

**WEDNESDAY, FEBRUARY 28, 2024**

**11:38 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, February 27th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Tuesday, February the 27th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Members and visitors that are in our Chambers, I'd like to share a quote with you today. This one is from Simone Biles. She is an American gymnast, artistic gymnast, in fact, and one of the most decorated American gymnasts in the history. She's widely considered one of the greatest gymnasts of all times. Her words for us today, *I'd rather regret the risks that didn't work out than the chances I did to make those happen* [sic]. Again, the words from Simone Biles.

Mr. Speaker, members have on their desk a main Calendar. We have a really busy day ahead of us, and I'm gonna ask for members' both attention and cooperation. After you have done any introductions or housekeeping, we're going to be calling for the following committees to meet off the floor: Governmental Operations, Election Law and Rules. These committees are gonna produce subsequent calendars which we will take up today. We're going to begin our work on the floor today, however, by beginning with Calendar resolutions on Page 3, and then we're gonna continue consenting where we left off on yesterday beginning with Calendar No. 317, it's on Page 37. There may be a need for additional floor activity as we proceed.

However, Mr. Speaker, that's a general outline of where we're going today. If you have introductions or housekeeping, now would be a great time, sir. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. No housekeeping; however, we do have introductions by Mr. Jones.

MR. JONES: Good morning, Mr. Speaker. It's Canada Day here in the Capitol. Actually, yesterday was Canada Day here in the Capitol, but we love our friends and neighbors to the North so much we're proclaiming Canada Day here in the New York State Assembly as well. I cannot overstate the importance of the New York-Canada relationship. Canada and New York have deep economic ties, but it goes beyond that with deep historical, cultural and familial ties. They truly are our friends and partners. We will have a resolution celebrating Canadian Heritage Day in the New York State Assembly in a few minutes, but now I would like to introduce some of our honored guests. We have Tom Clark, Consul General of Canada in New York; Martine Hébert, Quebec Delegate General in New York; the Honorable Senator Michael McDonald; Brian Masse, Member of Parliament; Rachael Homewood, Senior Advisor to the Consulate General of Canada; Taylor Reak, Government Relations Attachée at Quebec Government Office in New York; Anne-Cécile Dequen, Director of Communications for the Quebec Government Office; Genevieve Fletcher, Counsel and Deputy Head of Foreign Policy and Diplomacy Services for the Consul General; and Zak

Black, Canada-U.S. Parliamentary [sic] Group.

Mr. Speaker, as I've mentioned, they have been around the Capitol for the past couple of days, meeting with leaders, meeting with fellow colleagues here. And like I said, our friends and neighbors to the North, we can never overstate the importance of this relationship. Could you please give them the cordialities of the floor and welcome them to the People's House, Mr. Speaker?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Jones, the Speaker and all the members, Consul General, you and this distinguished group of Canadians who you've brought with us today, we welcome you to the New York State Assembly, we extend to you the privileges of the floor, and our deep appreciation for the relationship that exists between New York State and Canada. Thank you so very much for being here. Know we always welcome.

(Applause)

Mr. McDonald for the purposes of a introduction.

MR. MCDONALD: Thank you, Mr. Speaker. On behalf of myself and Member Walsh, I'd like to welcome to the Chamber the Waterford-Halfmoon Girls Soccer Team who are here today accompanied by their Head Coach Meghan Reynolds and Assistant Coaches Courtney Trembley and Maeve Fletcher. Mr. Speaker and my colleagues, this team may look familiar to you because they were here last year for the very same reason. They had a very successful season, finishing an overall record of 19-1-3, and capped their historic season off with a 2-2 double overtime tie with

Mount Academy to secure their share of the Class C New York State Girls Soccer Championship. These young ladies have demonstrated not only great athleticism, but great teamwork, enthusiasm, and led by their coaches' great respect for their team and their community.

Mr. Speaker, I kindly ask you that you welcome them to the House, extend them the cordialities of the floor. And who knows, maybe they'll be back next year because as you know, twice is nice, three time's a charm.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, the Speaker and all the members, we welcome you here, ladies, to the New York State Assembly. We extend to you the privileges of the floor. We hope that you have learned from not only just being a champion, but how to be a champion. And the process that it has taken to you to achieve this is very important because it will provide you the lessons that will make you successful later on in life. And so that teamwork, that cooperation, that drive and selflessness that you have exhibited that led you to be a champion will lead you to be a champion in life. Continue that. We are very pleased to have you, and good luck. You may be here next year, but I won't. Thank you so very much for being here.

(Applause/Laughter)

Mr. Simpson for the purposes of a introduction.

MR. SIMPSON: Thank you, Mr. Speaker. It is my honor to introduce the Girls Varsity Volleyball Team from Lake George Junior-Senior High School, led by their coaches Brittany

Rodrigues and Abby Lynch; Athletic Director Kyle Manny; along with the School District Superintendent, John Luthringer. During the 2023 Fall sports season, the Girls Varsity Volleyball Team won the Adirondack League Championship, became the New York State Public High School Athletic Association Class D Section 2 Regional Champions and were State finalists. The Lakers had a historically memorable sports season, and I'm very proud of the coaches and athletes who made this dream a reality. I'd also like to recognize Athletic Director Kyle Manny for recently earning the prestigious title of Certified Master Athletic Administrator. This certification is a voluntary service for athletic administrators, and is based on professional growth and program development in the vocation of interscholastic athletic administration.

The Lake George Girls Varsity Volleyball Team worked diligently during the entire season and deserves acknowledgement for their commitment, passion and dedication to the sport. Therefore, Mr. Speaker, could you please welcome these excellent student athletes, their coaches and their school district superintendent to the People's House and extend them the cordialities and privileges of the floor?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Simpson, 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. And similarly, as I said to the group before, I hope that this experience will lead you on to greater success in life.

Congratulations both to you and to your coaches and administrators, but also to your families because we can't participate in these processes unless we have family support. You should always thank them for being behind you. We will always be behind you. Thank you so very much for being here.

(Applause)

Mr. Beephan for a introduction.

MR. BEEPHAN: Thank you, Mr. Speaker. I actually have two small groups I get to introduce this morning. The first on behalf of Assemblymember Cunningham and I, I'd like to introduce Cheryl Chianese-Cavalli and Marc Cavalli, if they'd like to stand. These two wonderful members are residents of my district. They were up here in Albany today for some very impactful advocacy efforts. I hope that each of you get a chance to get to know them and what they're here advocating for, but I can tell you it's a noteworthy cause. I'd like to thank Assemblymember Cunningham for his efforts as well in introducing these two great residents within my district.

Also with us here today is Miss Hudson Valley - if they'd like to stand - Ariel Staffin along with her boyfriend Jack. I first got a chance to meet Ariel when she competed in the Hudson Valley Regional Competition back in December where I was a judge. She actually was one of the six winners that day. We are honoring here -- her here today in Albany with a resolution that we actually passed back on the 13th because of her CSI initiative which is focused on sharing the stories of military service members. So, quite an

impressive young person. She's also a lieutenant in the New York Army National Guard and a graduate of Cornell.

So Mr. Speaker, on behalf of Assemblymember Cunningham and I, I ask that you welcome both of these wonderful groups and extend the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Beephan, the Speaker and all the members, we welcome both of these dis -- all of the distinguished guests that he brings. We hope that your trip to Albany has been beneficial. We extend to you the privileges of the floor, and our encouragement to continue your work on one side, but also to enjoy your championship on the other side. So we'll mix the two and say good luck to all. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please call the Gov Ops Committee to the Speaker's Conference Room immediately.

ACTING SPEAKER AUBRY: Certainly. Gov Ops, Speaker's Conference Room immediately, please.

Resolutions on Page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 880, Mr. Jones.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 27, 2024, as Canadian Heritage Day in the State of New York, in con -- in celebration of this great



Empire State's longstanding economic and cultural relationship with Canada.

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. 891, Ms. Tapia.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 2, 2024, as Read Across America 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. 892, Ms. Byrnes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 15, 2024, as National Resource Officer Appreciation Day in the State of New York.

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

Page 37, Calendar No. 317, the Clerk will read.

THE CLERK: Assembly No. A08571, Calendar No. 317, Glick, Levenberg, Burdick. An act to amend the Environmental Conservation Law, in relation to regulation of certain coated or treated

seeds; to amend a chapter of the Laws of 2023 amending the Environmental Conservation Law relating to enacting the Birds and Bees Protection Act, as proposed in legislative bills numbers S.1856-A and A.7640, in relation to a study to identify practicable and feasible alternatives to certain pesticides.

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

THE CLERK: Assembly No. A08615, Calendar No. 318, Fall. An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance of a church.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08866, Calendar No. 319, Kelles, Lupardo, Seawright, Reyes, Ardila, Simone, Simon, Burdick, Epstein, Gallagher, Mamdani, Fahy, Carroll, Levenberg, O'Donnell, Thiele, L. Rosenthal, Otis, Colton, Shimsky, Hevesi, Clark, Shrestha, Stirpe. An act to amend the Environmental

Conservation Law, in relation to prohibiting well permits from being issued to an applicant that uses carbon dioxide to complete or recomplete natural gas or oil resources.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09049, Calendar No. 320, Woerner. An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a church.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09117, Calendar No. 321, Cruz, Bores, L. Rosenthal, Kelles, Jackson. An act to amend the Criminal Procedure Law, in relation to facilitating appellate review of rulings that implicate issues of public concern.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09166, Calendar No. 322, Lavine. An act to amend chapter 455 of the Laws of 1997, amending the New York City Civil Court Act and the Civil Practice Law and Rules relating to authorizing New York City marshals to

exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments of the Supreme and Family Courts of the City of New York and defining the term "the sheriff" as used therein, in relation to extending the effectiveness of such chapter.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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, if you would please call the Election Law Committee to the Speaker's Conference Room immediately.

ACTING SPEAKER AUBRY: Certainly. Election Law, Speaker's Conference Room immediately, please.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now turn our attention to Page 19, we're going to go to Bill No. 4359, Calendar No. 119 by Mr. Zebrowski.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04359, Calendar No. 119 Zebrowski, Thiele. An act to amend the Indian Law, in relation

to requiring the Department of State to promulgate rules and regulations providing for the recognition of Indian tribes as Indian Nations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04403, Calendar No. 120, Zebrowski, Gunther. An act to amend the Public Service Law, in relation to clarifying how certain non-billing information regarding the delivery of water is disclosed to residents of cooperatives, condominiums or multi-family dwellings.

ACTING SPEAKER DARLING: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DARLING: The Clerk will record the vote.

(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. A04428, Calendar No. 121, Steck, Hunter, Santabarbara, Dickens, Clark, Levenberg. An act to amend the Real Property Tax Law -- or Real Property Law, in relation to requiring the modification of restrictive covenants prior to the sale of real property.

ACTING SPEAKER DARLING: The bill is laid aside.

THE CLERK: Assembly No. A04453, Calendar No. 122, Raga, Seawright. An act to amend the Public Officers Law, in relation to the ability of government agencies in New York to claim copyright protection.

ACTING SPEAKER DARLING: The bill is laid aside.

THE CLERK: Assembly No. A04472, Calendar No. 123, Ramos, Weprin, Taylor, L. Rosenthal, Thiele, Colton, Reyes, Carroll, Jacobson, Glick, Sayegh, Simon. An act to amend the Civil Practice Law and Rules, in relation to time limitations for filing claims for certain injuries.

ACTING SPEAKER DARLING: The bill is laid aside.

THE CLERK: Assembly No. A04581, Calendar No. 124, Paulin, McDonough, Colton, Sayegh, DeStefano, Darling, Simon. An act to amend the Public Health Law and the Mental Hygiene Law, in relation to patient health information and medical

records.

ACTING SPEAKER DARLING: Read the last section.

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

ACTING SPEAKER DARLING: The Clerk will record the vote.

(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: Madam Speaker, if you would please call the Rules Committee to the Speaker's Conference Room.

