, for example, Maryland requires a permit to use, possess or purchase bullet-proof body armor for certain individuals. Connecticut has restrictions for those that have been convicted of certain crimes. So there are restrictions.

MR. LAWLER: Well, I think -- I think under Section 931 of Title 18 of the United States Code, anyone who has been convicted of a felony is prohibited from purchasing body armor. So there's obviously certain Federal restrictions here. But the -- if this law takes effect, New Yorkers would not be allowed to purchase body armor either in person or online, correct?

MR. JACOBSON: Unless they're in the specific categories.

MR. LAWLER: Okay, if -- so excluding the specific categories, the average New Yorker who is not listed in the specific categories would be prohibited from purchasing body armor in-person or online, and the sale of it in-person would be prohibited to anybody who is not in the specified category?

MR. JACOBSON: Right. Or the professions that are.

MR. LAWLER: Correct.

MR. JACOBSON: That's -- that's correct.

MR. LAWLER: Under the provisions of this bill, though, would any New Yorker who is not in one of those categories or profession be precluded from purchasing body armor in another state in person?

MR. JACOBSON: No. No, they wouldn't.

MR. LAWLER: Okay. So, I believe you made reference to the shooter in the tragedy in Buffalo and his wearing of body armor. He was shot and unfortunately survived being shot and was not incapacitated and unfortunately was able to continue.

MR. JACOBSON: Of course he was wearing the body armor.

MR. LAWLER: Unfortunately able to continue shooting people who were Black.

MR. JACOBSON: And if he probably didn't have the body armor the security guard --

MR. LAWLER: Because he was wearing body armor.

MR. JACOBSON: -- would have killed him or seriously maimed him.

MR. LAWLER: Correct. That's what I'm -- that's what I just said. So the question I have, though, is that shooter, had this law taken effect, would not have been able to legally purchase body armor in the State of New York; however, that shooter who lived



near the Pennsylvania border would have been able to purchase that body armor in the State of Pennsylvania and use it in the commission of a crime.

MR. JACOBSON: If you're arguing there needs to be a Federal response, the problems of gun violence in this country, I would --

MR. LAWLER: I'm asking you --

MR. JACOBSON: -- (inaudible/cross-talking) I would agree.

MR. LAWLER: I'm asking you, in the context of your bill, which does not address the issue of somebody purchasing out-of-state and does not address the issue of possession, would the individual --

MR. JACOBSON: There was another bill which I had which got -- which I took -- eliminated it got into possession, not purchase and not sale. And that's another bill and -- and maybe we'll put that in next year, but we'll see what happens.

MR. LAWLER: Well, I -- my only concern here is that -- and we'll get into the class of -- of individuals that are eligible. But my concern here is, all right, we are prohibiting, understandably, somebody from purchasing body armor. It's already a Class E felony to use that body armor in the commission of a crime. But we're --

MR. JACOBSON: If there's a firearm.

MR. LAWLER: We're prohibiting the purchase of it, but the possession still exists and somebody could easily purchase the

body armor in a neighboring state and bring it back into the State of New York. So why -- why are we leaving that loophole wide open when passing this bill?

MR. JACOBSON: Well, like I said, I had previously had a bill that just talked about possession, and -- but that bill isn't before us today and it might be a good idea -- and of course you won't be here next year because you're not running for reelection here -- but I'm sure maybe some of your colleagues would like to cosponsor that concerning possession of body armor.

MR. LAWLER: But you would agree we're leaving -- in -- in this bill we're leaving a loophole wide open.

MR. JACOBSON: Well, unfortunately, here we're not the Congress, we're a State Legislature. So none of these -- none of the things we do in -- in a lot of ways it would be as effective if things were done on a Federal level.

MR. LAWLER: Well, we -- I mean, we've been told over and over and over that we can't wait for the Federal government, we must act in New York. So why are we leaving this loophole wide open? Why not act?

MR. JACOBSON: Well, this is -- this is a first step. And if we feel that it's necessary to have a ban on possession, which was my original bill, then we could do that. But if -- let's -- let's see how we do it. I don't want to be accused of rushing into something.

MR. LAWLER: Okay. With respect to someone who is under the age of 18 --

MR. JACOBSON: Mm-hmm.

MR. LAWLER: -- I believe currently they can request from their local police department permission to purchase body armor based on whatever circumstances may warrant it, presumably safety, who will -- whether that person is under the age of 18 or let's say they are the victim of domestic violence, who will the individual be going to to request the ability to purchase, legally, body armor if there is an issue of safety?

MR. JACOBSON: It would be the Department of State. If someone is an agent of a police force that would probably be something different. But as far as getting permission to do it, that would be the Department of State.

MR. LAWLER: So -- okay. So the average citizen who does not fall into one of these categories that is permitted to purchase body armor would have to apply through the Secretary of State to get permission, presumably written permission?

MR. JACOBSON: Yeah, I don't think a phone call saying, *Go ahead, do it* would be sufficient.

MR. LAWLER: Right. But it -- is it going to be filed with the court, is it just a letter from the Secretary of State? What is the process by which somebody is going to be eligible to apply?

MR. JACOBSON: Well, obviously if the person applies and gets denied and feels that they should have it there's always a remedy in court.

MR. LAWLER: Assume -- assuming that they are

approved, what -- what is the process? What is the procedure to apply --

MR. JACOBSON: The Department of State is going to figure that out.

MR. LAWLER: They're going to create, potentially, a place on their website for somebody to apply or a phone number or an e-mail?

MR. JACOBSON: I -- I -- I would assume that they're going to set up rules, and they're going to say, *This is how you apply, this is what you get*, and they're used to doing that kind of thing.

MR. LAWLER: And do you anticipate, especially if it's an issue of safety, using, you know, an example of a victim of domestic violence, obviously sometimes, you know, time equals life when you're dealing with those types of situations. Do you expect that there would be a expedient reply from the Secretary of State or is there a time frame by which this bill presents --

MR. JACOBSON: I'm sure it would be speedy, but the thing is, it gets difficult with domestic violence because as you know there's a lot of retaliatory claims filed. And so where maybe one -- one of the persons involved is one that really is -- was the true victim then there's an cross claim or a cross charge, so now -- now you're back where you started from. So I don't -- I think if -- it's a difficult situation. I thought of that. But it gets into a difficult situation there.

MR. LAWLER: And just in terms of the -- the penalty here, the unlawful purchase of a body vest is a Class A misdemeanor for a first offense and a Class E felony for any subsequent offenses, correct --

MR. JACOBSON: Mm-hmm.

MR. LAWLER: -- under this bill? And with respect to 16- or 17-year-olds who may do this, will they be charged criminally or will it go to family court?

MR. JACOBSON: Well they would still be youthful offenders, I would assume, for the -- wait a minute. Hold on. They -- they would -- excuse me -- they would be prosecuted as -- as 16- and 17-year-olds as they are when they violate other statutes.

MR. LAWLER: So they would be -- they would be brought for family court and not criminal court.

MR. JACOBSON: Yes.

MR. LAWLER: Okay. Thank you, Mr. Jacobson.  
On the bill.

ACTING SPEAKER WEPRIN: The bill.

MR. LAWLER: Thank you. I -- I don't think there's any question when you see an 18-year-old racist, hate-filled evil human being go to a supermarket in the City of Buffalo and kill people for the sole reason that they are Black. And be able to use body armor to survive and kill more people, there is no question that that individual, a criminal, should not have access to body armor. I generally believe very few people need access to body armor. I think

those who are obviously in a eligible profession need it. I think that needs to be defined immediately. I think the Secretary of State has a responsibility to produce that list without delay and to communicate with professions that may require it. I also think there needs to be a specific detailed process by which individual residents and citizens who may find themselves in need of body armor for their own safety can get that waiver and purchase it legally. I think there is a gaping wide hole in this bill with respect to possession and the ability of somebody who is legally prohibited from buying in the State of New York being able to purchase in a neighboring state and then bring that body armor back into the State of New York, and I think that needs to be addressed immediately. Just passing a bill to pass it without addressing that part of the equation is problematic. But that individual who shot up the supermarket in Buffalo and killed innocent Black people should have died that day. Should have been prevented from killing anyone else, but not for body armor.

And so I will support this bill because individuals like that who don't care about the law should never have had access to begin with.

ACTING SPEAKER WEPRIN: Mr. Brown.

MR. A. BROWN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER WEPRIN: On the bill.

MR. A. BROWN: I'll be brief. This one confuses me. You know, one would think with the uptick of violence in all our

major cities at the beginning of COVID, the lock-downs, the pushes -- the push to defund different policies, to defund the police, it would make sense for civilians to want to be able to protect themselves, but apparently not. I want to make this clear in my own head so I was taking some notes. This new bill would make it illegal for civilians to purchase body armor and can find them guilty even if they've owned body armor for years. If the bill is passed, the body armor owners would require to return to their lifesaving gear at the law enforcement agencies, local or State Police, FBI or DEA. Okay. This measure would make owning body -- body vests a Class A misdemeanor for the first offense and a Class E felony for each subsequent offense. And from what I understand in New York a Class A misdemeanor carries a punishment of up to one year in jail or three years probation with a \$1,000 fine. The Class E felony carries up to four years in prison or probation. Amazing. We're -- we're punishing the people that just simply want to protect themselves. Why would anti-gun owners oppose it -- oppose this? Oppose law-abiding citizens from wanting to protect themselves. With respect to the sponsor, I thought I heard him say the reason for that is -- he gave the example of the tragedies that recently occurred that the police weren't able to take this criminal down, and they should have, because he was wearing body armor. The party that's always pushing no guns is actually pushing for the guy to be shot? I -- it -- it's just -- it's just amazing to me. I'm with you on this thing. But what about protecting the innocent civilian. With all the crime that's going on today I think the best thing we can

do is get rid of the cashless bail, fund our police, back our police so that we won't have these repeat criminals shoot -- shooting at people. And at least the people who have to spend their lives, especially in the cities like Baltimore or New York City or Chicago which have the most stringent gun rules and the highest amount of gun violence, where thousands of thousands of people are killed every year, allow them to at least protect themselves. What is the harm for -- for a regular law-abiding person to put on some protective gear? Because we're worried that the police won't be able to take down a criminal? Let's worry about the thousands of people that get killed and maimed with simple gun violence. Again, I respect the idea of what the sponsor wants to do. I'm sure your intentions were correct. But let's -- let's first work on keeping the criminals in jail so that it won't keep happening. And I thank the sponsor for what he's trying to do.

Thank you, Mr. Speaker, and I'll be voting in the negative.

MR. JACOBSON: On the bill.

ACTING SPEAKER WEPRIN: Read the last section.

Yes, Mr. Jacobson?

MR. JACOBSON: I would like to say something before you read the last section.

ACTING SPEAKER WEPRIN: On the bill, Mr. Jacobson.

MR. JACOBSON: I appreciate the comments and



questions from my colleagues, but this is a very, very pro-law enforcement, pro-police bill. Because what we want is people that have legitimate reasons to have body armor to have it, and those that want to commit crimes should not. And it has been said and pointed out that at the Buffalo massacre, the shooter there felt he was emboldened. He thought he was Superman because he had body armor on. And I believe that this is an important bill. And I think that after all being said, if we can't stop murderers from shooting, the least we can do is take away their protection when a good guy, the police officer or security guard shoots back.

Thank you, Mr. Speaker.

ACTING SPEAKER WEPRIN: Read the last section.

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

ACTING SPEAKER WEPRIN: The Clerk will record the vote on Senate 9407-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 Leaders at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this legislation. Those who wish to support it are certainly free to vote in favor on the floor or by contacting our Minority Leader.

Thank you, sir.

ACTING SPEAKER WEPRIN: Ms. Hyndman.

MS. HYNDMAN: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this piece of legislation. If there are any members wishing to vote in the negative please contact the Majority Leader at the number previously provided.

ACTING SPEAKER WEPRIN: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is an interesting bill because what it does is this bill makes it illegal for innocent law-abiding people to buy protective equipment. That's an interesting concept, isn't it? And the theory is if we make it illegal for law-abiding people to buy protective equipment, the criminals who don't comply with our law anyway won't have this protective equipment. We know that's -- that premise is false because it's already illegal in New York State to wear body armor and commit a crime. That's already illegal. And so everyone who shows up with body armor and commits a crime is already violating a law not only by committing the crime, but by wearing -- wearing the body armor. So this is the -- it's slightly more inconvenient for a criminal because they have to buy their body armor just across the border before they come into New York State and commit their heinous crimes. So then we try to create exceptions for law-abiding residents. We mention police and peace officers but we don't mention EMTs, we don't mention the victims of domestic violence who may have an Order of Protection.

We don't mention school resource officers or hunters or nurses or doctors who are dealing with the fallout of gang violence. We don't mention judges or DAs. We don't mention people in the witness protection program. We don't even mention other security officers or Brinks drivers who have been assassinated. We don't even mention abortion providers, although we have special legislation to try to help them later today. And so we're told, *Well, yeah, that's right. We don't exempt all the law-abiding people that might really want it. By the way, they're all the people that would buy it. But we'll leave it to some unelected State bureaucrat to come up with a solution.*

My friends, let's let innocent people protect themselves and let's prosecute criminals who violate the law. For that reason I will not be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker, for an opportunity to explain my vote. I rise on behalf of the law-abiding citizens of Western New York, in particular the law-abiding citizens of Buffalo, New York. I want to take time to recognize a hero by the name of Aaron Salter, Jr. who was an off-duty -- excuse me, an on-duty security guard yet a retired police officer who did everything in his power to protect the citizens of Buffalo, New York on that Saturday at Tops Market. However, you had an individual who was committed to hatred, who was committed to White supremacy who made up on his mind -- in his mind on that day that he would go to

that Tops Market and wreak havoc and cause harm to so many.

So I recognize the hero that we have in Aaron Salter, Jr., who paid the ultimate sacrifice on that day. And I vote in the affirmative to support legislation to assure that any and everyone cannot just -- cannot just go and purchase a body armor just because they choose to. So I believe that body armor should be something that police officers, as well as those who are in that particular line of work should have access to, but the everyday citizen should not have access to that. For those who are avid hunters, one thing I know for sure is that deer do not shoot back. So I rise in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Meeks in the affirmative.

Mr. Lavine.

MR. LAVINE: To be sure, good people may want to purchase body vests. But to be sure, bad people are going to want to purchase them as well. Now to be sure, criminals are going to try to frustrate all of our criminal laws. But does that mean that we don't have criminal laws? I don't think so. Of course we have criminal laws. To be sure, someone in the State of New York can go to another state and purchase these things. And how amazing is it that the political party that frustrates every effort to obtain reasonable gun safety regulation in this nation is the party that frustrates the efforts of --

MR. GOODELL: Mr. Speaker?

MR. LAVINE: -- New York State to -- and I -- you

had a member who attacked my political party. I'll be darned if I'll stand here and not -- not respond.

ACTING SPEAKER AUBRY: One minute. Mr. Goodell, why do you rise?

MR. GOODELL: As you know, our rules of decorum require us to talk about the bill and not about other people. And so I would ask you to remind my colleague to kindly keep his focus on the bill at hand and not attack other members either individually or as a group.

Thank you, sir.

MR. LAVINE: I will follow that admonition.

ACTING SPEAKER AUBRY: Thank you.

MR. LAVINE: And I offer -- I offer you, my friend, my most sincere apology. But this is a matter of life and death. And we will see anyone watching, anyone following this will see that no matter what effort we make to -- to impose reasonable gun safety regulation in New York State there is one side of the aisle that will support it, there is one side of the aisle that will frustrate it. Here and in Washington. This is life and death.

I will vote in favor of this.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative. And we are reminded that often members refer to the other side of the aisle in their statements and other political entities in their statements. It happens all the time here because I listen all the time. So remind yourself of that, please.

Mr. Rivera.

MR. J. RIVERA: Thank you, Mr. Speaker. This last three years have been terrible for the State of New York. Oh, thank you. I got a special assistant here now.

(Laughter)

It has been terrible for the entire State of New York. The criminals have taken advantage of the situation. We lost a lot of lives. We lost even police lives. I'm a strong believer that that will not have really happened if only police officers were allowed to buy and carry guns. Nobody else. So having said that, I want to thank Mr. Reilly. I'm not wearing my -- my glasses, but he sits right across, my colleague from the other side who mentioned Puerto Rico three times. All my life I wonder who do I thank for the State of New York, what a police officer do I thank for having traveled to Puerto Rico and trained the Puerto Rican police how to handle criminals. We were overwhelmed. So I gather the way he spoke that he might have been one of those -- he's an ex-police officer -- he might have been one of those ex-police officers -- police to help Puerto Rico in the time of need. Whether you were or not, I thank you for mentioning Puerto Rico three times. And quite often I've said I am proud to be Puerto Rican. All right? This is my flag. That was the first American flag in this country because Juan Ponce de León became the Governor of Puerto Rico and he's the one that discovered the first state of the nation.

ACTING SPEAKER AUBRY: Mr. Rivera --

MR. J. RIVERA: Florida.

ACTING SPEAKER AUBRY: -- how do you vote on the bill on the House, please? You're voting.

MR. RIVERA: I want to congratulate the -- the sponsor. It's a good bill. It's a good bill. You keep -- you keep making it harder for criminals to use vests to protect themselves as they commit crimes.

Thank you, Mr. Speaker for allowing me. I'm not hanging up (inaudible).

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

MR. DURSO: Thank you, Mr. Speaker, to explain my vote. As I mentioned during debate I would really love to support this bill. I do. I think the intentions of it are great, and I wish this bill would actually work, but the way -- the way it's intended, but it won't. Unfortunately, if you are a -- someone that is planning on doing something horrible you could take a left turn into Pennsylvania or New Jersey and go buy a body armor, bring it back into New York State. There is no -- it's not illegal to own it. It's not illegal to have it, it's just illegal to purchase it in New York State. It is very easily available in other states. Also, the problem I have with the legislation is it does not carve out specifically, as I mentioned during debate, for our EMS workers, our firemen, our armored car workers, our school security officers and our security officers. I myself worked public safety in a college. At certain times during certain events -- a

presidential debate comes to mind -- where we wore them, and thankfully we didn't need them. But in this case we wouldn't be allowed to have them. We wouldn't be allowed to have them on the campus. Now you're taking away the option for those schools or those organizations to give the option to the people that work for them to have body armor. That is the problem. Again, protecting the people that can protect our most vulnerable, our children, whether it's in a college or kindergarten, whether it's driving an armored car or it's -- it's taking care of our loved ones -- loved ones in the back of an ambulance, I should -- I think is paramount in this situation. And again, if they were carved out specifically in the legislation which, honestly, we could have done, and leaving it to the Secretary of State to decide and decipher who applies for it and who is worthy of getting that option to have it. That's why we're here. That's why the Legislature is here, to make these bills, to make these laws and carve out who can be in it. It just makes me nervous that we'll have to amend it later. I -- I hope that it gets amended. I hope that that comes to fruition. But until that time I'll be voting no.

Thank you.

ACTING SPEAKER AUBRY: Mr. Durso in the negative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. It's a sad day when even a bill gets bipartisan support we just can't accept it. Our politics so coarse, so divisive, so pathetic that we have to try and



divide as to who is trying to solve a problem or not. I said earlier I'm voting in favor of this bill. We raised points on this side of the aisle about how to maybe improve it. How to fix some of the loopholes to make sure that somebody who does want to do harm doesn't have access to body armor. That's not good enough. So pathetic. So typical. If you want to address crime and you want to stop it, then actually try to address it. Don't allow 16- and 17-year-olds to commit an offense just because they're under the age of 18 and treat them like they belong in family court when they are committing a violent offense using a gun. We should be saying -- Mr. Speaker, I asked very specifically about 16- and 17-year-olds and their ability and where they would be treated in family court. It's relevant to the bill. The bottom line is --

MRS. PEOPLES-STOKES: It's not relevant to the bill, Mr. Speaker. And by the way -- I'm sorry, can I be acknowledged?

ACTING SPEAKER AUBRY: Well, yes. And you know that we ask you to speak about the bill.

MR. LAWLER: And I'm speaking about the bill.

ACTING SPEAKER AUBRY: And you know that under that particular bill 16- and 17-year-olds can't buy body armor. Is that true?

MR. LAWLER: Sixteen and 17-year-olds can under the United States Code, with police permission. So yes, they can purchase it if they are granted permission. I specifically asked the

sponsor about that. It's relevant to the bill.

MRS. PEOPLES-STOKES: Sir, it is not revelant [sic] to the bill. We -- everything we discussed for the last three weeks, this same topic has come up. And if it was genuine I would probably be tolerant of continuing to hear it, but it's not. It's political. It's a sound bite. Make your sound bites in front of a camera out there somewhere.

MR. GOODELL: Mr. Speaker?

ACTING SPEAKER AUBRY: Yes, sir.

MR. GOODELL: Can I suggest that we give Mr. Lawler the remaining ten seconds so he can explain how he wants to vote on this -- on this bill?

ACTING SPEAKER AUBRY: Ten seconds is what he's got.

MR. GOODELL: Thank you, sir.

MR. LAWLER: I'll use one. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker. I just wanted to commend the sponsor. This is an important measure, and it's one measure. There's a -- a whole package of bills that can help decrease gun violence and help save potential victims. We need to do much more work, but this is one of many bills that can have an effect

and can decrease the amount of victims that we see every day or we see in a mass murder. But I also wanted to add that this is broad. This does allow for not only law enforcement, but firefighters, other first responders which would include EMS workers, and it includes those employed in an occupation which requires the use of body vests. So if you can prove that you need a body vest for your work, then you can be included. So I think this bill does include people that really need to have it, and I vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mr. Angelino.

MR. ANGELINO: To explain my vote.

ACTING SPEAKER AUBRY: Sir.

One minute, please. Would you close that so -- the background now makes it difficult to hear. We're closing in. Tensions get a little high. Let's take a deep breath, have some Dominican food.

(Laughter)

Go ahead, Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker, to explain my vote. I appreciate the sponsor's comments that this is a pro-police bill. I was a police officer a long time ago, and at that time we were most times out-gunned because criminals could afford better equipment than we could. This is a pro-police bill because no cop

wants to be confronted by an armed felon shooting at them. I can't imagine what went through the officer's mind in Buffalo when he put two rounds center mass into that maniac and he stood. What I don't like is that we're denying access to the public a safety device that they may be able to afford and they seriously may want to purchase for their own safety.

Again, I appreciate the sponsor's comments. This is a pro-police bill but I must vote in the negative because we can't allow all citizens to own it and we know criminals will ignore it.

ACTING SPEAKER AUBRY: Thank you.

Mr. DiPietro to explain his vote.

MR. DIPIETRO: Thank you, Mr. Speaker, to explain my vote. First off I would like to commend our -- our fellow from Puerto Rico. I forgot to mention that before the Ukraine, when they were shipping the body armor over a lot of that was also going over to -- down to Puerto Rico for the police force there. So I want to just mention that. Also, I have gotten texts from a number of gun store owners and the one thing they've been telling me is no one's had a gun, a loaded gun pointed at them more than a gun store owner when they sell something and people are checking it out. So they wanted to know if there's going to be a provision that gun store owners could -- could -- could use their -- could wear body armor and they're not against the law. So I wanted to bring that up as maybe a technical amendment because a lot of gun store owners, that's what they do. And like he said, he's had more loaded guns pointed at him than any

police officer. They also wanted to let you know that for a lot of people in the nation, not just in New York, but these -- it's like they -- they compare it to telling someone, you know, *You -- you can't have a life preserver but somebody else can. You can't wear a motorcycle helmet but somebody else can.*

So I just want to end with a lot of times here it seems like we create the problem and then we pontificate on the problem but we never solve the problem. And I think this bill typifies exactly that and again goes back to the point where, again, lawful citizens, lawful gun owners are being denied their right to protect themselves and their family for the sake of the criminal which never follows these laws, always will circumvent the laws, and these laws do nothing to prevent what we're -- the problem that we're trying to solve.

So with that I'm going to vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I should first start by applauding the sponsor of this legislation that I believe was introduced much before the horrible massacre that happened in my district. But I will say this: The officer was an expert marksman. He was really good at shooting. He practiced it, he served as a police officer. But the only reason this young man was able to kill ten people was

because he was fully body armor. I don't mean just something across his chest, I mean over his entire body, including his helmet. And honestly, sir, the only reason you need that is if you want to kill a lot of people and you don't want them to kill you. He straight said it in his comments that he put out there in the media. So who's at war with each other that they need to have that? Now, I'm from a family, a long line of gun owners. I carry a permit myself. But you do not need to be fully body armored in your house. You don't need to be fully body armored -- or maybe you do now to go to the supermarket. This is not a good thing for a country that's supposed to be free for people to be walking around in body armor because if you have that on that means you're getting ready to kill somebody. And you don't want to be killed yourself. That's a problem, Mr. Speaker. So I really do think that we need to reign this in. And I wish that security guards like Officer Salter had been fully body armored. That's who should have one on. He's protecting hundreds of thousands of people every day that he doesn't even know. He should have had something on to protect himself. There's no one else that should have had that.

And so I support this legislation and I think we should do more of educating people to understand that we are not at war with each other in America. We're all supposed to be in here together. Some of us say we trust God. Then let's start acting like we trust God, because God is not a respecter of person and we have to cut that out. This begins us to get in that direction. Thank you, Mr. Speaker.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Keith Brown and Mr. Mike Lawler in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would record our colleague Ms. Mitaynes in the negative on this piece of legislation.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 644, the Clerk will read.

THE CLERK: Assembly No. A10428-A, Rules Report No. 644, Committee on Rules (Peoples-Stokes, O'Donnell, Jacobson, Burgos, Otis, L. Rosenthal, Burdick, Carroll, Glick, Ramos, Dinowitz, Walker, Lavine, Fernandez, Abinanti). An act to amend the Penal Law, in relation to the definition of large capacity ammunition feeding device for purposes of the offense of criminal possession of a

weapon in the third degree; and to repeal Section 265.36 of the Penal Law relating to unlawful possession of a large capacity ammunition feeding device.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would my colleague yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Of course I will, Mr. Speaker.

MR. GOODELL: Thank you, Madam Majority Leader.

MRS. PEOPLES-STOKES: You're welcome, sir.

MR. GOODELL: Just a couple of questions to clarify. As I understand it, when they passed the SAFE Act they outlawed large capacity ammunition feeding devices, but there's some question about whether those people who already owned them and -- and purchased them and were in possession lawfully could keep them. And I see that this bill eliminates that exception. Does this have a buyback provision? We see that often in municipalities where they'll buy back guns or --

MRS. PEOPLES-STOKES: So according to the



legislation, the Division of Criminal Justice Services in conjunction with State Police shall create an awareness and notification program to make people aware of the change in the law regarding the possession of large capacity ammunition feeding devices and shall issue guidance regarding the surrender of such devices. Nothing shall preclude the utilization of any buyback program to facilitate the compliance with these changes.

MR. GOODELL: Okay, that's very helpful. So this bill contemplates, then, the possibility of a buyback. And you addressed the second question which is you envision a notice process so that owners who are not aware of what we're doing, which probably covers 99 percent of the people in the State of New York, but you're talking about notice provisions while out of fairness to them. I appreciate that.

One last question and that is, if which make something that was purchased legally and was in possession of somebody legally, now illegal, do we have an issue with the Constitutional prohibition against ex post facto laws? Because a person who today is in legal possession, bought it legally, possesses it legally, after this bill went into effect could find themselves to be involved in a criminal offense even though they did absolutely nothing.

MRS. PEOPLES-STOKES: Well, I think the legislation speaks to a manner in which there will be -- every effort will be made to help them understand that the law has changed. And

yes, we did have this legally, but now it's -- is no longer legal. And so here's what you can do to ensure that you don't have to deal with any criminal activity or intent.

MR. GOODELL: Thank you very much. I -- I certainly appreciate your comments and your clarifications.

On the bill.

MRS. PEOPLES-STOKES: You're very welcome.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I very much appreciate the fact that the bill language actually expressly calls for a notice and a public awareness campaign. I think that's very important and I think it's fair and -- and that's the way we should proceed. I'm a little bit concerned, though, that we make the possession of these items that are legal today illegal in just 90 days. And while we authorize the Criminal Justice Division to offer a buyback program, we don't require it.

And so I would -- I would have certainly preferred that there was more of a notice of the time period and that the buyback was required to avoid any Constitutional infirmities, but I do appreciate the Majority Leader's sensitivity on -- on those issues and the fact that this bill expressly addresses those. So thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield just for two questions, please?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Thank you, Madam Floor Leader. Just two -- two quick questions. I have visited with a fair amount of veterans over -- over the last few years and some of our veterans have a -- have a static display in their house. And in that display there may be a rifle or a gun in that display and it may have a 30-round clip or a 20-round clip. Is that acceptable for a static display, ma'am?

MRS. PEOPLES-STOKES: Well, the law -- the bill is calling for people who have access to these high capacity items to turn them in. I do remember when the SAFE Act was implemented and I understand how we got to that position of compromising to allow people who had access to them to maintain them and, you know, we live in a different world now. It may not be different to you or some other people, but it's different to a lot of people because you can go down the list of the years, the cities, the states, et cetera, where exactly what we compromised to allow to stay in the SAFE Act has become the thing that changes a simple long gun into a weapon -- a war -- a war weapon. We don't need war weapons in a society where we're not at war with each other.

And so if you have the -- if you have that high capacity ammunition, there's a way for you to turn it in. And I really

do appreciate the former speaker's comments on buybacks because buybacks are effective, they've been effective in my city. The Mayor's done them on a regular basis, nobody forces him to do it, he chooses to do it, and I think we should choose to do that in this situation as well.

MR. MANKTELOW: Okay. So -- so is it -- just so I'm clear that our U.S. military veterans who may have one on a static display will now have to get rid of that high capacity magazine?

MRS. PEOPLES-STOKES: Persons in the New York or U.S. military service, police officers, peace officers, persons fulfilling defense contracts, persons voluntary surrendering to police or law enforcement, corrections --

MR. MANKTELOW: Is that --

MRS. PEOPLES-STOKES: They don't have to surrender.

MR. MANKTELOW: Ma'am, is that active military?

MRS. PEOPLES-STOKES: They don't have to surrender.

MR. MANKTELOW: Is that active military, ma'am?

MRS. PEOPLES-STOKES: Persons in the New York or U.S. military service.

MR. MANKTELOW: Okay. Thank you very much. And -- and my last question, in many of the museums around the country, including here in New York, including the New York State Museum, there are also 30-round magazines or clips in some of those

guns in the museum. Will they still be allowed to be there?

MRS. PEOPLES-STOKES: Those are deactivated as well, sir.

MR. MANKTELOW: I'm sorry, I didn't hear you, ma'am.

MRS. PEOPLES-STOKES: Those are deactivated as well.

MR. MANKTELOW: Those are deactivated?

MRS. PEOPLES-STOKES: Yes.

MR. MANKTELOW: Okay. That's it. Thank you, so much, ma'am.

MRS. PEOPLES-STOKES: You're so welcome, sir.

MR. MANKTELOW: Mr. Speaker, thank you for the time and that's all the questions I have. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

MR. SALKA: Thank you, Mr. Speaker. Can I just have liberty to ask the sponsor a question or two?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: Of course you can, Mr. Salka.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Thank you, ma'am. And I -- I appreciate your efforts to keep our public safe. Just one little point of clarification. Would this be considered a confiscation of the -- of that

-- those clips, those high round magazines? Because it -- I have a -- Webster says that a *Confiscation is to officially take private property away from someone, usually by legal authority*. So I just -- just a clarification.

MRS. PEOPLES-STOKES: Well, it's a -- it's a -- it's a confiscation to the extent that hard-working, taxpaying, people who follow the law won't consider it as a confiscation, they would consider it as *I'm following the law, and they've allowed me a space to do it in; I can do it this way or I can do it that way*. And so no, I don't see it as a confiscation at all.

MR. SALKA: Okay. Thank you, ma'am.

MRS. PEOPLES-STOKES: You're welcome, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9229-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I very much appreciate my colleague, the Majority Leader's comments, especially her point that this change will be accompanied by a public awareness campaign that expressly authorizes a buyback program to avoid the issues of confiscation or the taking, and that there are exclusions in the

bill for relics or museum-type pieces. I would have preferred that the buyback program was mandatory, but hopefully in the implementation, as the Majority Leader mentioned, that's exactly the way we will go.

There's always concern when we change the law and make it a criminal offense for somebody who owns property to become now a criminal without doing anything at all, without even doing anything. Day one, you're a law-abiding resident, day two you wake up, you haven't done anything and you're a criminal because of your possession. And so normally in the criminal law we require an intent and an affirmative act, it's very unusual where we define non-action as criminal and that will be of concern to some of my colleagues. Because of that change, I won't be supporting it but I thought -- and I appreciate very much the Majority Leader's comments. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. -- Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I just want to thank people for understanding why sometimes in society even though we think we're doing everything right, we're actually not and sometimes we have to pivot to try to make things better so that people can live safer lives. One of the things I want people to be real clear of about me personally is that I'm from a long line of family who have guns, carry guns, understand how to use them, so I will never be interested in taking anybody's guns, nor

will I be interested in them taking mine. But what I am interested in is an opportunity to say to people that you can't go hunting with a high-capacity magazine clip. You can't kill anything with that. If you kill something with it, it can't even be buried in a casket. I went to four funerals, I know they can't, they had to be cremated because of what these weapons will do to you if they hit you multiple times. That's what happened to my people two weeks ago. I don't want to see that happen to anybody else in life. Thank you, Mr. Speaker.

