

**MONDAY, MARCH 18, 2024**

**3:00 P.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 Saturday, March 16th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Saturday, March the 16th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues that are in the Chambers, as well as guests that are here, I'd like to share with you a quote. This one comes from Shirley Chisholm. She is an American politician -- as an American politician in 1968 became the first Black woman to be elected to the United States Congress. Her words for us today: *You don't make progress by standing on the sidelines, whimpering and complaining. You make progress by implementing ideas.* Again, this is from Shirley Chisholm.

Members have on their desk a main Calendar and a debate list. After you have done any introductions and/or housekeeping, Mr. Speaker, we're gonna take up resolutions on -- Calendar -- Calendar resolutions, they're on Page 3, and then we're gonna continue with our work consenting bills from the main Calendar, beginning with Calendar No. 163 all the way to Calendar No. 186. We will take up the following bills on debate: Calendar No. 81 by Ms. Pheffer Amato, and Calendar No. 29 by Mr. Dinowitz. There may be a need to announce further floor activity; if so, Mr. Speaker, I will do so at that time. However, members should be aware that there will be a joint budget subcommittee. They begin

today at 5:00 p.m., and those who are on those joint budget subcommittees know the rooms and hearing rooms that you should be in by 5:00 p.m., but we will do that at 5:00 p.m. today.

So that's a regular general outline of where we are today, Mr. Speaker. If you have any introductions or housekeeping, now would be a great time, sir.

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

We do have one piece of house -- housekeeping.

On a motion by Ms. Lunsford, Page 34, Calendar No. 349, Bill No. A07494-A, amendments are received and adopted.

For the purposes of a introduction, Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker, and Madam Majority Leader, Jeff. One-hundred-and-sixty-four-days after their son, New York native Omer Neutra, was kidnapped and taken hostage in Gaza, Ronen and Orna Neutra, who join me today, are here to tell and continue telling their -- his story. Omer is like every New Yorker I know, he's like every New Yorker you know. Growing up in Long Island, he's a fan of the Knicks, he went to Day School where he was captain of his high school basketball team, his volleyball team and the soccer team whenever necessary. He was active in his youth group, USY. He decided to spend a gap year in Israel, putting off his plans to attend college at Binghamton University. Again, this is like every New York kid I know.

Today they're here to meet with all of you, and many

of you have met with them. We're here to raise awareness for Omer and all the American citizens who are still hostages. I want people to understand the gravity of the situation and to understand how closely-knit the Jewish community here in New York really is. We are all connected in some way. But Jewish or not Jewish, this really hits home for every New Yorker, for every American. We still don't know where Omer is or if he's safe, or what his status is, and as State leaders, you know, we lend our support to so many causes here. I'm honored today to just help play a small role in bringing the Neutra's up to tell their story, to have them in Albany, and to continue advocating for Omer. But I hope that each and every one of you will take up the cause as well, to uplift his name, his voice and his story. We're here to do anything we can to help Omer and his family.

So with that, Mr. Speaker, I really thank you for the time, for the attention. And on behalf of myself, Assemblymembers Lavine, Stern, and Blumencranz, I hope that you will extend the cordialities of the floor and bring respect and honor to Omer Neutra and his -- his parents, Orna and Ronen.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rozic, 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. Know that your family and your son are in our thoughts and prayers. We hope for a safe return. Please know you're always welcome here, we will always be behind you. Thank you.

(Applause)

Mr. Fall for the purposes of a introduction.

MR. FALL: Thank you, Mr. Speaker. I rise today during this Women's History Month to introduce a soaring figure from Staten Island. Kamora Freeland, who's right here in the back in blue, who has recently navigated the skies to become the youngest African-American female licensed pilot in New York State at just 17 years old. Kamora's journey began not in the clouds, but with her feet firmly on the ground with a dream shaped unexpectedly from a marine biology aspiration to the vast expanse of the aviation world, thanks to the foresight of her mother, Lakema, and her dad, David, who are joined with her today.

Despite the turbulence of learning the gravity of expectations, Kamora has flown past obstacles, completed solo and cross-country flights, and even piloted her mother safely to Martha's Vineyard, a remarkable feat for a high school senior. Her journey is more than just an individual accomplishment, it's an inspiration for young women of color challenging the status quo and flying into the face of history. As we acknowledge her flight achievements, let's also recognize her academic ambitions. Kamora plans to continue her ascent and knowledge in leadership at Spelman College this fall where -- where she received a full scholarship, and there's no doubt that she'll continue to elevate her potential and aim for new heights.

In honoring Kamora, we also commend her commitment to education and her desire to blend the realms of academia and aviation, it's with great pride that we watch a young

woman from our community set her course for success both in the skies and in the classrooms. Kamora has unwavering support from her family. I mentioned her mother and her father were here, but also she has a great amount of support from her sister, Mariama, and her brothers, Chad, Cameron, and her devoted grandparents. The number of family members, including members of the Tuskegee Airmen joined with her today really speaks volumes of the strong family support beneath her wings.

So I -- in addition to just, you know, her incredible accomplishments, I do want to highlight that she's also a certified birthing doula, a certified lifeguard, national security -- National Honor Security [sic], and presidential scholarship -- she received a presidential scholarship at Kingsborough High School.

So Mr. Speaker, if you could kindly welcome Kamora and her family and extend the privileges of the floor to her.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Fall, the Speaker and all the members, Kamora and family, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Just absolutely in awe of all that you've accomplished and can't wait to see what you will bring to the world in your future. We hope you continue on this dazzling road of success. Continue to be as resourceful and as intelligent as you are. Thank you for joining us today. Also, my dear friend Denise Pease, who is an advocate for the Tuskegee Airmen, I welcome you here, too. One from my hometown. So happy to see you all, all of the Tuskegee

Airmen who were here today. Thank you, and remember, you are always welcome here. Thank you.

(Applause)

Ms. Reyes for the purposes of a introduction.