ACTING SPEAKER DARLING: Rules Committee in the Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A04587-A, Calendar No. 125, Paulin, Otis, Vanel, Colton, Sayegh, Zinerman. An act to amend the Public Service Law, in relation to requiring telephone companies to disclose information to subscribers regarding the backup power solution for their voice service equipment; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER DARLING: The bill is laid

aside.

THE CLERK: Assembly No. A04591-A, Calendar No. 126, McDonald, Rozic. An act to amend the New York State Printing and Public Documents Law, in relation to requiring State agencies to make available all public documents in a digital format on their website.

ACTING SPEAKER DARLING: The bill is laid aside.

THE CLERK: Assembly No. A04611-B, Calendar No. 127, Jean-Pierre. An act to amend the Veterans' Services Law, the Social Services Law and the Vehicle and Traffic Law, in relation to removing the requirement that a veteran served during wartime to be granted certain benefits.

ACTING SPEAKER DARLING: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DARLING: The Clerk will record the vote.

(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. A04620, Calendar No. 128, Alvarez. An act to amend the General Business Law, in relation to availability for sale of advertised merchandise.



ACTING SPEAKER DARLING: The bill is laid aside.

THE CLERK: Assembly No. A04667-A, Calendar No. 129, Dinowitz, Zinerman, Otis, Seawright, Gallagher, Steck, Dickens, Jean-Pierre, Raga, Hyndman, L. Rosenthal. An act to amend the General Business Law, in relation to the cancellation of a health club contract.

ACTING SPEAKER DARLING: The bill is laid aside.

THE CLERK: Assembly No. A04674-A, Calendar No. 130, Fahy. An act relating to the extension of the taxable status day in certain assessing units; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER DARLING: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DARLING: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: 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, members

have on their desks an A-Calendar. I would like to now advance that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: (Inaudible/mic was off.)

ACTING SPEAKER AUBRY: On the A-Calendar, Page 3, Rules Report No. 15, the Clerk will read.

THE CLERK: Assembly No. A00435-B, Calendar -- Rules Report No. 15, Magnarelli. An act to amend the Civil Practice Law and Rules, in relation to designating the venue where proceedings challenging apportionment by the Legislature shall be commenced; and to amend chapter 773 of the Laws of 1911 relating to providing for a procedure for the prompt review of an apportionment by the Legislature or other Body, in relation to requiring that apportionment by the Legislature shall be subject to review by certain designated courts.

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

There is a amendment at the desk. Mr. Durso will briefly explain the amendment while the Chair examines it.

MR. DURSO: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move for its immediate adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Explain.

MR. DURSO: This amendment alters the bill-in-chief by adding four additional counties in which an action challenging reappropriation can be commenced, to include the Bronx, Richmond County, Saratoga and Monroe County.

ACTING SPEAKER AUBRY: The Chair has examined your amendment and, Mr. Durso, we find it germane to the bill before the House.

MR. DURSO: Thank you, Mr. Speaker. Mr. Speaker, this amendment adds additional venues that would provide greater access to courts within the judicial departments for urban, suburban and rural residents alike. Residents living further away from large population centers in the judicial departments would not be arbitrarily punished for their location of their home under this amendment. These courts being added to the bill-in-chief would provide broader access and would -- and would be best situated as designated venues for commencing challenges against reapportionment.

Mr. Speaker, countless times in this Chamber we have spoken about greater access for all New Yorkers; greater access to things like broadband, jobs, education and voter access. We have done early voting, mail-in voting, and to be quite frank, a lot of other bills that have to do with voting and voter access. And we constantly speak about residents having the ability to have their voices heard. By adding these venues to the other proposed venues, we, as the

Republican Conference, believe that this will bring more access to all New Yorkers who want to challenge reapportionment and not to discourage any New Yorkers from taking part in the Democratic process.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker.

On the amendment.

ACTING SPEAKER AUBRY: On the amendment, sir.

MR. RA: So, you know, just briefly with regard to this amendment, we passed a piece of legislation last year about constitutional challenges to the Election Law, and we did the same thing this bill is proposing to do in limiting the venues where those challenges could be brought. And one of the justifications that was raised at that time was that those type of challenges are normally brought by what you might say is a more sophisticated party; you know, a -- a political party apparatus, and that's why it wasn't really a hindrance to being able to have people have those challenges in those particular venues. Now we are proposing this for reapportionment. So if some resident, some citizen of this State who feels that they don't like something we do in reapportionment, we are saying to them in this bill-in-chief they can only challenge in one of these four counties. This adds four additional counties, provides greater access and greater regional balance for individuals throughout this State because

sometimes we forget how geographically large this State actually is. And these four counties that are proposed in this bill, there are people in this State, residents who may feel that a process wasn't followed and they feel they are being impacted by something that was done here in a map, they may be four, five hours away from a county where they would be able to challenge that action. And that is an action that may deal with our State Constitution being violated, the Federal Constitution being violated. So I think it makes perfect sense that we give them more opportunities, not less, in making such a challenge to try to basically have a court uphold their constitutional rights.

So I -- I urge my colleagues to adopt this. This doesn't, you know, really have anything to do with forum shopping, which is one of the things that I'm sure we're gonna hear about this bill. Really, what the bill-in-chief does is do the forum shopping for the individual, so I think having more access in a State of, what, 60-plus counties, having eight of them instead of four will provide more access to our residents. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. When we started out as Assemblymembers, one of the very first things we do before we even sit and vote on anything is we sign an oath of office. And in the oath of office we pledge to uphold the Constitution of the United States and the Constitution of the State of New York. Now, sadly, repeatedly, the constitutionality of the actions taken by this

Legislature have been challenged successfully on the grounds that it violated either the Federal Constitution or the State Constitution, including specifically the very maps we're considering today. They were challenged in court, and the Court of Appeals said that this Legislature in adopting the last set of maps violated the Constitution. So this bill says if you want to stand up for the Constitution of the State of New York, you can only do it in four counties. How is that consistent with our oath of office? Are we afraid of allowing the courts to easily consider it a constitutional challenge? Are we afraid because the last time they looked at it they ruled it was unconstitutional? Is this how the Legislature reacts? We take an oath of office that will uphold the Constitution, we violate that oath, the court strikes it down. And so we say, *Okay, so of the 62 counties, only four can consider constitutional challenges.*

Now, I appreciate the fact that the four selected by my Democratic colleagues are all heavily Democratic counties. But still, when it comes to the Constitution, even though the courts have disagreed with us and struck it down already once, twice, three times, maybe if we're serious about our oath of office we should allow greater access to the courts to challenge the constitutionality of our actions when it comes to passing repeatedly unconstitutional gerrymandered maps. This amendment opens the door some. So instead of just four out of 62 counties, we'll at least have eight, and instead of driving hours and hours to assert your constitutional rights, at least one of these courts will be closer.

Thank you, sir.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell to explain his Conference's position.

MR. GOODELL: Thank you, sir. The Republican Conference generally supports this thoughtful amendment, but if there are those who disagree with it they should vote no at their chair. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes to explain her Conference's position.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be voting in the negative on this hostile amendment and we would encourage all of our colleagues to do likewise; however, if someone chooses to be otherwise they should feel free to do so at their seat.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

THE CLERK: The amendment is defeated.

On the bill, the Clerk will read.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the

sponsor yield for some questions?

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

MR. MAGNARELLI: Yes, I will.

MR. DURSO: Thank you, Mr. Magnarelli. So a couple of questions. Obviously, again, if you -- as we spoke about before, if you're making any faces behind my back just let me know.

(Laughter)

MR. MAGNARELLI: Okay.

MR. DURSO: What is the need for this piece of legislation?

MR. MAGNARELLI: Well, the bill would amend the Civil Practice Law and Rules and Chapter 773 of the Laws of 1911 to clarify that proceedings thereunder challenging apportionment of the -- by the Legislature shall be commenced in the Supreme Courts in the following counties in a judicial department where at least one petitioner resides; First Judicial Department, New York County; Second Judicial Department, Westchester County; Third Judicial Department, Albany County; Fourth Judicial Department, Erie County.

MR. DURSO: Okay. And why only limit to these four counties?

MR. MAGNARELLI: I think the basic reason for bringing this piece of legislation was to establish a venue that will have the expertise to handle these types of cases going forward into



the future.

MR. DURSO: So are there experts in those counties now or are we just hoping for that in the future?

MR. MAGNARELLI: Well, I think there's experts in those counties now, but I would hope that that expertise will grow. And it's not only the judges, but the staff, et cetera, of those different courts.

MR. DURSO: So do we know, has there been any reapportionment challenges in these counties to date where there is someone with that experience that has that, per se, expertise or has it just been throughout the counties throughout the State of New York up until this point if this bill passes?

MR. MAGNARELLI: I don't know the answer to that question, whether there has been in any of these individual counties; however, you know, they're going to develop that expertise.

MR. DURSO: So -- so we don't know, per se, say, if in these four counties if those experts are currently employed judges, staff in those counties right now, correct?

MR. MAGNARELLI: I don't know personally, no.

MR. DURSO: Okay. So without this bill, if it passes today, where right now can someone that wants to challenge reapportionment do that, in which counties? Is that in all of them?

MR. MAGNARELLI: In all of them.

MR. DURSO: Okay. So what you're saying is right now in the 60-plus counties in New York State, any resident has

access to challenge reapportionment in any of those counties. If this bill was to pass, it would limit where anyone in New York State that wants to have a court challenge of reapportionment to only these four counties, correct?

MR. MAGNARELLI: I'm -- I'm sorry, I didn't hear the last part.

MR. DURSO: So as of right -- well, I apologize, sir. So as of right now, any resident of the State of New York that wants to challenge reapportionment can do it in any county, correct?

MR. MAGNARELLI: Correct.

MR. DURSO: And if this bill was to pass today it would only limit the counties that any resident of New York that wants to challenge reapportionment could only do it in these four counties set by this bill?

MR. MAGNARELLI: Correct.

MR. DURSO: Okay. So do you, in your opinion as the sponsor of this bill, think in any way that this limits, prevents or even discourages people from challenging reapportionment at any time?

MR. MAGNARELLI: Personally, no, I don't.

MR. DURSO: Okay. Does this rule apply -- if this bill was to pass today, would this rule apply to any type of redistricting throughout New York State? In other words, if you -- if you want me to be clear about it, will this only apply to congressional maps that got redistricted and the New York State Legislature votes

on them? Would it only apply to in ten years' time when we do State Senate and Assembly maps? Will this apply to counties, towns, anybody who has legislative maps that get redrawn, councilmatic districts, legislative districts, or is it only specific to reapportionment done with congressional maps here in this Chamber?

MR. MAGNARELLI: Only those maps that are done here in the Legislature.

MR. DURSO: Can you tell me where in the bill it specifies that?

MR. MAGNARELLI: Okay.

(Pause)

Proceeding challenging apportionment by the Legislature shall be commenced.

MR. DURSO: Which legislature does that mean? In other words what I'm saying is, there in my county of Nassau County, we have a Nassau County Legislature. This is the New York State Legislature. It's just says the Legislature.

MR. MAGNARELLI: In my reading it's this Legislature.

MR. DURSO: Okay. Can you just point to which line that it states it on? Because it's -- from what I saw, and I could be wrong, sir, it just said "legislature."

MR. MAGNARELLI: It's Section 1, line 3.

MR. DURSO: Second 1, line 3?

MR. MAGNARELLI: That's where it starts, yes.

MR. DURSO: Okay. It says "proceeding challenging appointment by the Legislature shall be commenced in the Supreme Court in any of the following designated county's judicial department where at least one petitioner resides.

MR. MAGNARELLI: Right.

MR. DURSO: But that does not state -- it does not say the State Legislature, it just says the legislature. And my concern with that is is if someone wanted to challenge a map in, say, Nassau or Suffolk County, any other county, it says "legislature." So if someone wanted to challenge it in Nassau County, they didn't agree with the Nassau County Legislature's maps and someone wanted to sue during reapportionment, they would then have to travel to one of these four counties, which would be Westchester, Albany, Erie, correct?

