

TUESDAY, MARCH 26, 2024

2:39 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Archbishop Elpidophoros will offer a prayer.

ARCHBISHOP ELPIDOPHOROS: Let us bow our heads in prayer. In the name of God who asks only that we do justly, that we love mercy, and that we work humbly in the divine presence, Amen. We give You thanks and praise, O God, for gathering us together today. We hope Your blessings and mercy upon the noble New York State Assembly. We humbly ask for Your magnificence upon every member of this Assembly who earnestly pursue their goal for all citizens for the great State of New York. We give You thanks and praise for the recognition of the Greek War of Independence. We ask Your special grace and wisdom and upon the Assembly as You blessed the wise King Solomon, we beseech that You inspire the

vigilance for the people of the great State of New York as You inspired the Judge of Israel, Deborah. Finally, grant them the strength of the Judge Sampson, that they may persevere in justice and righteousness all the days of their service to the people and thus, render glory, reverence and honor to You who are the source and foundation of the law. Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Please remain standing as we turn our thoughts to the fallen police officer Jonathan Diller who died from injuries he sustained yesterday. Let us keep him, his family, and his community in our thoughts.

(Whereupon, a moment of silence was observed.)

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

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

Mrs. Peoples-Stokes.

A quorum being present, the Clerk will read the Journal of Monday, March 25th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, March 26th [sic] and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Colleagues and guests that are in the Chambers, I would like to share a quote with you today. This one comes from Helen Keller. Her words for us today, "Never bend your head. Always hold it high, look the world straight in the eye." Again, these words are from Helen Keller, an American author, a disabilities rights advocate, and a political activist.

Mr. Speaker, members have on their desk a main Calendar as well as a debate list. After you have done any introductions or housekeeping, we're going to take up resolutions on Page 3 of that Calendar, and then we're going to take up the following bills on debate. We're going to start with Calendar No. 1 by Ms. Rosenthal; followed by Calendar No. 9 by Ms. Paulin; then Calendar No. 31 by Mr. Jacobson; and then Calendar No. 69 by Ms. Paulin. There probably will be a need for additional floor activity, Mr. Speaker. We will announce that as we proceed.

That's the general outline of where we are today, sir. If you have introductions or housekeeping, now would be a great time. Thank you, sir.

ACTING SPEAKER AUBRY: No housekeeping, but introductions by Mr. Tannousis.

MR. TANNOUSIS: Mr. Speaker, it is my distinct honor to introduce on the floor of the New York State Assembly, Archbishop Elpidophoros, head of the Greek Orthodox Church of the

Americas. He is the 8th Archbishop to serve as the head of the Greek Orthodox Church in the Americas, and he serves the hundreds of parishes that are in the Americas throughout the United States. He came today in honor of Greek Independence, which was March 25th. We held a reception earlier today, and it is my honor to introduce him on the floor of the New York State Assembly.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Tannousis, the Speaker and all the members, Archbishop, we are so pleased that you came and joined us today and started our day with prayer. We give you the privileges of the floor. Please know that you're always welcome here. God bless you.

(Applause)

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. I'd like to introduce a very important person in our church's community, Mike Labatos and his wife, Connie are with us today. Mike is a -- an AHEPA member and an AHEPA leader, that's American Hellenic Educational Progressive Association which was founded in Atlanta, Georgia to fight for civil rights and against discrimination, bigotry and hatred felt at the hands of the KKK. It is the largest and oldest grassroots association of American citizens of Greek heritage, with more than 400 chapters across the United States, Canada, Australia, and Europe. Mike is the Citizen of the Year from our chapter. He has been recognized as such today, and it's with great honor that I tell you a little bit more about him.

He's also a United States Naval Veteran who was a Vietnam Veteran, as well. He has worked tirelessly to improve our community, serving as president of our local chapter. He's been a parish council member and a volunteer in church and community, championing multiple causes throughout his life of servants. He is committed to the furtherance of Hellenism and recently elected Lieutenant Governor of New York's AHEPA Empire District 6, attending state and national meetings on our behalf, and Chairman of the Board of AHEPA Chapter 37. He's a lifelong servant to his family, faith, community and nation, and is my brother in Christ here today.