MS. REYES: Thank you, Mr. Speaker, for allowing me the opportunity to introduce some constituents of mine that are here visiting the Capitol today. With us today we have Edgar Burgos and his two boys, Avery Burgos and Brandon Rodriguez, both students at the Grand Concourse Academy in the Castle Hill section of the Bronx. Both of these young men suffer from hemophilia and have overcome great adversity. Brandon is -- Avery is in the 6th grade and hopes to study performing arts; Brandon is in the 8th grade and we're also -- he would like to study medicine, but we're also celebrating the fact that he's one of the few students in the City of New York that has gotten admission into the very competitive Bronx High School of Science. We're very proud of them, and if you can -- if you could, Mr. Speaker, please welcome them to the floor and extend to them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Reyes, the Speaker and all the members, we welcome this dynamic family here to the New York State Assembly, extend to you the privileges of the floor. Continue the great work under the leadership and guiding of your father and mom. We hope that all will be well with you, and we wait anxiously to see what your futures will bring to us. Thank you so very much.

(Applause)

Mr. Fitzpatrick for the purposes of a introduction.

MR. FITZPATRICK: Thank you, Mr. Speaker. It is a pleasure for me to introduce to you and the Chamber Mr. Bob Policastro. Bob is the Executive Director of Angela's House, which is a home for medically-frail children. There are an estimated 2,000 children across the State of New York who are alive because they are dependent on machinery, technology, to keep them alive. Bob started this endeavor years ago when his young daughter, Angela, passed away from complications -- from complications due to her condition, and Bob turned that tragedy -- Bob and his wife turned that tragedy into a cause. And Bob is here today and tomorrow to not only thank members for their help for this population, but also to raise awareness of some challenges that these children are facing in this year's budget.

And so I want to welcome Bob, thank him for the work he has done. He is truly a saint among us for the work does, and if you would be so kind, Mr. Speaker, to welcome him to the floor and offer him your -- your customary wonderful welcome.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Fitzpatrick, the Speaker and all the members, Bob, welcome to the New York State Assembly. We extend to you the privileges of the floor. And our congratulations and thanks for the work that you're doing to help those who cannot help themselves. It is the highest measure of what we believe a human being should be about. Thank you so very much. We are so happy that you're here to join us. You



are always welcome here, thank you.

(Applause)

Mr. Lavine for the purposes of an introduction.

MR. LAVINE: Thanks, Mr. Speaker. It's a unique honor for me to rise to introduce my constituent and friend, Josh Mirsky. And Josh is the inspiration for the resolution, privileged resolution that we sponsor today recognizing neurodiversity in the State of New York. In Josh's own words, when he was a kid, he was treated with a lot of anger and resentment and harassment. He learned from his mom to always fight for what was right and never give up. And his wonderful mom, Karen, is with us today as well, but she'll be angry if I mention her name. His parents used to take him as a kid to the Air Power -- American Air Power Museum, a wonderful facility in Farmingdale, New York, where he went on to become a docent and an expert and lectured on American's role -- air role in the Second World War. And in 2019, he wanted to share his story of never giving up and about helping others. So he has a podcast, Sounds Like Autism, and he created that and has done a TED Talk as well. And after 2020, he saw a lot of hopelessness in the neurodivergent community, and he knew something needed to be done, and he designed a beautiful, beautiful flag for the neurodiverse community. So Josh has a real interest in government, and I would be surprised if before too long, Josh is serving somewhere in government and representing our entire community.

So with that in mind, Mr. Speaker, will you please

extend to Josh all the cordialities of the House?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Lavine, the Speaker and all the members, Josh, welcome here to the New York State Assembly, the People's House. We extend to you the privileges of the floor. Our thanks for the work that you're doing to help those who are desperately in need. Please continue that great work, know that you will always have us here for you, and you are always welcome here. Thank you, sir.

(Applause)

Resolutions on Page 3, the Clerk will read the title of the resolution.

THE CLERK: Assembly Resolution No. 797, Mr. Zebrowski.

Concurrent Resolution of the Senate and Assembly concerning the rescission of all previous requests by the New York State Legislature or either House thereof for a convention under Article V of the United States Constitution.

ACTING SPEAKER AUBRY: The resolution is laid aside.

THE CLERK: Assembly Resolution No. 966, Ms. Pheffer Amato.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 18, 2024, as Transit Employee 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.

THE CLERK: Assembly Resolution No. 967, Mr. Lavine.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 18-24, 2024, as Neurodiversity Celebration Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Lavine on the resolution.

MR. LAVINE: Thanks so much, Mr. Speaker. This is truly a significant step for all of us. I want to begin with a quote by the social scientist Judy Singer who first coined the term neurodiversity. She had dedicated her career to fighting for greater understanding and acceptance of those who are neurodivergent. In her words, "Neurodiversity is not just a matter of social justice, it's a matter of human rights." It's her belief that neurodiversity should be viewed as something positive, and that we should all strive to be a more inclusive society.

So Neurodiversity Celebration Week, which was first celebrated in 2018, is a worldwide initiative that challenges stereotypes and misconceptions about neurological differences. It aims to transform how neurodivergent individuals are perceived and supported by providing schools, universities and organizations with the opportunity, with the chance to recognize the many talents and advantages of being neurodivergent while creating more inclusive and

equitable cultures that celebrate differences and empower every single individual.

With that in mind, I'm -- I certainly urge all my colleagues to vote in favor of this very meaningful resolution. Thank you.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 968, Ms. Lupardo.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 17-23, 2024, as Agriculture Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 969, Mr. Brabenec.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 17-23, 2024, as Constitution Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 970, Ms.

Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 28, 2024, as First Responders 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.

We'll move to Page 22, Calendar No. 163, the Clerk will read.

THE CLERK: Assembly No. A05815-A, Calendar No. 163, Epstein, Colton, Reyes, Taylor, Shimsky, Burdick, Woerner, Santabarbara, Cunningham, De Los Santos, Wallace, Raga. An act to amend the State Finance Law, in relation to participation by individuals with disabilities with respect to State employment and State contracts.

ACTING SPEAKER AUBRY: Read the last section.

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

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. A05856, Calendar No. 166, Glick. An act to amend the Alcoholic Beverage Control Law, in

relation to renewals of licenses and permits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05859, Calendar No. 167, Woerner. An act to amend the Correction Law, in relation to limited credit time allowances.