MR. MAGNARELLI: Yes. They'd have to go to one of those counties, correct.

MR. DURSO: So in my -- in my humble opinion, sir, that discourages --

MR. MAGNARELLI: Oh, I'm sorry, did you -- were you talking about local?

MR. DURSO: Correct.

MR. MAGNARELLI: No, no, no. I'm back to it's only the State Legislature.

MR. DURSO: No, I -- I understand that's what you're saying, but in the bill, in the text, it just says "legislature." So my concern would be if a resident of Nassau, Suffolk County, Putnam

County, any other county throughout New York State wanted to challenge the reapportionment, whether it's a county, town election or -- or any other entity that has reapportionment, it says "legislature." It does not say specifically say which. It does not say New York State Legislature, it does not say reapportionment for congressional maps, State Senate maps or Assembly maps, it is just saying legislature and reapportionment. In my opinion, it just opens it up so that someone in, say, as far as Montauk that would have to go and challenge reapportionment would then either have to drive to Westchester, which I don't -- if you know Long Island traffic, that could take upwards of three, four, five hours, or maybe come all the way up here to Albany to visit us to just challenge a county legislative map that they feel was done inadequately or did not follow the law. To me, that is discouraging our New York State residents who have the right to bring a court case from doing so by putting these courts so far away. Now, if you're saying that the intent of the bill is not for that, I would be more comfortable with the bill saying it in it as opposed to just leaving it open as a legislature. Because as far as I could see here, right now in, say, Nassau County or Suffolk County where I live -- in Nassau County but I represent both Nassau and Suffolk -- if someone wanted to challenge maps that were drawn, they would now have to go do it in one of these four counties that are within your bill.

MR. MAGNARELLI: That's incorrect. From what I'm being told is that it's always been interpreted as being this Legislature and not other legislatures, and we're amending a specific

law that has been interpreted in the past.

MR. DURSO: Okay. So again, as I was just saying -- I mean, I was just stating it for the record, sir, that you were saying that this is only to do with reapportionment that is done and taken up by the New York State Legislature and that we vote on here in this Chamber.

MR. MAGNARELLI: Correct.

MR. DURSO: Okay. All right. Thank you, Mr. Magnarelli, I appreciate it. Thank you, Mr. Speaker.

MR. MAGNARELLI: Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. MAGNARELLI: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MS. WALSH: Thank you very much. So, picking up on some of the questions that you've previously been asked, I want to delve a little bit further. You stated that as a justification for the bill, this piece of legislation, it was to establish a venue that will have an expertise going forward into the future and you mentioned specifically staff and judges; is that correct?

MR. MAGNARELLI: Correct.

MS. WALSH: Let's talk about that.

MR. MAGNARELLI: Sure.

MS. WALSH: So, reapportionment challenges come following a census that's done every ten years, so the challenges to reapportionment are every ten years, correct?

MR. MAGNARELLI: Yes.

MS. WALSH: Yes. So, what is the term of a Supreme Court justice?

MR. MAGNARELLI: Fourteen years.

MS. WALSH: And what is the mandatory retirement age of a Supreme Court judge?

MR. MAGNARELLI: I believe it's 70.

MS. WALSH: It is. It is 70. So, the -- do -- do you know what the average age is of a Supreme Court judge?

MR. MAGNARELLI: No, I do not.

MS. WALSH: Is it fair to say that when you become a Supreme Court judge it's considered to be the culmination of -- of a career?

MR. MAGNARELLI: I would think so.

MS. WALSH: Did -- did you know that you, in fact, have to be a practicing attorney for ten years before you can become a Supreme Court judge at a -- at a base minimum?

MR. MAGNARELLI: Yes.

MS. WALSH: Therefore, the average person, unless you're Doogie Howser, the average person comes out of college at 21,

law school --

MR. MAGNARELLI: By the way, I know who Doogie Howser is.

MS. WALSH: Oh, you do. Okay.

(Laughter)

But let's take the -- the typical case of an attorney that comes out at 21 -- a college student graduating at 21, finishing law school at 24, admitted to the Bar at 25, ten years of practice at a minimum. So the -- the youngest Supreme Court judge that you could have would be 35 five years old. Does that sound about right?

MR. MAGNARELLI: I agree. Yes.

MS. WALSH: Just math. Okay. So, developing an expertise that would be exercised every ten years for somebody who's, say, at a minimum 35 years old, but in -- in my experience and probably the experience of most people here, with judges, the person is usually, you know, older than that. But so you've got -- you may have, what, maybe three reapportionment -- you know, 30 years on the bench if they keep getting elected until they hit the mandatory -- mandatory retirement age at 70, right?

MR. MAGNARELLI: Right.

MS. WALSH: You also mentioned that it wasn't just the judges that you wanted to develop the expertise, and it was also the staff, correct?

MR. MAGNARELLI: Well, I think it would just naturally occur that this is where you bring these types of lawsuits and



that's where the expertise would reside.

MS. WALSH: And at least -- at least Upstate where I -- where I practice and where I live, the Supreme Court judge's chambers are a little bit different than our Assembly staffs where we could have, you know, multiple individuals on staff. In the average Supreme -- Upstate Supreme Court judge, to my knowledge, you have the judge, you have a court attorney who's also an attorney that used to be called a clerk, but it's a -- it's a court attorney, and then you have usually an administrative staff member. And you have those three individuals in each chamber for a Supreme Court justice, at least -- at least in my knowledge Upstate. So -- and those are choices that are made by the judge who is elected, gets to choose the court attorney that serves with him or with her, and that court attorney comes with the judge, and as the judge retires they may get another assignment to work for another judge but they might not.

MR. MAGNARELLI: Right.

MS. WALSH: So, how exactly is -- are we going to be developing an expertise with a staff member that's really associated with a particular judge that -- that is in office?

MR. MAGNARELLI: I just -- well, it's just the way I feel about it, okay, when I put in the bill. I think that in -- if certain courts have the jurisdiction over certain items, they will naturally develop the knowledge and expertise to do the job a little bit better than everybody else. It does -- I'm not taking away from any other Supreme Court judge in the State of New York. They're all, as far as I

know, qualified and doing great jobs. What I'm saying is I think this could be done a little bit better, and that's why this bill has been brought.

MS. WALSH: Well, the one thing that the bill is doing, though, is it's -- in choosing four counties out of the 62, is it's leaving to the sideline the expertise of judges that they -- that they already have in apportionment cases or in Election Law matters that exists in the other 58 counties, though. Do you acknowledge that?

MR. MAGNARELLI: Sure. I -- I'm sure there's a lot of knowledge in all the other counties. I'm not taking away from anybody. But I do believe that where we're putting these courts are the most populous counties. These are the ones that get the most -- the most use, so-to-speak. And, you know, picking the judges out of there would be done by an administrative judge who will be picking out of a lot of judges. So this isn't -- this is a way to curtail, if -- if I may say, curtail shopping for a judge; here you wouldn't be able to do that. You'd go to a certain place, you know where to go, and the administrative law judge would then pick the judge that has to preside over that case.

MS. WALSH: Well, with all due respect it appears that this bill is doing the shopping for us. This bill is choosing those four counties where you're -- you're gonna -- you're gonna be drawing from. So in any event, thank you very much, Mr. Magnarelli.

MR. MAGNARELLI: Thank you.

MS. WALSH: Mr. Speaker, on the bill.

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

MS. WALSH: So, this bill does bear some resemblance to a bill that this Legislature took up I believe last year. The idea of preselecting four counties out of 62 that are gonna be handling these important cases really, as I said to the sponsor, it -- it's doing the shopping already, and in the -- under the guise of trying to avoid forum shopping. So I -- I just think, you know, let's -- let's call it -- you know, let's -- let's call it what it is. I will call it what I think it is. And unfortunately, in the other 58 counties that aren't gonna be able to get these cases anymore, there is a lot of expertise that's already been developed. Very -- you know, Supreme Court judges come to the bench with a lot of different kinds of experience. Some have come with decades of experience in Election Law, for example. Some have come to the bench with years and years of experience in matrimonial law or property law or -- but when they become a Supreme Court judge, they become a Supreme Court justice with the understanding that they can competently handle any matter that is brought in front of them. So I think it is a disservice to the State for this Legislature to come forward and say that we're just gonna pick four. And, you know, I'm sure other colleagues will comment and -- and I'll say, too, that I do find it very interesting that the four counties that have been selected, the sponsor indicated that it was because of population or they're the most populous, they also have, you know, a bench that is predominantly Democrat. And it -- it can certainly be

argued that this legislation is being put forward not to improve the process, because I would say that there's nothing wrong with the current process that we have, but rather it's to create a desired outcome from the position of the Majority.

I will be opposing this legislation, as I would hope many other members of this Body. I think that this is a very, very misguided plan. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra.

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

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

MR. MAGNARELLI: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Okay. So, I'm wondering if you can provide clarification regarding something to me. So as I read this, line -- on line 5 before it outlines these four different counties that would be a proper venue for one of these challenges, it says "where at least one petitioner resides." So, I'll give you a hypothetical. We passed maps to reapportion Congress, and Onondaga County gets cut in half and a resident of Onondaga County says, *That's improper. I want to challenge the constitutionality of these maps.* What does that individual do? They don't -- they -- because I understand where a venue is proper, but they also don't live in any of these lo -- locations.

Do they have to find somebody who lives in one of these counties to be a fellow petitioner with them?

MR. MAGNARELLI: I'm reading this that they have to be a resident of the department, not the county.

MR. RA: Of the department.

MR. MAGNARELLI: Of the department.

MR. RA: Okay.

MR. MAGNARELLI: So the department in which Onondaga County is would be where they go.

MR. RA: Okay. So, does this -- so this language, then, covers any -- any individual in the State because we have each -- there's one in each department, correct, right? The departments are each covered.

MR. MAGNARELLI: Yeah. I think it -- I think it covers the residents of the State. Wherever they live, they live in a judicial department and that's where (inaudible) --

MR. RA: So that's specific to the department rather than the county. Thank you.

So now, though -- so that -- that individual, I'm not sure which -- which is -- I don't know if that's the Fourth Department, if Onondaga's part of the Fourth or Third. Do you know?

MR. MAGNARELLI: I'm not sure. I think it's Albany.

MR. RA: So they would -- so they would have to go to either -- assuming it's -- let's assume it's the Third Department,

maybe it's the Fourth, they would have to go to either Albany or Erie.

MR. MAGNARELLI: Right.

MR. RA: Okay. Now, I -- I would just, you know, point out as we're talking about trying to establish expertise, you know, a place like Onondaga, a place like Nassau where -- where I'm from, you know, or -- or Suffolk, we have actually Federal courts who have been established in those locations. So for instance, the Federal Government saw fit to put the Northern District up in Syracuse.

MR. MAGNARELLI: Mm-hmm.

MR. RA: So I think it's troubling that we don't think Onondaga would have any expertise or ability to handle such a challenge, or that, say, Suffolk where -- where there's a Federal courthouse located, or anywhere else in the State doesn't have the expertise to handle these types of matters. But you said we're looking at this, I guess, prospectively rather than thinking that these are venues that currently have expertise in these matters; is that correct?

MR. MAGNARELLI: First of all, I -- I didn't say anything about the expertise any place. I'm telling you I think there is expertise across the State. What I'm trying to get at with this bill is to make it better so that one venue would have the expertise to hear these cases, and that everybody would understand that's where you bring the case. You wouldn't be shopping, you wouldn't be looking around. An administrative law judge would be picking the judge that hears the case in these venues.

MR. RA: Okay. And just -- can you, I guess, further

clarify what -- why it is these particular counties that are being picked here?

MR. MAGNARELLI: They're -- they're basically the seats of each of the judicial departments.