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

Ms. Wallace to explain her vote.

MS. WALLACE: I want to thank the sponsor for putting forth this bill and thank all my colleagues who are voting in favor of it. Earlier today, we had a resolution that we voted for calling upon Congress to ban not only assault weapons, but large capacity magazines as this ban does. I know there are a lot of colleagues who didn't vote to support that, and I see we still have some more colleagues who are not voting to support this legislation. It's truly unfortunate because the science shows that large capacity magazines, the bans of those appear to reduce both the incidence of and the number of people killed in mass shootings. And that the *American Journal of Public Health* has found that it is probably the most important component of an assault weapon ban, is banning these kinds of high-velocity, high-capacity magazines that tear through bodies. I heard Uvalde, some of these children, parts of their body were missing



because of the kind of weapons these are. So it's really important that we ban it not only at the State level, but also at the Federal level.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Colleagues, one minute if you will indulge me. We, in the heat of this week, an incident happened in Tulsa, and I don't think we stopped to recognize it as a part of the world that we live in today, and I'd like to take a moment of silence for those who lost their lives in Tulsa, as well as the individual who killed himself.

(Whereupon, a moment of silence was observed.)

Thank you all very much.

Page 20, Rules Report No. 666, the Clerk will read.

THE CLERK: Assembly No. A10501, Rules Report No. 666, Committee on Rules (Meeks). An act to amend the Executive Law, in relation to establishing the task force on social media and violent extremism; to amend Part R of Chapter 55 of the Laws of 2020, amending the Penal Law and the Criminal Procedure Law relating to enacting the "Josef Neumann Hate Crimes Domestic Terrorism Act," in relation to the domestic terrorism task force report; and to amend the Civil Rights Law, in relation to bias-related violence or intimidation.

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

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

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

MR. MEEKS: Yes. Would you like an explanation before I yield?

MR. REILLY: Sure.

MR. MEEKS: All right, how about it?

MR. REILLY: Thank you.

MR. MEEKS: Thank you, Mr. Speaker. This bill would create a task force on social media and violence extremism in New York -- in the New York State Office of the Attorney General to study, investigate, and make recommendations relating to the operations and practices of social media companies and their role in providing platforms for individuals and groups to plant and promote acts of violence online. This bill would also amend the Civil Rights Law to expand the civil remedies available to the Attorney General to enjoin the conduct of these companies for subjecting a person to harassment, or aiding, or inciting bias-related violence and intimidation against individuals based on an actual or perceived classification or characteristic. Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Meeks, just a couple of questions. Can you -- can you tell me what the make up of the task force will be?

MR. MEEKS: I cannot tell you exactly what the make up of the task force would be. This is a task force that we're calling on the Attorney General's Office to comprise.

MR. REILLY: Do we have -- does the -- does the legislation make any recommendations of who should sit on that task force?

MR. MEEKS: There is currently -- we -- we do not currently make the recommendations as to who would sit on that task force. We're recognizing the Attorney General as a professional and one who is well versed in their -- in their role, and we believe that we can entrust them with taking on such a task.

MR. REILLY: Is there a requirement about how often the task force has to meet?

MR. MEEKS: At this point, we do not have a requirement as to how often they will meet, but we do have language that would call for the task force to report, to give it to entities in government, including this Body.

MR. REILLY: Is there -- is there a sunset date on this task force?

MR. MEEKS: No, there is not.

MR. REILLY: Is there a requirement in the

legislation to when the task force has to meet, when they have to have their first meeting?

MR. MEEKS: So this would be another entity in the Attorney General's Office. It's not one of those task force where we're looking to have different entities of government appoint individuals.

MR. REILLY: Okay. But there's no criteria for the Attorney General to be guided by to appoint the members?

MR. MEEKS: We -- we have not set that in place by way of the proposed legislation.

MR. REILLY: So would it be -- so since it's not written down anywhere, would it be fair to -- to assume that it could be just members of the Attorney General's staff?

MR. MEEKS: Yes, that could be.

MR. REILLY: Is there leeway for them to appoint someone to the task force that's non -- that's a non-employee of the Attorney General's Office?

MR. MEEKS: I -- I cannot state yes or no at this time, but the expectation would be that this is a task force by way of the Attorney General's Office, and the Attorney General would -- would set the -- the stage for who would be on that task force, but the expectation is it would be members of the AG's Office.

MR. REILLY: Okay. Is there any -- is there any other portion of government or an entity created by the government that would play an integral role with this task force that would be created in the Attorney General's Office? In other words, is there any

other task force that would work with it?

MR. MEEKS: Well, I believe that, you know, part of this task force would be to report to different entities in government, so I think that would be relevant. As far as creating multiple task forces to support this particular task force, that's not what we're -- we're seeking to do.

MR. REILLY: Oh, no, no. I -- I understand that. My -- my question may have come -- come out a little convoluted there, I apologize. But is there -- are there any other existing task force that would play into this task force? In other words, would a current task force, their job correlate with the Attorney General's task force?

MR. MEEKS: Not that I'm familiar with at this time.

MR. REILLY: Is there -- that report that you said that the Attorney General's task force would have to create and establish and -- and share with the Legislature; is that correct?

MR. MEEKS: Yes.

MR. REILLY: Is there a deadline for that report?

MR. MEEKS: I wouldn't say so much a deadline, but the expectation would be an annual report.

MR. REILLY: So there's nothing that -- so there's nothing in the legislation that would say -- that says the Attorney General's task force shall prepare a report annually for the Legislature.

MR. MEEKS: I believe it does say shall.

MR. REILLY: It does, okay.

MR. MEEKS: Correct.

MR. REILLY: So that -- so every year they're going to have to give a report.

MR. MEEKS: Correct.

MR. REILLY: Okay. Does it -- in this legislation, does it say when that first report is due?

MR. MEEKS: It does not.

MR. REILLY: It does not. Is there anything -- is there anything that could hold up that report from the Attorney General, meaning any other agencies or task force that may have to issue a report that may hold it up?

MR. MEEKS: Not -- not that I'm familiar with at this time. I mean, can, you know, circumstances happen that may, you know, take the Attorney General's Office attention away from the report? Yes. But at this time, I can't think of anything that, you know, would pull them away from this.

MR. REILLY: So once this legislation is passed here and in the Senate, and the Governor signs it into law, when does it take effect?

MR. MEEKS: That would be January 1st.

MR. REILLY: January 1st of 2023?

MR. MEEKS: Yes.

MR. REILLY: All right. Thank you, Mr. Meeks.  
On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr.

Reilly.

MR. REILLY: So the reason why I kept asking about task force is I believe in this legislation the Attorney General's task force that would be created would -- would heavily rely on and consider a report that's supposed to be generated by the domestic terrorism task force which was established in 2020 and had appointments from both sides of the Assembly, both sides of the Senate, and the Governor's office. That task force was charged with having quarterly meetings, issuing reports on a quarterly basis and are set to have their final report by this November. And I believe that that report would be crucial to the Attorney General's work in this task force.

But that task force, the domestic terrorism task force, has yet to meet. Here we are in June of 2022 and that task force was set to have their final report in November 2022. They were established in 2020. And their first meeting is now scheduled for June 15th at 3:00 p.m. virtually. And that, like I said, that domestic terrorism task force had some critical work they could have been doing over two years but, unfortunately, they did not meet. And the sad things that happened and the tragic things that have happened, not saying that that task force and their work would have prevented it, but they could have added some really critical information that we could have used.

And the reason why I raise that issue is we created that legislation to help us, to help our citizens, to help law

enforcement, to make recommendations. And because that task force that's chaired by the Commissioner of DCJS never held a meeting, that piece of legislation wasn't worth the paper it was written on. And once again, that is something that I talk about here all the time. The things that we put on paper don't transition to the street, to the courtroom, or even to the meeting office the way we intend it. There was a dereliction of duty, there was a failure to the people of New York State because we did not have that task force meet because the Governor's Administration did not have that task force meet. Is it so much to ask that when we pass legislation and we appoint members to these task forces, they do it with the professional knowledge they have, the experience they have, and what they can bring to the table to make New York a better place. What good is that if they volunteer to do it and we don't take advantage of their -- of their experience and the wealth of knowledge they can share. Finally, that task force, the domestic terrorism task force, now has a quorum, like I said, and they will meet June 15th. But as of the last -- last week, they still had openings.

So the point being on this piece of legislation, I just hope we're not going to create a task force in the Attorney General's Office that is merely window dressing. We can't afford that anymore. We need task forces that are created, that are going to do the work that we charge them with. Otherwise, we're failing New Yorkers. Let's not do that again. Let's not create a task force for merely putting words on paper. Let's make sure it actually does something. Thank



you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Reilly.

Mr. Gandolfo.

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

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

MR. MEEKS: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GANDOLFO: Thank you. So I'm reading the bill, I understand it's in response to the Buffalo shooting and the extremist rhetoric that the shooter had put out online beforehand, and I understand that this is tailored to look into the social media companies. One potential issue I do see is that this -- this task force has subpoena power and the ability to examine witnesses under oath. Now, if a complaint was lodged against a private citizen who posted something that someone else felt was extremist content, which isn't defined in the bill, could they be now be called for a witness and forced to testify under oath before this task force?

MR. MEEKS: That -- that may be a possibility.

MR. GANDOLFO: Okay. All right. Thank you. That was my only question.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9465. 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. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker. When I think about some of the challenges that have been before us as a country and as a State, I -- I'm reminded of the motto Excelsior for New York State: Higher, ever upward. And I believe that we as a State have a responsibility to do the best that we can by all New Yorkers. And we cannot always depend on other levels of government, in particular Federal government, to do what's in the best interest of New York State. You know, when I think back to the challenges with the onset of COVID-19, I spoke to family members all across the country that wished that they lived in a state that responded to some of the issues that were before us in a manner that we responded as New York State.

So as it relates to the legislation before us, I feel that as I stated before, we cannot wait for others to take care of New York State. We as legislators, we as citizens of the State of New York must take care of us. Thank you.

ACTING SPEAKER AUBRY: Mr. Meeks in the affirmative --

MR. MEEKS: In the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I certainly want to add my voice to the sponsor of this legislation, I want to commend him for introducing it. And I will say to my colleague who mentioned the fact that we have had a domestic terrorism task force that has had not or did not produce a report, I want to 100 percent agree with him. We can't tolerate that anymore. When we ask for these sorts of things to happen, we ask for a reason. The results of which are very important to our lives and the lives of our constituency. So I feel really confident that the sponsor of this legislation and, quite frankly, the Attorney General will make sure that this happens and we get some results from it.

I will also say this, I understand they have a meeting scheduled. I would invite them to come to Western New York, and I suggest that because I believe there are a number of people who live and work in and around Western New York that are or could potentially be domestic terrorists. And I -- I don't think the young man who killed my constituency, I know he picked it out because he looked at a census track. I think he picked it out because there were common people who thought like he thought that are living around Western New York. And I think we should begin some real, hard focus on that domestic terrorism task force while simultaneously

working on the task force that our colleague has introduced here today. I'm grateful to have the opportunity to support it.

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

Mr. Goodell.

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

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 667, the Clerk will read.

THE CLERK: Assembly No. A10502, Rules Report No. 667, Committee on Rules (Cahill). An act to amend the Civil Practice Law and Rules, the Executive Law, the Penal Law and the Mental Hygiene Law, in relation to authorizing certain health care providers to file an application for an extreme risk protection order against a person who was examined by such health care provider in certain circumstances.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9113-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 provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill for the reasons I will explain in a moment. Those who support it are certainly encouraged to vote yes on the floor 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 some of us who would desire to be an exception. They should feel free to contact the Majority Leader's Office, we'll make sure their vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, both.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. This legislation expands the methodology upon which the court can issue what's called a extreme risk protection order. When this bill originally came up,

there was considerable opposition because of the lack of due process because how it could be implemented, and it was ripe for abuse. And because of that, we had 37 no votes when this first came out.

This bill expands what many of us consider was a bad approach in the first place, and in the -- in the original bill, these orders of protections were issued without a hearing, without any due process based on circumstantial evidence or sometimes not even on sworn statements. And so none of those procedural due process issues have been addressed and instead, this bill expands what was already a difficult and problematic process from a due process point of view. And for that reason, I and many of my colleagues will not be supporting this. Thank you, sir.

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

MR. CAHILL: Thank you, Mr. Speaker. On August 1st, 1966, I was ten years old and a man went up into a tower at the University of Texas and killed 34 people -- I'm sorry, wounded 34 people; he killed 14 people. He was taken down by an off duty police officer and subdued, and that was the end of that terrorist attack in 1966 when I was ten years old. And that was the only one I remember from my youth. But this weekend, I spent time with my 7-, 8-, and 9-year-old grandchild -- grandchildren, and we talked about what happened in a school in Texas. And I was taken by the fact that they were numb to it. They have become accustomed to hearing about it. But I was wrenching and heartbroken when my daughter, a

schoolteacher, broke down and cried because she feels the stress every single day of this happening in her school. And, indeed, last Thursday, a young kid who needed mental help threatened to come into the school with a gun. Three weeks ago, another kid who needed mental assistance was taken out of the school with a knife after he confessed that he came to assault a guidance counselor, but that guidance counselor was out sick that day. I had a friend who in 2011 went to a grocery store to meet her constituents and she and 18 other people were shot. She was a U.S. Congressperson at the time, I got to know her when she was a State Senator. And now, in this modern day here in New York State, we have people who went to a grocery store to shop and they walked out, the ones who did, terrorized because so many people around them had been murdered, no doubt by a person who needed mental health services.

This bill, this law will make sure that more people have those services available. It will begin to prevent these tragedies. We cannot sit by and normalize this for our kids and our grandkids. We are obligated to do everything we can within our power and within the law to stop this plague on our nation. I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Ms. Giglio, Mr. Mikulin, and Mr. Smith in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 668, the Clerk will read.

THE CLERK: Assembly No. A10504, Rules Report No. 669, Committee on Rules (Burgos). I apologize.

Assembly No. A10503, Rules Report No. 668, Committee on Rules (Jackson). An act to amend the Penal Law, in relation to the purchase or taking possession of a semiautomatic rifle.

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

MS. JACKSON: This bill would amend the Penal Law to require a license to purchase or take possession of a semiautomatic rifle, and that such license be recertified every five years. It would also create crimes of criminal purchase of a semiautomatic rifle and criminal sale of a semiautomatic rifle.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the member from the 79th Assembly District please yield for a few questions; a lot of questions?

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

MS. JACKSON: He knew I was from the 79th, I will



yield.

ACTING SPEAKER AUBRY: Ms. Jackson yields.

MR. SMULLEN: Well, thank you very much, Ms. Jackson.

This is a very contentious bill because it's going to change the scope of gun ownership in New York forever in a dramatic fashion that's going to be felt by every citizen, every law-abiding citizen who owns a -- a rifle in -- in New York State. So I kind of want to begin at the beginning and just get your intent behind this bill. I -- I know what the explanation is, but -- but in your mind, what is a rifle that needs to be licensed in this case?

MS. JACKSON: Well, the intent behind the bill is -- it has to do a lot with what we have experienced in the last few years, and even weeks in our country and in our State. We are requiring people to be of a certain age to get a license to operate a semiautomatic rifle. And just so we are clear, the law already exists for some guns in the country and we're -- all we're doing is adding semiautomatic rifles to that. We -- we're clear that what we are seeing is devastating and we need to respond. And our young folks, people who are 18 years old to 21 clearly need more time than we'll be allotting them, and 21 seems to be more appropriate of a age to own a firearm.

MR. SMULLEN: Well, thank you for the -- for explaining why you want to pass this bill, but what is this bill really about? What is -- what is a rifle in your mind? What are the types

that we're going to regulate here with this -- with this law?

MS. JACKSON: Say -- ask your question one more time, the first one.

MR. SMULLEN: Oh, yeah. In your mind, what is a rifle and what are the types that we're going to regulate with this far-reaching law that we're going to pass?

MS. JACKSON: So rifle under this law means a weapon designed or redesigned, made or remade and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in the fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger.

MR. SMULLEN: Okay. So this is simply semiautomatic rifles is what this applies to.

MS. JACKSON: Correct.

MR. SMULLEN: Would it apply to any other type of firearm that's otherwise regulated, such as bolt-action, shotguns, antique rifles or historical rifles?

MS. JACKSON: It strictly says semiautomatic.

MR. SMULLEN: Semiautomatic rifles, okay.

MS. JACKSON: Correct.

MR. SMULLEN: So why do they need to be licensed, then? We go back to the question, we -- we know -- we know that there are approximately 40 million firearms in New York State; why does this class have to be licensed now?

MS. JACKSON: Well, we are -- we are responding to what we are seeing now. And you, like I know, because we're paying attention to what's going on in our country and our State, that people are purchasing semiautomatic rifles and utilizing them in mass murders. So we are being responsive to what's happening in our State and in our country.

MR. SMULLEN: Now is this -- does this law apply to the past, present and the future, or is it just going forward? And the reason I ask that is our possession of current semiautomatic rifles, are they allowed under this law?

MS. JACKSON: This is moving forward.

MR. SMULLEN: And how so? Could you explain how, for instance, if my grandfather had a rifle and he gave it to my father and my father wants to give it to me, how would that work under this law?

(Pause)

MS. JACKSON: So this -- this has to do with the unlicensed purchase and the sale of semiautomatic rifle. So is your question around that?

MR. SMULLEN: Well, no one is licensed right now for rifles, it's not required in New York State, it's not required in any State in the Union other than California; we'll get to that in a little bit. But so what you're saying then is going forward in order to possess rifles, you're going to have to be licensed? Or if you already possess them you do not have to, but you only have to get a license if you're

going to buy or sell a rifle.

MS. JACKSON: It's to take possession -- to take possession of a semiautomatic rifle.

MR. SMULLEN: But what if you already have one?

MS. JACKSON: This bill doesn't speak to that issue.

MR. SMULLEN: So the bill is silent on the 40 million firearms that are owned by New Yorkers that are not licensed pistols. They can -- people can continue to hold and own them without any threat of the State coming in and having any adverse actions based on this law?

MS. JACKSON: Maybe you're ready to introduce that bill, but this bill speaks to the sale moving forward, to semiautomatic rifles.

MR. SMULLEN: So it's only sales going forward of semiautomatic weapons.

MS. JACKSON: That's what this bill does.

MR. SMULLEN: What if possession changes not due to sale, if it's a gift from a family. My father is 86, he has -- he has a lot of hunting rifles, some of them are semiautomatic. Can he gift them to me without having to go through a licensing procedure?

MS. JACKSON: In order to take possession of that gift, you have to be licensed.

MR. SMULLEN: Say that again.

MS. JACKSON: In order to take possession of said gift, the semiautomatic rifle, you would have to be licensed --

MR. SMULLEN: So he would have to be licensed --

MS. JACKSON: -- it would have to be added to your license.

MR. SMULLEN: -- or I -- or we would both have to be licensed.

MS. JACKSON: The person who is taking possession of the semiautomatic rifle has to be 21 years old and licensed.

MR. SMULLEN: I see. So that really is going to put a damper on the -- what is the normal routine for families to be able to -- they're going to have the State intervening in their family affairs.

MS. JACKSON: I hope it puts a damper on mass shootings, too.

MR. SMULLEN: I can't, I'm sorry. Mr. Speaker, if I could ask that if we're having a discussion to not get political about mass shootings?

ACTING SPEAKER AUBRY: You're having trouble hearing?

MR. SMULLEN: No. She mentioned that it was a prevention of a mass shooting, and we're having a debate about the technical merits of the bill and I would prefer to keep it non-political until --

MS. JACKSON: But you brought up families, right?

ACTING SPEAKER AUBRY: Hold on. I think you ask a lot. If the intent of the sponsor is tied to the use of guns in

certain circumstance for them not to refer to it, and I don't think it's political, I don't think it is either a Republican or a Democrat that went to --

MR. SMULLEN: Mr. Speaker, I was speaking about the transfer of a weapon from my father to myself.

ACTING SPEAKER AUBRY: I understand.

MR. SMULLEN: I hardly think that had anything to do with a mass shooting.

ACTING SPEAKER AUBRY: I understand, but in the sponsor's mind, the reason she's sponsoring this bill, as she stated, was to prevent those kind of things, however an individual got the gun --

MR. SMULLEN: Wow.

ACTING SPEAKER AUBRY: -- right?

MR. SMULLEN: So let's talk a little bit about the provisions in this bill having to do with the criminal purchase of a semiautomatic rifle. Will this law as written almost instantly endanger law-abiding gun owners who may or may not know about the provisions of this law when they sell or transfer a weapon to a family member, for instance.

MS. JACKSON: So you're asking if people know the law and if they're going to be held accountable for knowing it?

MR. SMULLEN: That's correct.

MS. JACKSON: I think just like us, if we drive a car and you don't know that the law is at the certain speed limit and you

get pulled over, you're still going to be given a ticket. So it doesn't change much here. The law is the law, you have to abide by the law.

MR. SMULLEN: So ignorance of the law is no excuse.

MS. JACKSON: I think you -- now, would you like me to respond to that?

MR. SMULLEN: No, I'm asking if --

MS. JACKSON: Yes.

MR. SMULLEN: -- that's the intent behind this law because what you're -- what I think is going to happen here in this case, you know, particularly with the criminal provisions, the criminal purchase, criminal sale, it's going to almost instantly make an entire group of people that are law-abiding citizens, if they inadvertently sell or purchase a weapon, they're going to be subject to a Class E felony is how I read the law.

MS. JACKSON: Right. So the time period between I guess the bill being put in place is 90 days from that -- from that moment, people are expected to abide by such law.

MR. SMULLEN: So within 90 days of the passage of this law, the State Police, county sheriffs, and other licensing agencies are going to be expected to have a full visibility of all the guns in New York State and then start to manage the transfer of those weapons with private sales. It's already done so with Federal firearms licensees that manage those sales for commercial sales, but they're going to be expected within 90 days to have this program running.

MS. JACKSON: Well, responsible gun ownership requires us to know the law around gun ownership, and so the expectation is within 90 days to have understanding of what is expected.

MR. SMULLEN: And who is going to administer this program within New York State?

MS. JACKSON: When you say "administer the program," the licensing?

MR. SMULLEN: The licensing program. There's a program that's already in effect for licensing.

MS. JACKSON: It is the same exact program. We're adding -- whatever the program is for handguns, we are literally just adding semiautomatic weapons -- semiautomatic rifles to that licensing.

MR. SMULLEN: I see. And do they have the resources to be able to make the program approximately ten times as large as it currently is?

MS. JACKSON: We don't know that it's going to be ten times as large, but the expectation is that --

MR. SMULLEN: There are ten times as many semiautomatic rifles as there are pistols in New York State.

MS. JACKSON: Right. So there is no understanding that it wouldn't be okay.

MR. SMULLEN: I see. Okay. So in going forward with this bold move is what I would describe it as, in California a



similar measure was actually -- was tried in implementation. And that it was subject to some court actions in the Jones v. Bonta Case, it was heard at the 9th Circuit Court of Appeals. There the unconstitutional ban for 21-year-olds was actually set aside. But part of the provision of having a license, a hunting license was not set aside.

One of the things that really stood out in this case, and I'll read it so it's into the record here in New York State, is one of the concurring opinions, in this case from Judge Lee, who joined the opinion in full but wrote separately to highlight how California's legal position has no logical stopping point and would ultimately erode fundamental rights enumerated in the Constitutions, that if California can deny the Second Amendment right to young adults based on their group's disproportionate involvement in violent crimes, then the government can deny that right, as well as other rights, to other groups. Judge Lee wrote that, quote, "We cannot jettison our Constitutional rights even if the goal behind a law is laudable." Can you comment on the thinking that you have about the Constitutionality of this law?

MS. JACKSON: So we must -- we have to address the perpetrators of mass shootings being overwhelmingly men under the age of 21 using semiautomatic rifles, and this bill would require an individual obtain a license in order to purchase or take possession of a semiautomatic rifle, right? And we are responding to what is happening in our country. We are very aware of what happened in California. We are -- it's -- it's always going to be on the record, thank

you for adding that, and we at New York State find it necessary to protect people because we are seeing the pattern and we are responding to it.

MR. SMULLEN: And now, when you went about crafting this law, did you consult with the Attorney General of New York in regards to this law as to its Constitutionality?

MS. JACKSON: I'm not sure if the Attorney General was contacted in response to this bill.

MR. SMULLEN: I mean, she is the chief law enforcement officer, she is responsible; in fact, she was part of the decision that was set aside in Jones v. Bonta. Their arguments were discarded and, you know, perhaps if she'd been consulted, this law could have been written as such in a different manner that might -- that might stand a Constitutional muster, that I don't know.

But a couple more things stand out in the California case that I want to make sure that this Body is aware of before they vote. And first of is that in the opinion, this was the Chief Circuit Judge Nelson is that he said, *First, the Second Amendment protects the rights of young adults to keep and bear arms, which includes the rights to purchase them. The District Court reasoned otherwise and held that the laws did not burden Second Amendment rights at all. That was legal error. Second, the District Court properly applied intermediate scrutiny to the long gun hunting license regulation and did not abuse its discretion in finding it likely to survive. Third, the District Court erred by applying intermediate scrutiny rather than*

*strict scrutiny to the semiautomatic center fire rifle ban. And even under intermediate scrutiny, this ban likely violates the Second Amendment because it fails the, quote, "Reasonable fit," test. And finally, the District Court also abused its discretion in finding that the plaintiffs would not likely be irreverently harmed. We thus affirm the District Court's denial of an injunction as to the long gun regulation, reverse its denial of an injunction as to the semiautomatic center fire rifle ban, and remand for further proceedings consistent with this opinion.*

So how -- in my mind, how can you come and say that this ban is not unconstitutional that you're putting forth today?

MS. JACKSON: What ban are we talking about?

MR. SMULLEN: Prohibiting 18- to 21-year-olds from buying firearms, but also the licensure that is not related to hunting, but it's actually a broad requirement for all legal, lawful, law-abiding gun owners to now register their firearms with the State.

MS. JACKSON: So an individual's Second Amendment right to keep and bear arms is not unlimited, right? Conditions are in place -- are put in place if we see it necessary. There is no ban. You have to get a license and be 21 to own a semiautomatic rifle.

MR. SMULLEN: May I continue, Mr. Speaker?

ACTING SPEAKER AUBRY: Your time is up. We have other speakers behind you if you want to come back.

(Inaudible/mic not on)

MR. SMULLEN: Thank you, I appreciate that, Mr. Speaker, and to my colleagues for also just allowing me to finish. I'm nearly done. So you know, we've talked about all the various elements of it, and thank you, Ms. Jackson.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So really what we're looking at here is a failed legal strategy to regulate something that doesn't need to be regulated. When we look at this, it's a semiautomatic rifle, it's a ban that's already been held in the 9th Circuit Court to be unconstitutional to raise the age from 18 to 21, and we will have a vigorous discussion going forward. This is certainly going to end up being looked at by all the possible legal means that are out there in this case, because this cuts to the very core of the Second Amendment and the ability of New Yorkers who are law-abiding citizens to own the firearms that they've had and they've held for many, many years, whether it's generation to generation or it's something that they need for hunting, to protect themselves and to protect their families. And what this law is going to do is to fundamentally attack that Second Amendment right.

It's unconstitutional, it's unconscionable, and it must not stand. Without doubt, it will be challenged and it's time for all of those lawful, law-abiding gun owners to stand up and fight against such laws that the State could possibly pass that infringes on their fundamental rights. Again, thank you to the sponsor and thank you,

Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brown.

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

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

MS. JACKSON: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. A. BROWN: Whether we agree or disagree, I have a question about implementation of the law. If I were to take one of my handguns currently and want to sell them or do whatever I want to do with it, there's a history, there's a license, it's stamped on the back of my license in Nassau County what I own, there's a record of it. There are tens of thousands, if not hundreds of thousands of semiautomatic rifles with no registration at all. In other words, my question is if I were to buy a semiautomatic out-of-state, bring it into New York, I could just say, *Listen, I've own it, I've owned it for 20, 30, 50 years.* There is no mechanism to say when these semiautomatic rifles were purchased, all the rifles that I own currently or the ones I buy out-of-state. How can this law ever be implemented and regulated in any way if there is no record of previously owned rifles?

MS. JACKSON: Well, this bill and law is going to be moving forward, so the purchase of semiautomatic rifle moving

forward.

MR. A. BROWN: I appreciate that, and I respect what you're saying. My question is this, I go to Texas and I buy myself a semiautomatic rifle, if anybody questions it I can just say I've owned it for 20 years, and I can do that simply because before this moment, before this bill may become law, there is no registry for a semiautomatic rifle as we do with a handgun. How can this ever be implemented? There is no mechanism to implement this law, it's just simply saying, *Listen, I've owned it for 20 years*. What -- how will this be implemented?

MS. JACKSON: Right. So this bill doesn't speak to past ownership, ownership outside of New York State. This bill speaks to ownership, purchasing from moving forward a semiautomatic rifle here.

MR. A. BROWN: I so appreciate what you're saying, but again, my question --

MS. JACKSON: I hear your question, but this bill doesn't speak to that.

MR. A. BROWN: -- is what do I do today or tomorrow, I go to Texas and buy a semiautomatic rifle today, going forward, after this is passed into law. Where's the mechanism of proving when I bought this? I can always say I've had for 20 years. There is no registry for existing semiautomatic rifles.

MS. JACKSON: You're correct.

MR. A. BROWN: So going forward, what would we

do?

MS. JACKSON: But you -- you're an honest man, so I know you wouldn't do such a thing.

MR. A. BROWN: That's very kind of you.

MS. JACKSON: I know you are.

MR. A. BROWN: Thank you, Ms. Sponsor. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

MS. JACKSON: I yield for you, Mr. Ra.

MR. RA: Thank you very much. Just really on the same point my -- my question is exactly that, you know, the previous, well, not the last bill but a couple bills ago we did, we talked about this with regard to the high capacity magazines and the issues that prosecutors essentially have had in prosecuting because we had two different, you know, levels of crime depending on the date somebody was in possession of it and the impossibility of really knowing when somebody came into possession of that. And my question is aren't we basically creating the same situation here where it would be very difficult for somebody to know whether somebody possessed one of these weapons prior to the enactment of this law?

MS. JACKSON: I hear you. This is our first step in the right direction. We should have did it a long time ago. I agree.

MR. RA: Okay, so you -- I'll take it at that. Thank you very much, I appreciate it.

Mr. Speaker, on the bill.

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

MR. RA: I do see that as a problem with this piece of legislation, you know, and like I haven't spoken much today on these -- this is not an area of expertise for myself certainly and, you know, I've been here for a number of years, I've seen different packages come through here on gun control measures. I have supported many measures over -- over the years that I felt were, you know, fair attempts to stop people who are going to do the wrong thing. And then there are other things that I haven't when I felt like their impact was largely going to be on, you know, people that were law-abiding citizens.

So just in general on this topic though, we -- it's an important discussion, there's no question about it. There's no question about it and I think, you know, emotions run high, certainly, but we have to, I think, continue to hear each other about concerns. And I do think actually hearing from, you know, some of my colleagues on my side of aisle that know more about guns and these types of weapons, I think is something that's beneficial to everybody because when you're trying to regulate something, you have to understand what you're looking at. And I think that's one of the problems we've had over the years with some of these bills is -- is some of them have been written without that level of understanding.



But I lastly do want to say, you know, we're acting after, you know, a truly just terrible situation in this State and then on the heels of that, another just awful shooting down in Texas, and another one more recently the last day or so. But we're probably going to leave here, in my opinion, without having taken a similar approach to what's gone on in cities all over the State for the last several years. You know, that should get our attention, too. When there's law enforcement officers being shot, when young children as young as infants are getting hit by stray bullets, we have to have those conversations, too. And I know we don't like to always go there, but some of that does involve getting stricter on people who are using illegal guns, who are committing crimes with them, not just looking for new bans and things like that, but actually going after those individuals. You know, one of my colleagues has talked a lot about, you know, younger people, you know, committing crimes. You know, we're talking about making sure you have to be a certain age tonight, but we're not talking about that and making sure that we're treating that as seriously as it needs to be treated.

So I just hope we can have that same conversation about addressing what has become a huge, huge issue in this State, and that's rampant crime. I will tell you as a representative on Long Island, I have people calling my office weekly telling me that they're scared to go into the City. We see what's gone on in the subways. And again, another thing that happened in the State, we didn't have, you know, a rush to action after this recent, just months ago, subway

shooting. So we have to have a wholistic conversation not just about the weapons, but about those who use them for harm and getting more serious, because we've made a lot of our laws too relaxed with regard to that. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield, please?

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

MS. JACKSON: You know I yield.

ACTING SPEAKER AUBRY: Ms. Jackson yields, sir.

MR. MANKTELOW: Thank you, Ms. Jackson.

Earlier, maybe two debaters ago, you had said something about mass shooters and addressing the perpetrators. Can you just -- can you just tell me what you meant by that?

MS. JACKSON: So we have seen recently two instances I'll tell you about, in Texas and in Buffalo, where people who have committed terrorism in our State and in our country were 18-year-old and they used a semiautomatic weapon to kill multiple people in a short amount of time. And so this bill is going to address the age requirement and the licensing.

MR. MANKTELOW: So this bill will address that. Did they acquire those rifles or semiautomatic weapons, how did they acquire them, I guess?

MS. JACKSON: They purchased them.

MR. MANKTELOW: They did.

MS. JACKSON: To my knowledge, yes. If you know something different, please inform me.