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

THE CLERK: Assembly No. A05885-A, Calendar No. 168, Weinstein, Taylor, Epstein. An act to amend the Tax Law, in relation to the enforcement of delinquent tax liabilities by means of the suspension of licenses to operate a motor vehicle.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05902, Calendar No. 169, Kelles, Levenberg, Aubry, Kim, Woerner, Epstein, Gibbs, Raga, Forrest. An act to amend the Correction Law, in relation to establishing a uniform electronic medical records system for correctional facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06032, Calendar No. 171, Paulin, Simon, Seawright, Hevesi, González-Rojas, Kelles, Sayegh, Otis, L. Rosenthal, Shimsky, Kim, Brabenec, McDonald, Gunther, Raga, Simone, Wallace. An act to amend the Public Health Law, in relation to the establishment, incorporation, construction or increase in capacity of for-profit hospice.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06034-A, Calendar No. 172, Paulin, Bichotte Hermelyn, Sayegh. An act to amend the Public Health Law, in relation to expanding the scope of the Temporary Operator Program.

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. A06090, Calendar No. 173, Anderson, Meeks. An act to amend the Banking Law, in relation to including participation in a banking development district as a factor when assessing a banking institution's record of performance.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06100-A, Calendar No. 174, Weprin. An act to amend the Administrative Code of the City of New York, in relation to repair or replacement of damaged residential lateral sewer and water pipes.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06247, Calendar No. 176, Aubry, Levenberg, Zinerman, Forrest, Raga, Rozic, Epstein,

Cruz, Gibbs, Weprin, Meeks, Carroll, Cook, Hevesi, O'Donnell, Reyes, Hyndman, Bichotte Hermelyn, Bronson, Glick, Walker, Burgos, Davila, Taylor, Sillitti. An act to amend the Correction Law, in relation to amending the definition of special populations to include persons who are in the first eight weeks of the post-partum recovery period regardless of pregnancy outcome.

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

THE CLERK: Assembly No. A06253, Calendar No. 177, Barrett, Seawright, Conrad, McDonald, Stern, Magnarelli, Zebrowski, Smullen, Santabarbara, Cunningham. An act to amend the Public Service Law and the Energy Law, in relation to establishing the New York State Grid Modernization Commission.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06276-A, Calendar No. 178, L. Rosenthal, Epstein, Bichotte Hermelyn, Burdick, Seawright. An act to amend the Administrative Code of the City of New York, in relation to requirements for a building owner to refuse to renew a lease when the building is to be demolished.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06289-B, Calendar No. 180, Hevesi, González-Rojas, Cruz. An act to amend the Family Court Act, in relation to the confidentiality and expungement of records in juvenile delinquency cases in the family court.



ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06317, Calendar No. 182, Glick, Dinowitz, Kelles, Colton, Epstein, Burdick. An act to amend the Real Property Law, in relation to enacting the "Low-Impact Landscaping Rights Act."

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06358-A, Calendar No. 183, Weprin, De Los Santos, Raga. An act to amend the Banking Law and the Real Property Law, in relation to credit line mortgages.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06488-A, Calendar No. 184, Weprin, Walker, Epstein, Reyes, Cruz, Aubry, Hunter, Taylor, Burdick, Burgos, González-Rojas, Jackson, Barrett, Gibbs, Davila, Kelles, Simone, Ardila, Septimo, Tapia, Burke, Cunningham, Clark, Meeks, Shimsky, Hevesi, Dinowitz, Mamdani, Jean-Pierre, Simon, Zaccaro, Anderson, Bichotte Hermelyn, Levenberg, Bores, L. Rosenthal. An act to amend the Correction Law, in relation to the establishment of visiting policies for incarcerated people.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06505-B, Calendar No. 185, McDonald, Raga. An act to amend the State Finance Law, in relation to requiring electronic reporting.

ACTING SPEAKER AUBRY: Read the last section.

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

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. A06506-A, Calendar No. 186, Tapia, Zaccaro, Alvarez, Lavine, Rajkumar, De Los Santos, Simone, Reyes, Solages, Dickens, Rivera, Ramos, Ardila, Buttenschon, Forrest, Shimsky, Lucas, Cunningham, Cruz, Simon, Sayegh, Epstein, Bichotte Hermelyn, Bores, Tannousis, Reilly, K. Brown, Blumencranz, Chang, J.A. Giglio, Pirozzolo, DeStefano. An act to amend the General Business Law, in relation to prohibiting the sale of xylazine.

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.

Page 12, Calendar No. 81, the Clerk will read.

THE CLERK: Assembly No. A02866, Calendar No. 81, Pheffer Amato, Jones, Wallace, Benedetto, Zinerman, Cruz,

Weprin, Otis, Sillitti. An act to amend the Insurance Law, in relation to homeowners insurance deductibles triggers.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Pheffer Amato.

MS. PHEFFER AMATO: (Mic off) Good afternoon, there we go. This bill would establish reasonable standards for the operation of hurricane and windstorm deductibles, and would promote better understanding of the applicability and amount of hurricane and windstorm deductibles in homeowners and dwelling fire policies.

ACTING SPEAKER AUBRY: Mr. Blumencranz.

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

ACTING SPEAKER AUBRY: Will you yield?

MS. PHEFFER AMATO: I'll happily yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BLUMENCRANZ: What would -- what would you -- how would you describe reasonable in that -- in that definition you just gave, the description?

MS. PHEFFER AMATO: What would I describe as reasonable?

MR. BLUMENCRANZ: Reasonable, reasonable.

MS. PHEFFER AMATO: Well, being that we have so many more constant storms and our weather is getting more extreme, I think reasonable would be a full understanding so the homeowner has protection. Because what happened was there wasn't

any understanding and people found out they didn't have coverage.

MR. BLUMENCRANZ: Okay. In your understanding, how to -- how do deductibles work in these policies?

MS. PHEFFER AMATO: Mr. Speaker, can I ask for a little quiet? I can't hear you clearly. Thank you.

MR. BLUMENCRANZ: How -- how do deductibles work in these homeowners insurance policies?