MR. RA: Okay. But, I mean, would -- I -- I think looking at --

MR. MAGNARELLI: But they also -- excuse me, but they also go along with the Election Law that we passed two years ago as well. So we're just continuing putting that expertise (inaudible/crosstalk) --

MR. RA: But I -- but I think, as -- as I stated during the discussion of the amendment, there was talk at that time when we passed that bill, if I recall correctly, that those types of challenges are often brought by political parties, well-financed groups. I do think this is different in that, you know, we have seen with -- and I think we got more than a cycled share of these types of cases in -- in the last few years, right, and there have been individuals rather than parties in -- in a lot of instances who have brought challenges. You know, the -- the challenge that resulted in us redoing our maps just last year in the Assembly was brought by a few individuals Downstate. It wasn't, you know, a party apparatus or anything of that nature. So I -- I think that -- and, I mean, you could correct me if I'm wrong but that was the argument that I heard at the time for -- for doing these particular departments, or particular counties, I should say, is that it won't be a hardship on -- on somebody who wants to challenge them because

those are not just challenges that are normally brought by -- by individuals. Here we have somebody who's, you know, all the way up in Watertown or -- or somewhere else that may be hours and hours away from one of these counties if they were want to bring a challenge.

MR. MAGNARELLI: I -- I'm not gonna argue with you on that, that could happen. But I also believe that -- that people will be hiring attorneys to bring these lawsuits. The lawsuits mostly, as I'm being told by my colleagues, most of the stuff is done by computers at this stage of the game when you actually have to argue the case. You might have to drive a couple of hours to get to that courtroom. I don't think that -- that outweighs a number of things. As I said before, they are located in the most populous areas, populous areas of the State so the vast majority of the people who would like to bring such a lawsuit would be near these courts. And I -- I do think that they're situated so that people can get to them, and there would be an expertise that hopefully will grow in those courts.

MR. RA: And thankfully as they're hiring these attorneys, those attorneys in these cities tend to be cheaper than other places in the State.

MR. MAGNARELLI: Okay.

MR. RA: Thank you, Mr. Magnarelli.

MR. MAGNARELLI: Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.



MR. RA: So, just quickly. You know, as I said, that argument that was brought on that previous bill, which I still think that previous bill was not the right thing for us to do, but the argument that was brought really doesn't apply here because we have individuals who have brought these challenges in the past. And this is a very fundamental thing for an individual in the State to have the ability to challenge reapportionment.

A couple of years ago when this House passed congressional maps and Senate maps and Assembly maps and a challenge was brought, it was brought pursuant to an argument that we did not follow the process that is outlined in our State Constitution. And it moved its way through the courts and, you know, I've heard many times people talk about, you know, they went and found this favorable judge in Steuben County. Well, it went through an appeals process and got up to the Court of Appeals, the highest court in this State, and the Court of Appeals ruled that the process was not followed, that the maps were unconstitutional. So I think we forget about where the process ended and focus too much on where -- on where it started. At the end of the day, this is another effort to close access to an individual who wants to challenge an action taken by this Legislature, and we're talking about violations of the Constitution that they're going to be challenging in these types of actions. Again, we are always gonna hear about forum shopping, and sure, you know, any attorney who's trying to have a result for their client, no matter what type of action, is going to try to find the most favorable circumstances

to advocate for their client. But I don't see this as we're preventing forum shopping, I see this as we did the forum shopping for you and we found counties where we think are going to be favorable, really, to one side of the political aisle because they're going to get assigned out. But you're gonna have a much larger chance of getting a judge who is a -- who has run as a Democrat in these counties than some of the other counties in the State. And again, I don't think you have enough regional balance here so that an individual who wants to make a challenge that their constitutional rights may have been violated, that the Legislature has not followed the Constitution, that they have to be four or five, six, seven hours away from a courthouse, and now at their expense they're trying to find an attorney who's gonna -- because, you know, they may have an attorney locally that says to them, *Hey, I don't have time to do this. I'm not gonna be traveling back and forth, I'm gonna have to put aside so many other matters I'm working on if I'm gonna have to deal with -- with this case for you.* So now you've got to go find an attorney, like I -- and like I said, I'm sure attorneys in these -- in these counties are fairly expensive and maybe more so than other parts of the State. Now you have to find that individual and travel hours and hours away from -- from your home just to bring a challenge for a violation of the Constitution.

I don't think that's the right thing to do, and I -- and I think the residents of the State will very much see through what this bill is trying to accomplish and I urge my colleagues to reject it. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Flood.

MR. FLOOD: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FLOOD: There's no real easy way to say this, but this bill is just a travesty. We live in a state right now where we elected an Attorney General who ran on the premise of "I'm gonna get the President." And when she was elected she charged him with a crime that's never been charged that way in the State history. And they appointed a judge who had a clear bias, who before any testimony was even taken ruled that he was guilty, gave him a \$384 million fine when at trial the alleged -- the alleged victims had said, *We didn't lose any money; in fact, we want to keep doing business with them*, and then handed him a \$350 million fine. This is the pool of judges that we have to take these cases to. This is why people on our side of the aisle are concerned about this, because people on our side of the aisle don't get a fair shake in these courts. These are activist courts known to vote against people on our side of the aisle. We did this with the Election Law, and I remember standing here at 2:00 in the morning, losing my mind because this Body does whatever it does to suppress the voice of the conservatives and the people in the districts that we represent. There's a reason why Suffolk County wasn't considered in one of these. There's a reason why outstate -- Upstate New York's basically unconsidered; because we could get a

fair shake in these courts. I'm not sure if this is the New York Legislature anymore or is this Russia where we've now the political party in charge does everything it can to ensure that its adversaries are not given a fair shake in the judicial process.

I am an attorney. I've been to these courts. I know what it's like, and every -- the idea that we're looking for -- we're looking for perfection or we're looking for a more systemic court, it's nonsense. It's absolute garbage. We are -- we're not -- it's not a matter of forum shopping, but what my colleague just said is we're telling you where you can go because we already know the outcome of these cases that are going to be handled.

For the last year-and-a-half, two years you've heard messages on TV that democracy is on the ballot this year, democracy is on the ballot. Well, democracy is on -- is here every day, and every day this Body becomes more undemocratic than it was the day before. We are -- we are moving towards a system of which we have one-party dominance, and we do everything possible to limit the voice of opposition. This sounds like a Communist country when we do things like this. If this Body has any semblance of actually wanting to continue as democracy and so many people in the left are saying, *Oh, God, we can't back bring back Donald Trump, we're gonna lose democracy.* Well, this Body is doing it right now. So regardless of what happens in the presidential elections, New York State is becoming undemocratic with bills like this, with bills like we did the Election Law last year where we limit the voices of those people who

are opposed to the Democratic positions. Myself, just as every one of my colleagues, represents roughly the same 140,000 people everyone else in this Body does; however, it's always our constituents that get short-staffed or are told to do X, Y and Z and are not getting fully represented.

I implore you guys, if you have any sense of fairness, reason, to vote this bill down and bills like this because this is utter garbage. This is intended to limit the voices of the people my colleagues represent. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. McGowan.

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

ACTING SPEAKER AUBRY: Mr. Magnarelli, would you yield?

MR. MAGNARELLI: Yes, Mr. Chair.

MR. MCGOWAN: Thank you, sir. And I apologize, my back is to you --

MR. MAGNARELLI: No problem.

MR. MCGOWAN: -- for most of our discussion. Sir, we talked about last year's bill concerning Chapter 16 of the Election Law which is very similar to this, limiting the jurisdictions where challenges could be brought. Other than that bill, are there other examples of limiting courts or jurisdictions to -- to counties under our law?

MR. MAGNARELLI: I think Workers' Comp laws -- Workers' Comp laws have to be brought in, I forgot where it is, in New York? Where does Workers' Comp go, Albany? There are -- there are a couple of different places where you have to bring your suit in a certain place or an appeal to a certain place. Your Court of Appeals, after you get through all of the Appellate Divisions you have to bring it to Albany. So it does happen.

MR. McGOWAN: Sure. So putting aside Appellate Courts, I'm talking about, I guess, trial-level courts or courts of original jurisdiction. You referenced Workers' Comp cases being limited to being commenced in Albany County, correct? You said Workers' Comp is an example?

MR. MAGNARELLI: I think so.

MR. McGOWAN: Okay. And again, I'm not talking about Appellate cases --

MR. MAGNARELLI: Okay.

MR. McGOWAN: -- I'm talking about an initial filing, right? We -- we'll call it a trial-level-type case. Do you know how many Workers' Comp cases are brought in Albany County in a given year, approximately?

MR. MAGNARELLI: I -- I do not.

MR. McGOWAN: Um --

MR. MAGNARELLI: Yeah, and I -- and I want to correct myself.

MR. McGOWAN: Sure.

MR. MAGNARELLI: Workers' Comp appeals.

MR. McGOWAN: Workers' Comp appeals. Okay.

MR. MAGNARELLI: Okay? And no, I do not know how many.

MR. McGOWAN: Okay. The type of action that we're talking about being challenged and then being brought in these specific courts, we're talking about reapportionment enacted by the State, correct? So the Assembly, the Senate and ultimately signed into law by the Governor?

MR. MAGNARELLI: Correct.

MR. McGOWAN: Okay. And again, I just want to be clear from the prior debate. We're not talking about local reapportionment, county legislative bodies or anything like that, it's only what comes out of this Body, the Senate and ultimately signed by the Governor, correct?

MR. MAGNARELLI: Correct.

MR. McGOWAN: I believe when you were discussing with one of my colleagues you talked about expertise, right? That is the hope that certain expertise would be developed in these particular jurisdictions, correct?

MR. MAGNARELLI: That's correct.

MR. McGOWAN: But as of right now, do you have any reason to believe that there exists particular expertise within these four counties?

MR. MAGNARELLI: That I don't know for a fact.

MR. MCGOWAN: Do you have any reason to believe that there does not exist particular expertise in the other 58 counties in New York State, aside from the ones that you -- that are not in this bill?

MR. MAGNARELLI: No. And as I said earlier, I'm not talking about any of the other Supreme Court justices or courts. We're talking about going forward and creating a venue and a place where that expertise would be.

MR. MCGOWAN: Thank you, sir.

MR. MAGNARELLI: You're welcome.

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

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

MR. MCGOWAN: The term "forum shopping" has been mentioned and used and discussed this morning. It was discussed and debated last year with respect to the very similar legislation passed by this Body concerning challenges to Chapter 16 of the Election Law. The idea was to limit forum shopping by prescribing under law specific jurisdictions where these challenges could be brought. And forum shopping, if you break it down, forum shopping is frowned upon, prohibited in many instances, because why? Because we don't want a predetermined result. We don't want there to be -- we want the case and its facts and the law to be litigated and to be determined on the facts and the law, and not to have a predetermined outcome because of where the matter was brought and



before the judge that the case appears. That is generally a prohibition on plaintiffs, someone who has a claim who has asserted that their rights have been violated. Has asserted there's a wrongdoer and they then bring a case and they want to select the appropriate venue to get the best result possible. Again, on a claimant. What we're talking about here is limiting the jurisdiction where these matters are gonna be brought, based upon actions that this Body takes. Actions that Senate and collectively, the State takes. This is not a prohibition on forum shopping, this is creating forum shopping not by the plaintiff, not by the party who's been aggrieved, but by the party that has committed that constitutional violation. I cannot think of a worse way to create a law where we, as a Body, and the State collectively, takes an action and says, *But you can only bring it in the places we say.* Forum shopping from a plaintiff's perspective, that's something that has been discussed and -- and brought up and debated for a long time. But the creation of forums that, let's face it, are favorable to the State is an absolute failure, my opinion, of our job as elected officials, as State legislators. We are picking the forum based upon what we do, and we're limiting the rights of residents of our State. This idea that, *Well, these courts are gonna develop some type of expertise,* these matters are only brought, I mean, every reapportionment, every ten years. The idea that somehow judges sitting in these particular counties could develop an expertise when this is a pretty limited class of cases. This is not Workers' Comp appeals. Probably hundreds are filed every day throughout the State, that you can develop an

expertise. Same thing with other limited courts; domestic violence courts, drug courts, that deal with volume. Expertise is the product of volume, of doing something a lot, every day, repeatedly, repetition. These cases are going to be limited, and there's no guarantee that the judges or the staff who rule on one matter are going to be there ten years later when the challenge is brought.