Mr. Speaker, if you could please offer the cordialities of the House and welcome Mike and Connie.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Lemondes, the Speaker and all the members, we welcome you here, Mike and Connie, to the New York State Assembly. We extend to you the privileges of the floor. Hope that your trip here will be beneficial. Certainly pleased that you determined that you would spend this time with us. Know that you're always welcome here. Thank you so very much.

(Applause)

Mr. Slater for the purposes of a introduction.

MR. SLATER: Thank you very much, Mr. Speaker. Today you see around the Chamber dozens of heroes, American heroes, who when our country called upon them answered its call and

defended democracy and freedom in Vietnam. They did not get the welcome home that they deserved, but today we celebrate their service and their sacrifice, and together we say *Mission Accomplished* and welcome home.

Mr. Speaker, I'm honored to introduce the following veterans who have joined us today. We have Peter Palamides of Assemblyman Joe DeStefano's 3rd District; Dr. Vincent Maligno of Assemblyman Sam Pirozzolo's 63rd District; from my home district, John Settembrino, Tom Collela, Patrick Nimphius, and Hons Minnich of the 94th Assembly District; also Lenny Sirig - excuse me, Lenny Sirinthiana (phonetic). Did I get that right, Lenny? I got that, right? There we go. We also have from Assemblyman Maher's District of the 101st, Dave Penny; from Assemblyman Tague's 102nd District, Sheriff Ronald Stevens and Thomas Andreassen, Andreassen. We also have from Assemblyman Scott Bendett's District, we have Ronald Prisco. From Assemblyman Simpson's district, unfortunately he could not be here but we do want to recognize Edward Braley, Jr., and our thoughts and prayers are with him and his family today. From Assemblyman Smullen's district, we have Peter Tautznik and Steve Riach, from again Assembly Smullen's district. From Leader Barclay's district, we have Herb Hawker and Shaun Mills. From John Lemondes' district, Thomas Murray; from Assemblyman Phil Palmesano's district we have Earle Gleason; and from Assemblyman Mike Norris' district, Phillip Yoder. We are also joined today, Mr. Speaker, by Irene Berger, the widow of Vietnam Veteran Barry

Berger from Assemblyman Brook-Krasny's district, and Connie Ronocchia of Assemblyman Carroll's district in the 44th Assembly District.

I also want to take a moment, Mr. Speaker, if I could to recognize some of the members here in the Chamber who also served our country: We have Assemblyman Ken Blankenbush and we also have Assemblyman Angelo Morinello - Judge Morinello - as well. And seeing Judge Morinello walk around in his hat all day, it just put a big smile on my face so mission accomplished, sir; welcome home. We also have with us two Vietnam-era veterans, Steve Hawley and Dave McDonough. And, sir, last but not least, the Sergeant-of-Arms for the New York State Assembly, Wayne Jackson, a Purple Heart recipient.

(Applause)

And so Mr. Speaker, again, we ask for you to provide the cordialities of the House to these amazing American heroes and, again, I say to all those who have served: Mission accomplished, welcome home, thank you for your service and your sacrifice.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Slater, the Speaker and all the members, those who represent some of you and those of us who don't represent anyone in that crowd, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Our thanks and congratulations for your service. Our pleasure that you decided to spend this day here with us

to remind us of the way a citizen serves his country. Thank you so very much, know that you are always welcome here.

(Applause)

Ms. Paulin for the purposes of a introduction.