MS. PHEFFER AMATO: Meaning, how do --

MR. BLUMENCRANZ: Generally, just in -- in your -- your own thoughts.

MS. PHEFFER AMATO: Like any other insurance policy, we all pay deductibles.

MR. BLUMENCRANZ: Yeah, like how would a deductible work in your -- in your opinion? Your understanding of an insurance policy, how do deductibles work?

MS. PHEFFER AMATO: It's not about the deductible, per se, it's about saying that it's for wind or storms specifically, opposed to policies that had a broad stroke.

MR. BLUMENCRANZ: Okay, so --

MS. PHEFFER AMATO: So a deductible -- so there's a storm, it rains, my -- flooding of my business is completely taken away. They -- it says it's wind -- due to wind and surge, and they say you don't have wind coverage. So then if I did have wind coverage, I would apply to the insurance -- you know, I would go to the insurance company and a deductible --

MR. BLUMENCRANZ: That would be for exclusions; this would -- this would create unify -- uniform deductibles. So you can only -- you know, the trigger event, right, would be if you had X-number of damage and it would cover up until, you know, X-number within that -- within that limitation, right?

MS. PHEFFER AMATO: I'll agree at this moment, yes.

MR. BLUMENCRANZ: So in your opinion, do you think that there being uniform deductibles, right, as described in the policy, do you think that would make it so insurance would be more or less affordable for residents of New York, especially in -- in storm-prone areas that might have only one or two quotes on a -- on a piece of property that's in a particularly bad area for storms.

MS. PHEFFER AMATO: Right now homeowners are struggling with insurance rates rising, absolutely. I have -- most of my district is in water.

MR. BLUMENCRANZ: Of course.

MS. PHEFFER AMATO: So I think that this is just establishing that specific deductible or policy, and then the goal would be to have a reasonable -- I can't say it's gonna cost more or less, but the bottom line is no one was getting a payout for a storm that was caused because they would say there was no coverage for wind. I'm sorry, I can't put quotes, sorry; quoting "wind." So I don't -- I'm not gonna -- I can't say what it's gonna cost a homeowner, but they at least have the right to get to the table to say that that event had wind

damage to their home.

MR. BLUMENCRANZ: Now, this bill was introduced about a quarter-century ago. Do you find that the insurance market today for homeowners has changed in the last 25 years?

MS. PHEFFER AMATO: Do I think it's changed?

MR. BLUMENCRANZ: Yeah.

MS. PHEFFER AMATO: It has to change; life is changing, yes.

MR. BLUMENCRANZ: Of course. But do you think the insurance market has become an easier place to purchase insurance or a harder place to purchase insurance, in New York in particular, especially coastal areas.

MS. PHEFFER AMATO: I don't think that's germane to the bill.

MR. BLUMENCRANZ: Well, I think it's extremely germane to the bill because if the insurance market has become near impossible to purchase insurance in these coastal areas, and you are then going to further limit the ability for insurance companies to create --

MS. PHEFFER AMATO: Not limit it, to further open it up more, right? There could be more opportunity to get different policies that cover a home.

MR. BLUMENCRANZ: If there's a uniform limit, right, and whoever it may be, this panel or, I don't know today who

that might be on that panel, will determine X is the number that is the deductible limit to trigger during a storm, and none of the insurance companies agree with that. They will just not sell policies, right? So yes, it is --

MS. PHEFFER AMATO: They're not selling them now, so...

MR. BLUMENCRANZ: -- it is pretty germane.

MS. PHEFFER AMATO: Yeah. No, I think we have to open it up to be specific to hear -- to know that homeowners did not get the coverage they needed and to have the ability to do it. Is there a struggle in the insurance company? We'll -- we'll have that debate another day. That's absolutely --

MR. BLUMENCRANZ: Now --

MS. PHEFFER AMATO: Yeah, homeowners in waterfront areas are not getting the policies they need. I don't think this bill prevents that.

MR. BLUMENCRANZ: All right. I -- I -- I just -- I -- I bring that up as a topic because in my belief --

MS. PHEFFER AMATO: So the topic --

MR. BLUMENCRANZ: -- with the passage of this legislation --

MS. PHEFFER AMATO: -- so the topic is on the bill?

ACTING SPEAKER AUBRY: Ah, ah, ah.

MR. BLUMENCRANZ: Sorry.

ACTING SPEAKER AUBRY: We ask a question, we respond.

MS. PHEFFER AMATO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Please don't cut each other off.

MR. BLUMENCRANZ: My -- my apologies.

MS. PHEFFER AMATO: My apologies.

MR. BLUMENCRANZ: It is my understanding that the communities in coastal areas, my district's on the coast on Long Island as well, I understand what happens during these major storms. They will be affected the most by this bill, but in the opposite effect, in my belief, than -- than you may expect because if -- and I'm curious to know your opinion as to whether or not you think that coastal areas will benefit from this legislation.

MS. PHEFFER AMATO: I do think coastal areas will benefit from this legislation. I wouldn't stand here and do this if I didn't think so.

MR. BLUMENCRANZ: So I'm asking for your understanding as to why they would benefit from what I believe and what pretty much every single insurance interest area of this market --

MS. PHEFFER AMATO: Because we found -- sorry.

MR. BLUMENCRANZ: -- said that this would not be the case. Sorry --

MS. PHEFFER AMATO: Well, me, too, sir. You



know, I apologize for my emotions getting the best of me. As I watched my community get ravished by Hurricane Sandy and folks did not get coverage from their policies because they were told they didn't have a wind deduction or some other deduction that didn't line up the right way because insurance policies didn't want to pay. This bill regenerated its -- its importance; 25 years we're still flooding, and homeowners purchased policies, store owners purchased policies and don't get coverage. We want them to have coverage specific to what's happening, because it's getting very tricky when they say, *Oh, we're sorry, you're not covered because it's wind*. Oh, you're not sorry because it was rain, but it was surge. So I do think they'll benefit with the opportunity to possibly have more policies.

MR. BLUMENCRANZ: You -- your -- your district covers the area of Breezy Point, correct? Your -- your area?

MS. PHEFFER AMATO: Yes, one of my areas.