So in my opinion, respectfully, Mr. Speaker, this claim of creating expertise is bogus, it's not realistic. It's a paper-thin justification for a forum shopping bill based upon actions that this Body's gonna take. Imagine we allow that to occur in other areas where the wrongdoer, according to a claimant, somebody did something wrong. Someone challenging reapportionment, a violation of constitutional rights is claiming that who did something wrong; the State. And we, the State, are gonna pass a bill that limits to where these actions can be brought. That would literally turn our procedure on its head.

We can't allow this to happen. I urge my colleagues to please vote in the negative, as I will be doing. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Simon.

(Pause)

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Magnarelli, will

you yield?

MR. MAGNARELLI: Yes, sir.

MR. GOODELL: Thank you, Mr. Magnarelli. Of course as you know, we have one Court of Appeals with jurisdiction over the entire State. We have four judicial departments, each with their Appellate Division, and we have 13 judicial districts. Wouldn't it make more sense to have at least one court in each judicial district available to address these types of claims?

MR. MAGNARELLI: Well, I guess my answer to you is no, I don't agree with that.

MR. GOODELL: Then why is it that we've selected, you know, the First, Third, Eighth and Ninth Judicial Districts and not any of the other judicial districts? You've repeatedly said it's not based on expertise because you think every judicial district has expertise. It's certainly not gonna be based on experience because these cases only come up once a decade. Why is it we pick -- we picked those four and left out the other nine?

MR. MAGNARELLI: Well, I think we were trying to get it down to -- I'm going to say this to you, Mr. Goodell. My original bill was Albany and nothing else. Okay? So when we talked about this and the bill finally was amended, we put in three more. And the reason was because Buffalo, Albany, Westchester, New York City are the population centers of New York State. That's where most of the people live, and we are trying to make sure that people have a way to get into the courts. So that's why it was.

MR. GOODELL: Following up on that, how many residents are there in Suffolk County?

MR. MAGNARELLI: I'm sure millions.

MR. GOODELL: And likewise with Nassau County?

MR. MAGNARELLI: Yup.

MR. GOODELL: And so if there are several million in Suffolk County and Nassau County, why did we pick Erie County that has less than one million?

MR. MAGNARELLI: Again, geographically where it's located and the population areas at that part of the State.

MR. GOODELL: I see. Of course this is not about the ability of the State to defend itself, right, because the Attorney General has offices in every single judicial district, correct?

MR. MAGNARELLI: Correct.

MR. GOODELL: And if the Attorney General has expertise in defending these types of constitutional cases, they can certainly assign whoever they want to go to any judicial district they want, correct?

MR. MAGNARELLI: Correct.

MR. GOODELL: And so this is not about making sure that the State is adequately represented, because the State can draw on any of its offices in any of the judicial districts using any of their Attorney General staff, correct?

MR. MAGNARELLI: Correct.

MR. GOODELL: So this is not about making it

convenient for the State to defend itself, it's about making it inconvenient for everyone to sue the State.

MR. MAGNARELLI: No, it's just -- it -- it's the opposite.

MR. GOODELL: Oh, really?

MR. MAGNARELLI: I don't know -- you can look at it one way, I'm looking at it in another. Again, I'm gonna say the same thing; it's to establish venues where there would be an expertise in these types of cases. It's not a question of the State defending itself or any of that. That wasn't the rationale for the bill.

MR. GOODELL: So just to help flesh it out a little bit, we're saying that no resident in Cayuga, Livingston, Monroe, Seneca, Steuben, Wayne, Yates, Broome, Chemung, Chenango, Cortland, Delaware, Madison, Oswego, Schuyler, Tioga, Tompkins, Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego, Nassau or Suffolk, along with all of the Hudson Valley counties should be allowed to question the constitutionality of our actions in their own county?

MR. MAGNARELLI: Well, you put on from their own county.

MR. GOODELL: Correct.

MR. MAGNARELLI: They all have the right to question our constitutional actions.

MR. GOODELL: They all have the right in this bill to travel several miles, if not hours, in order to challenge the

unconstitutional action.

MR. MAGNARELLI: Well, I think the initial challenges don't even require them to get in the car or anything.

MR. GOODELL: Only if they want to hear their case or argue it, correct?

MR. MAGNARELLI: Only if they want to hear their case or argue it, right.

MR. GOODELL: Now, one of the --

MR. MAGNARELLI: If it's gonna be argued.

MR. GOODELL: You know I'm thankful that at least the -- one of the eight counties in the Eighth Judicial District has been selected for this unique honor, and that's Erie County and I'm in the Eighth Judicial District. I'm only an hour-and-a-half drive, by the way, in good weather, from Erie County, which is nice. But as you know, all of our Supreme Court judges are elected on a judicial basis, right? So if you run for judge in the Eighth Judicial Department, if you run for judge and you live in Erie County you have to be elected by the residents in all eight counties, right?

MR. MAGNARELLI: Correct.

MR. GOODELL: And once you're elected as a judge in a judicial district, if it's one of these four lucky ones, you can be assigned to a courthouse in any of one of the eight counties, correct?

MR. MAGNARELLI: Yes.

MR. GOODELL: And, in fact, in Chautauqua County we went nearly 20 years without a judge who lived in my

county being our Supreme Court judge. For nearly 20 years, a judge out of Erie County was assigned to come down to my county and serve as our Supreme Court judge. Not unusual, right, Upstate?

MR. MAGNARELLI: Right.

MR. GOODELL: So why is it that a judge that can be assigned to Chautauqua County and meet in my county, why that same exact judge can only hear a constitutional challenge, if we have to drive to Buffalo. I mean, if he can be assigned to Chautauqua County because he might have some expertise, why does everyone else have to drive to Buffalo --

MR. MAGNARELLI: Well, I would --

MR. GOODELL: -- to be in front of the same exact judge?

MR. MAGNARELLI: I think it's just a practical thing. I would assume that that judge is hearing a number of cases in Chautauqua County, not just one. And so again, I'm gonna go back to what I've said all along; it's the venue, it's the expertise, it's creating that kind of expert knowledge in a certain area.

MR. GOODELL: But this doesn't require the judge to actually live in Erie County, right? So you can have a Chautauqua County Supreme Court judge assigned to hear a constitutional challenge and both the judge and every single member who is challenging it has to drive up to Buffalo? Do they get expertise on that drive? If that would be the case, I'd be brilliant because I drive further than anyone else to get here, and I can assure you that is not

the case. So why does where you set your seat make you more of an expert?

MR. MAGNARELLI: I'm not saying it makes you more than an expert, it will over a period of time.

MR. GOODELL: Thank you very much, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome.

MR. GOODELL: As always, I appreciate it. And I appreciate the fact that you keep an eye on my car. Mr. Magnarelli parks next to it. When it's not stolen.

(Laughter)

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: So thank you, Mr. Magnarelli. On a serious level, thank you very much. So, we have a -- we have 13 judicial districts, including judicial districts that have literally millions of residents and dozens of highly qualified judges, as my colleague acknowledged. But if you look at this bill objectively, it really doesn't make an awful lot of sense other than the fact it's legislative forum shopping, as my colleagues have mentioned. If you happen to be in the Eighth Judicial Department, as I am, this bill says you have to drive to Buffalo to make any challenge against the State of New York on the constitutionality of a reapportionment map, even though the judge that you might appear in front of in Buffalo was actually from Chautauqua County. So we say by law, a Supreme Court judge



cannot hear this case where it's convenient with the plaintiffs. But the exact same Supreme Court judge can hear the case in Buffalo? They're no smarter in Buffalo than they were in Chautauqua County, or in any of the other eight counties. It has just one purpose in mind, making it harder for people, our residents, harder for our residents to make sure that we are complying with our constitutional oath of office. That's all it's about, making it harder for people to make sure that what we're doing is constitutional. Is that our mission as a matter of public policy to make it harder for people to make sure that we're complying with the Constitution? I would hardly say that is a public policy that's worthy of this legislative Body. We should make access to justice easier, not harder. And this bill, by the way, makes it virtually impossible for anyone of limited means to assert their constitutional rights. There's no subway that runs from Chautauqua County, Cattaraugus, Allegany, Wayne, Steuben or any of those other rural counties that goes to these judicial districts. You're lucky if you can get a bus that takes you up and back in the same day. So what this does, basically it says if you don't have a private car and the means and ability, you can't show up in court. Is that a public policy we endorse? That our courts are only open to those who have their own means of transportation?

My friends, let's focus on the fundamentals that I think we all believe in, that we want everyone to have access to our courts. That we have courts throughout the State to make sure that people have access. That we want to make sure that our actions are

constitutional, and we don't want to impose unnecessary restrictions on ability of people to make sure that we're complying with the New York State Constitution. For that reason, I will oppose this and urge my colleagues who live in any of the other 62 counties to likewise oppose it and hopefully we will keep our court system open to everyone as conveniently as possible.

Thank you, sir.

(Pause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield?

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

MR. MAGNARELLI: Yes, Mr. Chair.

ACTING SPEAKER AUBRY: The sponsor yields.

MRS. PEOPLES-STOKES: Thank you, Mr.

Magnaregli [sic]. As you know, I'm not an attorney but I'm really trying to understand this legislation and this process that we're going through today. Could you tell me how when the last court challenge that was made on our redistricting lines, how did they end up in Steuben County?

MR. MAGNARELLI: That I don't know.

MRS. PEOPLES-STOKES: I'm sorry?

MR. MAGNARELLI: I don't know how they ended up in Steuben County. They picked that court to go to.

MRS. PEOPLES-STOKES: I'm sorry, I didn't hear you, sir.

MR. MAGNARELLI: They picked that court to go to. I have no idea why they picked Steuben County.

MRS. PEOPLES-STOKES: Well, do you know if it was a -- a citizen who perhaps is a farmer that took the time to go to Steuben County Court to put that case in? I mean --

MR. MAGNARELLI: I don't think so, I think they were -- I think one happened to be an attorney. I'm not positive, but that's what I've been told.

MRS. PEOPLES-STOKES: Okay. So under this legislation that I am hopeful that will be approved today, any further redistricting cases would have to go to one of the four of the other counties that are selected in your legislation, and that would be -- no one else can change that decision, that's where they will go.

MR. MAGNARELLI: That's correct.

MRS. PEOPLES-STOKES: So whether it be a party, a policy association, a farmer or, quite frankly, a business owner who wants to engage in a redistricting lawsuit against whatever lines may or may not be proposed, they would have to go to one of those counties?

MR. MAGNARELLI: That's correct.

MRS. PEOPLES-STOKES: Okay. I'm -- I am clear. Thank you so much.

MR. MAGNARELLI: Thank you.

MRS. PEOPLES-STOKES: Mr. Speaker, on the bill.

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

MRS. PEOPLES-STOKES: I -- you know, I listened to my colleagues on the other side of the aisle with a lot of opposition about this legislation, and honestly, I -- I -- I do understand why -- why they're opposed. Because I was opposed in 2016 when the then-Republican Majority in the U.S. Senate decided that a former President couldn't make a Supreme Court decision because it was about to be an election year. I was opposed. It's the first time in my life I ever called, put a phone call in, multiple phone calls to the United States Senate to oppose them not allowing former President Obama to make this appointment. And I'm sure there were a lot of other citizens that were opposed and they voiced their opposition, but it didn't work. And the following election, it was about to be over, in days before the election, another former president was allowed to make an appointment to the U.S. Supreme Court. Now, I remember all of my civic classes, it's the Legislative, it's the Executive and it's the Judicial. But at some point, all of these Bodies look like what's in the best interests of the people who they call themselves serving. I feel like I'm in the best interests of the people who support the values that I support, whether it be in the Executive Branch, the Judicial Branch or the Legislative Branch.