MR. MANKTELOW: No, no; I'm asking.

MS. JACKSON: Oh, yes.

MR. MANKTELOW: I'm sorry, I didn't mean to say it like that. No, I'm asking. I have done a little bit of research on mass shooters because it does scare me. I have two grandchildren in an elementary school and I know mass shooters isn't directly talking about the purchase of the semiautomatic weapons, but you did bring it up and it's all right if I engage you with this, just to see if we can come up with some solutions?

MS. JACKSON: As long as we stay on the bill, I'm with you.

MR. MANKTELOW: Okay, I'll be on the bill, all right --

MS. JACKSON: Just be on the bill.

MR. MANKTELOW: -- I'm on the bill, all right. So what I have learned a little bit, and I'd love to share this with you if that's okay, is what I have learned about these mass shooters, the young ones, that they seem -- it seems like the worst of crime, the worst their story was, the way they were brought up and really what they went through in life, and I think we need to be very proactive in addressing some of those things prior to them ever getting to the point

where they want to get a rifle, a gun, a bomb, a knife, whatever. I think that's what we need to do not only across the United States, but here in New York State; do you agree with that?

MS. JACKSON: As a licensed social worker, I agree with that and I support anything that will help young people deal with mental health.

MR. MANKTELOW: You hit the nail right on the head, it's mental health, mental health, mental health.

So I will continue just to share a few things. I was listening to a lady who had given a seminar on mental health and gun violence and mass shooters, and what she said was understanding the pathway of how they get there will stop the violence, so that's really what we need to do. And one of the things she said was today in society, 20 years after Columbine I think she said, or 20-some years, we still don't have an understanding of how that pathway gets these young people there, to wanting to shoot someone; is that on -- do you agree with that, or...

MS. JACKSON: Not fully. So we do have a partial -- we have understanding of why things happen, right? The issue is that it did not happen overnight and because of the severity of what we're talking about, we have to address it as if we can solve it overnight. So it's two different things that are happening, this is life-long issues that people are dealing with and socioeconomic status, environment, all those things play a part, but it didn't happen today and what we're tasked with is figuring it out quickly so we can stop

people from dying in mass numbers.

MR. MANKTELOW: No, absolutely and, you know, I looked at some of the other things she had talked about and being proactive, and they did a study of all the mass shootings, mass shooters being shooting four individuals or more in a shooting, I think there was like 160-some in the United States. And this is what she said, young shooters have more risk factors than normal criminals because of all the trauma and what they're going through. The other thing she said was 91 percent of the shooters are students or former students of the school that they decided to go -- go up against. And that really, that really shocked me a little bit. I didn't realize that.

And a couple other things just to share with you, if that's still okay, 87 percent of those shooters had already been in a crisis prior to getting to that. So that goes back to what you're saying about mental health, making sure we acknowledge that and that we can see that. Eighty percent of those shooters said they were suicidal prior to doing the shooting. Again, mental health, suicide, we see what the suicide rates are like. And one of the two last points, 78 percent of them leaked their plans ahead of time. They wanted people to know because they wanted that notarization that, *I'm shooting somebody and I want to be known that this was me*. And more than likely, they go into that situation knowing they're going to murder somebody and, at the same time, knowing they're going to die because they want to commit suicide or take their life; that's what she said.

And the last thing was because of such a young age,

most of these young students at 16, 17 years old, they typically steal the guns, typically steal them from somebody else because they cannot go into a gun shop and actually buy them. And it really made me think about that. And today, I had the perfect storm. I had a call from one of our school superintendents back in our district and I'd like to share this with you and give me your thoughts on this and how this will affect this bill. We had a young man, Caucasian, I think he was 17 years old, did something on either text message or video chat or whatever, he took a gun, it looked like an AR -- or an M16 I guess, it was an air soft gun, it shoots the little air soft things, and he says, *I'm coming to school*. So one of his students -- one of his other students called the school, notified them that that was going on and we had the State Police there, we had sheriffs there, we had everybody there. They actually stopped that individual before they even got to school. That's -- that's a very proactive thing.

But here is where the ball's getting dropped. So the school was able to expel him for one year, okay. He's already a junior, so he's going to come back to school with two months left next year. So the school's done their part, the parents feel that the child really didn't do anything wrong. Parents are off working, school is concerned, how do we get this young person help at this point so he doesn't get to the point where he's going to steal somebody's rifle, pistol, make a bomb; how do we get there so we can stop all this stuff, all the things we've been talking about today, we haven't really addressed the individual. What can we do to help this go along with

some of the things you're talking about, what can we do?

MS. JACKSON: See the only problem is that as a clinician, we can have the conversation, however it doesn't have much to do with this bill, right? And so this bill has to do with being of a certain age and making sure you're licensed to utilize this -- to utilize a semiautomatic rifle. I worked in schools, so what you're speaking of, I actually know firsthand because I've had the experience of someone saying that they're going to shoot up the school and myself having to call the police and intervene. But the one thing that we're going to do in this Body, because you know everyone here isn't a licensed social worker like myself, we're going to use the law to work in our favor as best we can. This is our first step and the step is that we are making sure that you're licensed and that you're 21, 21 being the age of more maturity than it is at 18.

MR. MANKTELOW: Okay. One of my concerns, though, with this is these young shooters, they bypass -- they bypass the law and they steal the weapon, whether it's a gun or a bomb or whatever, they bypass that. That's where we have to start because whether we take the rifles out of the picture, take a bomb out of the picture, take a car out of the picture, a knife, we have to be proactive and make sure we see them. And I just wanted to share that with you as you go through this bill with the rifles, and I wasn't sure if I could because I wanted to stay on the bill, sir, but after you brought that up it just opened up the door for me to say those things. So I appreciate your time, as always, and thank you for taking my questions. And

actually, thank you for listening to me and some of the concerns that we have back home in real life and really what's going on.

MS. JACKSON: Thank you.

MR. MANKTELOW: Thank you so much.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: So I thank the sponsor for really listening to go me and really taking the time to understand that there's so many different aspects of these mass shooters and these young shooters and taking the time and understanding really what's going on. And what I've learned here in going through this, listening to the debates today is we really need to help our teachers, our schools, to help identify these students as soon as we see something, whether it's suicide prevention, threats of violence, and what I've learned, too, is these young students cry out for help. They need mental help, substance abuse, peer support, we see peer support with our veterans, peer on peer, it helps our veterans greatly. That's what we need to do for these young people, to make sure we can make sure that they don't get to the point of wanting to go out and kill someone.

So I hope next year as we prepare for the budget already, that we continue to put more dollars into the budget to address mental health, making sure that we have the tools, whether it's suicide, whether it's young, old, to stop some of this stuff. And I think that's the direction to really help our country and to help our State is being proactive instead of reactive, because once it's reactive, the



damage is done. So I'll be more than willing to work with anybody, Chantel, I'll be more than willing to work with you after this Session on some of that stuff. And again, I thank you for your time. Mr. Speaker, I thank you for the time and I think we have a right direction of being proactive instead of always reactive. Thank you, sir.

ACTING SPEAKER AUBRY: (Inaudible/mic off)

MS. BYRNES: Good evening.

ACTING SPEAKER AUBRY: Good evening.

MS. BYRNES: Will the sponsor yield?

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

MS. JACKSON: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: Thank you. I'd like to go in a little bit different vein with my questions. Part of the statute refers to it being illegal to take possession of a semiautomatic rifle if you do not possess a license to purchase it. My question is last year we made -- we expanded youth hunting so that 12- and 13-year olds can shoot big game with their parent or guardian or a appropriately authorized adult. And now what we're going to do is at that point, both the adult and the child need to be licensed and that the weapon already was basically considered legal that they were out shooting with. We've added another layer by having -- requiring a license for someone who possesses even if they don't own it. What my question is now if a weapon is bought, semiautomatic rifle is purchased after the effective

date of this law, can that parent or guardian go out and allow the 12- or 13-year-old to hunt with it? Or are they now -- the youth is now possessing a semiautomatic without themselves being eligible to possess one.

MS. JACKSON: So I think what you're referring to and what we're -- this bill does is two different things. The semiautomatic rifle was -- is -- was allowed for 18-year-olds and older, 18 and older, right, and what we're saying is now you need to be licensed and be 21; that is -- that's what this bill is doing.

MS. BYRNES: To purchase.

MS. JACKSON: To purchase or take possession.

MS. BYRNES: Right, and -- yeah. Unless I'm missing -- I have a misunderstanding --

MS. JACKSON: Okay.

MS. BYRNES: -- if the statute refers to, you know, to purchase or to take possession of, but these now youth, 12, 13, 14, 15, 16 that are going out hunting with their parents, well, there's only one way you are shooting the rifle yourself when you're out hunting as a youth and that is to possess the firearm, albeit with the parent directly there and under their supervision. But you are -- that youth still is the possessor of that firearm and they are not in possession of themselves a license under this statute to possess -- to possess one. So are they allowed to still go out hunting with their parents?

MS. JACKSON: They are, not with a semiautomatic rifle.

MS. BYRNES: All right. Or not with a semiautomatic bought after the effective date here?

MS. JACKSON: Not with a semiautomatic rifle.

MS. BYRNES: People go hunting -- I mean, a semiautomatic rifle is not necessarily what people I think are thinking of as these horrible weapons that have been used recently. Most of them look like just -- it's just a different way of the chambering and how the mechanism works. But these are -- these are the rifles that are normally used. Obviously, some are, you know, just have one projectile in them that is, you know, single action, and -- but some are semiautomatic, hold two, three rounds. Can a kid go out hunting with his dad?

MS. JACKSON: A kid can go out hunting with his dad. A kid will not be using -- a kid, anyone under 21 after this law is enacted, will not be using a semiautomatic rifle.

MS. BYRNES: Okay.

MS. JACKSON: Lawfully.

MS. BYRNES: Okay. An automatic rifle purchased after the effective date --

MS. JACKSON: Or take possession of.

MS. BYRNES: -- so they can go out with any automatic rifle right now, all the hundreds and millions of them that out there, they can't just touch one that may be purchased after let's say December 31st.

MS. JACKSON: That's how most laws work, right?

Sometimes we get it right the first time, and sometimes we get it right after a few steps. So in this one, this is our first step in the right direction.

MS. BYRNES: All right. But you are affirmatively saying that that youth cannot touch that weapon even --

MS. JACKSON: This bill clearly states --

MS. BYRNES: -- even though they are allowed to hunt big game under the law we just passed last year.

MS. JACKSON: This law clearly states that you have to be 21 and licensed to use a semiautomatic rifle.

MS. BYRNES: Okay. Moving on. When you're looking at the potential ramifications of failure to recertify every five years.

MS. JACKSON: I'm sorry, I didn't hear your question. Say it one more time.

MS. BYRNES: Oh, sorry. The -- one of the provisions requires that there has to be a recertification of the licensing procedure every five years, I presume similar to the renewing a pistol permit?

MS. JACKSON: Yes.

MS. BYRNES: Okay. If someone already has a pistol permit, can this license be basically added into the pistol permit or will you be required to carry two separate documents, one for hand guns and one for semiautomatics purchased after a given day.

MS. JACKSON: This is to be added to your license

that you have in existence.

MS. BYRNES: All right. So if I have a pistol permit, which I do, I can just -- and I buy a new semiautomatic, it can be added directly to that. There's no different licensing procedure, but it's the same process, I mean, as a pistol permit and everything that's done.

MS. JACKSON: Correct; correct in that.

MS. BYRNES: All right. So at least we're talking about one document, not two, presuming somebody has a pistol permit. Now, the question then goes on to be if you fail to renew such license or pistol permit within the -- every five years following the issuance, it said the failure to renew is a violation punishable by a fine not to exceed \$250. So my question is, is that the only ramification? Because what other provisions are there, is there potential seizure of the firearm? Is there due process rights? Is there a court process? With a pistol permit, if there's consider to be a violation of a pistol permit and the sheriff comes up with a court order to seize your weapons, there's a whole slew of different legal rights and obligations that the sheriff has, the licensing authority, as well as due process rights to the pistol permit/license holder. So I'm just wondering what are the due process rights here?

MS. JACKSON: So this is adding to the pistol permit that you're speaking of. There's not -- the same things that are in place now will be in place with the semiautomatics. The wording is just adding "semiautomatic rifle."

MS. BYRNES: All right. So even though what I have here is that it will be a punishable by a fine not to exceed \$250, in fact, it also could lead to seizure and being provided with appropriate paperwork, order to show cause, whatever the court assigns requiring you to appear in court.

MS. JACKSON: The same requirements that exist for the handgun and pistol is the same with the semiautomatic rifle.

MS. BYRNES: All right. So the same due process rights will apply.

MS. JACKSON: Yes.

MS. BYRNES: Okay. We're winding down to my last set of questions, and I really do appreciate it; trust me, when we go home, we are going to have questions. Now, if we raise the age to 21, raising the age to 21 sounds familiar, I think we've done that for a few things lately, all right, we have people joining the military at the age of 18. In all of our communities, we have National Guards locations, some of us have Army bases and different types of training facilities. How do we handle a fact that somebody in the military if, as far as their training, may be handling a rifle, an automatic or semiautomatic rifle, yet, New York State says it's illegal for anyone until they're 21. How do they work in conjunction with each other?

MS. JACKSON: Well, there are exemptions for law enforcement, peace officers, military personnel and the such. So that does exist.

MS. BYRNES: All right. So it's okay for the

18-year-old in the neighborhood who is part of the National Guard to have his weapon, but not because they're mature enough, but another 18-year-old in the neighborhood is not mature enough under your law.

MS. JACKSON: Well, people that are in the military are trained, and it's heavily regulated. So it's not the same as if I just go and possess one as an 18-year-old walking the streets.

MS. BYRNES: Okay. Thank you. I believe that concludes my questions. Thank you, Ms. Jackson.

ACTING SPEAKER ZEBROWSKI: Mr. Angelino.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. JACKSON: I yield.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. ANGELINO: Ma'am, I have one question and depending on the answer, I may have a couple more. I was listening to everybody intently, but I was also trying to read the bill at the same time and I didn't do well at either. Is this retroactive to already existing semiautomatic rifles?

MS. JACKSON: No. This is moving forward.

MR. ANGELINO: Okay. So we're going to have two types of people out there, those who bought a -- speaking of 21 years old and older, some are going to be out there with a rifle

carrying a card and some are not?

MS. JACKSON: That may -- that may be the case.

MR. ANGELINO: Okay. That may be a cause for some confusion in enforcement, but thank you. I was just confused and I wanted to hear it from the sponsor herself. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mr. Salka.

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

MS. JACKSON: I yield.

MR. SALKA: Thank you. Just to follow up to the Assemblywoman's questions about the licensing procedure. Now, I carry a concealed weapons permit and in order to get that permit, I had to go through an elaborate process of fingerprinting and interviews, and photographs and, you know, a lot of scrutiny, which is justified considering the awesome responsibility of owning a firearm. If, for instance, I am going into a gun shop and I want to purchase a .22, a Ruger 10/22, okay, a very, very common weapon that shoots .22 caliber, and I'm going to have to acquire a license in order to purchase that. As I said, that permit to possess a pistol took months and months; in fact, if I want to go in and buy that and I pass my NICS check and, of course, if a NICS check isn't granted within 72 hours, that FFL has to sell you that weapon. Is the permit process, or the licensing process, is a long of a process to -- to apply, to be approved



by law enforcement. I'm going to have to go through that in order to purchase a semiautomatic rifle?

MS. JACKSON: It is the same process as licensing for a handgun or pistol.

MR. SALKA: Okay. So I'm 21-years-old and I want to go hunting, I've got my hunting youth license, I've got my training and all that, and it's September. Now, Upstate New York, hunting season starts sometimes around Thanksgiving. Am I going to have to then anticipate that I should probably apply for a permit to get my hunting rifle back in maybe February or March and hopefully there won't be a bottleneck, hopefully I'll be able to get through that vetting process in order to be able to go hunting in the end of November?

MS. JACKSON: Sounds about right.

MR. SALKA: So actually we're making people wait much, much longer to get a permit in New York State than they are a Federal NICS check?

MS. JACKSON: We're making them wait longer to do what?

MR. SALKA: We are making people wait longer to be able to possess a semiautomatic weapon in New York State than the Federal government which requires NICS checks which is usually almost immediate, or it can be after three days the FFL has to sell you that weapon. So in other words, we're making someone wait that much longer in New York State to own a weapon, that they want to do something as benign as hunting with, and we're making them wait that

much longer than even the Federal government makes you wait.

MS. JACKSON: It's the same process as when you are getting licensed for a hand gun. So the same wait time that you had for the hand gun, it's probably going to be the same wait time for the semiautomatic rifle.

MR. SALKA: And so of course with my pistol permit, any time I want to add a gun, I've got to do an amendment, and it's a couple bucks, it's not that expensive, and it's usually kind of a timely process, but it's all up to a judge to sign it. So in other words what we're doing is we're really being unfair to those who want to purchase a weapon now than somebody did two days before this law takes effect. So it seems to me that it's a matter of, regardless of what it means, a matter of fairness, that you're making someone wait could be six, seven, eight months, I have known people that wait up to a year to get a permit.

MS. JACKSON: Yeah.

MR. SALKA: What's the purpose of that delay? I mean, do you see any utility to making someone wait that long to be able to purchase a semiautomatic?

MS. JACKSON: I think what we're doing is making it a somewhat seamless process from here moving forward, right? There's a process to own a hand gun here in the State, there's going to be a process now to own a semiautomatic rifle here in the State.

MR. SALKA: And so one of the issues I remember reading about with regards to the stringent requirements for a pistol

was its concealability, okay? People were making sure that if you have a weapon and it's concealed, it could be much more dangerous than a long arm. I don't see the reasoning there either about why you would require someone to have to go under the same requirements as a concealed weapon as something you're going to walk around the woods with.

MS. JACKSON: So this bill is about the purchasing and taking possession of. This is not about concealing or any of that sort. It's about being 21, being licensed to purchase or take possession of a semiautomatic rifle.

MR. SALKA: Okay, I understand that. Just one other question, 21 years old obviously is a big threshold, a big landmark for many things, for -- in New York State, in order to consume alcohol, in order to buy tobacco, and I can see where there's a developmental aspect, maybe an issue of maturity to be able to own that weapon, but most scientific studies show that the brain of a young person really doesn't develop fully until they're about 25 years old. So why the 21? Is it just because there are so many other legal requirements for 21 year olds, or...

MS. JACKSON: Yeah. As a clinician, I would have said 25, too, but then y'all would have fought me on that one, so 21 it is.

MR. SALKA: Well, we're going to try to fight you on this one, too.

(Laughter)

MS. JACKSON: So 21 it is based on other things that you need to be 21 and engage in, right? So...

MR. SALKA: All right. Thank you. Thank you for your questions [sic].

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. SALKA: We have a classic instance of right church, wrong pew. The intention is good. The intention is that everyone here wants to keep dangerous weapons or what could be considered a dangerous weapon in dangerous hands. But for the most part, most people, an overwhelmingly majority of people that possess firearms are law-abiding citizens who know how to handle that weapon properly. In order to potentially make someone who wants to do something that is recreational, because New York State is a great recreational deer hunting State, to make someone potentially wait up to a year to be able to purchase a weapon to do something like deer hunting or even to defend themselves just isn't fair; it just doesn't make any sense.

I'll be voting against this bill. I just don't think it hits the mark. We understand that the big problem is not the weapon, but it's the person who holds onto that weapon who is there to do a malicious act and who obviously, we can tell by the tragedy that happened in Buffalo, that this was a deranged person. It wasn't the gun, it was the person who was pulling the trigger. So I'll be voting against that, but I appreciate the sponsor and I appreciate your

intentions, and I appreciate your time. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Durso.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. JACKSON: I yield.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. DURSO: Thank you, Ms. Jackson. I'm sorry, I'm going to ask two quick questions, I hope you didn't answer them already.

MS. JACKSON: Don't be sorry.

MR. DURSO: So within the permit process for a new -- new gun purchase permit, what goes into that process?

MS. JACKSON: It's an application, background check, fingerprinting; that's it, yeah.

MR. DURSO: Okay. So you technically can apply for a new purchase permit and be denied, correct? Obviously.

MS. JACKSON: Yeah.

MR. DURSO: Okay. And what would you be denied for? Obviously background check, could be mental health issues, could be felonies, could be a number of things, correct?

MS. JACKSON: Correct.

MR. DURSO: Okay. So now you also said that this

goes for new purchases only. So let's say --

MS. JACKSON: And possessions.

MR. DURSO: I'm sorry?

MS. JACKSON: And taking possession.

MR. DURSO: And taking possession, I apologize.

So let's just say if I previously owned semiautomatic weapons, I'm allowed to keep those, correct? Those are not something that fall under this purview, it's for new purchases or new taking of possession.

MS. JACKSON: New taking of possession, new purchases.

MR. DURSO: Okay. So let's just say I had ten semiautomatic guns; I don't, I'm just saying, using it as an example. Let's say I had ten of them. I have them legally as of right now. I go out to apply for a new purchase permit and I fail, right? I am denied a new purchase permit under the provisions of this law to where they say I don't pass my background check. Do I now get to keep those semiautomatic weapons that I have already had previously?

MS. JACKSON: That's a great question. This bill does not speak to that -- that exact question, so I'm going to write that down. But that's good.

MR. DURSO: So as of right now -- so you're saying the bill does not speak to that. So as of right now, I could have ten semiautomatic weapons, fail a background check for a new one, not get that, but I get to keep -- so as of right now, no one's coming to take my semiautomatic weapons that I failed a background check for under

this bill, correct?

MS. JACKSON: It -- under this bill, you're asking will they go backwards and take possession of it. This bill does not do that, does not take possession of your previous owned.

MR. DURSO: Right, just only new purchases.

MS. JACKSON: This bill wouldn't do that.

MR. DURSO: Just for new purchases, correct? Just only new purchases.

MS. JACKSON: New purchases and new possessions.

MR. DURSO: Correct, that's -- I just wanted to get that on record. So if I have, I won't use a number again, numerous semiautomatic weapons in my possession, I now fail a new purchase required permit, fail that for mental health issues, background check, felony, any of those matters, I just can't buy a new one, but I could keep all the other ones I have --

MS. JACKSON: I'm going to speak to this bill.

MR. DURSO: -- as of right now.

MS. JACKSON: I'm going to speak to this bill --

MR. DURSO: Yes.

MS. JACKSON: And say that this bill requires you, moving forward with the purchase or possession of, you have to be 21 years old and licensed to have a semiautomatic rifle.

MR. DURSO: Correct. But we're not going after the ones they previously had.

MS. JACKSON: Not this bill.

MR. DURSO: Correct. Thank you, and I appreciate your time. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Ashby.

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

MS. JACKSON: I yield.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. ASHBY: Thank you. One of the things that caught my attention earlier was a speaker that was asking about members of the military and they would be -- they would be exempt because they had training, correct?

MS. JACKSON: There are some exemptions, yes.

MR. ASHBY: Okay. And so those -- those who are -- those who are serving, those are who in law -- those who are in law enforcement would be exempt because they have specific training regarding this.

MS. JACKSON: Right.

MR. ASHBY: So I guess my question is, for those who don't and they apply when they're 21 and they're absent of training, what -- why -- why is 21 now a number where they're somehow equivalent or on the same par with those who don't -- who do have the training, and they -- and they are essentially lacking.

MS. JACKSON: Right. So you and I can craft a new



bill to deal with training, enforcing training, but with this bill and the exemption that exists, they are the first step we're going to make in the right direction of making sure that people are well-equipped to handle a semiautomatic rifle. So I hear your question. This bill doesn't speak to that.

MR. ASHBY: I -- I appreciate -- I appreciate that response. And, you know, one of the things that I noticed is that when we were talking about the process with this and how it's going to mimic handgun permit process and applications is that's typically handled through the counties, right? And it's funny in -- in Upstate New York when you talk to people who live in different counties, the discrepancies or kind of differences and how that process is handled, how -- how timely it is, the different types of permits that they can acquire through that. Do you envision this process looking like that, as well?

MS. JACKSON: It'll be exactly the same as a license for a handgun if it's a pistol. So it'll be the same process. We're not changing, we're not adding, subtracting --

MR. ASHBY: To be more --

MS. JACKSON: -- dividing.

MR. ASHBY: -- specific, I guess, so there are unrestricted and restricted permits for handguns, a concealed carry, unconcealed carry. It would be difficult to conceal --

MS. JACKSON: Is this --

MR. ASHBY: -- a -- a -- a long gun, but would there

be different types of permits with this or is it just one?

MS. JACKSON: This is -- this speaks -- this is -- does not speak to conceal or unconcealed. This speaks to licensing, licensing and purchasing and possession, taking possession.

MR. ASHBY: Thank you, Miss -- thank you, Madam Sponsor.

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. ASHBY: I think we have an opportunity here to address something that's missing in my estimation in -- in training. And it's something that when we look across the board sometimes I think we -- we're missing -- we're missing the mark for lack of a better term, no pun intended. But it's essential that we take a -- a stronger and kind of harder look at this because I think there's a lot of people out there who maybe apply for a permit or there's some misunderstandings when they're going through the process, and then they may not even actually handle a firearm, the firearm that they're trying to purchase, while going through the permit process. And there is an organization out there that helps with this training and it's the NRA. And I know that there's a lot of people in this room who have mixed feelings on this, but they -- they are an organization that promotes education and promotes training, and can be underutilized in this -- in this fashion. So instead of being a political flash point, they could be in some ways part of the solution, and I hope we take advantage of that. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr.

Montesano.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. JACKSON: I yield.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. MONTESANO: Thank you. I just want to ask a question or two, because either I lost it in the debate that was going on or it wasn't specifically asked. So currently, people have a -- a carry permit to carry a concealed weapon, some of them it's for premises, whatever it is, but they have a pistol permit to possess and carry a pistol. And as you heard through some of the people that were speaking before, it's a very arduous task to obtain one. Under this -- under this bill if a person already has one of those permits, can that semiautomatic rifle be added to that current permit?

MS. JACKSON: You are correct.

MR. MONTESANO: Okay. Because under the -- under current permits, you could have anywhere from one to ten to 15 guns, you know, on your regular carry permit. So if you already possess a permit, like the -- the member addressed before, indicated he had one, he's able to go get the new semiautomatic rifle and have it added to that current permit then?

MS. JACKSON: And just so we're clear, this is a license to purchase or to take possession, so this is not about conceal and carry, so...

MR. MONTESANO: No, I understand that.

MS. JACKSON: Okay. Okay.

MR. MONTESANO: But -- but most pistol licenses, it gives you that authority. And most people just have them in their house, but it gives you the authority to go to the store, the firearms dealer to acquire the pistol and then to possess it. So I'm just asking if you already have that type of permit, can the semiautomatic rifle be purchased and possessed on that permit.

MS. JACKSON: It's this -- the semiautomatic rifle can be added to your license that already exists. That is -- that's the answer to the question.

MR. MONTESANO: Okay. Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Miller.

MR. MILLER: Thank you, Mr. Speaker. The speaker before me asked a question that I was going to ask, and I just want to ask it one more time just so I'm clear.

ACTING SPEAKER ZEBROWSKI: Ms. Jackson, will you --

MR. MILLER: Will the sponsor yield?

MS. JACKSON: I yield.

ACTING SPEAKER ZEBROWSKI: -- will you

yield?

MS. JACKSON: Yes.

ACTING SPEAKER ZEBROWSKI: She'll --

MR. MILLER: Okay.

ACTING SPEAKER ZEBROWSKI: The sponsor will yield.

MR. MILLER: Okay. Again, I'm -- I'm a pistol permit holder. I can go to the gun dealer and buy a semiautomatic rifle with that permit, I've already passed all the background checks and everything because I'm a pistol permit holder. Will that -- I can go and buy that gun, that semiautomatic at a gun dealer; will that expedite the process?

MS. JACKSON: I don't -- there's no expedited process. I -- I -- I'm not sure -- I'm not sure how to answer your question because what this bill is going to do is allow you to be licensed, right? And if you have a license already, you will then be able to add your semiautomatic rifle to your existing license.

MR. MILLER: So --

MS. JACKSON: So whatever the process is, I don't know it's an -- if you're calling it expedited or not, I don't know how you're using that --

MR. MILLER: Well, I won't have to go --

MS. JACKSON: -- language.

MR. MILLER: -- apply for another semiautomatic rifle permit.

MS. JACKSON: It's not a separate license, if that's the question.

MR. MILLER: It would be allowed to be put on my pistol permit.

MS. JACKSON: Say that again?

MR. MILLER: That rifle would be allowed to be put on my pistol permit.

MS. JACKSON: It's a license. So to -- it's a license to purchase or take possession, right? So if you -- when -- when you're going to purchase or take possession and you have a license, then you're going to add this semiautomatic rifle onto said license. The same process that exists for purchasing a -- getting a license for a handgun exists for a semiautomatic rifle.

MR. MILLER: Okay. So there's going to be two different --

MS. JACKSON: There is --

MR. MILLER: -- permit -- permits to do if -- if I'm already, again, if I am already a pistol permit holder, will that pistol permit be used, modified, to add a semiautomatic rifle to that?

MS. JACKSON: I think we are -- I'm going to say this: This bill is going to allow you to be 21 and licensed and having a semiautomatic rifle. If you already have a license for said handgun, then you would then be adding -- the same process you went through for creating of a handgun license and you added more handguns to that license, think -- you -- if you want to possess, purchase or take

possession of a semiautomatic rifle, you'll be doing the same thing.

MR. MILLER: Okay. So -- so again, for my -- for my question again, I -- I'm a pistol permit holder. Will I have to go get another permit to get a semiautomatic rifle and go through the permitting process all over again to obtain -- to obtain the rifle permit?

MS. JACKSON: If you're a licensed with a handgun and you get a second handgun, do you have to go back and get another license for another handgun?

MR. MILLER: No.

MS. JACKSON: Okay. So this license is specifically so you can have a semiautomatic rifle.

MR. MILLER: Okay. So the pistol permit license could be used for -- for two -- for two different type of guns.

MS. JACKSON: This is a license to purchase and take possession.

MR. MILLER: For -- for a handgun and a rifle.

MS. JACKSON: I'm sorry?

MR. MILLER: I -- I think we're asking two -- okay. Let me see if I can ask this a different way. Will a handgun permit be -- be able to be used to be -- to buy a rifle?

MS. JACKSON: No.

MR. MILLER: I have to go through the permit process again, eight, ten, 12 months to get my permit to buy a rifle at that point?

MS. JACKSON: To buy a semiautomatic rifle?

MR. MILLER: Yes.

MS. JACKSON: You're correct.

MR. MILLER: Okay. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Lavine.

MR. LAVINE: On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. LAVINE: To -- to the extent that anything I might say might ever be considered in terms of legislative intent with respect to this bill, which I think is a really good bill, I do want to say this: An example was offered about what happens if a young person is hunting with a youth hunting license, and hunting with an adult or a guardian and the adult or guardian has a semiautomatic rifle purchased subsequent to the passage of this -- of this law. And I assume it will become a law, if I'm -- if it isn't, no one's going to care in the least, as if anyone does, about what I think is legislative intent. The law will deal with purchasing or taking possession of semiautomatic rifles. Now, I take "taking possession" to mean the exercise of real dominion control, ownership, and exclusive dominion and control and ownership over a semiautomatic rifle. I don't intend or want anyone to be prosecuted who is out youth hunting with a young person who has one of these rifles to be prosecuted, or for the young person to be prosecuted. I -- I don't think this law should touch on -- on those circumstances or deal with those circumstances.

But secondly, now that may make some of my friends on the other side of the aisle happy, I -- this is just the way I see it.



But what I'm going to say now may not make them happy, and it deals with the question of case of Jones v. Bonta at the 9th Circuit in California. Decided by a three judge court, the two Trump appointees -- the two --

(Comment from the floor)

Oh, you know, you could -- you can groan if you want, but this is the truth. The two Trump appointees wrote the decision. Now, it cites the Heller case, the Supreme Court Heller case decided by Justice Scalia, no less than 39 times. Now, Hofstra Law School's legendary professor Leon Friedman knew Scalia for many, many years. And after Heller was decided, Friedman saw Scalia, old friends, and said to him, *What are you doing in this decision? What are you doing? What do you think you're doing, you're opening up -- opening up the floodgates to lunacy.* Scalia says, *Read the decision. Don't you remember this language? The Second Amendment is not absolute.* Those are Scalia's words. Scalia then looks at Friedman and says, *You know Leon, we know each other a long time. I -- I'm an originalist, but I'm not a nut.*

Now, I wonder if this overreliance on some of the language in Heller is opening up the floodgates to the lunacy that Professor Friedman feared and apparently that Scalia feared, as well. We are in a crisis. There's no question about it. And when I listen to my colleagues who I like and respect on the other side of the aisle, what is the answer? What is the answer to these murders? Well, the answer is obviously more mental health care. Well, that's interesting.

The other answer is the death penalty. But the death penalty to me has always been sort of the situation of, you know, what do you do with the -- the cows after they've escaped from the -- from the barn? It's already too late, the damage is already done.

So what I want to say is this: We must work together, but from the other side of the aisle, we are going to need some strength in common sense gun safety regulations. The other answer I hear from the other side of the aisle is simply this: We have a problem, more guns. More guns. But to me that's like throwing a case of bottled Perrier at people who are drowning. Let's work together to try to figure out what we can do to adopt some common sense gun safety regulations throughout the United States, or what will happen is this: The Bonta case said people under 21 are Second Amendment entitled to possess weapons, to possess guns. But what do we do now with the Federal limitation on requiring that you can't have a handgun if you're under 21? Well, does the Bonta language not apply? Where are the limits, I ask you on the other side of the aisle? Where are the limits and how many more Americans must die? How many more of our children must die before you finally see that there must be some limitations involved here.