MR. BLUMENCRANZ: So I -- I have family that lived in Breezy Point during Sandy, right, to use them --

MS. PHEFFER AMATO: I hope they know I'm their Assemblywoman.

MR. BLUMENCRANZ: -- to use them as an example.

MS. PHEFFER AMATO: Mm-hmm.

MR. BLUMENCRANZ: They -- their home burnt down during that fire during the storm. It was awful. They would not have gotten coverage for that -- that peril because originally the home

was flooding and then the fire spread and that was an awful scenario. But they were eventually covered. Now, under the guise of your bill, if they negotiate certain limitations or deductibles, they might only have gotten some coverage if they negotiate, you know, X, Y or Z for fire so long as they get some flood -- insurance companies will have to make a calculation here as to how they still viably sell the insurance at a reasonable rate and still meet the demands of this bill, right? So that may come to lesser coverage in certain instances and some coverage in other instances. Would you be prepared to stand up in that community and say they may get less of a payout some way or another because of legislation that you introduced here today?

MS. PHEFFER AMATO: I -- I won't even answer that question. I don't --

MR. BLUMENCRANZ: I -- I think it's a very serious question we have to start asking.

MS. PHEFFER AMATO: -- because you're assuming -- you're -- you're saying that because --

ACTING SPEAKER AUBRY: Ah, ah, ah.

MS. PHEFFER AMATO: On me?

ACTING SPEAKER AUBRY: No. Just remember, we -- that's a question, that's an answer; that's a question, not an answer. If you want to go on the bill...

MR. BLUMENCRANZ: My apologies.

ACTING SPEAKER AUBRY: All right.

MR. BLUMENCRANZ: All right. On the bill,

please.

ACTING SPEAKER AUBRY: There we go.

MR. BLUMENCRANZ: Thank you.

ACTING SPEAKER AUBRY: Mr. Blumencranz on the bill.

MR. BLUMENCRANZ: Thank you. I bring up the instance of Sandy because I think it still resonates, even though it was long before this bill was introduced. We still saw people struggle with their insurance at that time. But being able to work with deductibles is a way that we on Long Island, as someone who sells homeowners insurance on Long Island in my -- in my previous job and understands the Long Island homeowners market pretty intimately, in the last 25 years the reinsurance market, which is where these carriers have to go to get coverage on -- on your homeowners policies when you're in at-risk areas like Long Island, has become a -- a pretty hard place to do business. And sometimes when you have a coastal home, you're going to be very limited to unadmitted carriers, to outside markets that you wouldn't actually go to to achieve providing homeowners insurance for someone on Long Island.

Legislation like this, which seems like it's doing something good, is actually having an incredibly pernicious effect on the sole basis that if we can no longer negotiate the terms of the insurance for people who live in these coastal areas -- sure, if you live on a ground -- a home that hasn't been elevated and hasn't been updated in an area of coastal New York with an extremely high

probability, the math is that you're gonna be hit with a hurricane at some point, and you did not either do the due diligence or prepare properly for storm mitigation, your policy is gonna be very expensive or your home might be uninsurable. You can look at Florida which set limit standards and, you know, pretty much made it very clear that unless you're willing to meet those standards, your home is uninsurable. New York will be in that place soon, and doing this will put us in that place an awful lot sooner.

So I wholeheartedly disagree with this legislation and I hope that my colleagues understand why. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Pheffer Amato.

MS. PHEFFER AMATO: On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Pheffer Amato.

MS. PHEFFER AMATO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome.

MS. PHEFFER AMATO: This bill is required to ensure that insurance comp -- insurance consumers fully understand the terms of the catastrophic windstorm deductible in their homeowners and dwelling fire policies. In particular, consumers need to understand the increased exposure they're assuming. This bill is to protect the consumer and the homeowner, it's not -- insurance companies are not giving policies out, and that's a whole 'nother conversation for a whole 'nother day. But our communities that are

surrounded by water that will not move, generationally living there, they're having a hard time getting insurance policies at enormous rates. So they do have to make tough choices. But this bill is to protect the consumer.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Pheffer Amato.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir, to explain my vote. This bill eliminates consumer choice, and by doing so it drives up the cost for every consumer that makes the thoughtful, intelligent decision on the level of deductibles they have. If we want consumer choice and we want people who feel their house is safer to have higher deductibles, this bill will make that difficult or not impossible. If we expect people who live on the shore and don't take protection to have lower deductibles at the expense of their neighbors, that's what this bill does. I think people should have the right and the option to choose the deductible that's appropriate for them, taking into account the actions they've taken to protect their own property.

And so I'm opposed to this bill which I believe is anti-consumer and will ultimately drive up prices for a lot of people who are doing a responsible decision-making process. For that reason, I will not be supporting this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Calendar No. 29, the Clerk will read.

THE CLERK: Assembly No. A00856, Calendar No. 29, Dinowitz, Reyes, Sayegh, Simon, Stirpe, Steck, Glick, Zebrowski, Weprin, Cruz, Kelles, Jackson, L. Rosenthal. An act to amend the General Obligations Law, in relation to prohibiting employers from requiring certain conditions or preconditions of employment.

ACTING SPEAKER AUBRY: Mr. Dinowitz, an explanation has requested, sir.

MR. DINOWITZ: This bill would prohibit employers from requiring certain conditions or preconditions of employment. Namely, that it would prohibit employers from imposing as preconditions of employment that any employees -- employees or prospective employees, waive, arbitrate or otherwise diminish any existing or future claim, right or benefit to which the employee or prospective employee would be otherwise entitled under any provision of New York State or Federal law. But it exempts from

the provisions I just mentioned prohibition -- it exempts contracts or agreements negotiated with any labor union through collective bargaining.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. -- Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields, sir.

MR. GOODELL: Thank you, Mr. Dinowitz. As you know, one of the most often sought-after labor provisions in collective bargaining agreements is an arbitration clause. And of course, this statute allows those arbitration clauses to apply. My question is, why are we denying all non-union employees the right to seek an arbitration clause?