So I support this legislation because I think it will move me and the people that I represent closer to where we want to be in the principles and the values that Americans should espouse.

Thank you for the opportunity to explain my vote.

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

Mr. Goodell for a second.

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

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

MR. MAGNARELLI: Yes, Mr. Chairman.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. GOODELL: Thank you, Mr. Magnarelli. Now, as you mentioned just a moment ago, the last case challenging the constitutionality of what this Legislature did was initiated in Steuben County, correct?

MR. MAGNARELLI: I believe that's true, yep.

MR. GOODELL: And the court in Steuben County ruled that the -- the congressional maps were unconstitutional, they were gerrymandered, correct?

MR. MAGNARELLI: I believe so.

MR. GOODELL: And then that case was appealed to the Appellate Division, the Fourth Department Appellate Division, and how did they rule?

MR. MAGNARELLI: Same -- same thing.

MR. GOODELL: They agreed with Steuben County

that it was gerrymandered, right?

MR. MAGNARELLI: Yes.

MR. GOODELL: And then that was appealed to the Court of Appeals, correct?

MR. MAGNARELLI: Correct.

MR. GOODELL: And the Court of Appeals ruled that the Steuben County Supreme Court judge was right, correct?

MR. MAGNARELLI: Correct.

MR. GOODELL: So we now have one clear designated expert in the State of New York, and that would be the Supreme Court judge in Steuben County who heard this case, ruled correctly, the Appellate Division said he ruled correctly, even the Court of Appeals said he ruled correctly. Why don't we make Steuben County a source of these types of challenges since that is the only judge with expertise --

MR. MAGNARELLI: Okay.

MR. GOODELL: -- that has been confirmed by every court since?

MR. MAGNARELLI: Yeah. Yeah. Well, I guess, you know, you'd have to go to the case, that's number one. But number two, it's venue and where we're trying to locate these venues. Steuben County I think would be a little more out of the way for many, many, many, many more people than the counties that we -- we have proposed in this bill.

MR. GOODELL: I would agree.

MR. MAGNARELLI: Well, there's your answer.

MR. GOODELL: That's why I don't support restricting it even to Steuben, although I do note that the judge in Steuben County is in the Seventh Judicial District. At least we could point a more central location in the Seventh. But I still come back to the point; Steuben County is a two- to two-and-a-half-hour drive from Buffalo.

MR. MAGNARELLI: Mm-hmm.

MR. GOODELL: If this law were in place, those poor plaintiffs would have to drive two-and-a-half hours to get the same, hopefully, decision that they got from their local expert that was repeatedly affirmed on appeal.

Thank you, Mr. Magnarelli. Thank you, sir.

MR. MAGNARELLI: You're welcome.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A slow roll call has been requested.

The Clerk will record the vote.

(The Clerk recorded the vote.)

You must come to the Chamber to vote. The vote is being recorded slowly, but you don't need to be slow to get to the Chamber. And those in the Chamber, you must press the button. You can't signal to the desk to cast your vote.

Ms. Gallagher to explain her vote.

MS. GALLAGHER: Thank you. I would like to thank the Speaker for bringing this bill forward. I would like to thank the bill sponsor, and I am voting for this bill because I believe, in agreement with the bill sponsor, that it behooves the judicial process to centralize the handling of certain cases related to apportionment to venues within one of New York's four judicial departments. Venue shopping should be discouraged, and it increases trust in the process to discourage venue shopping and increase expertise within relevant jurisdictions for handling these very particular kind of cases.

I vote yes.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Ms. Paulin to explain her vote.

MS. PAULIN: Thank you, Mr. Speaker. I, too, am going to be voting in the affirmative. Prior to coming to the Assembly, I was the Executive Director of an agency that serves battered women, and during that time, the courts were considering and starting special jurisdictions to handle those cases. And I will say that until that happened, there were so many women that were poorly addressed in the courts. The need or special -- specialties within the courts is critically important if cases are going to be heard properly, and I believe that this is one area that we should be thinking about and doing in that way. Special courts serve a purpose in the State, and this will help us go a long way in that regard.

Thank you so much. I vote in the positive.



ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Mr. DiPietro.

MR. DIPIETRO: Thank you, sir, to -- to express my opinion here today. I've been here 12 years, and occasionally we get these unconstitutional -- we get these types of votes where it's sort of an embarrassment. We're sitting here and it all doesn't pass the smell test. If this was on the other side, if -- if our Conference had put something up and moved everything to different areas there would be an outrage. I haven't heard a cognitive argument yet, actually, to support this. This goes against individual rights, it goes against these counties, it goes against everything that we supposedly stand for. I say it often because I've noticed it here for years, the corruption that comes out of this Chamber drips off the walls. Today, I live about 25 miles from Niagara Falls. It makes Niagara Falls look like a leaky faucet.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Mr. Speaker. I rise to explain my vote in this case. I mean, I just as a woman in this country and in this State watching our courts over these years be played to a point where I now have lost some of my own rights and my daughter is going to grow up in a world that I never thought she would where

she has lost her own. We understand how important these decisions -- these -- these decisions are, and building up the expertise is critically important. We passed a law -- a law already that changed Election Law challenges to four courts and putting this into the same, you know, sort of putting these in companion is really important so that we do build up the expertise and we build up what we know we need to ensure that the totality of these decisions are understood by everyone. That we are not shopping for venues, that we are not using this court system to, you know, have the outcomes that we want but instead, the outcomes that are justice and what we need to ensure that we're doing this by law. The -- the games that have been played in our courts both here in the State as we've seen in the past and on the Federal level have really been disturbing. I think it's really important that we get to this point where we are ensuring the integrity of all of these processes, and I therefore vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Thank you. The vast majority of people in this State live within 50 miles of the seats of the four judicial departments. Most people have pretty easy access to get to those places, so I don't see how anybody can claim that it's made more difficult for people by us using these four locations. And secondly, somebody made reference to Russia earlier, comparing us to Russia,

and I just wanted to say for the record that there's only one political party in this country that has seemingly aligned itself with the interests of Russia, and it's not my party.

(Jeering)

ACTING SPEAKER AUBRY: Excuse me.

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker, for an opportunity to explain my vote. First, I want to commend the sponsor on this legislation. I know initially he was looking at just Albany, and he decided to include New York County, Westchester County, Albany County as well as Erie County. And I personally was thinking well, you know what? Why not just one county? When you have an issue in this country that reaches the Supreme Court of the United States, it isn't based upon a quadrant. If you're in Spokane, Washington and your case makes it to the Supreme Court, you have to either drive or figure out a way to make it to Washington. So with that being said, I -- I think that this is quite considerable. When we look at this room, we've had individuals from every reach of New York State that commutes to Albany, New York to advocate for their communities.

So I think that these four counties shall suffice, and I think this legislation is worthy and I rise in support. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Meeks in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thanks, Mr. Speaker. So, in the last half hour I have heard members of the State Legislature stand up and accuse our Legislature of systemic endemic corruption. I have heard members stand up, and much to my sense of amusement and almost disbelief, advance the theory that we are a Communist state? Advanced conspiracy theories about the persecution of right-wingers? Our obligation is to protect all of our citizens, no matter what their political beliefs may or may not be. We live in a world in which our judges are in tremendous danger because some people who might hear some of our remarks might get so agitated that they will decide to take it upon themselves to take action against our judges and against our government and against the United States of America. Demagoguery is something I think we all have to learn to resist.

Finally, let me say this: As far as courts with particular expertise, there's been references to the Federal courts and I was very fortunate to spend a good chunk of my life practicing in those Federal courts. Well, aside from the courts that everybody knows on the Federal level, there are courts established because they are locations where there is particular specialized expertise. For example, these are courts of specialized jurisdiction: Court of Appeals for the Armed Forces, the Court of Federal Claims, the Court of International Trade, the Court of Appeals for Veterans Claims, the Judicial Panel on Multi-District Litigation, and the Tax Courts. So we are doing nothing unusual here. And in a day and age in which the validity of our elections is challenged and challenged and challenged

and challenged, maybe it's about time we start to establish some specialized courts to deal with the issue of how do you protect human rights, how do you protect voter's rights. I'm --

ACTING SPEAKER AUBRY: Mr. Lavine, how do you vote?

MR. LAVINE: I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Durso to explain his vote.

MR. DURSO: Thank you, Mr. Speaker. I actually agree with the portion of this bill that says this is to discourage venue shopping. But again, we're shopping the venue for the residents of New York State. There are 62 counties in New York State, over 20 million people. We have now limited where they can bring these court -- these filing to a court to four counties. That probably takes about roughly, I mean, it's just a guesstimate, half the people out of the State that couldn't make it to these areas, whether it's for money purposes, time purposes, ways of travel. Also, as brought up during the discussion was the bill itself doesn't specify where it says "legislature." It does not specify if it's the New York State Legislature or if it's the Suffolk County Legislature. It does not talk about reapportionment only to the congressional maps or State Assembly maps or State Senate maps. It just says reapportionment. Now, I'm not an attorney, so I'm sure everybody in this room that is could say that I don't know what I'm talking about, and that's 100 percent fine.

But, just looking at it from my standpoint as a resident, that you can now bring up and say to someone, *If I don't agree with the maps that were drawn in Nassau County, Suffolk County or any other counties throughout the State, that you can only challenge those maps in these four counties.* Now, I understand that the bill sponsor's intent was not that, but when you read the legislation it clearly states that.

So again, forum shopping for our residents, not having the proper legislation and language in the legislation put in place makes me very nervous about this bill. I will be voting no for those reasons. Thank you.

ACTING SPEAKER AUBRY: Mr. Durso in the negative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, I really think that this piece of legislation is a solution in search of a problem. Nobody has even indicated, I think, what is wrong with our current system, other than the fact that I know that there have been decisions in recent years, like the one out of Steuben that's been referenced, that have been, frankly, irritating to the Majority. You have a supermajority in both Houses, you have the governorship, the Lieutenant Governor, the Attorney General. You've got every -- and the Comptroller. You've got it all. But that pesky Judiciary in some counties of the State have yielded opinions that have been irritating. So you're gonna pick the forums now for us.

I want to just point out that this idea of creating these

speciality courts is ridiculous. All right? The idea of having a Housing Court or a Domestic Violence Court or a Mental Health Court, where you've got a lot of cases coming in and you need people able to be experts who are processing these cases rapidly does not apply in a situation where you've got reapportionment claims every ten years. And you've got judges with a 14-year term, with a 70-year-old retirement age, mandatory retirement age. You're never, ever going to in these four areas be able to build courts of expertise. It is an absolute ruse. And I -- I just find it very interesting that, again, that the Majority is focused on the outcome and not really on the process.

So I will be voting in the negative.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker, for allowing me to explain my vote. I think it's pretty clear here that one of the issues is the fact that this circumstance only comes around ten -- to every ten years, which is the reason why we should have a speciality judge and court in this area. Particularly, we would want someone with years of experience, who knows and who understands the intricacies, the voting rights here within this country, within this State. We want someone who is also sensitive to the many issues of democracy that we have dealt with that we've been talking about for years. We want someone who understands Majority and Minority

districts. We want someone who understands the idea of one person, one vote. We want someone who understands and respects the integrity of the judicial process. And as far as I am concerned, as long as we have a speciality court that's able to deal with the intricacies, that we are handling the ideals within democracy as it relates to jurisdiction, as it relates to representation that our forefathers intended.

I am proud to support this piece of legislation, and I encourage my colleagues to continue to do the same and vote in the affirmative. Quite frankly, when we think about Steuben County and really just how much of the circumstances where we were limiting the opportunities for people to come and talk about the fact that they want a representative in Congress who shares a common interest, who shares the same ideals, who shares the same family values and community values that they share, and we want to be able to open up access to that, which is why we -- many of the locations which were chosen were locations where the populous and the majority of the people around the State of New York live. Again, I'm proud to support and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Shrestha.

(Pause)

MS. SHRESTHA: Oh --

(Laughter)



ACTING SPEAKER AUBRY: Hello?