MR. LEMONDES: Thank you, Mr. Speaker --

ACTING SPEAKER AUBRY: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

MS. JACKSON: I yield.

ACTING SPEAKER AUBRY: The sponsor is there and ready to answer your questions.

MR. LEMONDES: Thank you. I know it's late, it's been a long several days, but with respect to this particular bill could you address how this would impact out-of-state recreational hunters coming into New York? We rely heavily Upstate on -- on income from not only hunting, but fishing, all outdoor sports. Much of that income for our rural communities is derived from out-of-state hunters.

MS. JACKSON: So in New York State once this law -- once this becomes law, you have to be a licensed owner of a semiautomatic weapon, you have to be 21 years old. Semiautomatic rifle.

MR. LEMONDES: So if I -- if I hear you correctly and understand what you're saying, that person regardless of where they're coming from will be held to that New York State standard of stringency.

MS. JACKSON: This -- if they're going to purchase here. This -- this bill speaks to purchasing and taking possession of. So if they're going to purchase here, you have to be 21 and licensed. If you're going to take possession here, you have to be 21 and licensed. That's what this bill speaks to, this bill.

MR. LEMONDES: So let me ask another question and then I'll come back and make a comment on that. Casual sales, I want to sell my old farm gun to my colleague right next to me. What's the -- what's the mechanism for those sales? Or to a family member,

or to a neighbor or to whomever?

MS. JACKSON: For a semiautomatic rifle?

MR. LEMONDES: Correct.

MS. JACKSON: How to sell your weapon to someone else. One second.

So in this bill text, just so you know, it says a person is guilty of criminal sale of a semiautomatic rifle when knowing or having reason to know it is a semiautomatic rifle, he or she sells, exchanges, gives, or disposes of a semiautomatic rifle to another person and such other person does not possess a license to purchase or take possession of a semiautomatic rifle as provided in subdivision 2 of Section 400 of this chapter. So you should not be selling to someone who doesn't have a license.

MR. LEMONDES: Thank you. Thank you. I appreciate that.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LEMONDES: So I don't know even where to start. This is so far reaching from the simple perspective of undermining 200 years of our hunting heritage, which you can read in the -- on the cover or the inset of the -- of the DEC hunting regulations. It flies in the face of -- of families. It flies in the face of using weapons on farms for predator control. It flies in the face -- we're this late in the debate and nobody's mentioned the Civilian Marksmanship Program which does the training that we're all talking

about. It's been established for, I don't know, 50 years. How well was the homework done on this before this was done?

I want to address my colleague's comments about sensible control and saving lives. As I've said previously, if you're going to stop a problem, you have to stop it at its source. You can't pick and choose. You can't stop the wave by jumping in the center of it. We have -- no matter what happens here in New York, thousands of weapons, illegal aliens are crossing our border every single day, bringing with them enough fentanyl to kill thousands of people. One kilogram has the potential to kill 500,000 people. According to the DEA, Department of State, CDP and CDC, drug overdose deaths increased 28.5 percent exceeding 100,000 between April 2020 and April '21. And we're not talking about that at all. We're just letting that happen as if we don't care about securing our borders and stopping people from dying on our streets here in New York where these drugs and illegal weapons are ending up amongst every other city in the country.

Sanctioned violence in our own State, letting rock -- mobs and rioters destroy our businesses and city blocks, depriving the police of their ability to do their job to protect us. That was all okay. Our party didn't do that, I can assure you of that.

Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker.

Will the sponsor yield for a few quick questions?

MS. JACKSON: I yield.

MS. PALMESANO: Thank you, Ms. Jackson. I've been listening to the debate and I've been talking to some colleagues. I just wanted to clarify for my own understanding just to hear from you directly, if I may. I -- I heard what you said about purchase and take possession. So now, once this bill becomes law, to be able to buy a semiautomatic firearm, say like a .308 which is a -- has like three or four cartridges that many people use for hunting. Now to be able to purchase that, you would have to be 21 years old and be licensed; is that correct?

MS. JACKSON: Right here in the State of New York, you are correct.

MR. PALMESANO: So now a number of, like, we talked about the youth hunting programs that are out there, a number of younger people hunt big game and we've changed the law to allow rifle hunting in the State of New York. I'm trying to understand just to -- to reconcile like, you know, whether I'll say it's a family member, say their son has a .308 semiautomatic weapon that they use, with cartridges like three or four shells that goes in it and they've used that to hunt. They have possession of that now. Under this law now, would that -- if this individual is 17 or 18 years old, or 16 years old and they go hunting, would they be able to use that rifle to hunt now or would they will be prohibited from hunting now with that rifle that they've had, have been legally able to hunt with for years; are they now prohibited from using that rifle to -- to hunt in the State of New

York?

MS. JACKSON: This bill speaks to the purchasing and the taking possession of.

MR. PALMESANO: So that -- I guess maybe I get -- maybe I get -- maybe that's where I'm getting into the possession, what's -- what is possession? Is it possession after the purchase or is it possession, just having the possession like if, say, it's my son or someone else's son or daughter even, because we have a lot of young ladies who hunt now, especially Upstate New York, especially in the Southern Tier, so could that 16- or 17-year-old son or daughter use a .308 semiautomatic rifle to hunt if they've had that, it has been in their possession, is that what you mean by possession? I mean that -- I guess -- I guess -- I guess I understand the purchase, that's pretty self-explanatory. I think where I'm getting confused and I just really want to have a better understanding is when you talk about possession, not just on the purchase and possession, I'm talking about something that we have possessed, we may have possessed for many, many years and it was legal but now under this bill, because we've had that firearm in our household or that family had that firearm in this household, are they now -- is that now, that individual, that young person banned from possessing that firearm to hunt in the woods?

MS. JACKSON: The possession is like as if gifting. So if -- if one is to gift a semiautomatic rifle to another this is -- this law speaks to that.

MR. PALMESANO: I'm sorry, I didn't hear you. It

was -- it was a little loud. So they said if -- and I wasn't talking about gifting I'm just --

MS. JACKSON: Moving forward -- so moving forward, if I want to gift my semiautomatic rifle to my son, daughter, neighbor, under this law this person needs to be licensed and 21 years old -- well, to be licensed, you have to be 21. So to be licensed and 21 if I'm going to allow you to take possession of said -- said --

MR. PALMESANO: Of an existing -- of an existing semiautomatic weapon that -- that was in their possession before this bill, this law would come into effect, correct?

MS. JACKSON: Just for clarity, this bill does not -- this bill is -- is moving forward, it's not what is in existence today. So moving forward, enacted into law, if I'm going to -- if -- if you're going to purchase or take possession of, you need to be licensed for a semiautomatic weapon.

MR. PALMESANO: All right. So let's say -- let's -- let me just go back -- let me go back to that point. Again, I apologize to my colleagues, I know it's been a -- a long debate, I was really, really -- I wasn't -- I didn't think I was going to debate this but I just really want to kind of understand it for more clarification. So say I have a .308 semiautomatic rifle that I use to take out in the woods to hunt. And then, you know, my son turns 16 or 17 and I say, *Hey, you know what* -- now this bill goes into effect, it's in law. Now, he wants to go out -- go out into the woods, can I give him that firearm to go out in the woods and use that .308 semiautomatic to hunt now that this



law is on the books? Now he could because there's -- this law isn't on the books. Would he be able to use that firearm and have that in his possession to use that when he hunts?

MS. JACKSON: So this law speaks to the gifting of it, meaning I'm changing my ownership to someone else's ownership. That's what this speaks to.

MS. PALMESANO: So when you say gifting, I mean, so I'm -- how do you clarify whether it's gifting or not, or whether they're using the firearm? I mean, can he use the firearm? Would he be able to use the firearm because, I mean, how do you know if it's a gift or not? I mean, if it's in the family. And if it's -- if I have that firearm, how do you know whose -- if it's a gift or if it's just he's using that firearm. Can he -- can he use that firearm in the woods if it's not necessarily a gift, if he's just using it from the family perspective. He had -- he would have that in his possession, would he be allowed to use -- would he be allowed to -- would he be allowed under this new law to use this .308 semiautomatic rifle to hunt in the woods if it was in our family's possession or some other family's possession and we -- he was using that before. Would they be able to use it now?

MS. JACKSON: So I'm going to give you just the bill text so we're clear: A person is guilty of criminal sale of a semiautomatic rifle when knowing or having reason to know it is a semiautomatic rifle, he or she sells, exchanges, gives, or disposes of a semiautomatic rifle to another person and such other person does not

possess a license to purchase or take possession of a semiautomatic rifle as provided in the subdivision.

MS. PALMESANO: So --

MS. JACKSON: On like a permanent basis. It's not like you use today, I use tomorrow.

MR. PALMESANO: So I -- but under this new law then, I -- if I wanted to give that -- say my son turns -- is turning 18 and I said, *Hey, you know what? I'm going to get my own new firearm, I want to give this to you, I know you like this rifle; it's yours to use and go hunting with.* Now under the new law, he would not be able to use that semiautomatic rifle to hunt?

MS. JACKSON: Under this law if you're going to gift, give, that person needs to be licensed to have a semiautomatic rifle under this law.

MR. PALMESANO: And be 21 years old.

MS. JACKSON: Yep, that's part of the law.

MS. PALMESANO: So even though this -- even this individual, even though it's my son or daughter or someone else's son or daughter have been using this firearm for a number of years or have been legally using it for a number of years to hunt, which is a very active thing to do in Upstate New York, now they basically would not be able to do that until they're 21 under this law, correct?

MS. JACKSON: I didn't follow the whole thing, but if they're going to take possession of long-term, they need to be licensed and 21 years old.

MR. PALMESANO: But like they wouldn't be able to be licensed until their 21 so --

MS. JACKSON: They would not be --

MS. PALMESANO: -- they'd have to wait three or four years before they could use that firearm again.

MS. JACKSON: You got it.

MR PALMESANO: All right. Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MS. PALMESANO: Yes. I won't say a lot. I just think this is a far reaching, overreaching piece of legislation. I understand what's trying to be done here, but there's going to be a significant impacts across the State to families to -- we can talk about the Second Amendment, but we can also talk about hunting and sportsmen. This is going to be a problematic, this is going to be of great concern to families and what's being done here with this legislation. And I don't think at the end of the day this is going to make this State and people any more safe. The fact of the matter is criminals steal guns, criminals steal ammunition, they're not going to be looking to buy it at the store, they're not going to be looking to register, they're not going to be paying attention to microstamping and things of that nature. But I just think from just the conversation I had, I think it just brings more confusion, more concern to -- an overstep from a broad perspective, because we're not even talking about the AR

15, we're talking about rifles that are used for hunting. And now those rifles aren't going to be able to be used for our young people who we want to encourage to get into sportsmen activity, that we want encourage to be out in the woods. It's a -- it's a healthy, it's a traditional activity in Upstate New York. In Steuben County, we take more deer than I think many other counties in the entire state. My son hunts, I know family members that hunt, and they -- some would like to use a semiautomatic .308 with three or four cartridges in it. I just think this is just sending a -- it makes for a good press release that we're going to be tough on crime, but it's not going to make a difference. But you are, at the same time, making a major impact on law-abiding citizens and families who are trying to really enjoy the outdoors, and it is making an impact on -- on the hunting community with this issue because they will not be able to use these firearms to hunt based on at least the way I understood the conversation.

But I think there's a lot more confusion around this. I think there's going to be probably challenges to this legislation, but I just think going in this direction is not the right approach. There are more important things -- other things we can be doing. This wasn't even narrow. This is -- the scope of this is so broad and firearms that are used basically for hunting, not an AR 15 as many on the other side want to talk about, these are just rifles that are used in hunting, semiautomatic, that aren't going to be able to used by young people any longer because of this legislation, this law on the books. I just think that's a really sad thing, what it's going to do to families and

those traditions that they enjoy. I just think it's a step in the wrong direction. I know many are going to claim this is about safety. At the end of the day, this is going to -- isn't going to make families and communities any more safe. I just think you're taking this in the wrong direction. Forget about the fact that many 18, 19 and 20 years olds are sent off to war to fight to protect us and our freedoms and this might have an impact on them, barring any possible exemptions that might be in place.

I just think it just sends the wrong message. I get why it's being proposed because of the tragedies that happened that should have never happened. But the impact of this is going to be much more far reaching and, at the end of the day, it's not going to make a difference on impacting the safety and well-being of people in this State. So I'm just very, very concerned about this and I'm definitely going to be voting in the negative on this bill and I'm sure a lot of my colleagues will, as well. Thank you.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Would the sponsor yield for some questions?

MS. JACKSON: I yield.

ACTING SPEAKER AUBRY: Ms. Jackson yields, sir.

MR. BYRNE: Thank you, Ms. Jackson. So a couple of questions, and I don't want to be redundant so I'll try to get to the point here. I know we have a lot of different laws that are structured

based on different ages; 21 to drink, 18 to vote. But there's always been one that sticks out to me that's important as a male resident of the State and as an American. Do you know how old that a male citizen has to be to register with Selective Service?

MS. JACKSON: No, you can tell me.

MR. BYRNE: Eighteen years old.

MS. JACKSON: Thank you.

MR. BYRNE: To be potentially conscripted into a draft if the President of the United States or Congress decides to reinstitute a draft. Not very common, haven't had it, thankfully, for a really long time. But 18 years old is apparently, under our current State and this nation, old enough, mature enough to be potentially drafted into the United States military. So I just think that's a really awesome responsibility and, you know, for what people have the capacity to do at 18 years old. That was just a point I wanted to make and to see if you were aware of that. I don't think it gets brought up enough.

You also mentioned several times -- and again, I'm sorry if I'm being redundant here -- this is moving forward and it's about possession or the sale for people purchasing. They need to be 21 and older and will require a license for a semiautomatic rifle or pistol, correct?

MS. JACKSON: A semiautomatic rifle.

MR. BYRNE: Right. Yes, okay. We already have pistol permits. So, I'm not a very big, you know, gun owner. I am a

gun owner, have a pistol permit. Always been a big defender of the Second Amendment. Based on constitutional purposes, I like to know that I have the right to possess a firearm. So this is kind of my question, too. Where does someone like me fall? I know I look young but I'm 37 years old so I'm allowed to have a firearm under this bill. I already have the pistol permit. I don't necessarily want to go through the whole rigorous process of getting another permit, but you're saying we're grandfathered in. So if I go out and buy a semiautomatic rifle right now I don't need a license, correct?

MS. JACKSON: After this is effective you're going to need to be licensed to have your semiautomatic rifle.

MR. BYRNE: Not to have. You said possession or sale, correct?

MS. JACKSON: To take possession.

MR. BYRNE: To take possession. But if I already -- if I'm grandfathered in because I already have a semiautomatic rifle, I'm -- I'm grandfathered in; is that correct?

MS. JACKSON: I'm not using those terms. I'm saying exactly what the bill speaks to, and it speaks to the sale and possession of, take possession of. So once it's enacted you're going to need to be licensed to have your semiautomatic rifle or to take -- to -- to sell it or to have -- to take possession of it. And you --

MR. BYRNE: Is there a mechanism for people to go out and recover all the semiautomatic rifles in our State?

MS. JACKSON: Not in this bill.

MR. BYRNE: So if they don't take possession, is your intent for them to just stay in their locked safe in their home?

MS. JACKSON: I don't have an intent for anything that does not come out of this bill.

MR. BYRNE: Okay. So again, I can buy a semiautomatic rifle today without a license, as someone who's 37 years old, will pass a NICS check no problem. And this bill does not take effect until 90 days after the Governor signs it, Correct?

MS. JACKSON: You're correct.

MR. BYRNE: So I'll have 90 days after Governor Kathy Hochul signs this bill to buy a semiautomatic rifle --

MS. JACKSON: No.

MR. BYRNE: -- without a license?

MS. JACKSON: Meaning can you do it before the 90 days -- can you buy it without a license before the 90 days currently?

MR. BYRNE: Yes.

MS. JACKSON: Yes.

MR. BYRNE: That's good for people to know.

Thank you.

ACTING SPEAKER AUBRY: Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ABINANTI: There -- there's been a lot of



questions asked in -- in many different ways, and the conversation I think has gotten quite confusing. I see this bill as something that's actually quite simple. The bill on the -- on its face adds to the section that now requires a handgun license the requirement that when you take possession, when you take ownership, when you take control of a semiautomatic weapon, a rifle, you must have a license. That's why the sponsor keeps saying over and over again, you're looking to the future. It is not talking about handling a firearm. It is not talking about what you already have. It's looking to the future to try to make sure that those people who acquire these weapons are licensed. So that means, in my mind, a young person who goes out with his father or mother or her father and mother to go hunting and the father or mother is there with them, that young person can share the use of that weapon. But the young person cannot acquire that weapon because that young person is not 21 years old. So what we're talking about here is who's in charge. The whole object here is we don't want weapons transferred to young people. Why? Just take a look what's happened over the last few weeks. We've had young people misusing these high-powered weapons. We're hopeful, and we can't guarantee that adults don't make the same mistakes and don't do the same -- we're hopeful, though, we can minimize the damage by young people. And so this bill is intended to keep the ownership to prevent young people from taking control and possession of a -- of a new weapon into the future.

Now, my colleagues have spoken about other age

requirements. I want to suggest that comparison of age requirements from category to category is not relevant. Each one of the categories we're talking about has different requirements, different needs. You talk about going into the military and handling a weapon when you're under the supervision of others. The weapon is owned by the Federal government or by the State and you have trained people teaching you how to properly handle it. One of my colleagues also talked about this is an opportunity to insert into the law a requirement for training.

Well, we in Westchester County, as result of the Abinanti law that was passed in Westchester County on a Home Rule message that was then passed here in the Legislature in 1997 requires that when you get a permit in Westchester County you have to demonstrate proof of training, that you took a course. And there's an Abinanti bill pending here which would remove the words "in Westchester" and make that a Statewide requirement. So I'm looking forward to some of my colleagues joining me on that bill because I agree that one of the problems we have is people do -- often do not respect the power of the weapon and they get injured, as I've been told many times by -- by some of my friends who are gun owners and who are parts of gun clubs that the main concern they have is people hurting themselves. I've been to the Police Academy when I was a county legislator and they showed me how to shoot a gun. And they were so careful with their instruction on how you handle it, and that is very important. I've heard of many people who would get injured just trying to load their own gun, so training is very important and we've got to start very

young. But that's not what this bill is about. This bill is to make sure that from -- from this point forward, when the bill is signed forward, that the acquisition of one of these weapons is restricted to those who get a license, who are approved by the authorities and who, like all licenses for guns, are over the age of 21.

So I commend the sponsor of this legislation. I think it is time that we started to be very much more careful who we give high-powered weapons to. So I thank the sponsor and I support this and urge my colleagues to support it.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9458. 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 yes here on the floor or by contacting the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Democratic Conference is generally going to be in favor of this piece of legislation. There may be some chances that there are some folks who would not be in favor. They have the opportunity to call the Majority Leader's Office. We'll make sure their vote is properly recorded.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

To explain her vote, Ms. Jackson.

MS. JACKSON: Thank you, Mr. Speaker, for allowing me to speak on this bill. This bill focuses on the sale and taking possession of a semiautomatic weapon and asking that you be licensed and 21. What we have experienced in our own State is an 18-year-old who was able to purchase a semiautomatic rifle and kill ten people. What we have experienced in our country is that another 18-year-old was able to get a semiautomatic rifle and killed babies. And you all -- we all offered thoughts and prayers. And when we finally decide that we're going to do something about it the question becomes, *Oh, well what about the First Amendment -- what about the Second Amendment?* And this bill does not hinder upon the Second Amendment rights. We're just telling you that if you want to own a semiautomatic rifle in this here State, you need to be licensed and 21

years old. We know that in a number of mass shootings we have seen this same exact weapon being utilized. So we are making steps in the right direction to deal with these -- these issues. It was mentioned a few times, you have to be 21 to get a carton of cigarettes. You have to be 21 to buy alcohol, to get into a club, to -- to use recreational marijuana, to gamble and all this other things. And while I would say you need to be 25 for such -- to use -- to utilize a weapon because that's when the brain is developed, we are saying that you need to be 21. And I don't think that this should be debated, but it was. And here we are today, I'm asking that -- first I want to thank the Speaker and thank everyone for helping with this piece of legislation and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Jackson in the affirmative.

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. I noticed the -- the sun is down on what was supposed to be our last day of Session here, but even though the sun has set the United States Constitution still applies. Even though the constituents have in large part been removed from this building and aren't present in the Chamber, the United States Constitution still applies. In debate this is talked about as a first step or the latest step or the next step. I truly believe that there are many whose goal it is to allow only agents of the government to be the ones who possess guns. That was not the intent of the Second of our Bill of Rights in the United States Constitution.

And as members are casting their vote tonight after sunset I would remind you that the United States Constitution still applies that when you took this office you raised your right hand and you swore an oath. You also signed your name to an oath of office that you would defend that Constitution, and here you have the opportunity to defend its principles and vote no on this bill. That's what I'll be doing and I encourage my colleagues to do the same.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. I want to commend the sponsor for this bill and our Speaker, our Conference and our staff for the work on passing a package of bills to curb the use of guns on our streets. Like many of my colleagues, I have had tragic shootings in my district. Young people, mothers, children, family members we will never see again. It must stop. With the passage of this bill, among others, today we are leading on behalf of the lives of New Yorkers at a time when our Republican colleagues would rather stand with the NRA. We are acting at a time when our Federal government is still unable to address the Iron Pipeline and when we experienced over 230 mass shooting in the United States. Take that in. It's June 2nd. While I look forward to seeing a day without guns and without violence, today we are taking a necessary and important step.

I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker, to explain my vote. Today while I'm listening to the debate a new message came in just recently. There was five people shot in Racine, Wisconsin at a funeral. At a funeral where people were burying a loved one. Five people were shot. We've seen individuals shot in grocery stores, in medical centers the other day. At a funeral, at a school. And for me as an educator, just the thought in my capacity as a school principal to listen to news about children that were being shot in the classroom, and I can just envision my days under my supervision when there -- there would be such a tragedy. Unfortunately [sic], I've never witnessed that. But today is a time when whether it's a national phenomenon or a dilemma, it seems to be a battle cry where people are looking for polarization and crime is -- is rising to a level that I'm sure each and every one of us are upset with. So whether issues arise as to whether or not we can fix or fine-tune legislation, that's all nice and well said. But the bottom line is action needs to be taken, and legislation that the sponsor presented is a step in the right direction. And I -- I really strongly believe this is a not -- not a time for opposition, but rather a time to explain and maybe come up with more initiatives where we can continue to fine-tune it and improve it, but action must take place immediately.

So I vote in favor.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I just want to congratulate the sponsor and just say that we -- we feel in our hearts that we want to do something that makes a difference, and there is a difference between 18-year-olds and 21-year-olds. You are a little bit more sober, if you will, about -- and not as impulsive. And so I think that it's important for a change in the age, and I also think that people should be licensed. We license people with a very large deadly weapon called a car, and these are deadly weapons that you can carry around. And I know that there was some discussion about training, but on military bases, which happen to be Federal territory over which we do not have control, there is also the reality that they do not let you take it home. They lock it up. Even though you're being trained, at the end of the day they lock it up and keep it under lock and key and guarded. So I -- I think that there are reasons why we have to take some steps. And, you know, the Constitution is the Constitution, and we have originalists and they believe that we should interpret the Constitution in the way the words were meant when they were written. I don't necessarily agree with that, but that's what this court is moving towards. And so I believe everybody has the right to a musket. And so I think that this is a measured approach, asking that people just license deadly weapons that are -- that have been used and frequently



used to kill family members, frankly. So I think that this is -- or themselves, you know?

That's -- that -- I think this is a good bill and I am happy to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. How many deaths will it take until we know that too many people have died? Those are the words from a song that came -- that was famous many, many years ago but they're still true today. Every year over 30,000 Americans are killed by gun violence and some 80,000 are injured. And every time there's a violent gun rampage, we're all affected. Every violent incident diminishes our soul and sets the stage for the next incident. And tonight we are taking some important steps, but only steps on the long road to eliminating gun violence. Unfortunately, though, we seem to respond only to the last headlines. What we're talking about tonight is gun violence in all forms. Yes, we want to do what we can to minimize, minimize the chance of yet another violent outburst that kills a lot of people. But let's also remember that there are a lot of people who are killed every day by suicide, by mistakes of one child on another or some type of other problem with a handgun or a long arm or whatever. So what we're trying to do is little by little reach out and stop gun violence in every form. The bill that we are passing right now says that you need a

license to handle a semiautomatic weapon. Why do we want to do that? We want some point of contact, some prescreening before a person takes possession and control by themselves of one of these dangerous weapons. So this is just a piece of the puzzle that we're putting together to try to slow down the gun violence and ultimately stop the gun violence.

So, Mr. Speaker, I think tonight we're on the road to cutting back and to understanding that too many people have died. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Clark.

MS. CLARK: Thank you, Mr. Speaker. I rise to explain my vote. First I also want to commend the sponsor for her great efforts put -- pushing this bill forward and debating it here tonight. As the mom of two teenagers and -- and a pre-teen, I very much understand that the decision-making power isn't always the best at these ages and that raising the age is actually really a great -- a great thing to do in this instance and give our children a little more time to get a little more brain development and understand the responsibility that comes with gun ownership. I'm also a family member of many hunters and understand the need, the desire and the many people that do that, particularly in Upstate New York, and I think there's a way that we can do that together and understand that keeping people safe and making right decisions along with hunting can be done hand-in-

hand. We just watched President Biden give a speech on gun violence where he mentioned that in the last two decades, more schoolchildren have died by gun violence than on-duty police officers and our military forces. That is a staggering number that we need to understand and address. We cannot let our children down anymore. And I'm inspired as a mom of a 17-year-old who's obsessed with TikTok, of a dad in Oregon, an ex-Marine who was a lifelong gun owner who took his guns down to the police station to be destroyed because he said we cannot continue to raise our children in an ideology of gun obsession. We have to start making some decisions to move forward in a different way. And I commend him for going viral on TikTok with that message which I think in this day and age is so inspiring.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

Ms. Simon to express her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor for this bill and for her excellent debate. I also want to thank my colleagues who have spoken so eloquently about the need for this legislation. It is very, very clear that 18-year-olds are not 21-year-olds. It is also very clear if you read the Heller decision that this bill which will soon become law is in fact entirely within the Heller decision which was of course a decision passed by a very conservative originalist court. So I believe we are doing the right

thing here. Too many people have died, too many children have died and every single day we are losing over 100 people in this country. This has to stop, and this is a commonsense way to begin that progress.

Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Everyone in this Chamber is saddened and -- and wants to do what we can to reduce gun violence. There's no doubt about that. But there's a real disconnect, I think, between some of my urban colleagues and some of my rural colleagues. So, New York State according to the DEC has about 700,000 hunters, including about 50,000 people that come to New York State every year from out-of-State to hunt. 700,000. Upstate, our kids are taught about rifle safety from an early age, and as a result there are very, very, very few accidents out of 700,000 licensed hunters. By contrast, in New York City according to data last year there were five people shot on average a day. Five people a day. One hunter or two hunters a year out of 700,000 hunters. So there's a real disconnect. You look at FBI data, most recent data about 14,000 people were killed, murdered. About 10,000 from handguns. That's a horrific carnage, isn't it? Less than 300, 290-some, were with rifles. The number of people shot and killed in New York City with a rifle, typically less than one hand. I assume it's because it's too hard to

catch a cab or even Uber or ride on the subway if you're carrying a rifle. I don't know the reason, but this is not a solution. So we know that after this bill goes into effect there will be literally hundreds of thousands of rifles that we can't track that are out there Upstate that aren't causing a problem. But this bill will cause huge problems for those of us Upstate.

For that reason I can't support it, but I join my colleagues in looking for ways we can be helpful working together. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. A lot of people after the massacre in Buffalo were amazed and they said, *Well, Buffalo has demonstrated how -- how to react after you've been so painfully hurt. It's that you don't riot. You don't protest. You don't tear up your own community.* And that didn't happen because of people's thoughts and prayers. That happened because there was prayer on the site and there was street people on the site who were literally intolerant of anybody who was getting ready to do anything destructive while we mourned our dead. They wouldn't tolerate it. They wouldn't tolerate it from Black people, they wouldn't tolerate it from White people, they wouldn't tolerate it from anyone. And that's where there was not this massive rioting that generally happens when a White person walks into your community, shoots 13 people and kills ten of them. It's those same people who are all over

21, by the way, who might feel the need to have an AR-15. Why would they feel that need? It's because we live in a community where domestic terrorism lives as well. That's why that young man came there. And if you look at the Southern Poverty Law Center data, New York is full of domestic terrorism; 250,000 of them or so in the State. Five organizations in Western New York. So if you think people don't need to have the ability to have the same weapons that they have, then it's a misnomer because in a way, they do. And some of these same people who walked the streets after an 86-year-old woman was shot so bad she couldn't even be buried in a casket. Stop the violence from happening. What they said to me is, *Don't go passing any new gun laws that keep me from protecting myself*. I hear them on that. But the only reason I can support this is because it makes people feel better. Is it going to have a good result? I don't know. Because quite frankly the reason why those ten people are dead had nothing to do with a gun, it had all to do with hate. It had all to do with hate.

(Applause)

But that same hate has got to protect itself, too. So we can make people feel better. I'm happy to join you all in this, but I can tell you that much like other people want to spew their hate, some of us want to protect ourselves. Let's be clear.

And I want to commend Ms. Jackson on the way she debated this bill. Class act. Class act.

(Applause)

Thank you for helping us all to feel better.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative. I think TJ is in the affirmative, too.

(Laughter)

Mr. Goodell for exceptions.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Brown, Keith Brown, in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 669, the Clerk will read.

THE CLERK: Assembly No. A10504, Rules Report No. 669, Committee on Rules, (Burgos, O'Donnell, Jacobson, Griffin, Otis, Dinowitz, Burdick, Carroll, Glick, L. Rosenthal, Solages, Ramos, Fernandez, Lavine, Walker, Simon, McMahon, Zebrowski, Abinanti.) An act to amend the Penal Law, in relation to defining "firearm."

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

Mr. Burgos, an explanation has been requested, sir.

MR. BURGOS: Hi, Mr. Speaker. Well, I think we all know government has a tendency to be reactive instead of proactive. We see gun violence plaguing our cities, our states and our

communities daily, unfortunately. What this bill attempts to do is instead of being reactive, we're going to get more proactive. It's to expand the definition of a firearm because manufacturers are, frankly, outsmarting us and they're manufacturing, creating guns that unfortunately do not fall under the Penal Code, do not fall under our laws here in New York State. So this bill will attempt to expand that definition and help law enforcement, help everyone in the State feel a little bit safer and we can classify firearms more specifically.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I appreciate my colleague's explanation. And, indeed, it's very accurate, that's exactly what this bill does. It expands the definition of firearm to include almost anything that integrates a fire control component that is designed to or may readily be converted to expel a projectile by action of an explosive. The concern that I and many of my colleagues have is that definition is so broad it includes things that most of us here would probably not consider to be a firearm, and the most notable being a flare gun. And for those of you who are involved in marine safety, you know one of the State requirements for a boat is that you either have a handheld flare or a flare gun. And so inadvertently this bill would require every marine operator in the State of New York that has a flare gun to get a pistol permit in order to operate in accordance with



the law here in the State of New York or switch it out for flares. And I would look forward to working with my colleague, perhaps another version of this might exclude those routine flare guns that are mandated by other regulations in the State of New York for all the boaters who need to be safe while out on our waterways.

So for that reason I'll oppose it, but I look forward to working with my colleague to tighten the language a little bit so we don't inadvertently make criminals out of all of our boaters that use flare guns. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

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

MR. BURGOS: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Mr. Burgos. So the -- the definition -- during the consultation with you putting together the bill, was there any thoughts on -- because I -- in your explanation I -- you know, we talked about the shootings going on across our State, especially in New York City. Just recently we had a shooting in Coney Island where two groups were firing at each other and some of the pictures looked, you know, like there were some young people there. The -- the 16- and 17-year-olds that are in possession of a

firearm, if they're in possession of a firearm that fits under the definition of this, how would they proceed with that if they are in violation of this statute? Would that go to criminal court or would that go to family court?

MR. BURGOS: This is a definition bill so this would not change any implication of current laws on the books.

MR. REILLY: Okay. So then we'd have to amend the legislation to make that happen, right?

MR. BURGOS: You'd have to amend this legislation to make what happen?

MR. REILLY: Legislation that covers that.

MR. BURGOS: Covers what?

MR. REILLY: This bill doesn't cover that.

MR. BURGOS: No, this bill is just a definition bill.

MR. REILLY: Okay. Thank you, Mr. Burgos.

MR. BURGOS: Thank you, Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ari Brown.

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

ACTING SPEAKER AUBRY: Mr. Burgos yields.