MR. DINOWITZ: Well, I -- I think you're looking at it the wrong way. What this bill does, is does allow arbitration clauses agreed to through collective bargaining, but collective bargaining is where you have two sides that are on kind of an equal footing where one side doesn't totally have much more power than the other side. On the other hand, when you're talking about an individual, the individual has very little power compared to the employ -- employer.

MR. GOODELL: Of course the entire purpose of

collective bargaining is to have each party have the same power in front of an independent arbitrator, correct?

MR. DINOWITZ: What the collective bargaining allows is for each individual employee by -- by being part of a larger organization to have power. But, when somebody is negotiating on their own, they have very little power compared to the employer. So we want to make sure that we're not imposing upon anybody unfair agreements that they feel pressured into in order to get a job, keep a job, get a promotion, simply because they don't have much power to do anything other than agree to it.

MR. GOODELL: We've discussed this in the past, but --

MR. DINOWITZ: Yes, we have.

MR. GOODELL: -- the Federal Government has the Federal Arbitration Act, and that Act has a preemption clause, and multiple courts, including the U.S. Supreme Court more than once, have said that the Federal Arbitration Act preempts state legislation and prohibits states from restricting the availability of arbitration in employment agreements. Why do you think this legislation is different than all the prior legislation that has been struck down by the U.S. Supreme Court?

MR. DINOWITZ: Well, the U.S. Supreme Court, despite its (inaudible) lack of credibility these days, I don't believe they've actually covered this specific situation and I -- I do think that this would not be preempted by Federal law.



MR. GOODELL: How is this -- if you would, how is this situation different than the legislation in Kentucky that banned arbitration in employment contracts? It was struck down in *Northern Kentucky Area Development v. Snyder*. Or the legislation that was struck down in *Allied-Bruce Terminix Companies v. Dobson*. Or the legislation that was struck down in *Circuit City Stores v. Adams*. Or more recently, *Kindred Nursing Centers v. Clark*, all of which struck down legislation that purported to bar arbitration clauses in the employment contracts. How is this different?

MR. DINOWITZ: Well, I don't -- I don't think those cases are on point. I think here what we're talking about, not necessarily so much as barring an arbitration clause, but rather, preventing people from being coerced into signing their rights away, and I do think it's different than what took place in those particular cases.

MR. GOODELL: Of course, an arbitration clause doesn't change the terms and conditions of employment, it only changes how a dispute over those terms and conditions is adjudicated or addressed, correct?

MR. DINOWITZ: Well, what -- what we're talking about here in this legislation is a situation where somebody is faced with a choice of either signing something that they may not want to sign, in fact, being coerced into signing something on the one hand, or on the other hand not getting the job or getting the promotion that they would like. So the legislation is aimed at preventing people from

being coerced into signing something that they don't necessarily want to sign.

MR. GOODELL: Now, you used the word "coerced," but are you saying that all employees that are required to sign a written employment contract are being coerced on all the terms and conditions of that contract? I mean, a written contract that says you work 9 to 5, you're saying they're coerced to showing up on time? A written contract that says you'll, you know, do your best. Is that coercion on the employee? I mean, all those things -- a written contract that requires you to (inaudible/phone ringing) wear a uniform? Are we now coercing --

MR. DINOWITZ: Could I answer?

MR. GOODELL: -- people into wearing a uniform?

MR. DINOWITZ: Is that the end of your question?

MR. GOODELL: I could come on with further examples, but --

MR. DINOWITZ: I'm sure you can --

MR. GOODELL: -- are you saying that --

MR. DINOWITZ: -- I want to know if I can answer the question.

MR. GOODELL: -- every written contract is a matter of coercion?

MR. DINOWITZ: Anybody who signs any kind of employment contract, there will be conditions, and a typical condition is how many hours you have to work, as one example. However,

there are some conditions that an average person may not want to sign, even though they know that they're gonna have to do certain things; they're gonna have to show up for work on time, they're gonna have to work X number of hours and have certain responsibilities. And one of them may be being forced into signing a clause which in and of itself has no direct bearing on the work that they do. Whether or not you are bound by an arbitration clause, whether or not you sign an arbitration clause, I don't see how that has any bearing on your work. What has bearing on your work? Whether you get your job done, after you put in the hours and so on, and how much salary you get. Those are the things that -- that you're talking about, but what I'm talking about is something which is separate and apart from those conditions. So you can't simply say, well, every single thing that a potential employee may have to sign is -- is the same. This is not the same. This is forcing somebody to sign a condition that they may not want to sign because they don't think it's in their interest, but they may feel they have to sign because this one person versus, you know, the big corporation doesn't have -- there's no balance of power. That's why when I talk about collective bargaining, then we're talking about a different situation and that's, I guess, the main reason why we have unions in the first place, so that workers don't get trampled on.

MR. GOODELL: Thank you for your observations, Mr. Dinowitz.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: So the interesting thing that I find is that in almost all collective bargaining agreements, a major issue is that the union typically is negotiating for binding arbitration. And the reason why the employee organization is negotiating in favor of binding arbitration is because it's fast, it's efficient, and it's relatively inexpensive. And, indeed, the courts throughout New York State and nationally have noted that arbitration provides a much faster, more efficient and less expensive means of resolving disputes. And in fact, the Federal Government has gone so far as to make arbitration a Federal issue to the point where they've said you cannot bar arbitration in contracts because it's been preempted.

Now, why would an employee want arbitration? Because when they sign a written contract, that written contract has a whole series of things that they have to do, right? They have to show up on time, they have to be clean, dry and sober, they have to be honest, they have to put forth their best faith. And in return, the employer is obligated to pay them fair and reasonable wages as negotiated by the parties. But what happens if there's a dispute over whether or not the employee showed up on time, or whether the employee was clean, dry and sober, or whether the employee did the work properly? If the employee has to go to litigation, the upfront costs are hundreds of dollars, and the time is months before a court will hear the case. Whereas in arbitration it can be fast, efficient, you get a resolution, you continue on your employment. And that's why unions seek arbitration and why those who are not unionized ought to

have the ability, the right, the option to sign a contract that has arbitration. This prohibits every non-union employee the right to have an arbitration clause and the right to have employment issues decided quickly and effective -- quickly, effectively and inexpensively. And for that reason, in my opinion, this is an anti-employee provision which flies directly in the face of multiple court cases that have held this area as preempted, and this type of clause is contrary to Federal law.