MS. PAULIN: Thank you, Mr. Speaker; great, thanks, Wayne. I'd like to welcome here today to the New York State Assembly the Scarsdale High School Honors Wind Ensemble. They're from Westchester County and they're from my hometown. And if you had the privilege, as I did, to hear them play on the Concourse, you would know how talented they are. The ensemble is an audition-only band and plays everything from contemporary to classical band pieces. The band traveled here today and performed several pieces in our South Concourse for the enjoyment of the public, and for my personal enjoyment. Thank you to the Scarsdale High School Wind Ensemble for joining us. We value your music and we are so happy that you came to Albany today. And I'd like to ask our Speaker if he could extend the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Paulin, the Speaker and all the members, this extraordinary group of young people who provide us with the music that soothes our souls, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Let me tell you, you are looking sharp; boy, let me tell you. And so we are so pleased to have you here, pleased that you've taken the time both to entertain us and join us. Hope that you enjoyed this trip, please know you are always

welcome. And continue the great work that you're doing.

(Applause)

Mr. Taylor for the purposes of a introduction.

MR. TAYLOR: Thank you, Mr. Speaker, thank you.

I would like to introduce an innovator, an originator, and Reverend, Kurtis Blow. He is joined this afternoon with Tammy Jones and Gregory Johnson, as well as William Waring who is credited for writing *Basketball*. And also he was recently inducted last night into the Albany -- I believe this region, they had an induction of him last night.

So let me just give you a little bit of information for those that are not in the know. Kurtis Blow is one of the founders and creators of recorded rap, a timeless artist and hip-hop legend. Kurtis Blow blazed the trail for early hip-hop artists, and he will soon carry the touch of hip-hop music into new arenas. Kurtis is credited with many firsts, including first rapper signed to a major label, first rapper certified gold as a rap artist with the greats, first rapper to tour U.S. and Europe simultaneously, first rapper to record a national commercial, first rapper to use and sample from the drum machine, first rapper to produce a music video - slow down - which was *Basketball*, first rapper to appear on a soap opera, *One Life to Live* for those who know. And it gives me great joy to introduce and present to others, the originator, often imitated but never quite duplicated, none other than Mr. Kurtis Blow himself.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Taylor, the Speaker and all the members, Kurtis and my friend, please know that you are welcome here. We are honored that you have joined us today. We have a lot of music; we have music up, we have music down, this is a musical day for us. Thank you so very much for being here. God bless and continue the great work. Thank you.

(Applause)

Mr. Gallahan for the purposes of a introduction.

MR. GALLAHAN: Thank you, Mr. Speaker, for the privilege today to introduce my friend and coworker for many years, Mr. Gary Baxter to the Chamber. Gary is a lifelong resident of Ontario County and has dedicated his life to serving the community that he loves. He's enjoyed a long, successful career of public service, and is an active member of numerous volunteer organizations. Gary is a dedicated husband, father, grandfather, and friend to many and is joined here today by his lovely wife of 42 years, Donna Baxter, his daughter-in-law Stacey Baxter, grandsons Carson and Hugh, and his great friends Owen and Orion Johnston.

Gary joined the Geneva Police Department in 1978 and served there until 1998. During that time, he fulfilled the roles of detective, youth officer, and D.A.R.E. officer. I should note that he helped establish one of the first D.A.R.E. programs in New York City -- I'm sorry, in New York State in the City of Geneva, high school. He also served as Deputy Sheriff in the Ontario County Sheriff's

Department from 2000 until 2005. He was then appointed County Treasurer by Governor George Pataki. Gary served as Ontario County Treasurer for over 19 years, where he fulfilled his important role with humor, dedication, honor, and credible professionalism. And during his tenure, he had additional privilege as serving as the President of the New York State Treasurers and Finance Officers Association, where he set a positive example for public servants throughout the State of New York. And to my knowledge, Gary is the only county treasurer that I know of, maybe somebody else may not agree with me, but that I know of that would go door-to-door, to contact each and every property owner in Ontario County and get them -- to try to get them off the tax option list. Let me say that again, every single property that was on that list, this man went door-to-door to try to get them off the list and was very successful in doing so.

Outside of his official duties, Gary is past treasurer commander and proud member of the Sons of the American Legion through Geneva Winnek Post 396. He's the former scoutmaster for BSA Troop 4 and currently serves at the Seneca Waterways Boy Scout Council Board of Directors. He is Past President of the Aeneas McDonald Police Benevolent Association. I'd like to thank Gary Baxter once again for all he's done for Ontario County, and I appreciate the opportunity to welcome him to the Chamber and to have presented yesterday's resolution in honor of his lifelong dedication to his public service.