MR. BROWN: Thank you. Everybody's heard me say I swing a hammer for a living but in truth I do a lot more than that. This bill, this law, will decimate the construction industry. In 1972,

one of the first tools my father handed me was a powder-actuated gun. In order for me to secure anything to concrete I'd load a little bullet and a heavy-gauge nail and I secure my -- my framing member to -- to the concrete base. In 1983 dad said, *Surprise, we don't have to use a 32-ounce hammer anymore. Something called a nail gun was invented.* And I'd take my nail gun with my compressor and Paslode even invented some of the gas cartridge and a battery and I could literally like a machine gun spray ten penny nails. It's a common tool used in the construction industry. If I go up on to a roof, thank God I don't have to have a pouch anymore with roofing nails. I have another gun. This definition is exactly the tools of my industry. It's the end of my industry. I'll be the only guy who still knows how to use a hammer and a punch and -- and do that because nobody's left anymore. I think we need to tighten up on this definition or else, like I said, it will be the end of many, many such industries.

I thank the sponsor for the thought and idea. It's tragically flawed. Please don't destroy the construction and other industries. And I thank you. I'll be voting in the negative on this one, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

MR. BURGOS: Gladly.

ACTING SPEAKER AUBRY: Mr. Burgos yields.

MR. DURSO: Thank you, Mr. Burgos. So just

following up on what my colleague said, is there a difference within this definition or is there carveouts or possibly different language in this for nail guns? I mean, something as simple as a flare gun like Mr. Goodell mentioned, are those the same definition the way that they're actuated or is it something to do with the inside of the mechanism that is placed?

MR. BURGOS: I appreciate the question, and I think the answer will help to clarify for the other questions raised and the issues raised by Mr. Brown. So the language states that is design -- this is designed to or may readily be converted to expel projectile by action of explosive, right? So the construction tools and even the flare gun would not fall under this definition because they don't actually have the action of an explosive. And that's actually defined by ATF.

MR. DURSO: So it's defined by ATF. So, a nail gun - and I'm forgetting the name now and it's a shame - but there's actually a -- a tool that you can hammer nails into concrete that uses what essentially looks like a bullet that has gun powder in it, I'm assuming. Would those still be allowed to be used under this provision?

MR. BURGOS: I'm not aware of the gun powder in that tool, but again, under ATF definition of a weapon and a firearm it's very specific in having to have an arm and hammer and explosive action, whereas, like, a flare gun and all the other tools mentioned may use a chemical component or may just use a projectile but it doesn't have that explosive action that makes it a weapon defined by

ATF.

MR. DURSO: So in just regards to like a flare gun, which has a hammer on it and then fires the flare, if you have a flare gun -- I'm not talking about --

MR. BURGOS: Yeah.

MR. DURSO: -- a handheld flare. So, a flare gun from your understanding from where the bill language is, would still be allowed to be used for marine purposes?

MR. BURGOS: Absolutely. Absolutely. And I think one point of clarity would be that flare guns have an ability to be modified and actually be used as a weapon, and this bill is very helpful in defending that. We actually had a case here in Albany just two weeks ago where someone was pulled over in a vehicle and they had a modified flare gun that had shotgun shells in it. So flare guns have an ability to become a weapon, but as their original design is they're not a weapon and not in this definition and not by ATF or Federal standards.

MR. DURSO: So if it's modified then obviously it breaks the law, but if this law is put in place, the change in the definition, a flare gun -- presently at Costco you can go buy it. As it's said right now it will not fit under this?

MR. BURGOS: No.

MR. DURSO: So a chemical reaction. This is more for my -- my personal use, but, you know, going to a Met game and there's a T-shirt gun that's used with, you know, the aerosol -- you

know, the air pen that's on it. Or something like a potato gun which is used with hairspray. I know you guys laugh, but I still have one from 20 years ago that we built which is used with hairspray. It's a chemical reaction. Those would not fall under this?

MR. BURGOS: We made to sure to protect all potato guns, confetti guns --

MR. DURSO: Thank you.

MR. BURGOS: -- air cannons, T-shirt cannons --

MR. DURSO: That's all I wanted to know. Thank you, Mr. Burgos. I appreciate it.

MR. BURGOS: Thank you, Mr. Durso.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9456. 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 bill for the reasons that have been discussed. But those who support certainly are encouraged to vote yes here on the floor or contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is generally going to be a vote in favor by all the Democrats. However, there may be some few people who would like to be an exception. Their votes are always welcome, they can call the Majority Leader's Office and/or press the button while they're in Chambers.

Thank you, sir.

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

(The Clerk recorded the vote.)

Mr. Burgos.

MR. BURGOS: Thank you, Mr. Speaker and all of my colleagues. I rise today in full support of this entire package of gun control legislation, including my own, A.10504 that serves in some small part to solve a problem that frankly feels unsolvable. Particularly at moments like we've seen recently in Buffalo and Uvalde. As I've struggled to process and understand the cruel providence that allows for the loss of ten lives as they simply went to the grocery store on a sunny Saturday afternoon, or 19 precious children on their last week of school, I turn to the statistics because I'm a numbers guy. So here are the numbers: 233. That's the number of mass shootings this year alone. 256. The number of people killed in mass shootings as of May. 502. The number of gun-related crimes in New York City this year. 50. The number of rounds fired by the shooter in Buffalo within minutes. And 11. That's the age of Kyhara

Tay, the young girl from my district who was senselessly shot and lost her life to gun violence on her way home from school.

So here's what I want to know. Something has to give. Something, anything has to give. People are losing their lives to gun violence from mass shootings in small towns to stray bullets in big cities. We have a responsibility, a sacred duty as leaders to those that we serve to make every effort within our power to preserve lives and ensure safety because thoughts and prayers are not enough. The crisis of gun violence requires action. And yet 90 percent of the debate I've heard tonight is the impact these bills will have on hunting. In what world is hunting wildlife more important than preserving human life?

With that said, I'm proud to sponsor this legislation and support this entire package and I vote in the affirmative. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Mr. Burgos in the affirmative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker, and thank you to the sponsor of this bill. This is the last of the bills that we're -- we're handling tonight on -- on this issue and I think we're doing what we can do. But I think that we do it with a sense of humility. We should do it with a sense of humility because since the Federal assault weapons ban expired in 2004 it is estimated today there are 15 to 20



million assault weapons out in circulation across this country. And they're not likely to go away, no matter what any government does, very quickly. And so that means that we are all at risk. Our schools are at risk, our public places are at risk. And we have to ask an additional question that is beyond what government can do. We have to ask a moral question to every person in this country that may have one of these weapons in their household, for everyone in this country who knows somebody that maybe is capable of doing something bad: Are these weapons under control? Are these weapons locked up? Are you going to use our Red Flag Law when -- when someone is showing signs of doing something disturbed or evil? But we have a responsibility, a moral discussion that we have to have around this country about what it means to have all these guns, these mass -- instruments of mass death in broad circulation in this country, and a moral question about whether or not people should have these weapons and what they're going to do about them on their own to maybe put them aside and make us all a little safer. Government cannot do it all on their own. We need the moral force of -- of religious leaders, of cultural leaders, of political leaders to say, *What are we doing, putting ourselves at risk with these weapons in circulation, weapons that did not really exist 30 years ago?*

Thank you.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Brown.

MR. A. BROWN: Thank you, Mr. Speaker, to explain my vote. To clarify what I -- what I had said earlier, my industry will be decimated and the sponsor, though his intentions are well-meaning, does not understand really what he's saying. As I explained, a -- a powder-actuated gun creates an explosion through a bullet, through a bullet, forcing the nail in through the framing member into the concrete, an explosion. A -- a -- a hoseless, compressorless nail gun which is used in the industry is fired by an explosion through a gas cartridge. A finish nailing gun does the same exact thing. Very few people in the industry use it, an electric-powered compressor that doesn't require an explosion. That is the standard in the industry and must be rectified. That aside, the question many people ask is, *What can we do? What can we add as far as gun laws throughout our nation?* The top three states with the most restrictive gun laws in the country are Chicago, Maryland and New York City. Chicago in 2021 ended up with 797 homicides. That's 25 more than in 2020, 299 more than 2019 and the most since 1996. In Maryland, specifically Baltimore, just named the most dangerous city in America by *USA Today* reported 337 homicides and 726 non-fatal shootings. New York City takes the prize, 382 gun arrests in the month of October in 2021, the total gun arrests in 2021, 3,808, a 13.9 increase compared to the year before. This has nothing to do with more legislation. This simply has to do with this cashless bail and releasing criminals that must stay in jail and defending our police.

Thank you, Mr. Speaker.

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

MR. REILLY: Thank you, Mr. Speaker. I rise to explain my vote. I asked during debate about -- several times, right -- about 16- and 17-year-olds possessing a firearm. I asked a couple of weeks ago about 16- and 17-year-olds possessing a firearm. Some of the pictures that we saw about this shooting, this group of four-on-four shooting in Coney Island this week, if you look at the photos they look like they're possibly in their teens. This is the last gun bill that we're doing. Session's over. It's coming to the end. And we have yet to correct the Raise the Age to the point where if you possess a firearm as you're 16 and 17 years old, you don't display it, you don't use it in a crime, you don't get prosecuted in criminal court. It goes to family court. But those 16- and 17-year-olds are lighting up our streets. We had opportunities. We didn't take them. That's a fix that we can all work on. Maybe next year. But we'll have to wait. Unfortunately, this bill doesn't do that either and this is very broad.

So unfortunately, I'm going to have to vote in the negative. But I'm hoping and I will keep that torch going that we need to fix Raise the Age. So let's get to work.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mr. Lavine.

MR. LAVINE: Very -- very briefly. Chicago

happens to be one of my hometowns, and I have a lot of love for the City of Chicago. And I just want to say this: That the guns used in Chicago do not come from Illinois. The guns used in Chicago come from Indiana, a big gun state. Two-thirds of the guns recovered in Baltimore come from North Carolina and Virginia. Unless and until both political parties decide that they're going to work together on the Federal level, we will be plagued by the Iron Pipeline line which kills our citizens in New York, kills citizens in Illinois and kills citizens in Baltimore. The day has come. And once again there is not one commonsense gun regulation safety proposal coming from the other side of the aisle. When we will ever learn? When we will ever learn? I ask you that question. When we will ever learn? Until the day comes that you all love our children more than you love your little guns we will be plagued by this pandemic. We will be plagued by this disease.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Tague.

MR. TAGUE: I would like to remind my colleague that the White House, the United States Senate and the United States House of Representatives and by the way, all Executive levels of government in the State of New York are controlled by your party, sir. And I haven't seen you do one damn thing in all the time that I've been here in the State Assembly.

Thank you.

ACTING SPEAKER AUBRY: It's getting later in the day, and subject to all of us being a little more irritable than it was when we started the day. So if we need to stand up and shake, stretch, do the -- yeah, there it is (indicating). Mrs. Peoples-Stokes knows what that's about. A little Lamaze, I suggest we do it. Because we still have a long way to go, gentlemen and ladies. And unless I'm mistaken we'll all be here together.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I thank you for adding a little levity. I hear the gentleman's frustration. I hear and see frustration all over our Chambers because we're at a very difficult time in America. There is no question about it. But I think while we continue to point fingers at legislation that was designed to protect children who have been disenfranchised for their entire life as a result of barriers that have been put up around them and their parents in America, we constantly hear that that's the reason for all this gun violence. That is not the reason for all this gun violence. Some of the reasons for all of this gun violence is the same racism, the same hatred that sent that young man to Buffalo to kill ten people and and shoot three others. It's the same hatred that's in our school systems that refuses to allow equity in education. We're looking for everything to be equal. How can -- how could these young people ever be equal to yours when they started at a higher level? But every time it gets an opportunity to change that we find another reason not

to do it. You can look at any system in this entire State or this nation that's run by bureaucrats who pass a Civil Service test that implement every service they deliver with a racial lens. The racial lens when they look at me happens to be Black, and I'm not going to apologize for that. But these children shouldn't constantly have to be judged by it and held down by it. And then when they get to an age where they're doing things because they're rebelling against the system that's (inaudible) hold them down, you just want to lock them up. And when you can't lock them up anymore you blame them for everything that happens. I'm tired of that. It's not right. And I think people should find another way to express their political agenda, to get votes, to give support by blaming people who have the least in this society for everything that's wrong. Now I'm ready to scream, Mr. Tague.

MR. TAGUE: (Inaudible)

MRS. PEOPLES-STOKES: I'm ready to scream, too.

MR. TAGUE: (Inaudible)

MRS. PEOPLES-STOKES: At some point --

ACTING SPEAKER AUBRY: Ladies and gentlemen, let -- let -- let's not -- let's not slip.

MRS. PEOPLES-STOKES: At some point, Mr. Speaker, we have to stop pointing fingers at everybody else because by the way, every time you point one you've got four pointing back at yourself. Deal with that first.

I'm supporting this legislation and I want to congratulate the young man who introduced it.

ACTING SPEAKER AUBRY: Well, I think we'd like to get to a point where we could pass the legislation.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. I -- I probably speak for many in this room to say that I'm glad that this is the last gun bill that we're taking up this evening. It's been a long series of debates. I think that we're kind of losing a professional tone a little bit in the Chamber and -- but I'm not here to lecture. I'm not here to talk about race, I'm not here to talk about politics, I'm not here to talk about current events. I'm going to confine my comments to the bill and explain my vote and just simply say with -- with all respect to the sponsor, who I think is coming at it from the right place, I think that the definition is overbroad. I think the definition is overbroad and for that reason I can't support this bill and I'll be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Mr. Giglio.

MR. GIGLIO: Thank you, Mr. Speaker. On all the bills. I don't remember anybody from the other side of the aisle reaching over to us and asking us, *Maybe you can give us some input and make a better bill that we can all support. No, we will just do what we want to do and we will tell you take it or leave it.* And the other thing that I really believe that we're missing the point, as a

member that's been here for a long time, we are supposed to be together to make a better state and a better country. We are supposed to in this Chamber be uplifting, not more divisive. We're supposed to work together to make New York a better state. Not just saying, *Oh, it's the greatest state in the Union* or, *We lead*. No. We should be getting together and making this a better state in reality. And I believe that almost everything everybody said today is true. So I believe that if we finally get together and do in this Chamber what we should have been doing all along for the last few years, get together, work together, uplift people, uplift this State and make this a better place we'd all be a lot better off.

Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: Much to the delight of many, this will probably be my last day or second-to-last day in this Chamber. And I think you can applaud all you want, you can all applaud, but I think what it shows is the way this place operates is part of the problem. People saying, *What ideas are you offering?* I think our Conference offers a lot of ideas, asks a lot of pertinent, relevant questions. Often gets dismissed and then, oh, by the way, we get chapter amendments because a lot of the points we raised are actually necessary and important. To my colleague's point, a lot of bills that come before this Body could be so much better if we actually had a committee process. If we actually worked through legislation before it comes to the floor. Then we wouldn't need to debate so much and



ask so many questions.

So as I leave this Chamber, and for all of you who are staying I hope you actually start to take the legislative process seriously in terms of trying to craft bipartisan bills and bills that actually help people from all corners of New York State and not just a select few.

ACTING SPEAKER AUBRY: Ms. Kelles.

MS. KELLES: To explain my vote. I just want to acknowledge, as I so often do, trying to step away from emotions, but some just simple data. We have about 109 people die from gun violence in the United States every day. Most all countries have less than that in an entire year. One of the major differences, one of the only differences is access to guns. We have had a country see what's happening in New York, in the United States in the last couple days, inspired - not in a positive way - inspired by the massacres that are happening. They have banned assault rifles in our country as a result. Over and over and over again that has been the one thing that has led to the significant decline in gun violence country after country after country after country. I have been hearing today the argument that New York State has the strictest gun laws compared to any other state as if it's a criticism. As if we've gone too far. But there's another interpretation of that data. That every other state in the country is so far off the mark that maybe we're just a little bit better. But to say just because we're more strict, that we've done enough is just not accurate or we wouldn't have the violence that we do. So I just want to

acknowledge that I don't think that we have gone far enough. That we have taken steps today and I'm very proud to support this. But we really should simply look at the data of what works. And the steps we've taken will head us in that direction.

I proudly stand in support in the affirmative and thank the sponsor for bringing this bill forward.

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

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. Despite the sense of acrimony that might pervade some parts of the last ten or 15 minutes, there has been something that has occurred that I think is worth mentioning that is the opposite of that. Specifically, the sponsor very graciously when brought -- when it was brought to his attention that there is something called a powder-actuated .22 caliber power load that is as has been mentioned, a -- a tool in common use for fastening usually studs to concrete, the sponsor very graciously approached the gentleman from the other side of the aisle who had brought this up and mentioned to him, acknowledging that he was correct and has also indicated that he is willing to approach the Executive to see if it's possible for a chapter amendment to be done to bring in to compliance with our expectations that this definition, which is a very useful overall initiative, is in fact technically correct. So I have a great deal of respect for the sponsor. I have a great deal of respect for the gentleman from the construction industry who certainly knows what he's doing, and I believe that we'll find a way to resolve

this in the finest tradition of this Chamber. And I just want to acknowledge to both of these gentlemen that this was actually something very heartening and I respect both of them.

Thank you, Mr. Speaker. I vote yes.

ACTING SPEAKER AUBRY: Thank you, Mr. Englebright.

(Applause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 2 -- 624, the Clerk will read.

THE CLERK: Assembly No. A09687-B, Rules Report No. 624, L. Rosenthal, Glick, Fahy, Galef, Gallagher, Seawright, Cruz, Simon, Davila, González-Rojas, Griffin, Sillitti, Dickens, Gottfried, Epstein, Dinowitz, Benedetto, Jacobson, Cook, Lavine, Zebrowski, Otis, O'Donnell, Paulin, McMahon, Carroll, Fernandez, Abinanti, Mamdani, Weprin. An act to amend the Education Law and the Public Health Law, in relation to prohibiting disciplinary measures against health care practitioners for providing reproductive health services to patients who reside in states where such services are illegal.

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

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. I read the bill memo. I don't need an explanation, but I'm wondering if the sponsor would yield for some questions.

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. WALCZYK: Thank you. Mr. Speaker, through you, Section 1, paragraph 3 talks about the scope of practice. When it does, does that refer to the scope of practice in our State specifically or does that pick up the scope of practices that are defined in any other State in the Union?

MS. ROSENTHAL: No, it's regarding the scope of practice here in New York State.

MR. WALCZYK: Okay. So professions are governed differently by each state, so it would have to be a violation outside of their scope of practice by New York State standards even though their own Office of Professions or however they're governed in that state, how would -- how would a practitioner in another state in their general practice do so knowing what the scope of practice is in -- in New York State?

MS. ROSENTHAL: I didn't understand your question.

MR. WALCZYK: Yeah, I know. I think I don't

understand the -- the intent of the scope of practice section here. So this -- yeah, maybe I do need an explanation. Could you explain to me what -- what we're trying to do in Section 1, paragraph 3 when we're talking about scope of practice?

MS. ROSENTHAL: Yes, I -- I would if everyone stops talking.

ACTING SPEAKER OTIS: Could we have quiet in the Chamber, please? Thank you.

MS. ROSENTHAL: This bill will ensure that New York healthcare practitioners acting within their scope of practice are not charged with professional misconduct in New York solely on the basis of providing reproductive health services to patients residing in states where such services are illegal. That's part of the bill. And I don't know, kind of rude.

MR. WALCZYK: So through you, Mr. Speaker, this bill wouldn't impact practitioners that are licensed anywhere other than New York State; is that correct?

MS. ROSENTHAL: Correct.

MR. WALCZYK: Okay. This impact -- this bill would also impact New York State practitioners that are practicing outside of New York State?

MS. ROSENTHAL: No, it concerns practitioners in New York State only.

MR. WALCZYK: Yeah, what I mean by that question, through you, Mr. Speaker, is if -- if a practitioner from New

York State that is licensed here in the great State of New York goes outside of New York State, travels to practice somewhere else, from Section 1, paragraph 3 would the New York State scope of practice then apply under what you're trying to do here or would that state's scope of practice under that profession apply?

MS. ROSENTHAL: Well, that -- we're not addressing that kind of circumstance in this bill. We're not addressing New York State reproductive health and other professionals operating outside of New York State.

MR. WALCZYK: Okay. So just so that -- just so that I'm -- I'm crystal clear on -- on this point, a practitioner from -- from New York State that's licensed in the State of New York, if they travel somewhere else and violate their New York State scope of practice or violate the scope of practice of the state in which they're practicing in, this bill would have no bearing on that whatsoever?

MS. ROSENTHAL: Correct. We're only talking about their practice here in New York State.

MR. WALCZYK: Okay. Thank you, Mr. Speaker.

ACTING SPEAKER OTIS: Mr. Montesano.

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

MS. ROSENTHAL: Yes, I do.

MR. MONTESANO: Thank you. Ms. Rosenthal, I just have a question or two. If -- if the practitioner here is practicing his speciality and he's within the scope of practice and within the

scope of the laws of the State of New York, isn't it irrelevant where the patient resides? If a patient comes from a state where certain medical procedures are illegal, comes here for medical treatment and receives it and the practitioner here is operating within the norm of everything they're supposed to be doing, why would he or she be subject to any kind of professional discipline by the State?

MS. ROSENTHAL: Well, the problem is that in this brave new world where other states have enacted draconian laws that thankfully we don't have in New York State or we have protections here, one can never be too careful in trying to convey protections to our healthcare providers here, and that's what this bill is doing.

MR. MONTESANO: Yeah, but if they're doing everything they're supposed to be doing in this State and the procedure is being performed within -- are -- are permitted under New York law, who could come -- I mean, I don't see anybody being able to come in from another jurisdiction and seeking to, you know, prosecute or file charges against our physicians here if they're operating within the scope of practice.

MS. ROSENTHAL: Well, you know, that's a reasonable approach. However, we want to ensure that that never happens. And we've seen unreasonable approaches towards abortion and other reproductive health services surface and be enacted into law, so we need to protect our New York State healthcare providers.

MR. MONTESANO: Thank you. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: While I understand what the sponsor is trying to explain here, it doesn't just make logical sense to me because the only people that can discipline our physicians is the New York State Office of Professional Misconduct and -- and -- and no one else. So they can't come in from outside the State of New York and do anything. The Federal government, unless it passes some kind of law throughout the whole entire United States and it can't because the states regulate their rules and practice of their own medical professionals and their licenses and what their rules of conduct are, I -- I don't see how any of this is possible that the doctors could be jeopardized or -- or, you know, be subject to any kind of discipline when they're operating within the State of New York under the State's scope of practice and its laws and regulations. So I just don't understand, you know, the rationale or the particular need, but that's just my understanding. So, thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Well, Mr. Speaker, it's -- on the bill. It's -- it's good to hear that members agree that -- that when a New York doctor is in State X that has a, let's say, a very restrictive law on reproductive care and is charged by that state with professional misconduct, it's good to hear that members agree that when that doctor is back here in New York, State X should not be allowed to reach into New York to punish that doctor. And that -- I -- I would hope is pretty obvious. But the point of this -- the need for this bill is as follows: A



large part of the professional discipline that goes on in New York, and I think there have been years in which for physicians it may even be actually a majority of the New York disciplinary proceedings against physicians is, in fact, efforts by the Health Department to discipline a doctor not for something that that doctor did here in New York, but for something that that doctor did in some other state. Now, in some ways there's logic to that. If a doctor while practicing in California, a New York doctor while practicing in California was committing great professional misconduct - use your imagination for what kinds it might be - then it would be logical to say, *Well, even though the doctor was doing that in California, we wouldn't want that doctor touching New Yorkers and, therefore, we're going to subject that doctor here in New York to professional discipline for something that he or she did in California*, for example. Ordinarily there's a lot of logic to that. And as I said, there are -- there are years when that is, in fact, apparently the bulk of the work that the Office of Professional Medical Conduct in the Health Department does with respect to physician discipline. Whether I'm exactly accurate that it's more than half the cases or less isn't really the point. It's a whole lot. The point of this bill is that if what State X is attacking the doctor for is reproductive care that would be appropriate and allowed and within the doctor's scope of practice and not done with gross negligence, et cetera, here in New York, if it were done here in New York, then in those cases given what's going on in so much of the rest of the country, New York should not be doing the, I would say, dirty work of

those other states. New York, in fact, ought to be protecting its physicians. That's what this is about. This bill is not about the State of Georgia or pick any state you want, coming into New York trying to punish a doctor for what that doctor did in that other state. It's about making sure that New York does not apply that other state's standards relating to reproductive care if what that doctor did in that other state would have been perfectly allowed and indeed protected here in New York. I think it's important that New York take that stand and that is exactly what this bill does.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9079-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, sir. For the reasons I'll explain in just a moment, the Republican Conference is generally opposed to this legislation. Those who support it can certainly vote yes here on the floor or by contacting our Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The Majority

Conference is generally going to be in favor of this piece of legislation. However, there may be some who choose to be an exception. They should feel free to contact the Majority Leader's Office and we'll be happy to record their vote. If they're in the Chambers they can change their vote if they like. But other than that it's generally going to be a favorable piece of legislation for particularly the Democratic Conference.

Thank you, sir.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. We've had a couple of very knowledgeable members speak on this bill. As one of our colleagues pointed out, if a physician is acting inside the State of New York and is doing everything in accordance with our rules within the scope of his practice, there is no way they need to worry about professional discipline from the State of New York. As one of our other colleagues pointed out, if a physician is outside the State of New York and is doing something that violates that state's laws, rules or regulations that New York can and should be concerned. Because we don't want people practicing in the State of New York that have demonstrated a willingness to violate the applicable rules and regulations that apply where they are operating. I was licensed for a time in three states. Believe me, I did my absolute best to avoid

malpractice in any of those three states. But I can also assure you if I committed malpractice in any one of those three states it could have ramifications in the others. And so we want our physicians in New York to comply with New York law, and if they do they don't need to worry about anything. If they're not in New York State they ought to comply with the laws of the state in which they're practicing, and if they have more than one license they ought to know the difference and know what they can do here and what they can do there. But if they violate somebody else's rules, that ought to be a concern for us and that's why I can't support this bill.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker, to explain my vote. So, violating the laws that govern your profession in no matter what state it is is the antithesis of professional misconduct. And if in New York we're accepting practitioners that break the law in other states and licensing them to practice here in New York, that means nothing but degrade their profession and could possibly make New Yorker less safe.

So with all of that in mind I'll be voting no and urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 626, the Clerk will read.

THE CLERK: Assembly No. A09718-B, Rules Report No. 626, L. Rosenthal, Fahy, Galef, Gallagher, Seawright, Cruz, Clark, Simon, Davila, González-Rojas, Griffin, Dickens, Epstein, Englebright, Gottfried, Jacobson, Cook, Zebrowski, Otis, Dinowitz, O'Donnell, McMahon, Paulin, Carroll, Glick, Sillitti, Lavine, Fernandez, Abinanti, Mamdani, Weprin. An act to amend the Insurance Law, in relation to prohibiting medical malpractice insurance companies from taking any adverse action against a reproductive healthcare provider who provides legal reproductive healthcare.

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

An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: This bill would prohibit medical malpractice insurance companies from taking any adverse action against a reproductive healthcare provider who provides legal reproductive healthcare such as abortion services.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. I note that this bill says that the insurance policy shall include medical professionals who,

quote, "legally prescribe abortion medication to out-of-State patients by means of telehealth." So the reference to out-of-State patients, you mean patients who are out-of-State at the time the services are provided? I apologize. Would the sponsor yield?

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

MS. ROSENTHAL: Yes.

MR. GOODELL: Thank you, sir. And in case Ms. Rosenthal wasn't sure what I said --

MS. ROSENTHAL: No, that's fine --

MR. GOODELL: I -- I see the bill states that the insurance policy shall include medical professionals who, quote, "vaguely prescribe abortion medication --

ACTING SPEAKER AUBRY: Mr. Goodell, one minute. I don't believe Ms. Rosenthal was listening to you.

If -- he's asking you a question, so...

MR. GOODELL: It's -- it's hard to believe, sir.

ACTING SPEAKER AUBRY: Go ahead.

MR. GOODELL: Okay. May -- may I ask the question, Ms. Rosenthal?

MS. ROSENTHAL: (Inaudible) for you.

(Pause)

ACTING SPEAKER AUBRY: Proceed, please.

MR. GOODELL: Thank you, sir.

Would the sponsor yield for a couple of questions?

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

MS. ROSENTHAL: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. GOODELL: Thank you, Ms. Rosenthal.

Looking at it in your bill, starting on line 10, it states that such policies shall include medical professionals who, quote, "legally prescribe abortion medication to out-of-State patients by means of telehealth." My question is, the reference to out-of-State patients, does that mean patients who are out of State?

MS. ROSENTHAL: Yes.

MR. GOODELL: And so this is intended to say an insurance policy cannot be changed if a New York physician is talking to a patient in a different state through telemedicine; is that correct?

MS. ROSENTHAL: No, this -- this bill does not change any of the laws on telehealth. So whatever they're allowed to do under our State's current laws on telehealth, those are not changed under this bill.

MR. GOODELL: But this envisions covering situations where a New York doctor, through telehealth, is talking to an out-of-State -- out-of-State patient; is that correct?

MS. ROSENTHAL: It's a -- it's a New Yorker who's physically not in New York State but they are a New York State resident.

MR. GOODELL: Okay. I -- I think I understand

your answer.

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: It's just been a long day, you know, for all of us. So the concern that we have is that this bill says, as I quoted before, that medical malpractice insurance companies can't take any adverse action against a New York physician who is prescribing abortion medication to an out-of-State patient using telehealth. And the problem is that that if the patient is out of State, the healthcare services that they receive are governed by the state that they reside in. And so there are some things that we can do in New York State, some medications we can prescribe, some procedures we can utilize, that are not recognized in other states. And so, if you have a New York doctor who's basically practicing medicine in another state through telehealth and it's violating their standards of care and are sued, that's a situation where the home state most assuredly has legal jurisdiction over any damages that occur to that patient in the home state. And we know that's the way the law should be, because we don't want foreign doctors - and by foreign I mean outside of New York State, I don't mean a different nationality - but we don't want out-of-State doctors prescribing medication to New York patients that we don't accept. And there are always experimental treatments and various medical procedures that we just don't simply accept here in New York that might be accepted somewhere else and we draw the line. If you're treating a New York patient who is in New York you



must comply with New York standards. And likewise, other states have the same identical provisions. So this bill purports to require New York insurance companies that provide malpractice to cover physicians in New York that are violating other states' laws and incurring civil liability because of it. The concept is wrong. We don't want that to happen here with foreign doctors using telemedicine to do something we don't accept, nor should we expect our insurance companies to cover New York doctors who are prescribing medication to out-of-State patients in a way that violates their laws. And therefore, I would recommend we turn this legislation down.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank -- thank you, Mr.

Speaker. Would Madam Rosenthal yield for a couple of questions, please?

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

MS. ROSENTHAL: Madam Rosenthal will.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. MANKTELOW: Can you hear me okay?

MS. ROSENTHAL: Yes, I can. Thank you.

MR. MANKTELOW: Thank you for taking my couple of questions I have. They'll be really quick. Do you anticipate out-of-State residents coming into our State now for abortions?

MS. ROSENTHAL: Absolutely.

MR. MANKTELOW: Is that -- is that the purpose of this bill, to help those residents coming into this State and to help our --

MS. ROSENTHAL: No --

MR. MANKTELOW: -- and to help our doctors?

MS. ROSENTHAL: The purpose of this bill is to convey protections to our healthcare providers who operating within their scope in New York State treat people who come in from other states.

MR. MANKTELOW: So -- so those individuals, do you have any idea how many people will be coming into the State for abortions?

MS. ROSENTHAL: You know, I imagine after the Supreme Court does its evisceration of Rowe we will get many, many women coming to New York seeking reproductive healthcare.

MR. MANKTELOW: So -- so a -- a woman that does come to New York to have an abortion, is that abortion considered to be done in New York or is it considered to be done in their home state?

MS. ROSENTHAL: Well, if it's done in New York then it's considered done in New York.

MR. MANKTELOW: So you -- you for foresee our abortion rate going up here in New York State?

MS. ROSENTHAL: I -- I would say so, yeah.

MR. MANKTELOW: And do you know how many abortions were done in New York last year by any chance?

MS. ROSENTHAL: I do not.

MR. MANKTELOW: And you -- you don't have any idea how many might be coming into New York State?

MS. ROSENTHAL: I do not right now.

MR. MANKTELOW: So we're kind of doing something preemptive -- preemptive -- to -- to possibly help the -- the flow of people coming into New York State?

MS. ROSENTHAL: No, we're doing it to help the physicians and other -- other healthcare providers to let them be able to continue doing their job without fear of any kind of punishment or adverse action taken against them.

MR. MANKTELOW: Do -- do other healthcare providers in our State have that same option or ability to do so?

MS. ROSENTHAL: Well, increasingly other states are passing similar laws to protect their healthcare providers.

MR. MANKTELOW: Not just for abortion but for everything?

MS. ROSENTHAL: Well, I'm talking specifically about re -- reproductive healthcare.

MR. MANKTELOW: So some of our doctors here in New York State the -- we have the ones that will be performing the abortions, but we have other doctors in New York State that also work on outside residents of the State that come in. Will they have those

same options or those same protections, I guess?

MS. ROSENTHAL: Well, if you're talking about, for example, someone breaks their leg, other states are not outlawing surgery to fix their leg. This is particularly when it comes to abortion, counseling other -- other services around reproductive healthcare. That is what is under assault in other states and that's why women will be coming to New York State, among others where abortion is legal.

MR. MANKTELOW: Because I -- I was looking at some of the concerns from some of the other -- other individuals, and I know the New York State Catholic Conference is really concerned about this because they're -- they're looking at it like we're going to be having abortion tourism coming into New York and that's one of their concerns. Do you have any concern about that at all?