For that reason, I will not be supporting it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra.

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

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. RA: Thank you. In your answers to Mr. Goodell, you mentioned promotion. So can you just clarify that? Suppose, you know, prior to this, I guess -- well, let me start here. Would this -- I mean, retroactively if somebody had been hired and signed some type of document saying that they would have to go to arbitration on an employee-employer dispute, would they no longer be able to do that?

MR. DINOWITZ: Well, I don't have the actual bill in front of me, but I don't believe there was a retroactivity clause in it.

MR. RA: Okay. So, you mentioned a promotion. So, what about an individual that is already working in an organization and perhaps even previously signed such a document that agreed that there would be arbitration for any type of dispute, does that render that prior agreement moot if this were in law?

MR. DINOWITZ: Well, the last line of the bill says this act shall take effect on the 90th day after it shall have become a law, so I guess I would give you a no on that. Meaning that --

MR. RA: Okay, so --

MR. DINOWITZ: -- this will affect things later, not before.

MR. RA: Okay, but what I'm -- what I'm asking though, then, is, you know, somebody who takes a new position within an organization they are already an employee of, right, there -- I -- I think the way -- the definition says employee means "any person employed by or suffered or permitted to work for an employer." So I think that's pretty clear that that person would already be an employee, but the reason I'm asking is you -- you mentioned the word "promotion" in one of your answers to Mr. Goodell.

MR. DINOWITZ: Okay.

MR. RA: So -- so I'm asking if somebody is already an employee of a business and has previously signed some type of document agreeing that any employer-employee dispute will be

subject to arbitration, if they were to take on a new position, would this apply to it or -- or would that -- would the provisions of that agreement still be in force?

MR. DINOWITZ: The -- the bill says that you can't be -- well, I'll -- I'll translate it. The bill says you can't be coerced into signing an agreement. If you already have an agreement, that's not the same thing as being coerced into signing an agreement.

MR. RA: Okay. Well, that's clear. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it are certainly welcome to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this bill. If any of our members want to vote no, they can feel free to contact the desk. But thank you all.

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER ZACCARO: 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 and colleagues, if we could now call our attention to Calendar No. 52. It's on Page 9 and it is going to be debated by Mr. Dinowitz.

ACTING SPEAKER ZACCARO: Page 9, Calendar No. 52, the Clerk will read.

THE CLERK: Assembly No. A01731-A, Calendar No. 52, Dinowitz, Weprin, Epstein, Dickens. An act to amend the Insurance Law, in relation to restricting insurers from demanding intrusive personal, financial and tax information from insureds as a standard practice in processing ordinary theft claims.

ACTING SPEAKER ZACCARO: An explanation has been requested.

MR. DINOWITZ: This bill would establish that it shall be an unfair claim settlement practice for an insurer to demand personal, financial and tax information while investigating a theft claim; however, it allows for insurers to request personal, financial and tax information if special articulable circumstances exist which directly relate to the particular individual fact of such theft and which



warrant the making of such a demand for the specific purpose of determining if such claim is fraudulent.

ACTING SPEAKER ZACCARO: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

Will the yield sponsor yield?

ACTING SPEAKER ZACCARO: Will the sponsor yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER ZACCARO: Mr. Dinowitz yields.

MR. BLUMENCRANZ: So is this iteration of this bill different than the last, you know, 27 years or so years that it's been here or is it the same?

MR. DINOWITZ: Well, let's see. This is an A-version, and in 2023 we passed a bill without an A-version so there may be a slight difference. In terms of how many years the bill's been in existence, I couldn't give you an answer. Perhaps you know better -- better than I. However, as we know, some of the greatest things we've done have taken many years to pass, and this will be one of them.

MR. BLUMENCRANZ: Yeah, absolutely. Me and this bill share a birthday, so I --

(Laughter)

MR. DINOWITZ: Well, happy birthday.

MR. BLUMENCRANZ: So within the -- within DFS

regulation, they are -- they are to, quote, "not demand verification of facts unless they are good reasons to do so." How is this bill different than what's currently a part of DFS regulations?

MR. DINOWITZ: Well, I think this is probably a little more specific. It -- it's -- the insurance companies often ask for a lot of information, whether it's personal information, financial information, whether you're a registered voter. Stuff like that which have absolutely nothing to do with a claim of theft. And what this bill says is, *No, you can't do that unless you can show that there's a very good reason to do that.*

MR. BLUMENCRANZ: Now, there's -- there's a lot of evidence to show, and when you speak to anyone in the insurance industry that, you know, because of theft claims there's an average \$4- to \$700 a year added to every single insurance purchaser's premiums, on average. Do you think that this bill will make that number even higher if they have a harder time investigating claims, or do you think it'll, you know, help these people, these -- these individuals who are under investigation?

MR. DINOWITZ: I think it could actually lower the premiums that people will pay because perhaps insurance companies won't have their investigators waste time looking into information that have no bearing whatsoever on whether the claim is legitimate or not, whether it should be paid, how much should be paid. You know, whether somebody has been a registered voter in this state or that state, as -- as one small example. Intrusive, personal information,

those things have nothing to do with -- with -- with the underlying claim itself. So I suspect it'll save them money, and hopefully the insurance companies -- being that I know they care about the public -- will want to pass that savings down to the average insured.

MR. BLUMENCRANZ: Now, we have a lot of laws surrounding what we can and can't use as information to underwrite, right? But insurance companies, they can get creative. So if we pass something like this, in order to mitigate fraud maybe they'll use underlying facts not to write those policies in the first place in areas where they think there might be a likelihood of -- of fraud, where they might have written it before if they were going to be able to investigate it. Do you think there might be an issue with less of the people you hope to help even be able to purchase insurance in the first place?

MR. DINOWITZ: No, not at all. I mean, I'm not gonna say there's never fraud anywhere because we all know that there is sometimes fraud, but there's not fraud under every rock. And if the -- and if the assumption is -- if the default position of the insurance company is -- if the way they're operating is that there's fraud and we're gonna prove it, that's really wrong. I -- I would submit that most people are honest and some people aren't.