MS. SHRESTHA: I thought you said somebody else, sorry.

ACTING SPEAKER AUBRY: No, no, no. I'm sorry.

MS. SHRESTHA: Thank you, Mr. Speaker. I think one of the -- one of the worst things we can do as a Body is to allow the -- a continuation of erosion of faith in our democracy. I really think that people need to know that their vote does have some effect, does have some power, and the process that we have to ensure that their vote matters is important to restoring that faith in our democracy. I think these courts are adequately spread across the State, and I'm very happy to vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Shrestha in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please acknowledge our colleagues that are on Zoom to ascertain their vote.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Ms. Dickens, for the record, please state your name and how you wish to vote.

(Pause)

Ms. Dickens?

MS. DICKENS: Inez E. Dickens in the affirmative.

THE CLERK: Ms. Dickens in the affirmative.

Ms. Fahy, for the record, please state your name and how you wish to vote.

MS. FAHY: Pat Fahy in the affirmative. Thank you.

THE CLERK: Ms. Fahy in the affirmative.

Mr. Fitzpatrick, for the record, please state your name and how you wish to vote.

MR. FITZPATRICK: Michael Fitzpatrick, I vote in the negative. Thank you.

THE CLERK: Mr. Fitzpatrick in the negative.

Ms. Lunsford, for the record, please state your name and how you wish to vote.

MS. LUNSFORD: Jen Lunsford, affirmative.

THE CLERK: Ms. Lunsford in the affirmative.

Mr. McDonough, for the record, please state your name and how you wish to vote.

(Pause)

Mr. McDonough?

Mr. McDonough?

MR. MCDONOUGH: Yes. David McDonough in the negative.

THE CLERK: Mr. McDonough in the negative.

Ms. Rozic, for the record, please state your name and how you wish to vote.

(Pause)

Ms. Rozic?

Ms. Sillitti, for the record, please state your name and how you wish to vote.

MS. SILLITTI: Gina Sillitti in the affirmative.

THE CLERK: Ms. Sillitti in the affirmative.

(Pause)

ACTING SPEAKER AUBRY: 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, members have on their desk a B-Calendar. If you would please advance that B-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, sir.

ACTING SPEAKER AUBRY: Page 3, Rules Report No. 16, the Clerk will read.

THE CLERK: Assembly No. A09310-A, Rules Report No. 16, Zebrowski. An act to amend the State Law, in relation to establishing congressional districts; and to repeal Article 7 of such law relating thereto.

ACTING SPEAKER AUBRY: Governor's Message

is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Kathy Hochul, Governor.

ACTING SPEAKER AUBRY: Mr. Zebrowski, a explanation has been requested, sir.

MR. ZEBROWSKI: Thank you, Mr. Speaker. This is the redistricting plan for the 26th Congressional Districts of the State of New York.

ACTING SPEAKER AUBRY: Mr. Durso.

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

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

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. DURSO: Thank you, Mr. Speaker. Thank you, Mr. Zebrowski. Obviously, we're back here again just a couple -- not only a couple days in a row, but a couple years in a row. So can you explain to me really how we got to the process of today. What maps are we voting on?

MR. ZEBROWSKI: Well, the Constitution specifically says if either House shall fail to approve the legislation implementing the second redistricting plan or the Governor shall veto such legislation and the Legislature shall fail to override such veto,

each House shall introduce such implementing legislation with any amendments each House of the legislature -- of the Legislature deems necessary. So this is that process that's in the Constitution. Earlier this week, the IRC plan failed to get the requisite number of votes that are required and now this is an amendment to that plan.

MR. DURSO: Okay. So -- so in other words, just in case, the maps that were created by the IRC, which is the Independent Redistricting Commission, we voted on those maps on Monday and they did not get the requisite votes in this Chamber to pass, correct?

MR. ZEBROWSKI: Correct.

MR. DURSO: Okay. So now the maps that we're voting on today, how were those maps created?

MR. ZEBROWSKI: Well, let me first say that if you look at the maps, they are pretty similar to the IRC maps. In fact, 19.5 over, 19.5 million people out of the 20-some-odd million people in New York State see no changes as to their Congressional district from the IRC maps. So those are respected here. But there are a handful of changes that were -- were made. And, you know, on Monday we -- we talked about some of the -- the principles that make up their constitutional requirements, so maybe it would be important for me here to kind of level set that as to what was considered and what should be considered.

MR. DURSO: Sure.

MR. ZEBROWSKI: For members and yourself, they're found specifically in Article III, Section 4, and they are as

follows: 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 local political process, and other members of the electorate and to elect representatives of their choice; districts shall contain an equal number of inhabitants; the district shall consist of continuous territory; the district shall be compact and form as practicable; districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties; and the maintenance of cores of existing districts of preexisting political subdivisions including counties, cities and towns, and communities of interest.

Additionally, it must be pointed out that -- it's important to remember that we have some flexibility in the districts of the Assembly and the Senate, about 5 percent or so can they vary from each other. However --

MR. DURSO: Five percent, you said, or two percent?

MR. ZEBROWSKI: No, 5 percent.

MR. DURSO: Five percent.

MR. ZEBROWSKI: Assembly and Senate districts.

MR. DURSO: Okay.

MR. ZEBROWSKI: With Congressional districts they actually have to be exactly the same. You're allowed to have a one person difference in each district. So if you look at these districts, they are literally the same exact population to one person; it can vary

by one person. So we have to take these constitutional principles with that very strict population mandate and balance them to the best we can. So if you look at the IRC map that did not get the requisite number of votes that were required, there were a handful of changes made that better balance these constitutional principles with that very strict population requirement.

MR. DURSO: So -- thank you for that explanation, Mr. Zebrowski. So in other words, the maps that were brought to the Legislature on Monday that we subsequently did not get the requisite number of votes, as you said, were then changed because people felt that they didn't meet all those constitutional requirements, maybe some of those maps. As we discussed during debate the last time, you couldn't speak for anybody else, you need to look at the map, you need to look at the bill to make sure that all the constitutional requirements in your opinion or anybody else's opinion that voted on it were taken under consideration when creating those maps, correct? We had to actually have that discussion.

MR. ZEBROWSKI: We did, but I believe a lot of the discussion was concerning violations of the Constitution --

MR. DURSO: Sure.

MR. ZEBROWSKI: -- and I think this is an important point we have to remember. You know, violations of the Constitution are essentially made -- determinations of a violation of the Constitution will be made by a court. So certainly, somebody could have taken those IRC maps to court had they been adopted and

gotten the requisite number of votes, and a judge may have found or may not have found that there were constitutional infirmities. But just as important to that is the fact that there is a balancing of these constitutional principles that I mentioned earlier, because there are times by which these constitutional principles actually conflict with each other, and the Legislature in presenting these maps today has to do its best to balance those --

MR. DURSO: Agreed.

MR. ZEBROWSKI: -- and come up with the best resolution possible.

MR. DURSO: So, so again, I'll just go back to my original question, which was these maps that we're voting on today as opposed to the maps that we voted upon on Monday which failed, who created the maps that we're voting on today? Who actually -- the IRC did not create the maps today.

MR. ZEBROWSKI: Correct.

MR. DURSO: Who actually drew up the maps that we are voting on today?

MR. ZEBROWSKI: So technically these are the maps of the Legislature that as is required by the Constitution, but you know, there's staff in the Assembly and I assume the Senate -- but yeah, go ahead.

MR. DURSO: I'm saying the Legislature drew the maps.

MR. ZEBROWSKI: The Legislature drew the maps,



yes.

MR. DURSO: Right, okay, thank you. So can you tell me that when it comes to the IRC, which is the Independent Redistricting Commission, can you tell me the makeup of that Commission? Who sits on that commission, how's it formed?

MR. ZEBROWSKI: Yeah, there are appointees. It's ten members. There are two appointees by each legislative leader -- no, no. Yeah, right. Okay, so two appointees by each legislative leader in the Assembly and the Senate, and then those eight appointees appoint two more to make up ten.

MR. DURSO: Okay. So there's -- so essentially there's ten members of the IRC, correct?

MR. ZEBROWSKI: Correct.

MR. DURSO: Do you know the vote count? Again, I know we went through this on Monday, but just for the record, what the vote count was on the original maps that did not pass the Legislature on Monday.

MR. ZEBROWSKI: I believe it was 9-1.

MR. DURSO: Okay. So within that 9-1 vote, and you're saying that the maps aren't that dissimilar today from the maps that were on Monday. As you said, there were certain changes and maybe, you know, a tweak here and there, as I'll just use my language of it. So really my question is, why are we here? Why if the maps are so not dissimilar than they were on Monday, what tweaks can you point to that really got us to this point, because from my

understanding and just doing quick research, the IRC, the Independent Redistricting Commission has cost New York State residents over \$15 million, between \$10- to \$15 million over the past three years, and then they came out with maps that the Legislature could've adopted and they were passed in a bipartisan fashion. And in all honesty, and I'm not saying we did, but I'm saying it could look that way to the residents of New York State that we took \$10- to \$15 million of residents' money, put it into the IRC, put it into redistricting, thumbed our nose at them and said, no, no, no, the -- the entity that we created for the residents of New York State, doesn't matter that they went through the whole process, we just don't like what they came up with so we'll make up our own.

MR. ZEBROWSKI: So I would disagree with that characterization. The IRC went through a deliberative process and took testimony and came up with a lot of information in the maps. And, actually, the maps that are before folks today, I think it's fair to say in that they're very similar, they're based on those things. But I think it's important to note also that the Constitution and the voters of New York State passed that Constitution, specifically give the Legislature the duty and authority to amend those maps, if necessary. And that's essentially what you see here is that in a handful of cases, the Legislature is balancing those constitutional principles in a different way that is best for the State of New York. So I would almost look at it as a collaborative process that's exactly following what the voters seemed to have approved in New York State.

You kind of asked me for some examples, so by no means do I have an exhaustive list here of examples, but like let's just -- let's just think of a few --

MR. DURSO: Sure.

MR. ZEBROWSKI: -- right, that -- that were done in balancing these -- these constitutional principles. So the IRC plan had Orange County split into two congressional districts. In this plan before the Legislature now, Orange County as a whole is within one. In the IRC plan, Rensselaer County was actually split between three congressional districts; this plan splits that down to two.

MR. DURSO: Okay.

MR. ZEBROWSKI: In the IRC plan, the Black community in the Northeast Bronx was split between three different congressional districts and this plan reduces that to two. Those are some examples of how the Legislature balanced the constitutional principles differently than the IRC. I think we respect the process of the IRC, and as I said earlier, over 19.5 million people don't change at all from what the IRC plan did, but we believe in the instances where changes were made, those constitutional principles were better balanced as the Constitution tells us we have the authority to do and we believe we should do.

MR. DURSO: Okay. So just two more questions for you, sir. Being -- I mean, at one point, correct, you were with LATFOR, correct, understanding that, you know, you're -- Ken Zebrowski is the guy to talk to about the maps redistricting, right, we

had this discussion last year. This year, obviously you're debating the bill. Can you explain to me the 2 percent deviation that that was within the -- with the IRC maps and could you just explain it for anybody who doesn't know what we're even doing here.

MR. ZEBROWSKI: So there's a statute, it's not a constitutional requirement, there was a statute that said that the deviation should be -- not be more than 2 percent. That 2 percent requirement is notwithstanding in this bill before the House; however, I would point out again that in the vast majority of the map there are no changes. And so in a handful of places the Legislature felt that in order to best follow the Constitution and balance those constitutional requirements, some changes had to be made by more than 2 percent and so the Legislature is exercising its prerogative to not withstand that in order to comply best to the Constitution.

MR. DURSO: So if -- so understanding the 2 percent deviation meaning that you can't change the area of the map, correct, more than a 2 percent change to stop any type of gerrymandering, correct? Just for the people at home, anybody that doesn't understand the inside baseball of Albany and how this works.