MS. ROSENTHAL: I wouldn't call it abortion tourism, I would say that New York State proudly has legal abortion. In fact, New York State in 1970, three years before Rowe, enshrined on this very floor the right to an abortion.

MR. MANKTELOW: So the abortions coming the -- the ladies coming into New York State that will have the possible abortion, will those numbers be tracked?

MS. ROSENTHAL: Will those what?

MR. MANKTELOW: Will those abortions be tracked in New York? Will we know at the end of the year how many abortions from -- from out-of-State residents took place in New York State?

MS. ROSENTHAL: Well, you know, we -- we do have HIPAA here in the country and I -- I do not believe they will be tracked. I'm not sure.

MR. MANKTELOW: Okay. So we'll -- we'll probably never really know the true number, then, of abortions in New York State from out-of-State.

MS. ROSENTHAL: I'm -- I'm not sure of the relevance, but...

MR. MANKTELOW: Well, the only -- the only reason I'm asking is as -- as we look at insurance companies and if this person comes into New York and unfortunately something really bad happens, somebody's going to cover that cost and it's not going to come from their state, I'm sure, it's going to come from our state, it's going to come from our insurance companies. So we, as New Yorkers, will -- we could have a possibility to cover all those issues and those expenses for someone coming into New York State, correct?

MS. ROSENTHAL: You know, abortion is very, very safe. In fact, safer than childbirth in a lot of instances.

MR. MANKTELOW: I never -- I never really thought about putting it that way, but I -- I understand. I just have concerns of all the -- the increased abortions coming here. I just -- I just don't want our State to be labeled as the abortion king state of the country. I mean --

MS. ROSENTHAL: I think -- I think a lot of women

and other allies would be proud of the fact that New York State allows women to have jurisdiction over their own body. Something that the Supreme Court will probably deny and something that many other states are also prohibiting. So, yes, we are proud that people will be able to come here and receive legal abortions, but this New York State is a state that protects women's autonomy and does offer legal abortion.

MR. MANKTELOW: Okay. Madam Rosenthal, I thank you for your time to --

MS. ROSENTHAL: Thank you.

MR. MANKTELOW: -- answer the questions.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. MANKTELOW: My concern here is I know the average amount of abortions in New York State is, I don't know, 80-, 90- to 100,000 abortions a year. I know we have -- we have groups that are pro-life, pro-abortion. I -- I understand that. I'm definitely pro-life. And I just want to -- if we're going to do those abortions in this State, I think the residents of the State have a right to know how many abortions are coming into New York State because we're putting our taxpayers at risk. And that's one thing this bill doesn't do and I think there should be an amendment that those abortions must be tracked as they come into our State from somebody out-of-State. Big concerns health-wise, especially with the -- with the illegals or the -- the border crossings, how many of those individuals will be coming

here, what disease, what -- what issues could they have, and we're basically giving the blanket protection to physicians who do this. So why should our physicians in New York that do abortions get that blanket protection when the other physicians in New York State do not get that who are doing everything else?

Just -- I -- I don't agree with the bill, sir. I'll be voting down. I'll ask my -- my colleagues to vote down on this. I just -- I can't even believe we're -- we're thinking about doing this. It just -- it's just totally backwards. But thank you, sir, on the bill and I'll definitely be voting no. Thank you.

ACTING SPEAKER AUBRY: Sir.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. On the bill. We know that a number of states have flat-out banned abortion now. They're also working on banning medication that can terminate pregnancies. Some are offering bounties to private citizens to go after people who provide or facilitate pregnancy termination services. Other states are promising to prosecute out-of-State prosecutor -- out -- out-of-State providers. It's not beyond a reasonable imagination that they will attempt to use our malpractice laws to further their wishes, to further their goals. To reach even further into denying a woman's right to make her own healthcare decisions. This bill assures that we in New York continue to -- to maintain our authority over our insurance companies. This bill assures that we in New York continue to maintain our authority over our providers. This bill assures that our

laws and our courts will not be used against our citizens and our medical professionals. And this also assures that our insurance companies, ones that are regulated by our State, will not take adverse actions against our doctors for activities because they are being sought after by some other backward state. What's an adverse -- what's an adverse action? An adverse action would be terminating the coverage, the insurance coverage. Ending the insurance company, kicking them off the policy. Why? Not just because of a moral reason. That's -- that's all well and good that we can stand here and be moral about the subject, but there's other reasons. Because maybe the threat of somebody from Texas or Oklahoma or Florida or Arkansas or one of the other ten states that are probably going to create this opportunity comes to New York and uses our courts and exposes our insurance companies to additional liability. So they might want to terminate the coverage. Or maybe they're just going to say, *You know what? That's not what we're in business to do. We take on risk, we take the risk however it comes. But we're going to increase your premium because now you're being exposed because you're prescribing a drug that can stop a pregnancy. Or because a woman is coming from one of those states here to get this care. You're going to perform the same level of professional care. You're going to be the same good doctor, good provider you were yesterday when we charged you X dollars for your policy, but you're -- the possibility that you're going to be sued is greater so we want to charge you more.* You know, whenever somebody joins the Insurance Committee in the Assembly and every



year when we have an opportunity I say the first law of insurance is math. But above that, after we make the math work that's where policy comes in. And we have made policies in this State that reflect a higher value than math that say we will not let an insurance company do something even if it makes math sense. Even if an actuary says it's the right thing to do. We do that. We do it all the time. We do it to our good friends on Long Island who live near the seashore. We do it all the time. We do it with drivers. We do it with life insurance for big fat guys like me and people who are even worse than me and who smoke and drink all the time and destroy their own lives. We let them get insurance and we tell insurance companies, *You can't deny them insurance.* We do that. We make policy. We tell our insurance companies what they can and cannot do. We are obligated to make sure the math works. And I am certain that the math will work here because guess what? Because we know that these providers are going to be the same responsible providers whether they are caring for a person from Texas or Oklahoma or Arkansas or Florida or wherever else they're making these backwards laws as they want for a person from New York. We know that. And we want to send a message to those people in other states, *Don't think you can come here and use our malpractice insurance to accomplish your goals. The door is shut. The courthouse door is shut to you in New York State.* So unless you want to allow people from other states to use our courts and use our insurance system to further their goals - and be careful of the door you're opening here - you are obligated

today to join us in support of this bill.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: This is a really -- this is a very interesting bill. I really appreciate the previous speaker and of course he -- his decades and decades of experience dealing with insurance issues is very -- is very instructive. You know, I really listened to him. I think where I'm stuck with this bill a little bit is that I feel that we're really just starting to kind of dip our toes into the idea of telehealth. And I think that during -- during COVID we started to see just through necessity how telehealth could be a beneficial way to handle maybe routine follow-up appointments and those types of things. Basic screenings maybe with -- with patients. But where I -- where I'm having a hard time is -- is the language in the bill that regards healthcare providers who legally prescribe abortion medication for out-of-State patients by means of telehealth. I think that there are a lot of considerations that go along with that. Practical and legal questions related to enabling telehealth services. Can a licensed medical professional prescribe drugs to an individual residing in a state where such practitioner is not licensed to practice medicine? Is it possible or legal for a patient to obtain such substances that have been banned within the state where the patient resides? Will a pharmacy fill such a script if doing so means violating the law? Will a health insurer

provide coverage so that a patient can meet a practitioner via telehealth services that is almost certainly out of network for such insurance plan and likely unlicensed to practice outside of New York State or at least such states where abortion has been banned? There are just a lot of questions that go along with the framework of this.

Now, the previous speaker brought up a lot of insurance issues, and as I said I -- I -- he is the expert hands down on that. But I would just think that practicing medicine in this manner where you're providing chemical abortion and writing scripts after meeting - I'm using air quotes - meeting your patient through telehealth services who's out-of-State, that might not be an advisable way to practice medicine. I mean, and your medical malpractice carrier may have an interest in weighing in on that issue, you know? I don't know if it's a bad policy for medical malpractice carriers to jack up rates or even cancel coverage for a doctor or medical or a health professional who -- who practices medicine in this way. I -- I'm concerned overall, I guess, too, with the whole idea of the -- the erosion of a provider-patient relationship. And I'm not saying that necessarily telehealth represents an erosion. I think it does have its place. I think we're just starting to see some benefits from it, particularly in rural areas and I represent some of them, it could be very helpful. But I think we need to be careful. And I think a bill like this that makes a blanket choice that malpractice carriers shall not, shall not penalize a healthcare provider who engages in the practice of medicine in this way, and I just don't think that's advisable. And for

that reason I won't be able to support this particular piece of legislation.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. Just briefly.

During the discussion an issue was raised about do we expect more people to be coming to New York for healthcare because of the actions that are occurring in other parts of the country. Well, I would suggest to you that for years people have come to New York State for their healthcare because we have some of the best institutions in the country. And so this is not a new thing. But you know what? A heart surgery could go south or cancer treatment might -- might not work and somebody might get sued. So this is just common sense. And I think that we want to be certain that regrettably, for some reason, this is the medical treatment, the medical procedure that government thinks it has to be get in everybody's business about. It just happens to be, you know, something that has been around. And if it's not safe and not legal, it usually winds up with somebody being either sick, losing the ability to carry children or dying. And so we -- we -- we would be happy to have people who are desperate to control their own reproduction for whatever reason to come to New York, but we'd rather they stay in their own state and we'd rather that other states didn't behave in the way they are behaving in a punitive and irrational fashion based on imposing religious beliefs on everybody else. The

majority of Americans just don't want you up their business. So I think that this is a measure that would at least ensure that our system of healthcare and medical malpractice and our courts are not misused by others when people are forced by their states to come to our State for basic healthcare.

So I'm pleased that the sponsor is carrying this and I'm glad that we're doing the bill. It's much needed, regrettably.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9080-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.

Ms. Walsh.

MS. WALSH: Thank you Mr. Speaker. Thank you so much. The Republican Conference will be generally in the negative on this particular piece of legislation. However, if there are any members who wish to vote in the affirmative they should do so at their seats or they can also call the Minority Leader's Office and your vote will be properly recorded.

Thank you, Mr. Speaker.

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 piece of legislation. However, there may be a few of us that want to be an exception. We will be happy to receive their call in the Majority Leader's Office to make sure their vote is properly recorded.

Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you. These discussions that we're having in New York and in -- in other of the -- the major states are echoing discussions that were held in the state capitals in the 1840s and the 1850s at the time of the fugitive states of the slave laws. Now, I would urge my pro-life colleagues who so lament the fact that we will in New York be performing more abortions, if they don't want that, which is odd because I think that they favor the Conservative Supreme Court and the ruling that's going to come, then I would urge them to use their good offices to reach out to their colleagues in places like Texas, Oklahoma and Florida and urge those colleagues to observe the rule of Rowe v. Wade. That way their people will not be coming to New York. If you want fewer abortions in New York, that's what you should do. But you won't because you want to end abortion. This is part of a war against women, and I will not help you in that war.

Now, for those of you who want to follow the lead of those states, those are the states with the highest rates of uninsured

people in the country and they are the states with the highest rates of maternal deaths in the country. So if you want to work in unison, if you want to work collaboratively with your colleagues in those states and you want to invade New York with your philosophy, I urge you to consider a couple of lines from the great film *Casablanca* where Major Strasser says to Rick, the American hero, *Are you one of those people who cannot imagine the Germans in their beloved Paris?*

(Buzzer sounds)

And Rick says, *Well, there are certain sections of New York, Major, that I would -- would not suggest, I would not advise you try to invade.*

I will vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Seawright to explain her vote.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I know the hour is late and I'll be quick. I want to thank the bill sponsor and my colleagues for supporting this important piece of legislation. In 2019 I had the Honorable Sarah Weddington in the Chamber who still is the youngest person ever to argue a case before the United States Supreme Court when she argued Rowe v. Wade. She passed away a few months ago, and tonight I'd like to cast my vote in her honor and in her name in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Seawright in the

affirmative.

Ms. Gallagher to explain her vote.

MS. GALLAGHER: Do I have to go like this?

Okay. I look so much better when I'm standing up straight, but oh well.

So, I would like to thank the bill sponsor and I'd also like to thank the -- the Speaker and the Democratic Majority for putting this on the floor and passing it. Okay. Thank you everyone. Thank you for helping. And I -- I just want to say that there's probably many of your colleagues in this Chamber who have had abortions and it is very important that we -- we really codify and make sure that every single detail of what makes this lifesaving healthcare available is codified. And that's why I'm so excited about these bills because we're really piecing out all of the things that could go wrong as a preventative measure. And I think that this is just the way that we should be doing lawmaking. And I am relieved to live in a state that believes that I get to make choices about my life. And I get to keep myself and my family safe. So, that's what abortion can provide for so many people, and I'm really, really grateful to be in this Majority right now.

Thank you. I vote yes.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Ms. Rosenthal.

MS. ROSENTHAL: To explain my vote. Our



predecessors in the movement fought and won our reproductive freedom, and along with it so much more. Reproductive freedom, economic autonomy have and always will be inextricably linked. Our ability to control our careers, our families and our futures are all tied in with our ability to access safe and legal reproductive healthcare by contraception and abortion. Opponents have been fighting to roll back our rights, reverse our progress, send women back to the time when we were controlled by our reproductive cycles for years. Anti-abortion extremists are terrified of our progress and would rather infantilize us than live in a world in which we challenge them and wait. But we will not go back. Banning abortion will not stop abortion, it will simply make abortion less safe for the women who need it and it will make it much more difficult to get, particularly for low-income women and women of color who live in states that are hostile to women's rights. I've often been -- think of George Michaels whose vote in 1970 allowed New York to become a state that legalized abortion. He lost his race. He did not come back to this Chamber because he voted yes, but he did the right thing and that is what we will do tonight.

I would like to thank the Assembly Speaker, the staff, the people who believed that it was necessary to pass laws to protect the medical providers who will bravely work hard and work harder in order for women to access reproductive healthcare including abortion. I would also like to thank the Chair of the Higher Education Committee who herself has helped codify Rowe in New York State

and who saw the importance of passing this and the other bills to enshrine in New York State and make us the beacon of hope for women and freedom across the nation.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, if we can now bring our attention to Rules Report No. 645. It's by Ms. Glick. We will take that up immediately, sir. Thank you.

ACTING SPEAKER AUBRY: Rules Report No. 645, the Clerk will read.

THE CLERK: Assembly No. A10438, Rules Report No. 645, Committee on Rules (Glick, Epstein, Taylor, Gallagher, Gottfried, Carroll, Seawright, Hevesi, Dinowitz, Cruz, González-Rojas, Simon, McDonald, Fahy, L. Rosenthal, Thiele.) An act to amend the Vehicle and Traffic Law, in relation to photo speed violation monitoring systems in school speed zones in the City of New York; and to amend Chapter 189 of the Laws of 2013 amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring

systems in school speed zones by means of photo devices, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

And an explanation has been requested, Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. Of course this -- we've seen this program before, it will expire at the end of June and so we are reauthorizing it for three years to 2025. And in addition we are removing the day and time limitations that have existed. And we are doing so because the program has been very effective and it has made a big difference in the number of people who are speeding in our streets, although I will say the pandemic seems to have in many ways altered people's behavior and there seems to be more speeding. And in fact, one-third, at least one-third and perhaps slightly more of fatal -- traffic crashes that result in fatalities occur in areas where the cameras exist, but at times when the cameras are not permitted to operate. And so we think that this is an important measure to provide safety in the streets of New York City, and it's part of many tools that the City may have. But this is one that has effectively reduced people's bad behavior around speeding. I will say that there is no change in the fine structure. It remains \$50 regardless of whether you have committed one infraction or if over time you've committed five or six, which for me is -- I would rather see us penalize people who have gotten more than two tickets because 72 percent of people who

have gotten either one or two infractions never get another one. So it does modify behavior and we think that this will make streets safer.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. GLICK: Of course. That's why we're here.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Glick. Now, the current hours are 6:00 a.m. to 10:00 p.m. in the school zones in the City of New York, correct?

MS. GLICK: Monday through Friday, yes.

MR. GOODELL: Monday through Friday. And are you saying that -- I'm just looking at the report on the speed zone cameras that came out toward the end of last year and it indicated that 28 percent of the fatalities occurred outside the school zone hours. Is that what you were referring to?

MS. GLICK: Yeah, I think that that number has gone up a little bit since the report was issued.

MR. GOODELL: I see. Is that --

MS. GLICK: It's slightly more current based on the last several months.

MR. GOODELL: So maybe it's a reflection of my age, but I normally, normally, except when I'm here in the last two

weeks, normally this would be past my bedtime. Do you have any idea why 30 percent of fatalities in school zones are occurring after 10:00 p.m.?

MS. GLICK: Yes, because the -- you know, because people are speeding in the streets and we would be picking up those -- - you know, New York is a city that never sleeps.

MR. GOODELL: Apparently.

MS. GLICK: So the -- the City would like to be able to -- be able to modify behavior of people who are driving at other times. Now of course it's only Monday through Friday, and of course as you know, our schools are active on the weekends. And so students are going for various plays, they're -- they use the gyms. I, myself, sponsor a youth basketball team. They play on Saturday mornings. And so we would like to be sure that seven days a week, 24 hours a day, the automated enforcement system can pick up people who are speeding so that we can modify their behavior as we have modified the behavior of people who are speeding in our streets between six and ten Monday through Friday.

MR. GOODELL: Now, in -- in my district the school zones have a lower speed limit when the schools are in session or when there's after-school activities, and then there's a higher speed limit when the school is closed and there's no after-school activities. Does the same thing occur in New York City or do they keep the speed zone lower levels in play 24/7?

MS. GLICK: Well, the City would like to be able to

lower speed limits in general. They have some streets where they have a pilot project of slow zones but there are not very many of them. It's a pilot project. And so the issue is that unlike perhaps most of Chautauqua and Cattaraugus, it's a more congested area and so people who speed on our streets are more likely to hit people.

MR. GOODELL: But my question related to the speed limit itself. In my county the speed limit drops to 20 miles an hour --

MS. GLICK: Yeah, I -- I don't think that --

MR. GOODELL: -- during school and goes up to 30 while school is closed.

MS. GLICK: I don't think that we have in every area of schools where they are, in fact, a reduced speed.

MR. GOODELL: I see. Now, I note that a report said that there were a total of 4,397,375 notices of liability issued in just one year, 2020. How many drivers are there in New York and are they all speeding?

MS. GLICK: Well, I will say that New York attracts people from the entire Metropolitan region, which is I think probably close to 16 to 20 million people. So you have people who come in from Jersey, Pennsylvania, Connecticut and they don't always know our rules. In fact, there are people who don't know that you can't turn right on red, and so they are frequently making that mistake. So -- and they may come from states where the normal speed limit is higher than what it actually is in New York. So -- and there is a great deal of

speeding because when people are in traffic they seem to have a lower tolerance in terms of frustration and patience. So once the lights change and there's nobody right in front of them immediately, they do have a tendency to gun the -- the engine. So it -- it can be, you know, dangerous and we -- there, you know, have been a spate of deaths and serious injuries that aren't accidents, they are crashes. And they are crashes that are in almost every instance avoidable if people didn't speed. If you get hit by a car going 20 or 25 miles an hour, you have a survival chance. If they're going 35 or 40 miles an hour, you have almost no chance. So that's why catching people who are speeding in a congested metropolitan area is very important, and we can't have police everywhere. And this has been an effective tool for -- and let me give you one example of why I say it's effective. In the six years between January of 2014 and the end of 2020, speeding at the camera locations had dropped by 72 percent. But of course that's only because cameras are on, and when they're off that -- that behavior modification cannot occur.

MR. GOODELL: There's a set fine, isn't there, on these -- on these speed zone violations? Fines, one fine. How much is that fine?

MS. GLICK: The fine is \$50. It goes to the owner because we don't know who's driving, and there are no points that accrue because it's on the car, not the driver.

MR. GOODELL: I see. And the numbers, I'd say they -- I think I -- I just picked them up from the report.

MS. GLICK: And -- and let me just say that a parking violation at a Don't Park 8:00 to 6:00 is I think \$65. So it costs more to inappropriately park in a spot than it does to get caught speeding.

MR. GOODELL: Thank you very much for that information, Ms. Glick.

On the bill, sir.

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

MR. GOODELL: I -- I have the pleasure of having a -- a son that works in the City. He actually works in Tribeca and lives in Brooklyn, and it's always an adventure when we drive down from Upstate and visit New York City. My wife didn't realize that every -- a car is equipped with a horn that goes off when the light turns green. And I tell her, *Look, it's just a beep. It's just a beep to let you know that the light changed and you'll know if they're angry.* And it's a different kind of driving experience. You know, in New York City if you find a parking space and you get into it and you have six inches on either side of the bumper it's like luxurious. And if not, then you pay a \$65 fine apparently. But what I find concerning about this is, as my colleague mentioned, it's a \$50 fine. There are 4,397,000 tickets that were issued in 2020, the latest data. As my colleague mentioned, the New York drivers figure this out fairly quickly and New York City drivers. But there are a lot of visitors. And the amount of revenue that's generated by these speed cameras is about \$220 million. Yeah.



So when we get a proposal that says they're having speed cameras in school zones that runs from 6:00 a.m. to 10 p.m. is not enough, we want it 24/7, I suspect the rationale has less to do with kids and lot more to do with revenue. We've raised concerns in the past about this program. As was pointed out by my colleague, the fine goes to the owner of the car even if the owner isn't driving it. There's no real due process. It's structured much like a parking fine so you can't challenge it. There's no opportunity for the driver to even say, *Hey, is that camera working?* They rely on self -- self-checking. And so I and all my colleagues of course want to make school zones safe. We would encourage parents not to have their kids out after 10:00 p.m. in school zones. It's unlikely that they're -- if they're anything like my kids it's unlikely they're there before 6:00 a.m. in the morning. But I think this bill is driven more by the desire to get more money from visitors than it is for any other reason.

For that reason, I and some of my colleagues will not likely support it. But again, thank you to -- to my colleague for her insights in New York City traffic management with a vehicle. Thank you. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Reilly.

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

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

Ms. Glick yields.

MR. REILLY: Thank you, Ms. Glick. So are we -- I see in the title of the bill we're renaming it the Speed Camera Demonstration Program. Are we removing it as the New York City School Speed Camera Demonstration Program? Are we taking the school out of it?

MS. GLICK: No.

MR. REILLY: So the title of the program is going to remain the New York City School Speed Camera Program?

MS. GLICK: The program was adjusted to increase the radius around schools, but it is still that same dynamic. And so it is still based on -- and I will tell you that in 2019, the City told us it was primarily covered in many communities, obviously in Manhattan where we have many schools and they're relatively close that it would cover a lot. But there are, in fact, areas that are outside of that that are not covered because the school zones don't reach everywhere. So it is still focused on the schools zone, we just, you know, titles sometimes get shortened, but it is still the same program. We're changing the hours and, you know what? You can eliminate getting a ticket, it is totally within the control of the driver by simply not speeding. So we could drive the revenue to zero for the City of New York if people wouldn't speed, something that is totally within the individual's control.

MR. REILLY: Okay. So under the definition of a school now with this legislation and prior legislation that expanded the number of school zones to 750 from the 140, does that -- is there a

limit on the number of cameras they can place?

MS. GLICK: No, but they do it based on data that relates to the intersections that are -- radiate out from the school based on crash data, injuries. And so that's where the cameras are placed where they have data that demonstrates it's the most dangerous crossing. And some of that, as you may know, sometimes schools are set up that the majority of kids that are zoned for a school come from this direction and so not so much from the other direction, so there's going to be less crash data on the west side of that zone than there is perhaps on the east side of the zone.

MR. REILLY: Okay. So when we define schools with the school -- with the speed camera program, are we including pre-K centers, are we including day care centers; are those included in...

MS. GLICK: I don't know about day care centers, but I think certainly anything that is a school, and that would include a preschool. I don't know whether -- I honestly don't know if a day care center qualifies.

MR. REILLY: Okay. So if it has a pre-K, it's probably going to be qualified.

MS. GLICK: Yeah.

MR. REILLY: Okay. So I know when the program first started, I know we talked about this a few years back during the debate on expanding the program to 750 school zones from 140, when the program first started, how many speed cameras were implemented,

how many zones?

MS. GLICK: Well, it was 140 zones.

MR. REILLY: Well, it started with 20, correct?

MS. GLICK: The very first one, I don't recall.

MR. REILLY: Okay. So I -- do you remember the year that that happened that it was installed?

MS. GLICK: I think it was 2013, but I could be mistaken.

MR. REILLY: So I think, if I'm not mistaken --

MS. GLICK: I think we did the legislation in 2013 and it got implemented with -- it took time for it to get up to speed, so-to-speak.

MR. REILLY: Okay.

MS. GLICK: But -- so I think it actually began in 2014, although I think the legislation was 2013.

MR. REILLY: And then I think a couple years later before the demonstration program reached its capacity, it was increased to 120, then it was increased to 140, and then at the first extension we went to 750; does that sound about right?

MS. GLICK: That sounds accurate.

MR. REILLY: During that time when it was in the demonstration program and they expanded the number of cameras, was there any reports by the City that generated reasons why it needed to be expanded before that initial demonstration program reached its capacity, or reached its end date?

MS. GLICK: Well, I think we got data that at that time, that there were a significant number of intersections in and around schools that were not covered, and that's why we expanded the radius because kids don't all live on the block of the school, because originally it was based on being on the block of the school and that wasn't how kids, faculty, grandparents took kids to school. It was -- they came from other streets.

MR. REILLY: Yeah, it was --

MS. GLICK: And looking at the data at the time, which I don't have in front of me now, at the time indicated that there were some crossings that were very dangerous and, sadly, there aren't crossing guards, as many as we actually should have; in fact, I was horrified in -- on Chamber Street and Greenwich, totally busy, no crossing guards. We finally have two; two. So that -- that became a problem that there were unguarded and multiple intersections where unfortunately children were killed. So we are trying to make this street safer for kids and everyone else going about their business.

MR. REILLY: I'm glad you bring that up, because that brings to me another question about the revenue that's raised from the speed cameras, right? I believe in 2021 I believe the exact number was posted was \$215 million. In this legislation, which I have tried to advocate in the past when we debated a couple of Sessions ago, is there a dedicated fund connected with this that would require New York City to make improvements to sidewalks, to fund school crossing guards; is there anything in that capacity in this legislation?

MS. GLICK: No, I wish there were, just as I wish there was a graduated cost so that somebody who was a six-time offender had to pay a little bit more because clearly the 50 bucks was not enough to change behavior. But sadly, that is not in this legislation, nor is there a dedicated fund that we -- but we are working on getting the Administration to see the wisdom of that suggestion.

MR. REILLY: I have a bill that has been sitting since 2019 that actually does that, so I would be glad to work on it with you.

MS. GLICK: Yeah, we wanted to include it in this and actually, you know, it...

MR. REILLY: So getting back to why they want to -- why New York City thinks that they need to incorporate a 24/7 camera. You raised, in the explanation, about crashes on overnight, between 10 p.m. and 6 a.m. Monday through Friday, and including the weekends. Did DOT actually do any speed enforcement with the cameras they have, because they have mobile units that they could set up to do tests, to do actual recognizance to see if those crashes are actually caused by speeding or are they just saying that the accidents occurred, the collisions occurred and now this justifies us getting more speed cameras.

MS. GLICK: Well, I don't know that they, you know, they can't -- I don't think they can actually -- I assume, and this is an assumption, that when there's a crash, there is an investigation by the police department and that there is some information that is taken and whether it's the highway traffic division, and they can see whether or

not the force with which the lamppost that came down on 13th Street that -- and the car went -- took the lamppost down, went up, took the gate down, knocked over a tree, they might have been able to determine from the amount of damage that the car was going at a higher rate of speed than the 30 miles-an-hour or 25 that it should have been.

MR. REILLY: They -- so when the NYPD does those crash investigations, all right, the CSI -- the CIS unit comes out, it actually only comes out when there's someone who is injured and likely to die, so if the collisions didn't occur that way and cause a major issue like that where death was involved or serious injury, likely to die, they wouldn't actually do those tests. But the reason why I ask about DOT using their mobile speed camera units to do an evaluation, that would actually give us some hard data that maybe we could say, you know what, this isn't a revenue generator, this is something that they really have documentation that we can look at. So do they have that at all?

MS. GLICK: Well, they do have, and I sadly, I must have been looking at it and left it on the desk because I have been leaving things all over the -- oh, no, I actually have it here, okay. One of those rare moments where I didn't leave a paper I needed somewhere else. What they have is the ratio of speed camera trigger events to total traffic volume at all locations. So they at least know that when the cameras are on, there are fewer events, and they do it in sort of like a heat-related graph, and that's here, but all of these that

occur in the wee hours of the morning are where there are many more events.

MR. REILLY: So -- so -- but it doesn't say that they used their speed camera mobile units to identify that, correct?

MS. GLICK: Well, it does indicate, and I'm not sure, I'd have to check with them, because at the bottom it says, *Percentage of vehicles triggering a speed camera, not necessarily the final number to be determined speeding*, it does have between 3, oddly enough on Wednesdays seems to be the worst offender, between 3 and 4 in the morning. Now, I don't know when the shift change occurs, if I'm going there.

MR. REILLY: Not until 7.

MS. GLICK: So -- but it could be when bars are closing. So that 3 to 4 a.m. is sort of the time when bars are closing in New York, and that seems to be a particularly bad time of the wee hours of the morning. And there are a number of people who have been killed in the last several months, particularly in those late hours, 1:00, 2:00 in the morning. Sadly, a young man was killed on East Houston at 1:00 or 2:00 in the morning and the car was decidedly speeding, he was thrown very far and could never have survived.

MR. REILLY: Okay. So -- so would it surprise you if I told you that when they first implemented -- or when DOT was pushing the speed cameras in 2013, they released a data sheet that actually had the highest speeding locations in a circumference map, right? So they would have the streets highlighted for a borough and



they had it in a circular area where the cameras should go. Ironically, when we extended the legislation, it went from a quarter-mile distance on a street where the school building actually stood to the quarter-mile circumference around a school.

That's the reason why I raise these issues about DOT presenting the data with their mobile speed camera units instead of just guessing that these collisions involve speeding. I think if we had more data that we can rely on, I think that -- the point that I'm trying to make is that when DOT put out that first initial map with the circles, that was when the speed camera legislation was going to be only a quarter-mile on the street where the school was located. They were hoping originally to get that diameter quarter-mile from the beginning of the legislation. That happened after it was extended the last time, and now we're moving towards 24/7 cameras. What -- what this sense -- what I sense is that this was the intention all along.

MS. GLICK: Well, you may -- that may be your assumption. I think that the assumption is that we are trying to save lives of people in New York, and people are up at all hours. People are working on late night shifts, cleaning office buildings or cleaning -- ending cleaning up a bar when it shuts down. The bar doesn't -- when the bar closes, people leave, but the staff doesn't always disappear. So people are traveling at all different times of the day. And my first job, I had to get out to Astoria by ten after seven in the morning, and so I would need to take two subways and take a walk, so I would leave home at 5:30 in order to catch a train -- two trains and

walk. So you know, people are out at all different hours of the day because they're working. We have people who are coming off of hospital shifts, we have people who are, you know, so there's a good reason why we need to have these cameras on 24/7.

ACTING SPEAKER AUBRY: Mr. Reilly, your time has sped away.

MR. REILLY: That was fast.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: Well, the - I'm sorry if I'm choking - the sponsor has really said it all, but I may have to say something again. First, I'm glad there are members here who aren't from New York City who feel they need to speak on a local New York City bill. I mean, I personally would not be speaking on one of your hotel taxes even though it's a local bill. I could very well pass by your county and want to stop there, but we do welcome your opinion.

Anyway, this is all about saving lives. The data shows that since the speed cameras came to New York City, traffic deaths went down, and they kept going down until the pandemic. I mean, everything went up that's bad during the pandemic, but traffic deaths went down. There are I guess 168 hours in the week and right now, the speed cameras are only in effect for fewer than half of those hours; I guess it's 80 hours a week. So for the rest of the week, they're not in effect and the data shows that people are getting into accidents and dying. And if they could be slowed down, that would save lives.

Now, I'm sure nobody here has a perfect driving

record, but it's pretty clear that when somebody gets a speed camera ticket, they're less likely to do it again. Not everybody, but they're less likely, certainly to not do it again at the same camera. And that alone makes it worthwhile. Does it generate revenue? Yeah, but at most of the cameras, the revenue has actually gone down from where it initially was and that says to me that at least some people are learning their lessons. So if it generates revenue, so what? So what if it generates revenue? The key thing here is that it saves lives and it prevents injuries.

And if the City of New York wants this to happen, then I would hope that the members throughout the entire State would respect what the City is asking for being that this is a local bill. You may not like it. If you come to New York City, you're not from New York City, here's a thought. Go 25 miles-per-hour when you're in the City. It pretty much guarantees you're not going to get a ticket; in fact, you can even go 34 and still not get a ticket. But this is what the City is asking for. This is what has worked to save lives. It's worked year after year. And for the other 88 hours a week where the speed cameras aren't in effect, if they were in effect it could make a significant difference.

So I would urge everybody to vote for this bill, even if you don't like the idea of getting a ticket. Vote for this bill because this is what New York City wants and this is what will help save lives.

ACTING SPEAKER AUBRY: Mr. Goodell, are you...

MR. GOODELL: Yeah, I was hoping Mr. Dinowitz would yield.

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

MR. DINOWITZ: (Inaudible/mic off) -- but of course I'm happy to yield.

MR. GOODELL: Well, thank you, Mr. Dinowitz. I actually, believe it or not, have a local bill --

MR. DINOWITZ: It's a big local, but it's still a local bill.