Mr. Speaker, would you please offer the cordialities

of the floor to Mr. Baxter, his family, and friends.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Gallahan, the Speaker and all the members, Gary, welcome here to the New York State Assembly. We are astounded by the kind of career -- public career that you had. To you, your family and friends that are here with you, we accord you the privileges of the floor. But our respect and our hope that you will continue to live a productive and beautiful life as you have in the past. Thank you so very much for giving. Thank you.

(Applause)

Mr. Brook-Krasny.

MR. BROOK-KRASNY: Mr. Speaker, good afternoon.

ACTING SPEAKER AUBRY: Good afternoon.

MR. BROOK-KRASNY: Always my big honor and privilege to introduce Vietnam Veterans, American veterans, American heroes. Today I rise to introduce the family of a great friend, Brian Berger, Berger's family is here with us today. Irene Berger is here on the floor with me. We have Dyan Berger, Loni Delawn, and Connie Ranocchia who is a family friend, but also an American veteran. There are certain outstanding members of our community who through their selfless commitment portray (inaudible) dedication have served to better the quality of life for their neighbors and community. Brian Berger was definitely one of them. It was with great sorrow that we had to say goodbye to Barry on December 4th of

last year, and I'm very grateful to you, Mr. Speaker, and all my colleagues for supporting a resolution in his memory.

He has a unique biography. He was born in Cherkasy, Ukraine on March 11, 1941. Barry Berger and his family returned to Wroclaw, Poland in 1946. In December of 1958, he escaped to West Germany with his father and immigrated to the United States on June 1st, 1959. Shortly after arriving in the United States, Barry Berger made the brave and honorable decision to defend our nation, enlisting in the United States Army in 1961. In 1969, Barry Berger was deployed to Vietnam where he courageously served as an advisor to the South Vietnamese Army in the Delta Region before returning to the States in December of that year. Barry Berger was honorably discharged on March 11th, 1970, after more than eight years of dedicated service to this great nation. After having back surgery in 1974, Barry Berger became a lifetime member of the Disabled American Veterans Chapter 154, where he held the positions of President and Treasurer. He was also a lifetime member of Chapter 72 of Vietnam Veterans of America and held the position as First Vice Commander. Professionally, Barry Berger spent his illustrious career as a Senior Communication Specialist for Loews Corporation and retired in 2005.

Barry's commitment to the military community did not end when he left the service. Barry volunteered as a financial advisor on the Executive Board for the United Military Veterans of Kings County Memorial Day Parade Committee, where he assisted

with the planning for Brooklyn's Memorial Day Parade. He was awarded the Patriotism Award for his volunteerism by the United Military Veterans of Kings County in 2012. Barry was also married to his beloved wife, Irene, for 51 years and had a daughter, Dyan. Barry's selflessness and compassion will shine on through his family's happy memories. His insight and strength will forever serve as a beacon of love, life, and hope to the countless lives he touched. Barry will be deeply missed and deserved the tribute of this State Assembly.

Mr. Speaker, on a very personal note, on behalf of all the refugees from the former Soviet Union, like I said it's always my honor and privilege to say how grateful we all are to Vietnam and Korean veterans. They put a foundation in the process of dismantling the Socialist Empire called Soviet Union. Without them, without their sacrifice, we wouldn't be able to leave Soviet Union. They wouldn't let to leave, Perestroika, Gorbachev in the time when we can escape the Soviet Union.

Mr. Speaker, I hope everyone here takes time today to remember the service and sacrifice of not just Barry Berger, but of veterans and our servicemen and women who put lives on the line for us everyday. Thank you.

ACTING SPEAKER AUBRY: Thank you. On behalf of Mr. Brook-Krasny, the Speaker and all the members, Irene, welcome to the New York State Assembly. We welcome you here, we extend to you the privileges of the floor, your family, your guests. We hope that you take measure that we appreciate the sacrifice that

Barry made and the sacrifice that you have made, and hope that you will continue in his memory to enjoy and persevere here in the State of New York. Thank you so very much.