MR. ZEBROWSKI: Well, I'm not going to answer your question as to, you know, why exactly the 2 percent is there, because --

MR. DURSO: No, no --

MR. ZEBROWSKI: -- I don't want to --

MR. DURSO: What 2 percent deviation meant.

MR. ZEBROWSKI: So 2 percent deviation as I understand it would be a 2 percent per congressional district

MR. DURSO: Change in the map, correct?

MR. ZEBROWSKI: Correct.

MR. DURSO: Or is it area or is it number of people? What does 2 percent deviation mean?

MR. ZEBROWSKI: Well, we district by population, not by -- not by land mass.

MR. DURSO: Okay.

MR. ZEBROWSKI: So by population.

MR. DURSO: So is there any of these maps that have now been created today, right, the maps that we're voting on today, as opposed to the maps on Monday that have changed in more than a 2 percent deviation?

MR. ZEBROWSKI: There are a handful.

MR. DURSO: Do you know which ones?

MR. ZEBROWSKI: I don't. It's -- if you get onto the LATFOR website, I think you can delineate that yourself. It's a minority of districts.

MR. DURSO: A small amount.

MR. ZEBROWSKI: The vast majority of the map does not.

MR. DURSO: You don't have a list of the ones that change by a 2 percent deviation, correct?

MR. ZEBROWSKI: No. I don't -- I don't have that

list, but if I could -- so for instance, we could not make Orange County whole without deviating from that 2 percent, which is why we, you know, notwithstanding it and made Orange County whole. It's one example --

MR. DURSO: Right.

MR. ZEBROWSKI: -- of why we did that. But, it was done in a minority of places, a handful of places.

MR. DURSO: Okay. So we don't have a list, but as you said, Orange County, Rensselaer, Bronx County, we know that those were done to follow more of the Constitution, right, and why we create maps, but we're just not sure which ones went above the 2 percent deviation that was statute before that were then changed in this bill, correct?

MR. ZEBROWSKI: So it's a long question and difficult for me to give a yes or no to -- when a question's that long, but --

MR. DURSO: We don't have a list of the --

MR. ZEBROWSKI: As I said earlier, we not withstood that in here, even though the vast majority complies with that and doesn't make any changes. We not withstood that because the Legislature in order to properly balance the constitutional requirements --

ACTING SPEAKER ZACCARO: Mr. Durso for a second 15.

MR. DURSO: No, I will leave that to my colleagues.

Thank you, Mr. Zebrowski.

MR. ZEBROWSKI: Thank you.

(Pause)

ACTING SPEAKER ZACCARO: Mr. Goodell.

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

ACTING SPEAKER ZACCARO: Sponsor, will you yield?

MR. ZEBROWSKI: Yes, I yield.

ACTING SPEAKER ZACCARO: The sponsor yields.

MR. GOODELL: Thank you very much, Mr. Zebrowski. I appreciate your comments. When we were talking earlier this week about the maps that have been produced by the Independent Redistricting Commission, at that time you indicated that you were not aware of any constitutional infirmities with those maps; is that correct?

MR. ZEBROWSKI: To paraphrase my responses I said that one, I wasn't going to quote on the floor any specific arguments against the map, and two, I think the ultimate decision of whether something would be -- would or would not have been constitutionally affirmed would be up to a court.

MR. GOODELL: Thank you. Now of course the IRC maps when they produced those, they had public hearings. Were there any public hearings on the maps proposed for today?

MR. ZEBROWSKI: Well, as I said earlier, the vast majority of the districts are the same. Over 19.5 million people don't see any changes. So the work product of those hearings are certainly contained within this map, but there were not any public hearings between Monday and -- and today.

MR. GOODELL: Thank you. And was there any -- was there a committee that was working on these new maps over the last couple days, a committee or a group of people?

MR. ZEBROWSKI: Well, we have LATFOR, the Legislative Task Force on Reapportionment.

MR. GOODELL: I see. And were there Republicans involved in that process as well?

MR. ZEBROWSKI: I'm not familiar with who weighed in with whom exactly, you know, in terms of the Legislature. Of course things are done in the Legislature by consensus and consensus is formed in various ways in the Legislature.

MR. GOODELL: Now, I'm looking at some of these population changes compared to the map that was rejected a few days ago by the Majority and the map that's being proposed today, and it looks like the Congressional District 1 had a 6.2 percent change; 2 had a 6.2; 3 had a 6.2; 14 had a 5.7 percent change; 15 had a 5.9 percent change; 16 had a 5.9 percent change; 18 had a 3.9 percent; 19 had a 7.7 percent; 20 had a 3.6 percent; and 21 had a 7.4 percent. In other words if I'm correct, ten out of 26 congressional districts had a change from the map that was rejected yesterday to the map we're considering



today that exceeded the 2 percent that was specified in the legislative standard back in 2014. Is that your understanding as well?

MR. ZEBROWSKI: So I'll -- I'll take your math for it. Like I said, I don't have the list in front of me, it's on the LATFOR website so if you got that from there, then I'll -- I'll take your math.

MR. GOODELL: Then looking at specific districts, it looks like the map that's being proposed today increases Democratic enrollment for Mr. Suozzi who just won a fairly close race; is that correct?

MR. ZEBROWSKI: Oh, I -- I don't know, Mr. Goodell. It's inappropriate for us to take enrollment data into account.

MR. GOODELL: Well, I'm not -- but that's a fact, isn't it? I mean it is a fact, isn't it? That the enrollment data for Mr. Suozzi went up?

MR. ZEBROWSKI: I -- I don't have that data in front of me.

MR. GOODELL: I see.

MR. ZEBROWSKI: So if -- if -- if you have that data in front of you, you can certainly speak on the bill, but I can't answer your questions about data I don't have because, quite frankly, that is not appropriate data to be taken into consideration in this process.

MR. GOODELL: Ah, so you're -- you're suggesting to us that the -- the Democrat party who developed these maps in secret with the help of LATFOR weren't considering political considerations like enrollment.

MR. ZEBROWSKI: Democratic --

MR. GOODELL: I can assure you that members of my caucus were not involved in drafting these new maps.

MR. ZEBROWSKI: Why do you guys say "Democrat" instead of "Democratic"? That's the proper pronunciation of it.

(Laughter)

MR. GOODELL: Well, I'm always tempted --

MR. ZEBROWSKI: I've noticed over the years that that's sort of like a little dig, but anyway, Mr. Goodell --

MR. GOODELL: Well, I'm always tempted to refer to you by your mascot, but that's all right, you don't need to refer to us by our mascot, an elephant.

(Laughter)

MR. ZEBROWSKI: Which part of my mascot would you be referring to, Mr. Goodell?

MR. GOODELL: Ah, the front end, of course.

MR. ZEBROWSKI: We joke, we joke, but let me say this.

(Laughter)

Look. I know that the world thinks of these things sometimes in partisan ways, but the fact of the matter is you're focusing on the capital letter D, Democratic, as in R, Republican, but the fact of the matter is is this process, as -- as is contained in the Constitution, talks about little d, democratic. We have the IRC, the

IRC presented -- did work and presented maps to us, and now the Legislature has the authority in the Constitution and the duty, I think, to balance those constitutional principles appropriately and the Legislature is submitting this map. It's really the small d, democracy, democratic aspect of this that we should talk about. And you know that enrollment data is not a part of that process. You look at essentially Census figures.

MR. GOODELL: Of course.

(Laughter)

Well, that was a hoot. Anyway --

(Laughter)

-- thank you very much for that comment. It is always enjoyable to have a little bit of humor here on the floor of --

MR. ZEBROWSKI: Yes.

MR. GOODELL: -- the Assembly, right?

MR. ZEBROWSKI: Fair.

(Laughter)

MR. GOODELL: Thank you, Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Goodell.

MR. GOODELL: On the -- on the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: So --

ACTING SPEAKER AUBRY: Aren't you going to miss this?

(Laughter)

MR. GOODELL: Most assuredly I will miss being here of the floor of the Assembly and the humor that is sometimes exhibited by all of us.

Just going back a little bit, you know, back in 2014 in the good old days when the Senate was controlled by Republicans and the Assembly was controlled by Democrats, both the Assembly and the Senate thought it would be a great idea to have an Independent Redistricting process. And so in two consecutive Legislatures they approved the Constitutional Amendment to be considered by the voters and the voters overwhelmingly approved the process to have an Independent Redistricting Commission. Remember those good days? And then, we went one step further and we passed a statute that said if for any reason the Legislature didn't accept the maps proposed by the Independent Redistricting Commission, we could only change them by up to 2 percent change in population. So that was 2014. In 2019 the Democrat party took over the Assembly and the Senate and the Governor, and once the Democrat party - I think that's with a capital D - controlled all Houses and the Governorship, they thought this concept of an Independent Redistricting Commission was really a thing of the past.

And so of course they adopted a series of congressional maps on their own, on a party line vote. Those were thrown out by the courts as being unconstitutional gerrymandering. The courts directed the IRC to reconsider. The IRC in a strong bipartisan vote with only one, the Senator recommended a series of

maps - a map, sorry - for the congressional district. That map from the Independent Redistricting Commission was rejected by the Democrat Majority - that's a capital D - on a party line vote with no explanation. No claim that it in any way violated any of the constitutional provisions or was unfair or inappropriate or anything else.

And miraculously within 24 hours, we have a new set of maps that are proposed by the Democrat Majority with no public hearing and no Republican input. And the new maps ignore the statutory requirement that was adopted on a bipartisan basis in 2014 that required the new maps produced by the Legislature to only have no more than a 2 percent deviation from the maps recommended by the Independent Redistricting Committee and in fact, 10 out of 26 congressional maps far exceed that. With the highest one being 6.7 percent.

Now, I could use a -- a very graphic demonstration of what I think the Majority is doing to that concept of independent redistricting, but I will instead just wave my hand with all my fingers up to say that's what the Majority seems to think about independent redistricting. Goodbye, good riddance, we can do better on our own without any public hearings and without any input, and that's where we are today. I'm disappointed very much in the process.

Now, some of my colleagues will be supporting the new map because notwithstanding the process for which some of us are holding our nose, a lot of the districts particularly Upstate, weren't

changed at all on the IRC maps. And we can debate until the cows come home in Steuben County over whether the other changes are good or bad, but I know some of my colleagues will be supporting it and some are very frustrated, as am I, with the process. Again, thank you to my colleague and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, 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: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed, but I do know that many of my colleagues support the outcome, even though they may wince over the process. And so for those members, please feel free to vote yes here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is going to be in favor of this piece of legislation so we will all be voting in the affirmative.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Levenberg to explain her vote.

MS. LEVENBERG: Thank you, Mr. Speaker. I rise to explain my vote. But first, I would like to thank my friend, Ken Jenkins, and the IRC for the tremendous work they did on the maps we considered the other day. The new map we have before us represents minor tweaks to that work, a bipartisan compromise that produced a competitive congressional map. We've reunited some counties and some communities of interest that were severed in the earlier version and made their maps a bit better. I like Mr. Zebrowski's earlier characterization of our work as a collaboration with the IRC, because that's really the right way of looking at it. As the elected representatives of the people, it is only right for us to have the final say. Because of the nature of our work, we are more in touch with the people and these communities on a daily basis which enabled us to put the right finishing touches on this map. I proudly vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Levenberg in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 17, the Clerk will read.

THE CLERK: Assembly No. A09313, Rules Report

No. 17, Rivera. An act to amend the Election Law, in relation to the dates to file a designating petition; and providing for the repeal of such provisions upon expiration thereof.

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

Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Kathy Hochul, Governor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have a fine resolution which recognizes the connection between Black History Month and Women's History Month, and we will take it up with one vote.



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

(Whereupon, Assembly Resolution No. 893 was unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that Assembly stand adjourned until Thursday, February the 29th, tomorrow being a legislative day, and that we reconvene at 2:00 p.m. on March the 4th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 3:05 p.m., the Assembly stood adjourned until Thursday, February 19th, Thursday being a legislative day, and to reconvene on Monday, March 4th at 2:00 p.m., Monday being a Session day.)