MR. GOODELL: Yeah. I actually have a local bill in the City of Jamestown that asks for a speed camera for a school zone, and you would think that that would be held up by the Majority, but it hasn't.

MR. DINOWITZ: I don't know; first I'm hearing about it.

MR. GOODELL: Yeah. And the difference between the two is that I and millions of others had the good fortune of visiting your locality, which is home to half the State, and I'm still waiting for you to come out and visit my locality, but I can assure you that if you do, because my local bill is held up by the Majority, you will not get a speed camera citation when you visit.

MR. DINOWITZ: But I would also be sure if I -- isn't that where Lucy is from?

MR. GOODELL: Absolutely, and we all love Lucy.

MR. DINOWITZ: That is literally the only reason why I would travel so far, because I don't like traveling that far even though I'm sure it's a wonderful place, but if I were to travel there, I would certainly be very respectful and obey the speed limits best as I can.

MR. GOODELL: And -- and you would be assured of not getting any speed camera tickets, because that local bill has been held up by the Majority. Thank you, Mr. Dinowitz, for your thoughts.

MR. DINOWITZ: Any time.

ACTING SPEAKER AUBRY: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TANNOUSIS: Mr. Speaker, I represent the East Shore of Staten Island and a portion of Bay Ridge, Brooklyn. Staten Island is one of New York City's five boroughs and it's also the borough that does not have adequate public transportation. We have one train that runs from the North Shore of Staten Island down to the South Shore, one line above ground. We also do not have adequate public transportation. This speed camera program was introduced a few years back and it was clear at that time that it was used for the safety of children going to school. That is the reason why it was allowed to be a quarter-of-a-mile away from the school on the same street. Since then, the program has been expanded to include a

diameter of a quarter-of-a-mile and yet tonight we are here with a bill that would expand this program to make it 24/7. There are no children going to school at 3:00 in the morning, and there certainly are no parents taking their kids to school at 3:00 in the morning.

Mr. Speaker, there have been reports that in 2021, \$215 million was generated in revenue. This is not about public safety. If this was about public safety, there would be a sign at every speed camera indicating that there is a speed camera at the location and to slow down. But there is not. Why? Because this is a revenue generator. This is just another tax. I vote in the negative and I implore all my colleagues whether they live in the five boroughs or not to vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Gallagher.

MS. GALLAGHER: On the bill.

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

MS. GALLAGHER: I'm hearing some of my colleagues worry that this bill is not about public safety, but I unfortunately know all too well the cost of when speed cameras shut off at 10 p.m. Right between PS 34 and PS 110, a very popular school teacher in my district, Matthew Jensen, lives and when he was returning home from his birthday party last year, May 18th, 2021, he was struck by a speeding Rolls Royce in a hit-and-run and he was killed. And this was the most popular -- well, one of the most popular teachers in the school. He taught English as a Second Language, and he was known for making every single new child in that school feel

seen, heard, and like their culture was appreciated. He was known as the Mayor of PS 110. And I was so heartbroken because I have also lost friends on this same road, McGuinness Boulevard. And the children may not have been killed in this incident, but their hearts were broken beyond repair.

The good news is that these children who are in elementary school are extremely resilient, having just come through COVID. They are organizing, in my neighborhood, for more street safety programs. So if some of my colleagues would like to learn more about how speed cameras that turn off at 10 p.m. changed the lives of children, I can bring the activists from PS 110 next year and they can tell you about their favorite teacher, Mr. Jensen, and how he died.

So I'm very grateful that this legislation is going through. I have helped fight for it and I know that when these speed cameras are marked or have a timing that shuts on and off, people work around that. They speed and slow down, and then they speed again. They stop speeding until 10 p.m. and then at 10 p.m., all bets are off and it's the raceway. This is a very serious issue. When you are hit by a speeding car, you will be killed much more likely than you will be injured. And if you are hit at -- by a car going less than 20 miles-an-hour, it is likely you will be injured and not killed. I wish that that is -- that had been the fate of Mr. Jensen on his birthday, but unfortunately my community is still mourning his loss. And I hope that these speed cameras prove themselves to be effective even to the

doubters, and I hope that we can actually see an expansion of speed cameras beyond school districts because speed cameras also help to cut down bias incidents in traffic stops because it is done by a computer and not by a person who is carrying bias.

So I will also tell you, Mr. Speaker, that I will be voting in the affirmative, and I'm very grateful for the sponsor for bringing this forward, for the Speaker for bringing it to the floor, and I am grateful that we are taking the safety of pedestrians seriously. Thank you.

ACTING SPEAKER ENGLEBRIGHT: Thank you.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I don't know if Mr. Tannousis is still in the Chamber, but I did neglect to mention one of the additional pieces that are in the bill, which may be able to flip his vote. Second page, line 15, *The City shall install signs bearing the words "photo enforced" below speed limit signs, giving written notice to approaching motor vehicle operators that a photo speed violation monitoring system is in use in conformance with the standards established in the MUTCD, which stands for Manual on Uniform Traffic Control Devices, which I guess is the Federal highway thing that you have to conform with, and shall modify existing signage to reflect such written notice in the regular course of maintenance.*

So people will know that there is photo enforcement of the speed limit, so this is definitely, based on what my colleague



said, is an indication that this is really about public safety and not revenue generation, which I will repeat, could be driven to zero if people didn't speed. It is totally -- there are things that are outside our control. You can take a subway and you don't know when it's going to get there, they tell you it's going to come in five minutes and then two minutes and so forth, and that's usually correct now. But I grew up in a part of Queens where there was no subway and you had to take a bus to the subway. And so a lot of people learned to drive when they were quite young because it was a little bit limited in the public transportation, and the bus didn't come very often. So I learned to drive when I was quite young and took driver's education instead of having a sweet 16 party because I wanted to be able to get around on my own and get my license when I was 17. But I was also taught in that class not to speed.

And so this measure provides the -- not just the added hours and the days, but it adds the enforcement notification to the public that they should take their foot off the gas and follow the rules and make everybody safer. So I hope that that added information will allay the fears of Mr. Tannousis and some others that this is only about revenue generation and not public safety. Thank you very much, and I appreciate the support of my colleagues who likewise have seen people killed in their neighborhood, and I want to thank the Families for Safer Streets, because they have been using their pain, the loss of their loved ones and put it into action to make other people safer and to see that other families do not endure the same pain that

they have endured. Thank you, Mr. Speaker.

ACTING SPEAKER ENGLEBRIGHT: Thank you.

Mr. Aubry.

MR. AUBRY: On the bill, sir. I also represent Queens; as a matter of fact, the former speaker identified perfectly the kind of neighborhood I live in and one that's also a transit desert. We have the notorious Number 7 train, that's the only access train for us. This comes out of 42nd Street and ends in Flushing, Queens. And it's crowded and packed, and everything you do, you got to take a bus. We have lots of cars. People -- I have three boulevards, I have Queens Boulevard, which is known as "the boulevard of death." People drive up and down Queens Boulevard like it was a highway, but it goes right through crowded neighborhoods. I have Northern Boulevard which comes from the Ed Koch Bridge, I still call it that other bridge, and it goes all the way out to the end of Long Island and everybody who goes into the City wants to not pay a toll, comes down Northern Boulevard or Queens Boulevard or Astoria Boulevard, my other one, and I have the Grand Central Parkway, which is a parkway, on the farthest end, and it gets overcrowded when you have these traffic jams coming in and out of the City. People drive like they're out of their minds. They drive through residential streets, narrow streets, cars parked on both sides, they zoom. For-hire vehicles trying to get somebody to go into the airport, all kinds of traffic. I have lost children right on the corner from where my office is, the school that I started my education at, from a car going through and getting --

weaving through traffic and ends up hitting a kid and kills them. We have any number of deaths on Northern Boulevard over the last four or five years.

This is -- it may generate revenue, but it wouldn't, as we say, it wouldn't generate if people didn't speed. And people are speeding all the time and all day long. They want to go to work, they want to go to the airport, wherever they want to go, but they do not obey the speed laws. And we certainly don't have enough of these to do that. And those individuals who govern traffic around the schools are not stopping cars. They don't have the authority to stop cars, so that's not a help. This is a great tool that the City needs to use. If money is generated from it, don't blame the fact that that happens. Blame the people who speed, because they're going to pay the ticket. And so if the City is getting revenue, that's less revenue they're coming to Albany to ask for. If you want to take that away from them, they'll just come here and we'll have to give them that revenue.

So I just hope that we don't get confused about things, as they say. Local bill, message of -- that requesting it. This is something that I think the City needs. I know my community needs it. I support it. And the other thing, every school in Queens has a park next to it, it's a public park. So those parks are used all weekend long, that's how we recreate because we live in such tight spaces. There's no big fields necessarily, they're small parks, people come from all directions. Kids are there all the time, parents are there all the time. You need to provide some sort of protection for the families who've

got to cross those streets while somebody's driving up and down, speeding to try to get to whatever location they want to get.

I support the program, I hope all of you will do the same, and give the City the right to manage its own circumstance. And I will vote in the affirmative. Thank you.

ACTING SPEAKER ENGLEBRIGHT: Thank you.

Mr. Reilly for his second.

MR. REILLY: Thank you, Mr. Speaker. I will not take the full 15. On the bill, please. The -- one issue that I have is the notice of violation that is issued when the speed camera violation is generated. It's something that I spoke about, it's something that I spoke about to DOT, it's something I spoke about the last time this bill was coming up for extension.

When the notice of violation is issued, it does not include a statement that the speed camera was tested and calibrated. It does not list on that notice of violation the name of the school and the actual location of the school. What that does is it provides due process. It's part of when you're acknowledged to have violated or committed a violation, you have all the evidence given to you so that you can validate whether you committed that violation and plead guilty, or challenge it in the Parking Violations Bureau in New York City. When you get a parking ticket in New York City, which the speed camera violation is actually equated to, it is from the Parking Violations Bureau. When you get a parking ticket, it states exactly where your vehicle was, it states in front of what location. It's

something that has been missing in this legislation since 2013 when it began. It's something that has been raised over and over again. And if we give people due process and give them that form that attests that the camera was, indeed, calibrated, just like if you had a speeding ticket from a police officer, they have to testify in court, at traffic court, and say that, *Yes, I tested the speed camera -- the speed radar, the ladar, right, the laser, I tested it before I used it and then I tested it again after I issued my summonses, my violations.* That's not part of the speed camera program.

So I don't think that's much to ask. We talk about giving people their due process. We just debated bills ensuring that we gave people due process, especially juveniles, yesterday, right? This is along the same line of giving people due process and letting them know that they have an opportunity to fight the case. That's not here now. And you can ask DOT, New York City DOT acknowledges that they do not send that letter. They do not give that information. It is not listed on the notice of violation. It's an easy fix. We could do it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANDERSON: Thank you. This particular piece of legislation authorizes the City of New York to update the hours of operation for their speed cameras. And why this legislation is

important is because we're seeing an increase in traffic deaths, we're seeing an increase in traffic violations all across the City. One such that rocked my district earlier this year was when a vehicle mowed down an 11-year-old baby girl who lost her life in Far Rockaway. And this is not something that is specific to the Rockaways, this is something that's impacting my entire district and our entire City.

So I think that it's critically important that we vote on this legislation, but we have to keep an eye on this program to make sure that there's equity where the cameras are placed. We have to make sure that the revenue that is collected from these cameras are reinvested in true driver responsibility. But we also have to make sure that we reach into our parts of our tool bag and support other traffic control devices to help address the issues of speed in the City of New York, that means speed hunts and reforming the speed hunts program and making sure that we have Jersey barriers and many other traffic control devices in the City of New York to help address the speeding issues.

But I'm going to vote in the affirmative on this piece of legislation but, again, we have to keep our eyes on this program to ensure that there's true equity in communities of color across the City. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Anderson.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5602-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, sir. The Republican Conference is generally opposed to this. There may be some of us that are voting in favor of it, and for those who want to support it, certainly vote in favor on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is generally going to be in support of the opportunity to get people to slow down; however, there may be some of our colleagues that would choose to be an exception. They should feel free to contact the Majority Leader's Office and we will make sure their vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I thought there were some very compelling arguments made both in favor of the speed camera, particularly from a safety perspective, and also

expressing some concerns with the current program.

On a positive side, the data is pretty clear that these speed cameras have reduced speeding and accidents in school zones while they were in operation; in fact, there's a significant drop, often 50, 60, 70 percent in the number of speeding cars, which is substantial. On the flip side, it was surprising to me that there were almost 4.4 million speeding violations in New York City in 2020, and there are an average of 60 new cameras being installed per month. So I would guess we're looking at four-and-a-half, 5 million tickets, which translates into about a quarter of a billion dollars in revenue, and that's a concern.

My colleagues I thought accurately recognized a number of areas where the demonstration program could be improved on due process and the notifications and the information that's provided, and I think it would behoove us as a Legislature to work together to take this program and add those due process provisions in. It would be a benefit to everyone. You ought to be able to know where that camera was located, what time it was, you ought to be able to make sure that the camera is operating properly or have that opportunity. You ought to be able to raise the defense that you weren't there, your car wasn't there.

Now, these are very fundamental due process concerns that are not addressed in this current legislation. We have the ability to do both, don't we? We have the ability to have a camera system that helps reduce violations and still provide the information



and the due process. We should be striving to improve this demonstration program so that we don't have to have this debate where civil libertarians are worried about due process and fairness and others, myself included, are concerned about safety. It -- we can do it, and we can do both, but this bill doesn't do it and I'm so frustrated that we don't take that opportunity to improve the demonstration program. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Simon to explain her vote.

Gentlemen.

MS. SIMON: Thank you, Mr. Speaker. I thought in the interest of time I'd explain my vote. I would like to commend the sponsor for this bill and for really pushing forward the wisdom of ensuring that we are able to issue violations for people who speed at any time of the day or night. It is New York City, they do speed all hours of the day, even more so in the evening. And you know, I represent folks along 4th Avenue, sort of Brooklyn's boulevard of death, and Atlantic Avenue where there's consistent speeding and there have been deaths and injuries of young children, of older people, of nannies pushing strollers.

So this is critically important legislation. I want to thank, again, the sponsor for bringing it forward and I also want to also thank Families for Safe Streets who have really channeled their grief in order to protect all of us. And I will be voting in the affirmative, thank you.

ACTING SPEAKER AUBRY: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker. I typically don't speak twice on the same bill, but I just wanted to address some issues that were raised. My point about the signage was not that an existing speed limit sign be marked as photo enforced. The point that I was trying to make was that next to the speed camera, there should be an actual sign that says that there is a speed camera at the location. That bill was carried in the New York City Council by Staten Island Council members and each time it was killed by the New York City Department of Transportation.

The point, Mr. Speaker, I understand and I hear from my colleagues in Queens and from my colleagues from the Bronx and from Manhattan, and I understand that there are many issues in regards to speeding and drag racing, but I also understand very well that the rest of New York City has adequate public transportation. Staten Island does not. It does not have the adequate transportation for people to get around without vehicles, and it is -- it is an issue, it is a big issue. Staten Islanders in this situation are treated unfairly and for that reason I am in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker, to explain my vote. I represent Eastern Queens which is also a transit desert, and we in Queens drive our cars. And it's not really a crime to drive our car. I have no problem with cameras around schools to slow people down, or red light cameras, but people are getting these cameras two

or three, one after the other and I don't -- I have gotten more complaints from constituents about these tickets and people don't know where they are. The signage is not that visible, it doesn't say slow down, you know, there's no speed bumps. There should be speed bumps on dangerous corners, that would slow people down.

This does not slow people down and it doesn't change behavior. It's strictly a money generating issue, \$200-and-something million a year which is fine if you want to raise money, but it's not accomplishing the purpose even at 6 a.m. to 10 p.m., it's definitely not going to accomplish it at 24 hours. I predict the revenue may double, but it's not going to change people's behavior, and people don't even know they're getting these until they -- until they get it in the mail a week later and many, many cases, one after the other. So you know, I have a feeling that you're going to get more complaints from your constituents once this goes into effect than any other bill you have gotten. So I withdraw my request and vote in the negative.

ACTING SPEAKER AUBRY: Mr. Eichenstein.

MR. EICHENSTEIN: Thank you, Mr. Speaker, for allowing me to explain my vote. Let the record reflect this started as a pilot program intending to -- intending to keep children safe in front of the school during school hours. Ten years later, we have hundreds of cameras all over the City, nowhere near schools, by the way. And now we want to expand it to 24 hours a day, 365 days a year.

Mr. Speaker, as far as I'm concerned, this is all about revenue. You know what stops speeders? Police officers. Yes, police

officers. You know what stops speeders? Speed bumps. Why does it take the City of New York three years to install the speed bump, but a camera that generates fines and violations, that's up and running in 48 hours. This is all about fines and generating revenue. Mr. Speaker, I vote in the negative.

ACTING SPEAKER AUBRY: The gentleman is in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. McDonough in the affirmative. Thank you.

ACTING SPEAKER AUBRY: So noted.

Ms. Hyndman.

MS. HYNDMAN: Please record my colleagues in the negative on this bill: Mr. Dilan, Ms. Pheffer Amato, Ms. Forrest and Ms. Williams. Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, there will be an immediate call for the Rules Committee at this time.

ACTING SPEAKER AUBRY: Immediate Rules Committee. Those in their offices can tune in, and where will we be for Rules if we're on the floor, Ms. Hyndman?

MS. HYNDMAN: Rules Committee has been called in Room 345, which is the small conference room.

ACTING SPEAKER AUBRY: Thank you so very much. Rules Committee, Room 345, members.

MS. HYNDMAN: We will now begin consent off the A-Calendar - applause, okay - beginning with Rules Report No. 596 on consent. Thank you.

(Pause)

ACTING SPEAKER TAPIA: On the A-Calendar, page 4, Rules Report No. 596, the Clerk will read.

THE CLERK: Assembly No. A00197, Rules Report No. 596, Gottfried, Paulin, Sayegh. An act to amend the Civil Practice Law and Rules, in relation to changing reference from physician, osteopath or dentist to health care practitioner.

ACTING SPEAKER TAPIA: On a motion by Mr. Gottfried, the Senate bill is before the House. The Senate bill is advanced and the bill is verified -- is laid aside. Sorry, guys; my first time.

THE CLERK: Assembly No. A00279-A, Rules Report No. 597, Gottfried, McDonald, Dinowitz, Paulin, Fernandez, Zinerman, Simon, Stirpe, Lavine, Burdick, Woerner, L. Rosenthal, Fahy, Galef, Hevesi, Forrest. An act to amend the Public Health Law, in relation to adult immunization reporting requirements.

ACTING SPEAKER TAPIA: The bill is laid aside.

THE CLERK: Assembly No. A01118, Rules Report

No. 598, Bronson, Reyes. An act to amend the Workers' Compensation Law, in relation to defining temporary total disability.

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

THE CLERK: Assembly No. A01211-A, Rules Report No. 599, Buttenschon. An act to amend the Highway Law, in relation to authorizing the Town of Deerfield in Oneida County to transfer jurisdiction of a road to the State.

ACTING SPEAKER TAPIA: On a motion by Ms. Buttenschon, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER TAPIA: The Clerk will record the vote on Senate Bill 4448. 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. A02020-A, Rules Report No. 600, Reyes, Abbate, Dinowitz, Epstein, DeStefano, Jean-Pierre, Cruz, Simon, Gottfried, Colton, Darling, Burgos, Ashby, Forrest. An act to amend the Workers' Compensation Law, in relation

to claims for mental injury premised upon extraordinary work-related stress.

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

THE CLERK: Assembly No. A02210-C, Rules Report No. 601, Stern, Pretlow, Jean-Pierre, Sayegh, Ramos. An act to amend the Racing, Pari-mutuel Wagering and Breeding Law and the Tax Law, in relation to allowing certain off-track betting corporations to host additional video lottery gaming devices.

ACTING SPEAKER TAPIA: On a motion by Mr. Stern, 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 TAPIA: The Clerk will record the vote on Senate 7685-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record my colleague Mr. Gallahan and Mr. Mikulin in the negative. Thank you, Madam Speaker.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04006, Rules Report No. 602, Abbate. An act to amend the Civil Service Law, in relation to the appointment and promotion of certain personnel of the Sanitation Department of the City of New York.

ACTING SPEAKER TAPIA: On a motion by the Senate bill -- on a motion by Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk and the bill is laid aside.

THE CLERK: Assembly No. A06008-E, Rules Report No. 603, Bronson, Gallagher, Lunsford, McDonald, Barrett, Forrest, Clark, Steck, Santabarbara, Davila, Meeks, Abinanti, Burdick, Gunther, Walsh, Reilly, Zinerman, Stern, Jackson, Mitaynes, O'Donnell, Simon, Hunter, Hevesi, Jensen, Stirpe, Wallace, Anderson, Jean-Pierre, McMahon, Fahy, Galef, Burke. An act to amend the Education Law, in relation to diagnostic privilege; and providing for the repeal of certain provisions upon expiration thereof.

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

THE CLERK: Assembly No. A06207-B, Rules Report No. 604, L. Rosenthal, Glick, Simon, Forrest, Fahy, Frontus, Otis, Quart, Meeks, McDonald. An act to amend the Public Service Law and the General Business Law, in relation to requiring the release



of individuals from utility, phone and television contracts in instances of domestic violence; and to repeal certain provisions of the Public Service Law relating thereto.

ACTING SPEAKER TAPIA: On a motion by Ms. Rosenthal, 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 TAPIA: The Clerk will record the vote on Senate Bill 7157-A. Any member -- 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.)

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

MR. GOODELL: Thank you. This bill allows individuals who are victims of domestic violence to break their contracts with utility, phone, and television companies by filing a statement that says, *I'm a victim of domestic violence*. And I can certainly understand why in some situations they might want to do that because they might want to move to get away from the abuser. Unfortunately, this bill doesn't actually require that the victim indicate that they want to break the contract because they want to move to get away from the victim, it just gives them the absolute right. Nor does it require a police report or any law enforcement action or any action,

really, to stop the abuse or to punish the abuser. But what it does do is violate the Contract Clause in the U.S. Constitution which says the Legislature cannot pass legislation that impairs the validity of an existing contract.

Most of my colleagues, and I think almost -- well, everyone here is sympathetic to the plight of domestic violence victims, but it would be helpful and much more Constitutionally-sound if we had narrow legislation that connected this breach of a contract which is authorized by this law with the actual problem of a victim who needs to move or get away from the abuser, and connects that with efforts by the victim to stop the abuse and punish the abuser. Thank you, sir. For those reasons, I will be voting no but most of my colleagues will be voting yes for sure.

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

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 603, the Clerk will read.

THE CLERK: Senate No. S09449, Senator Brouk (Bronson, Gallagher, Lunsford, McDonald, Barrett, Forrest, Clark, Steck, Santabarbara, Davila, Meeks, Abinanti, Burdick, Gunther, Walsh, Reilly, Zinerman, Stern, Jackson, Mitaynes, O'Donnell, Simon, Hunter, Hevesi, Jensen, Stirpe, Wallace, Anderson, Jean-Pierre, McMahon, Fahy, Galef, Burke--A06008-E). An act to amend the Education Law, in relation to diagnostic privilege; and providing for

the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect June 24th, 2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 9449. 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. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker. I abstain on my vote for the purposes of explaining my vote. And first, I want to thank the Chair of Higher Education and her team, as well as Program and Council for working with us so hard on this bill to be able to make it better and make it stronger. The purpose of this bill is to make sure that we have a workforce to address the mental health crisis that we have in our communities. Our children are needing more and more counseling and therapy, but we have to get them into the system. And this has been a log jam of getting them in the system because we have not had enough professionals that are able to diagnose and develop assessment treatment plans. This measure will allow, through a privileged and additional education, mental health counselors, marriage and family therapists and psychoanalysts to be able to diagnose and do assessment treatment plans. This will put roughly 10,000 additional people able to do diagnosis, and it will also address

a longstanding exemption that allowed some of these professionals to do this work in certain settings.

This is the right thing for us to do in this time of crisis as our young people and our families are facing the stresses related to COVID and the pandemic, the stresses related to being educated at home and families struggling to balance the needs of their family and going to work. The stresses of racial injustice that many folks are facing right now, the stresses of the violence that we see in our streets, like in the City of Rochester, and our young people are seeing more on TV every single night. We are in crisis right now, a mental health crisis. We're not meeting the demand. This bill will help us meet that demand and, Mr. Speaker, with that I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Would you please advance the B-Calendar?

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the B-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We're going to take that

B-Calendar up immediately, starting with Rules Report No. 673 by Mr. De Los Santos, followed by No. 674 by Mr. Benedetto.

Thank you, sir.

ACTING SPEAKER AUBRY: You're quite welcome.

Page 3, Rules Report No. 673, the Clerk will read.

THE CLERK: Assembly No. A10498, Rules Report No. 673, Committee on Rules (De Los Santos, Glick, Hevesi, Burgos, Simon). An act to amend the Education Law, in relation to the contract for excellence in a city school district in a city having a population of one million or more inhabitants.

ACTING SPEAKER AUBRY: On a motion by Mr. De Los Santos, 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 9460. 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. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I rise to express my support for this bill on behalf of the students, which finally implements highly-needed and requested class size reduction in New York City, for which I have advocated for many years. As a long time

Civil Rights and special education lawyer, I know how a court's decision can fundamentally alter the implementation of laws. I understand how noncompliance with a court's decision can have profoundly detrimental effects on people. And that goes double for denying our children the rights to which they are entitled.

The Campaign for Fiscal Equity court ruling found that tens of thousands of students placed in overcrowded classrooms is large enough to represent a systemic failure. It took 28 years to fully -- to commit to fully funding foundation aid; we are now two-thirds of the way there. So we are now holding New York City accountable for following the letter and the spirit of the law and implementing demonstrated actions to improve education outcomes by decreasing class sizes. There were those who doubted, not fully understanding the intention of this law, but they are now supporters alongside the many fighting for educational justice.

I'm extremely excited that my colleague shaped this legislation from my introduction of A7447-A with Senator Robert Jackson, who was the lead plaintiff and co-founder of the Campaign for Fiscal Equity, and sued New York State on behalf of New York students. Since January, we have been championing a five-year phase in to reduce class size, a cap on class sizes by grade, a strict timeline for meaningful public engagement, and adding teeth to the Contracts for Excellence Law by withholding funds of goals that are not met.

Each year, the DOE survey what changes K through 12 parents would like to see in their children's schools. Smaller

classes have been the top priority year after year. This is a win for every student and I want to thank the groups who have worked tirelessly throughout the years: Obviously Senator Jackson, the Alliance for Quality Education, Class Size Matters, the Education Law Center and, of course, those parents who have fought and even sued the State for its refusal to reduce class size.

When we see injustice in our education system, I don't really care how we attain fairness, I help -- I help get it done and this is a victory for the students. So I want to thank Leader Heastie, Majority Leader Peoples-Stokes, and the UFT, as well, and I proudly will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10499, Rules Report No. 674, Committee on Rules (Benedetto). An act to amend the Education Law, in relation to school governance in the City of New York; to amend Chapter 345 of the Laws of 2009, amending the Education Law and other laws relating to the New York City Board of Education, Chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend Chapter 91 of the Laws of 2002, amending the Education Law and other laws relating to reorganization of the New York City School

Construction Authority, Board of Education, and community boards, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Benedetto, 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 9459. 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. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker, to explain my vote. You know, since 2009 I have been a member of this Body and my first debate was really on -- my full debate was on mayoral control. And many of the things that I raised the issues, I introduced legislation to help advocate for transparency and more accountability in mayoral control. And for what I see, the work that was accomplished in this legislation -- listen, there's always room for improvement. I think the extension of two years and some of the additions that have been made in this legislation, especially the ability for accountability for those appointed members by certain members of New York City government, like the Borough Presidents and the Mayor, that those appointees cannot be removed except for cause. And if they go against the appointing authority on a vote, that is not



cause for them to be removed. And that is something that I have been advocating for years, because I think that would actually give the merits of the plan that's proposed by the Mayor, it has to stand on its own two legs and get the Panel for Educational Policy's support and them to approve it.

So I think this is a good layer that has been made. I think there's always going to be room for improvement and I'm sure we'll have the discussion for the next two years when there's up for extension again, but I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly in the affirmative.

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you, Mr. Speaker, for allowing me to explain my vote. I remember when this was passed originally in 2002, obviously I wasn't in the Assembly then, I'm not that old. Anyway... but there are certain instances of this bill that I think could have been done better for the individuals in New York City, particularly parents. I, myself, am a parent of a public school student. I think the term limits and the non-voting parts that are in the Panel for Educational Policy hamstrings this new Mayor in doing the work because we are blaming him for a lot of the mistakes of past Mayors, particularly Bloomberg and de Blasio. This Mayor has had more engagement in the last six months in my school district, 29, than I've seen in the total time I've been involved in the public school

system since 2005.

So while we're only giving him two years, we only give him two years, but the real structural change to get through is right, and if we want him to be successful, I think we should have given this Mayor the full four years so that he could make the changes that communities need to see. This is a Mayor who came up in a public school system, understands what it's like to receive a public school education, realizes it was a disservice when he had dyslexia for all those years and instead of being a statistic, he is now the Mayor of New York City. That kind of record I felt should have been given a fully fleshed out four-year term to see what he can do. I have seen the turnaround in my community already. We've had the ability to look at and examine superintendents, which is something Community Education Councils were never able to do.

My concern is that in two years, we're going to ask for results and as members, we know two years, a two-year term is short. You can't get what you want to get done in this Assembly as a member in two years and we're asking the Mayor to change the largest school system in the country and try to get this right on the backs of children. I am voting in the affirmative on this bill because I think this is better than nothing, and to go back to what was there I think would be a disservice to the children of New York City. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. Since mayoral control was implemented in the City of New York, I think on the whole there has been significant progress from where the City's education system stood. I find it bizarre that we would dangle mayoral control over the head of the Mayor up to the very last minute of this Session and force him to come back in two years, as we head into another election cycle in the State of New York, to have to ask for it again. I think the Mayor should have been given the full four years that he was asking for, especially after inheriting the disastrous leadership of his predecessor.

So I'm going to vote no because I think this was really unfortunate that this was delayed all the way to the end and that the Mayor is going to have to come back in another two years and seek further approval, creating uncertainty in a system that needs certainty and that needs leadership. And I encourage everybody going forward to not use mayoral control as a bargaining chip, but ensure that the Mayor of the City of New York has the ability to hold the education system accountable and ensure our children are getting the best education possible.

MRS. PEOPLES-STOKES: Mr. Speaker, would you

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ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Would you please record our colleague Mr. Barnwell in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 605 on the A-Calendar, the Clerk will read.

THE CLERK: Assembly No. A06262-B, Rules Report No. 605, Cymbrowitz, L. Rosenthal, Epstein, O'Donnell, Bichotte Hermelyn, De Los Santos, Rajkumar, Gottfried. An act to amend the Multiple Dwelling Law, in relation to authorizing any dwelling with a certificate authorizing occupancy as a Class B hotel to also authorize occupancy of such units in such dwelling for permanent residence purposes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This --

ACTING SPEAKER AUBRY: Oh, on a motion by Mr. Cymbrowitz, 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 4937-C. 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.)

ACTING SPEAKER EICHENSTEIN: Mr. Aubry to explain his vote.

MR. AUBRY: Thank you, Mr. Speaker. I appreciate the opportunity to explain my vote. I have concerns about this piece of legislation, and it really has to do with the standards that the conversion from a hotel to permanent housing is going to be. Exactly what are you going to do to that building? They're going to take a hotel, which is essentially a place of one-room occupancy, and then set up -- rooms may be combined then. There's no kitchen going to be put in. I'm made to understand the standard for a kitchen is going to be having a hot plate. I believe that they'll be no more development of these. I can't see them being a permanent housing for folks. If they were fully renovating these structures and gutting them and turning them into a residence, then I probably would feel better. But that isn't what the standards as I understand it are going to require people to do. So what it seems to me is where we have the -- the hotels have been used to house homeless people, we're now going to permanently put them in these facilities for hotels that probably they feel were not going to make it and somebody is going to sell it, somebody's going to get some money. I don't feel comfortable with that. I don't think that's the answer to providing permanent housing for homeless people as far as I'm concerned. I think they deserve a better standard, a building and a better standard of construction.

And so I'm going to vote against this particular piece of legislation. I hope that my fears of what this will turn into will not end up to be true. Let me also say that I represent, as many of you know, an area by LaGuardia Airport. I have a lot of hotels that went down because there was a loss of air traffic during COVID, and so they have been trying to put residences in these facilities. And my community takes them. But to create a circumstance where that unit is going to be used in a way that now becomes permanently that, somehow I have a feeling this is more about the dollar than it is about the housing.

Thank you very much. I will be voting in the negative.

ACTING SPEAKER EICHENSTEIN: Mr. Aubry in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleagues Mr. Norris and Mr. Tannousis in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Please record our colleague Ms. Pheffer Amato 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.

THE CLERK: Assembly No. A06318-B, Rules Report No. 606, Stern, Griffin, Brabenec, Gandolfo, Durso, Ra. An act to amend the Executive Law, in relation to establishing a blue alert system to aid in the apprehension of any individuals suspected of killing or seriously wounding any law enforcement officer.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, 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 772-A. 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. A07004-A, Rules Report No. 609, Abbate, Griffin, Stern, Sillitti, Burke. An act to amend the Retirement and Social Security Law, in relation to certain medical presumptions applicable to members of the New York State and Local Employees' Retirement System.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6093-A. 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. A07742-A, Rules Report No. 610, Lavine. An act to amend the Abandoned Property Law, in relation to including unclaimed virtual currency within the scope of property covered by such law.