MR. BLUMENCRANZ: Well, I'd say the vast, vast majority of insurance claims for fraud are not investigated, right? If they don't see any underlying factors on the surface that might need investigating, they don't default to, *Let's investigate and then*

*determine whether or not we think there's fraud here.* And I think DFS regulation pretty much underlines the fact that they can't even just randomly investigate and look for fraud under every corner. They look where they see there might be fraud and then they investigate. But your legislation, it seems like it'll make it a lot harder for them to be able to research these claims. So what tools will they have to really understand the full picture in court when it looks at -- when we're looking at an investigation for fraud here and they can't look at maybe some of the underlying factors (inaudible) some of the business is funneling money somewhere, or they might have now today that didn't exist then. They could have, you know, crypto wallet where they're funneling money and you could see that under their personal information, but not necessarily if you can't look at that in the discovery.

MR. DINOWITZ: Well, this bill doesn't prevent an insurance company from investigating. What it does is it restricts them from demanding intrusive, intrusive personal, financial or tax information from somebody.

MR. BLUMENCRANZ: And how do you -- how do you describe "intrusive" in this legislation?

MR. DINOWITZ: Well, I mean, intrusive is defined in the dictionary --

MR. BLUMENCRANZ: Well, I mean --

(Inaudible/crosstalk)

MR. DINOWITZ: For those of us who still use

dictionaries; some people don't.

MR. BLUMENCRANZ: You define what you can and cannot ask for, which would be the very --

MR. DINOWITZ: Well, I -- I - if somebody is claiming that some -- I guess -- we're talking about theft claims, so something was stolen. I'm not sure that -- how -- how information on their family, their children, their spouse would be relevant, as an example.

MR. BLUMENCRANZ: Well, it would be kind of funny if someone's business was failing and their kid all of a sudden had a ton of money in their personal bank accounts and they were funneling money to the business, it would give it a pretty good picture that there was fraud being committed. Especially if they might be employed, have a no-show job, there are many factors that you might see in looking at the personal information of someone who decided to sign a contract with an insurance company not to commit fraud, right?

MR. DINOWITZ: Well, again, looking for fraud under every rock. But it says here you can't ask for that information where no special circumstances exist. So if there are special circumstances, if there's a very specific, apparent, legitimate reason why you would need that information, this bill doesn't bar that. It simply creates a situation where that's not the -- the default position that you're automatically gonna be asking for all this information that you really have no right to.

MR. BLUMENCRANZ: Yeah. Well, I don't think

you have to worry because I don't think that's the default position in insurance claims, practices or best practices.

MR. DINOWITZ: Well, their default position generally is to deny everybody's claims, no matter what kind of insurance, and we all know that.

MR. BLUMENCRANZ: Well, that -- that could be case for you, but I think that in the instance where they're investigating --

MR. DINOWITZ: Well, I'm sure if we could take a survey here --

MR. BLUMENCRANZ: -- particular fraud claims, right, not -- not a homeowner issue where there's fraud, then they -- they certainly try to investigate as best as they can, but it doesn't seem that this legislation would help with that. All right, thank you so much.

On the bill, please.

MR. DINOWITZ: Well, you're very welcome.

ACTING SPEAKER ZACCARO: On the bill.

MR. BLUMENCRANZ: Once again, this is a piece of legislation that was introduced to try and help the consumer, but unfortunately, the insurance industry has proven time and time again that \$300 billion-plus a year are lost to fraud, right? So they're not looking under every rock, it is happening all around us. People make fraudulent claims all over the country. We see it in Medicare, we see it in many different forms of insurance, and it is making all of us

law-abiding citizens and all of the insurance purchasers around the country, our policies get more expensive by a few hundred dollars every single year. Fraud is a large industry, and we should be doing everything as a Body to eliminate fraud from making the lives of all of our residents more expensive than tying the hands of those people who are trying to find fraudulent behavior and stop it when they see it.

So I do not support this legislation and I would not support it myself. Thank you.

ACTING SPEAKER ZACCARO: Read the last section.

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

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it can certainly vote in favor of it here on the floor. Thank you, sir.

ACTING SPEAKER ZACCARO: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so and do so at their seats. Thank you, sir.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to rise in favor of this piece of legislation and just state how I'm always so surprised that in a country that's supposed to be based on a rule of law and law and order that there's so much criminality that even our institutions that are supposed to provide us safety nets do things in terms of their business to protect against fraud even though it's happening in large numbers. And by the way, generally when they find this fraud, it's not the people who generally end up being accused and/or prosecuted of crimes and incarcerated as a result of it. It's always the people at the lower end who have the most impact on the negative results of their business strategies, as well as our criminal justice system. And so at some point if we really are this country of a rule of law, people who commit crimes in an organized fashion, whether it's to banks or insurance companies or, quite frankly, to the people of the country, they should be not only arrested, charged and given every opportunity to do the same kind of court time that they ask the little people at the lower level of our society to have to deal with. And so it's almost like you get what you put out. You keep putting out a negative criminal justice strategy for this country, and at the same time, you have to do things like banks asking for personal information, insurance companies asking for



personal information to protect themselves against the people who are committing broader frauds that don't happen to be the traditional working class, lower class people. But we're the ones who suffer mostly from our criminal justice system.

So in other words, karma is real. And so I support this legislation because I think we need to be protecting people who need the protection most, not those that are at the levels of organized crime.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER ZACCARO: No housekeeping at this time, but Mrs. Peoples-Stokes, we have a number of fine resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 971-973 were unanimously approved.)

Mrs. Peoples-Stokes.

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

remind colleagues on both sides of the aisle, those that are on budget conference committees, those meetings will happen at 5:00 p.m. today, and I would move that the Assembly stand adjourned and that we reconvene at 1:00 p.m., Tuesday, March the 19th, tomorrow being a Session day.

ACTING SPEAKER ZACCARO: The House stands -- on Mrs. Peoples-Stokes' notice, the House will stand adjourned.

(Whereupon, at 4:39 p.m., the House stood adjourned until Tuesday, March 19th at 1:00 p.m., that being a Session day.)