ACTING SPEAKER AUBRY: On a motion by Mr. Lavine, 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 9360. 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. A07925-A, Rules Report No. 611, Zebrowski, McDonald, Abinanti, Englebright, Stirpe, Anderson, Burgos, Dickens, Woerner, Lupardo, Wallace. An act to amend the State Finance Law and the Education law, in relation to restoring oversight of certain contracts by the Comptroller; and to repeal certain provisions of the education Law relating thereto.

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

THE CLERK: Assembly No. A08109-A, Rules Report No. 612, Weinstein. An act to amend the Civil Rights Law, in relation to excluding certain works and individuals from violations of the right of publicity.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6680-A. This is a fast -- 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. A08203-A, Rules Report No. 613, Gunther. An act to amend the Public Health Law, in relation to establishing the Maternal-Infant Care Centers Pilot Program; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8203-A. 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. A08619-B, Rules Report No. 614, Meeks, Kelles, Cruz, Taylor, González-Rojas, Clark,

Simon, Gottfried, Jackson, Jean-Pierre, Quart, Gallagher, Hevesi, Zinerman, Darling, Gibbs, Paulin, Falls, Fernandez, De Los Santos, Galef, Burgos, Forrest, L. Rosenthal, Abinanti, Niou, McMahon, Cunningham, Walker, Stirpe, Anderson, Dickens, Carroll, Weprin, Bichotte Hermelyn, Aubry, Reyes. An act to amend the Executive Law, in relation to expanding eligibility for victims and survivors of crime to access victim compensation funds by removing the mandatory law enforcement reporting requirement and providing alternative forms of evidence that would show that a qualifying crime was committed.

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 8619-B. 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. A08874-B, Rules Report No. 615, Joyner, Otis, Darling, Colton, Durso, González-Rojas. An act to amend the Labor Law, in relation to restrictions on consecutive hours of work for nurses.

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. A09085, Rules Report No. 616, Clark, Englebright, González-Rojas, Gottfried, Kelles, Simon, Jackson, Frontus, Glick, Mitaynes. An act directing the Commissioner of Mental Health to establish a maternal mental health workgroup to study and issue recommendations related to maternal mental health and perinatal and postpartum mood and anxiety disorders; and providing for the repeal of such provision upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Clark, 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 7752. This is a fast roll call. Any member wishing 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. A09368-A, Rules

Report No. 617, Bronson, Cruz, Rozic, Simon, Reyes, Bichotte Hermelyn, Cymbrowitz, Seawright, Dickens, Hevesi, Gallagher, Gottfried, Dinowitz, Burgos, Kelles, Galef, Mitaynes, Burdick, González-Rojas, Epstein, Forrest, Lawler, Glick, Fernandez. An act to amend the Labor Law, in relation to enacting the "Freelance Isn't Free Act."

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8369-B. 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. A09440, Rules Report No. 618, Jensen, Byrnes, Hawley, Lunsford, Bronson. An act to amend the Retirement and Social Security Law, in relation to the retirement of deputy sheriffs-civil in the County of Monroe.

ACTING SPEAKER AUBRY: On a motion by Mr.

Jensen, the Senate bill is before the House. The Senate bill is advanced. 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 on Senate print 8682. 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. A09492-C, Rules Report No. 619, Abinanti, Stirpe, Hunter, Clark, Magnarelli, Darling, Burdick, Jensen, Byrnes, McMahon. An act to amend the Mental Hygiene Law, in relation to the creation of an Innovative Housing Initiative for persons with a developmental disability who wish and are able to safely reside in such a setting; to direct the Division of Housing and Community Renewal to establish guidelines for the dissemination of disclosure materials for the offer and sale of interests in residential environments formed under the Innovative Housing Initiative; and to amend the General Business Law, in relation to creating an exemption from certain filing requirements for residential environments that are formed as cooperative interests in realty for persons receiving services under the Innovative Housing Initiative.

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 9492-C. 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. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This legislation amends the Mental Hygiene Law to facilitate OPWDD's providing supports to people with developmental disabilities in new residential environments. As we know, there's a very serious shortage of housing for people with developmental disabilities. What this bill does is it facilitates OPWDD's providing supports in innovative housing situations. This comes as a result of some work with Assemblymember Al Stirpe. His -- his -- some of his constituents wanted to purchase some land and build a small apartment building for their kids who need 24/7 services because of their autism. And there was some difficulty with OPWDD. As a result of their efforts, as a result of efforts of some residents from Buffalo, from Westchester County, New York City and Long Island, we have a coalition of parents working together and we've pushed OPWDD and OPWDD now is moving in this direction. They're issuing some regulations. And this legislation puts in statute the changes and to change direction

of -- where -- for -- to a facilitate new types of housing out there so that individuals have a choice of places to live, they're not limited to who they live with or the number of people they live with, and basically what the environment is. So this gives people with developmental disabilities the same choices that senior citizens have, that young people have, that typical people have everywhere.

So I want to thank all of the parents who've worked with us. I want to thank the lawyers, the Assembly staff, Assemblymember Stirpe and all the others who have worked together so hard to get this legislation to this point. And I want to thank all of my colleagues for -- for voting in the affirmative on this legislation.

ACTING SPEAKER ZEBROWSKI: Mr. Abinanti in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. I want to commend Mr. Abinanti for developing this legislation. In my work as a member of the Committee on People with Disabilities, I've worked with many in the community that have come to me and told me the great difficulties that they have in providing housing for their loved ones. And it's clear that we need to develop innovative techniques for providing such housing because while there may be certain housing that can be available to them now, it is absolutely clear that we need to do considerably more to meet those needs.

So I thank the Chair for his leadership on this and his perseverance in moving forward and I vote in the affirmative.



ACTING SPEAKER ZEBROWSKI: Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09620, Rules Report No. 620, Abbate, Aubry. An act to amend the Education Law, in relation to providing for the automatic enrollment of employees of the City of New York eligible to join the New York City Board of Education Retirement System.

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

Read the last section.

THE CLERK: This act shall take effect July 1, 2023.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 8644. 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. A09648-A, Rules

Report No. 621, Kelles, González-Rojas, Seawright, Davila, Thiele, Simon, Gottfried, Dinowitz, Epstein. An act to amend the Executive Law, in relation to establishing the LGBTQ Advisory Board.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Kelles, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 6501-B. 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. A09666, Rules Report No. 622, Abbate, Aubry. An act to amend the Retirement and Social Security Law, in relation to accidental disability retirement for deputy sheriffs.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 8559. 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. A09670, Rules Report No. 623, Abbate, Sayegh, Paulin. An act to amend the Retirement and Social Security Law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Westchester County.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 8448. 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. A09704, Rules Report No. 625, Friend. An act to amend Chapter 433 of the Laws of 2013, relating to authorizing the Public Service Commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality, in relation to including the Village of Owego in the definition of municipality.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Friend, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 8482. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you record our colleague Mr. Burke in the negative on this piece of legislation?

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09720, Rules Report No. 627, Palmesano. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Village of Bath, in Steuben County; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on --

(Pause)

The Clerk will record the vote on Assembly bill 9720. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Mr. Burke as well as Mr. Barnwell in the negative on this item.

ACTING SPEAKER ZEBROWSKI: So noted.

MRS. PEOPLES-STOKES: Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleague Mr. Reilly in the negative.

Thank you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, we are now going to go to Calendar No. 600.

ACTING SPEAKER ZEBROWSKI: Page 44, Calendar No. 600, the Clerk will read.

THE CLERK: Assembly No. A06770, Calendar No. 600, Weinstein, Dinowitz, Zebrowski, Lavine, L. Rosenthal, Aubry, Paulin, Colton, Hyndman, Abinanti, Weprin, Joyner, Santabarbara, Taylor, Griffin, Carroll, Sayegh, Frontus, Jacobson, Burke, Steck, Simon, Dilan, Fall, Jean-Pierre, Dickens, Darling, Solages, Wallace, Niou, Cruz, Cook, Rajkumar, Benedetto, Burgos, Stern, Mitaynes, Lunsford, Walczyk, Hunter, Sillitti, Hevesi, Mamdani, Stirpe, Gibbs,

Fernandez, McMahon, Epstein, Seawright, Burdick, Magnarelli, Kim, Englebright. An act to amend the Estates, Powers and Trusts Law, in relation to the payment and distribution of damages in wrongful death actions.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced.

Ms. Weinstein, an explanation has been requested.

MS. WEINSTEIN: Thank you, Mr. Speaker. I've waited 29 years, having sponsored this bill for each of the past 29 years, to be able to see this bill substituted by the Senate proposal and likely be signed into law to be able to assist so many grieving families in New York State. What this bill simply would do is modernize our law concerning the type of damages a court may award where a person's death was wrongfully caused by another, either intentionally or negligently. The law that we are amending was a groundbreaker when New York adopted it in 1847 - that's not a typo - 1847. New York was the first State to adopt a wrongful death law that allowed for compensation to family members. However, a lot has changed since -- since 1847. President Polk was President. The automobile hadn't been invented yet. We didn't have modern medicine, and our colleague Dick Gottfried was just starting his first year in the Assembly.

(Laughter)

But all -- all kidding aside, in 1847 what New York

did was allow for wrongful death, but only for the breadwinner. It's called pecuniary losses. So the loss of wages. No recognition of the loss of a child who isn't earning a living. A loss of a homemaker. The loss -- the wrongful death of a senior who's been retired. And no compensation for the grief, the loss of affection, the loss of having a parent to bring up the -- a child. A grandparent. So what this bill simply does is, it says -- it doesn't measure the loss in damages only on the earnings. It -- it measures the loss based on grief, the loss of companionship. And it's not a new concept. New York is a tremendous outlier. There are only two other states, Delaware and Alabama, that have this rule. Every other State allows for compensation of children, of grandparents, of a non-working homemaker, a lower-wage earner, for the loss of affection, the loss of -- the -- the grief of those individuals. And we also recognize in this legislation that families have changed. What's -- that there are grandparents raising children. There are expanded families. There are cousins who have suffered losses of a -- of an aunt. So we expand the number of individuals who can potentially -- who have been impacted by this wrongful death who can recover damages once there's been the finding that -- that the death was caused by negligence or some other -- some other cause.

So why don't I -- I know there's some questions and the hour is late, so why don't I stop with that and I'd be happy to respond to questions.

ACTING SPEAKER ZEBROWSKI: Mr. Jensen.



MR. JENSEN: Thank you very much, Mr. Speaker.  
Will the sponsor yield for a few questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor  
yields.

MR. JENSEN: Thank you very much, Chairwoman  
Weinstein. And I -- I do thank your indulgence, especially after  
waiting 29 years you're going to wait a few more moments, and I do  
thank you for that. I know in the bill there is an extension of the  
statute of limitations from two years to three-and-a-half years.

MS. WEINSTEIN: Correct.

MR. JENSEN: What is the basis for that extension  
when the industry norm across the nation is around two-and-a-half  
years?

MS. WEINSTEIN: Well, when -- when a family  
member dies, when someone you love dies, it takes a while before --  
your first thought is not, *Let's sue*. Your first thought is -- is  
comforting the rest of your -- your family members. So we want to  
make -- make sure that not only is there time for the family to grieve,  
but it's also a time frame. And it recognizes that it's sometimes  
difficult to get that legal authority to commence a wrongful death  
action. You need Letters of Administration in order to proceed. So  
the -- the current statute doesn't really allow time for that family to --

to grieve, and we think that this is a reasonable extension of the window to allow that to take place.

MR. JENSEN: Okay. Thank you. There was a 2021 analysis on this proposal, and it was found that the implementation of this legislation would increase the medical liability premiums to around by 39.5 percent and insurance premiums across the board by 12.5 percent. And while in our budget this year we provided over \$1 billion in support of funding for safety net hospitals, is there any concern that those expansions of the premiums in both respective cases could have a negative impact on some of our healthcare providers and some of our healthcare systems, especially those that have safety net hospitals that use excess revenue to provide low-cost or free-of-charge healthcare?

MS. WEINSTEIN: Well, I -- I would be curious to see the study that shows the 39 percent because I -- I would say to you whenever we've touched on legislation that's -- that can touch on medical malpractice, the cry is always, *The sky is going to fall, the floodgates are going to open*. But the reality is that has not been the case. MLMIC decreased their rates for internal medicine about 12 percent across the -- the State. The Physician's Reciprocal Insurance, the PRI, has reduced their rates for internal medicine and general surgery by an average of five percent across the -- the State. When these changes were made in other states the rate increases were fairly minor or were flat, and in 2007 Illinois amended their wrongful death act to reflect basically what we are going to enact here. It took effect

in May of 2007. Their act was -- followed us in 1853, and during that time the ten years following the passage of the Illinois law which permitted recovery for grief, sorrow and mental suffering, their professional and liability insurance premiums went down. And Illinois is an urban -- has a -- is a state very similar to us; it has an urban center and it's a large state. And after checking with Illinois, various (inaudible) in Illinois, not only was there not an increase but that the -- the rates remained basically similar to what they had been before. So I think it just, you know, that that refutes the -- the cry of the sky is falling, the rates are going to go up, the doctors are going to flee.

MR. JENSEN: Well, and I think that's one of the concerns, the ancillary concerns not just on the hospitals or the -- the providers in a macro sense, but in that micro sense that you could have physicians who may possibly be having that -- that medical liability premium increase. And when we are already in a physician shortage across the State in every field that this could potentially make it tougher to retain our licensees or attract new ones into the field to work here in New York State as opposed to going to other states that may not have as high a premium. So there's -- you don't have any concern that that could be the case?

MS. WEINSTEIN: Well, no, I don't have that -- that concern. And -- and in fact when several years ago we enacted Laverne's Law, the date of discovery, changed the law for the date of discovery, at that time the Medical Society of the State of New York

predicted medical malpractice insurance rates to increase by 15 to 30 percent, not too different from the numbers that you've said. In the years since that law has been enacted it hasn't happened. The -- as I mentioned earlier, rates have gone down, not up, in New York -- New York State. And I would imagine that we will follow the same pattern that happened in Illinois and the same pattern that happened after we expanded -- enacted the date of discovery.

MR. JENSEN: Okay. You know, I think there -- there is commonsense in this and that, you know, just because you may not have children, you may not have a spouse your life is still meaningful. When we expand the -- the family members who would be able to bring this wrongful death suit against the person who did the wrongful death, is there any limit to who would be able to file that lawsuit to claim the wrongful death? Would it have to be a direct family member, is it --

MS. WEINSTEIN: We -- we don't change who files the lawsuit --

MR. JENSEN: Okay.

MS. WEINSTEIN: -- we just change who is entitled to distribution from the lawsuit.

MR. JENSEN: Okay. And I -- and I guess one of the things in just the, you know, (inaudible) New York State does have the highest amount of medical malpractice payments in the nation. Over an 11-year period we were twice as much as the number two state. Is there the expectation with -- with the expansion that we're

going to increase the -- the number of medical liability -- medical practice payments in the State?

MS. WEINSTEIN: I -- I don't think so. And luckily, I think, that the med mal case filings are really at record lows. New York had 28 percent fewer medical malpractice filings in 2019 than in 1995 and 30 percent less than the peak in 2003. So -- and medical malpractice case filings have fallen each year since 20 -- 2014. That's good news. That means maybe things are -- are a little safer for people. That's -- you know, we're -- we're looking happy if there are fewer -- fewer incidents. So I -- I don't think that there will be an increase in -- in claims or in -- in awards.

MR. JENSEN: So there's no -- you don't have any concern that this could lead to more prospective or maybe kind of trying to take a swing when previously they may not have brought this suit? You don't think this will lead to more -- and due to the late hour I'm blanking on the word I want to use -- but more speculative suits being brought in hopes?

MS. WEINSTEIN: I -- I don't believe so. And -- and, you know, I just think our colleague should recognize this isn't just about medical. It isn't just about medical malpractice, it's someone who is wrongfully killed in an -- in an auto accident and a violation of the Labor Law or construction accident. It has a wide -- wide-ranging impact. In fact, some of the people who had come here to lobby the -- or both the Senate and the Assembly were for -- were the family members of the victims of the Schoharie limousine accident

who felt strongly, you know, because you still need to have the liability finding. It -- it just expands the -- the amount of -- expands the category of people who can be a distributee, who can recover based on the changing -- how families have changed, and it, you know, we'll just leave it at that.

MR. JENSEN: Yes. Thank you very much. I appreciate your answers.

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. JENSEN: Thank you. And I appreciate the sponsor's willingness to answer my questions and I -- I do appreciate her 29 years of pushing this bill. Certainly, when you look at the pain that somebody suffers from losing a family member, whether or not they have children, whether or not they're married does not diminish the value of their life. I think that's something that we can all agree on. But I think when you look at our healthcare providers, especially based on the financial strain that practitioners and providers have faced over the past two years it may be worth putting in an exemption for the healthcare industry in this -- in this legislation. You know, certainly with potential for increasing medical liability premiums going up, I think that that would be something that would make sense. But certainly, if somebody's acting against the law and it causes wrongful death there should be a level of accountability. And I appreciate, like I said, the sponsor's advocacy for this and the fact that once again New York State was a groundbreaker in the -- in the

1840s.

Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. GOODELL: Thank you, Ms. Weinstein. I -- I thought if you took the trouble to be awake in the middle of the night I would take the trouble to listen and ask you a couple of quick questions, I hope. You correctly pointed out that the current methodology or formula is really a -- a calculation. It's almost like a mathematical calculation. It takes a look at the decedent, how much -- and the people that relied on that decedent or would likely rely on that decedent and they would calculate the present market value of the likely income that the decedent would have contributed to the people around them. And so the current process takes virtually no consideration into all of the pain and suffering that we normally experience. And many of us have gone through that process with loved ones. Parents or siblings or kids or whatever. The flip side, of course, is that when you leave a formula you -- then there's talking about calculations that are inherently subjective. You know, the loss

of companionship. Lost of consortium. How -- the -- the challenge that people then wrestle with is how do you value that? Was the person a great person, or was the person like me where half the people coming into my funeral will likely just check to make sure I'm dead? So how do you -- how do you value that? And I think that's the problem that they're wrestling with. And it's -- in the malpractice area it's particularly difficult when the emotions are particularly hard. And so for example, a family that loses a baby and, you know, it's just devastating. And so of course, you know, the physicians and their insurance companies are saying, you know, it's a horrific tragedy and juries feel very sympathetic. And as you know, we've actually -- this Body has put in special provisions as it relates to infant deaths because the awards were so large. So how do you balance that? What are your thoughts?

MS. WEINSTEIN: So, first I would say that obviously there's tremendous loss. But there are 40 -- 47 other states, at a minimum, that permit this kind of recovery for noneconomic damages for grief and anguish. New York courts already handle pain and suffering awards. They will -- I think that puts them in a position to be well-equipped to extend that expertise to grief and anguish suffered by families who've lost a loved one due to the fault of another. And you mentioned juries. That, as you know, judges can -- judges do review jury awards sometimes if there is a jury award that's really out of -- out of whack with what's normal practice and the judge can reduce the award. Awards can be appealed to an Appellate



Division, and they're very adaptive reviewing awards and determining what they believe is reasonable compensation. And the -- in terms of medical malpractice, one in -- in our State one in four medical malpractice cases that go to a jury trial end up being lost. Often, cases are settled and -- and not gone -- go to a jury. But I -- I have great confidence in the judges in our -- in our State to be able to calculate these -- these awards and will become common practice and -- at some point, the same way that there's an understanding of payment calculations of pain and suffering. And as I said, 47 other states already allow for this and they have seemed to have successfully figured out how to do it.

MR. GOODELL: Well, in New York State and I suspect in other states as well, they have implemented controls or guidelines or restrictions on what the recoveries are so that, you know, we don't bankrupt the system, basically. And as you know, in the Workers' Comp system it's also very, very mechanical, right? You lose a finger on your left hand, it's worth X dollars. It seems rather macabre, but it's very cut and dry in terms of the loss. And that even applies to the loss of life, right, on the Workers' Comp. Do you envision any type of caps or guidelines or processes that New York State, like other states, can or should or will implement to ensure that the award is reasonable but not unreasonable and not too high or not too low?

MS. WEINSTEIN: I -- I don't anticipate any caps. As I mentioned, Illinois when I talked about -- when I talked with

Assemblyman Jensen about the medical malpractice premiums, I think over time the courts will develop a set of accepted -- acceptable informal guidelines as ways to measure the grief and anguish suffered by a family member who has lost a member of their family.

MR. GOODELL: Thank you very much. I appreciate your comments.

Sir, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GOODELL: I agree with the bill sponsor that the current system is too harsh and too limited and fails to account for the nature and extent of loss that people feel when they lose a loved one, and it's a lot more than just a financial loss. And so I agree with the sponsor. I'm also concerned, as many, many commentators have noted and we received a lot of comments from different people, that you also have the risk on the other side. And the risk on the other side is you show up with a jury, it's a younger wife or a younger husband and they -- they tell a very compelling story that's really heart-wrenching. And when that happens you then see jury verdicts that are reflective of the compassion that we hope and expect everyone to have that's also often without restraint.

And so I will be supporting this bill, but I would urge my colleagues to keep in mind that we may want to revisit this and put in some guidelines and some procedures, if you will, and some thought on how do we ensure that the award is reasonable but not excessive. It's in that sweet zone, if you will, because we want to

remember that when we go to the doctor we want to be able to afford it, and when we buy car insurance we want to be able to afford it. And it's a zero-sum gain so I'm willing to pay a little more for my car insurance. Hopefully I'll never have another claim on it.

(Laughter)

And that, by the way, was a very cold, calculating methodology that did not reflect any of my emotional attachment to my poor vehicle. But, you know, we need to look for that sweet spot. And so I -- I would encourage all my colleagues to keep that in mind as we go forward. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Kim.

MR. KIM: On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. KIM: I want to thank the sponsor for her persistent work on this issue. You've been at this for so many years. And over the last couple of years I've worked very closely with families who lost loved ones in long-term care facilities, and this -- two issues that were addressed in this bill were some of the top concerns of these families throughout the State of New York. Changing the out-dated date of death statute and extending the statute of limitations so they have -- they could have ample time to collect the necessary evidence to -- to have some justice and closure to their tragic losses. The law that was written 160 years ago, you know, is clearly outdated when you only factor in the economic and financial losses of an individual. It results in devaluing older people's lives,

low-wage workers, women, immigrants, you name it. This would have an impact all across the board in dangerous workplaces, from hospitals to nursing homes and -- and just every single industry we can imagine. Because no longer could these industries prioritize just profits, but they have to be more aware about their actions to make sure that they value all lives equally. And I believe this is such a momentous time for these families, for this State to finally get this done.

So I applaud the sponsor and I proudly support this legislation and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I rise to support this legislation.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. ABINANTI: On the bill, yes. First of all, the purpose of this statute is to compensate for a loss, and this revision of the statute now reflects what is in fact the loss. Not an artificial formula that we've lived with for far too long, and it brings New York into the modern world. But we often understand on the basis of our own experiences. While as an attorney I don't handle this type of -- of law, I was recently assigned to be the guardian ad litem for a 14-year-old boy whose mother died as a result of medical malpractice. He's 14 years old, doesn't have a mother, doesn't have a father. Fortunately has an older sister who's been taking care of him, but the amount of the award was nominal. It was miniscule. Because his

mother was an aide working for people with disabilities. And so the amount of her value under the present formula was very, very small. So this young man is getting a very small award. Under this change he would have gotten something more reflective of his needs.

So I commend the sponsor. I think this is an excellent change. It actually reflects what the needs of the family are after a tort. So I will be voting in the affirmative.

ACTING SPEAKER ZEBROWSKI: Ms. Lunsford.

MS. LUNSFORD: On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MS. LUNSFORD: I want to commend the sponsor not just for passing this legislation but for her tenacity over 29 years. I was a personal injury attorney in the State for ten years, both on the defense side and on the plaintiff side. I have a million stories about telling sobbing families sitting in my office that their loved one was worth nothing. Cases of children, of disabled people, of elderly parents. Of children who lost their parent and I had to tell them they can't collect for their parent. Of siblings who couldn't collect for the loss of their brother or sister. And it's very hard to explain to someone that their family member is worth nothing because that feels wrong. And this is one of those bills that you know when you see it. It feels unjust because it is unjust. And we talk about how difficult it is to put a number on grief, but we already have a justice system that's based on subjective claims. We give awards for pain and suffering every day, and that's subjective, we manage to find a way to do that. This bill

allows family members to collect for the loss of love, of society, of companionship, of protection, of comfort. Something they have no claim for under our current law. The extension of the statute is also an essential component of this, because I can tell you how many families with two years -- the anniversary of their loved one's death comes, they start to think, *Maybe I should do something*. By the time they contact an attorney another six months has gone by. Now I have to go to nursing homes or medical facilities and try to find old medical records and it -- that clock ticks. Adding a year-and-a-half onto that statute helps people access justice, it helps people process their grief, and I am incredibly honored to stand here and afford grieving families in our State this opportunity.

So I will be voting in the affirmative, and thank you very much.

ACTING SPEAKER ZEBROWSKI: Ms. Walker.

MS. WALKER: Thank you. So I would like to join in my colleagues.

ACTING SPEAKER ZEBROWSKI: On the bill.

MS. WALKER: On the bill, Mr. Speaker. Sorry. It's getting late. I would like to join with my colleagues in congratulating the sponsor in 29 years of tenacity in order to get this done. And I remember as a young virgin personal injury attorney working for one of the greatest, Henry Miller, and he would send me into the library in order to do research on many of the wrongful death claims that he was litigating. And I went to the Pattern Jury Instructions and, you know,

was trying to sort of figure out what could possibly be the difference between the formula that gets created that determines the earning capacity or loss of wages of a young Black child as opposed to that of a young White child. And we would go through those different deliberations and clearly the earning capacity is very different because the educational levels gets determined very differently. The ambitions of those young children get looked at in the eyes of society as well as the many juries very differently as well. And so as I was listening to the sponsor debate the bill, I was brought back to those moments as a young attorney in that law library and remembered, I wondered what, if anything, would ever be done in order to address these inconsistencies and the valuation of life that's based on your zip code and perhaps the color of your skin. And I am honored today to -- to participate in this process and to also, you know, vote in the affirmative and encourage other folk to do the same. Because at least in this particular instance those particular families, again, we had to tell no to because this particular individual's life just were not even -- were not valuable enough now could see their day in court.

Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Senate bill 74-A. 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. Griffin to explain her vote.

MS. GRIFFIN: (Audio interruption) the sponsor and also thank her for your tenacity and persistence over 29 years. When I got here and a -- a group of attorneys came in and talked about this bill, it made so much sense to me. And the reason why was my brother was killed while working for the Long Island Railroad. Killed because of the negligence on the job that many workers experience working on the Long Island Railroad. And we -- not nobody could ever replace the loss of my brother. He didn't have any kids, he didn't have a wife, but he was like a second father to my four kids, he was like a second father to my niece and nephew. So he was a lot to lose and he'll be a lot to lose for the rest of my life. But we wanted to -- we wanted to have a lesson like if you could -- if a -- a company had to pay the amount of money because they were negligent, that could make a difference. And no money could replace him, but we wanted it to hurt the Railroad. And then when we found out what the law was and that it was just a really meager amount we could get and, you know, we didn't even go to trial, it was just a rude awakening to how unjust the world -- the world can be. And the very next year another Long Island Railroad employee was killed the exact same way so it made it even feel worse that there was no pain in the money they had to get out.



So I thank the sponsor and I absolutely vote in the affirmative and I'm glad to see this bill through. And I think the main part of this bill is how it helps families. It's not really so much about the negligence of doctors and hospitals and their cost. When I think about it I just think of the loss that families have, and for me it's a personal story but it hits so many people in so many ways. Thank you very much.

ACTING SPEAKER ZEBROWSKI: Ms. Griffin in the affirmative.

Ms. Sillitti to explain her vote.

MS. SILLITTI: Thank you, Mr. Speaker. On July 24, 2021 five people were killed in a horrific crash on the East Side of Long Island. Michael and James Farrell and Ryan Kiess were among those killed. They were childhood friends from Manhasset. They were going out, hanging out with friends. They took an Uber to be safe and they were unfortunately killed. In the fall of last year the father of Ryan --

(Buzzer sounds)

-- Mr. Kurt Kiess --

ACTING SPEAKER ZEBROWSKI: Continue, Ms. Sillitti. The -- the timer was off.

MS. SILLITTI: The father of Ryan Kiess, Mr. Kurt Kiess, came to my office and asked for my support of this bill. I read it and immediately signed on. Few other bills have garnered more attention than this one. I've gotten more constituent phone calls and

e-mails than any other bill. The death of these young men are still felt obviously in my district and particularly in Manhasset. Chair Weinstein, 29 years of diligence coming to this evening, this morning, whatever time it is, I proudly vote in the affirmative and I encourage all my colleagues to do the same.

Thank you.

ACTING SPEAKER ZEBROWSKI: Ms. Sillitti in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. There's a great old quote that says that, *The dead cannot cry out for justice. It is a duty of the living to do so for them.* So to the sponsor, you -- you have really, really lived up to the spirit of that -- of that great quote. And I would have to say that given that this has technically been around for about 28 years, 11 months and 27 days, I'm satisfied that it has aged more than the mandatory three days and I'm very pleased to vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Mr. Lavine in the affirmative.

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Mr. Speaker, and thank you to the sponsor for her persistence over these years. This bill came to my attention last year when we were putting together what is now Bryce's Law. We had a five-year-old who tragically -- he was -- this issue and this story has -- displays many issues we have in our State

including childcare. But a mother had her childcare fall through and had to bring her five-year-old to work with her at a Tim Horton's. They did not have a proper fitting over their grease trap and he wandered outside and fell through it and drowned. Last year we passed Bryce's Law, which did take care of the issue of making sure our codes are updated and requiring those grease traps to be covered. But this mom is in the process of holding someone accountable for not doing that, and she has been told that her five-year-old child has no value. And it is very hard to find an attorney, then, who will take your case. And there's just no way for her to recognize the fact that she has lost her only child. So I was proud to sign on as soon as this family told me how important it was to make sure we changed this. And I'm excited because I remember last year we didn't have a lot of votes that would go -- we knew it didn't go last year, but to see this happen is really amazing.

So thank you to the sponsor and I vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Ms. Clark in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Page 11, Rules Report No. 628, the Clerk will read.

THE CLERK: Assembly No. A09742, Rules Report

No. 628, Galef. An act authorizing the Commissioner of General Services to transfer and convey certain unappropriated State land to the Sing Sing Prison Museum, County of Westchester.

ACTING SPEAKER ZEBROWSKI: On a motion by Mrs. Galef, 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 ZEBROWSKI: The Clerk will record the vote on Senate bill 9425. 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. A09767-A, Rules Report No. 629, Hawley. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Village of Medina; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZEBROWSKI: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote on Assembly bill 9767-A. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleagues Mr. Burke, Mr. Barnwell and Ms. McMahon in the negative on this one?

ACTING SPEAKER ZEBROWSKI: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Durso and Mr. Reilly in the negative.

Thank you, sir.

ACTING SPEAKER ZEBROWSKI: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09775, Rules Report No. 630, Smith. An act in relation to authorize the assessor of the Town of Brookhaven, County of Suffolk, to accept an application for exemption from real property taxes from the Selden Fire District.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Smith, 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 ZEBROWSKI: The Clerk will record the vote on Senate bill 8864. 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. A09988, Rules Report No. 631, McDonald, Wallace, Burdick, Galef, Lupardo, Sayegh, Hunter, Angelino, J.M. Giglio, Lunsford, Fahy, Otis. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 4 of Article VIII of the Constitution, in relation to limitations on local indebtedness.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. McDonald, 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 ZEBROWSKI: The Clerk will record the vote on Senate bill 8803. This is a fast roll call. Any

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 658, the Clerk -- the Clerk will read.

THE CLERK: Assembly No. A10488, Rules Report No. 658, Committee on Rules, Abinanti. An act to amend the Real Property Tax Law and the Real Property Law, in relation to the taxation of property owned by a cooperative corporation.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Abinanti, 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 ZEBROWSKI: The Clerk will record the vote on Senate bill 9413. 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call an immediate meeting of the Ways and Means Committee?

ACTING SPEAKER ZEBROWSKI: Immediate meeting of the Ways and Means Committee.

MRS. PEOPLES-STOKES: Room 325 -- 345 down the hall.

ACTING SPEAKER ZEBROWSKI: Immediately, the Ways and Means Committee --

MRS. PEOPLES-STOKES: (Inaudible) those who are not in the Chambers. You could be on Zoom.

ACTING SPEAKER ZEBROWSKI: In room 345.

MRS. PEOPLES-STOKES: It just happens to be early in the morning.

MR. ZEBROWSKI: Mrs. Peoples-Stokes.

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

ACTING SPEAKER ZEBROWSKI: We have no housekeeping, Mrs. Peoples-Stokes, but we do have a number of fine resolutions we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 1067, 1068



and 1070-1073 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and colleagues, tomorrow at 9:00. a.m. there will be a Rules Committee meeting. Sleep fast. And immediately following we'll be in Session at 9:30. Tomorrow is a Session day.

ACTING SPEAKER ZEBROWSKI: The Assembly stands adjourned.

(Whereupon, at 2:35 a.m., the House stood adjourned until Friday, June 3rd at 9:30 a.m., that being a Session day.)