(Applause)

Mr. Eachus for the purposes of a introduction.

MR. EACHUS: Thank you, Mr. Speaker. On behalf of myself and Assemblymember John McGowan, I rise to introduce a fantastic group of students, future heroes. They came here from Dominican University for the purposes of celebrating Social Workers Month. They have come to Albany to see our work in action. They are students of social work, psychology, criminal justice and more.

The theme for Social Work Month 2024 is Empowering Social Workers, and these students here today certainly embody that mantra. This incredibly bright group came prepared with questions on legislation and stumped me a couple of times, that affect social workers around the State. As expected the questions were thoughtful and we explored how they could best advocate and become involved with the political system, and why it is important to do so even as they embark on their own careers outside of politics. Like many professions that exist in the service of others, the imperative work that social workers perform in our state is often overlooked and taken for granted. These are dedicated workers who ensure that the critical programs we create in these very halls are implemented properly and reach the in-need communities. They navigate these complex systems while simultaneously navigating the intricacies of

human emotions, psychology and many internal struggles that come with experiencing social-economic issues.

While we here in Albany crunch the numbers side of these social programs, these folks here deal with it on a human to human connection, the real work of helping the New Yorkers that we're here to serve every day. Needless to say, their work is necessary for all of our constituencies. So please join me as we congratulate these students on the work that they have accomplished in school and the extraordinary work that we know that they will do as they embark on their future careers.

Mr. Speaker, please offer them the cordialities of the floor of the People's House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Eachus, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that your experience here in Albany deepens your commitment to provide those in need with help. We hope that we, as a Body, will be able to help you as you head to this grand profession. Thank you so very much for being with us.

(Applause)

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. It's my distinct honor to introduce two great constituents from the 126th Assembly District, Cindy and John Miley. We are honoring Cindy as the -- for all of her contributions to veterans' causes. She is the

Assistant Director of the Onondaga County Veterans' Service Agency in Syracuse, New York. She also formerly served as the Veteran Outreach Coordinator for Skaneateles, New York where she developed and implemented a model of community veteran and military outreach that is making a direct impact in the Central New York region. A seasoned total force military spouse of nearly 30 years, and parent of two active duty Air Force members, she has diverse experience across the enlisted, officer and active duty Air Force/Air National Guard communities. She utilizes this experience to build programs to assist military members and their families, as well as to raise awareness about the unique challenges they face from entry into military service through separation and retirement. Her efforts have created a community of understanding of what today's National Guard role is, as well as shed light on the challenges they face while living up to the mission of Always Ready, Always There. She holds multiple degrees and is one of the first non-veterans in New York State to receive dual Congressionally-recognized accreditation from the New York Division of Veterans' Services and the National Association of County Veteran Service Officer, Inc.

Cindy currently is serving as a member of the Military Family and Advisory Network, Advisory Board, a member of the Military Spouse Advocacy Network for new military spouses and is the key spouse mentor for her husband's military unit. She is also a member of the VFW and American Legion Auxiliary, and finally was named the 2022 Armed Forces Insurance National Guard Spouse of

the Year remains committed to advocating for quality of life legislation at the local, state and national level. She epitomizes veteran service, and has helped countless local CNY vets find the services they need. She is accompanied by her husband, John, who is also currently serving in the United States Air Force Colonel.

Mr. Speaker, if you would please offer the cordialities of the House to Cindy and John Miley.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Lemondes, the Speaker and all the members, we welcome you here to the New York State Assembly, Cindy and John. Please know that we certainly appreciate the work that you have done, Cindy, as well as serving with your husband as a provider of services to this state and a protector of the state. Continue your great work, know that you are always welcome here, we will always stand behind you. Thank you so very much.

(Applause)

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker. I rise to introduce a dear friend and for many here, as he had the pleasure of serving in the New York State Assemblyman [sic], and today he serves as the mayor of the third largest city in New York State, City of Yonkers, New York, Michael Spano, who's here. He's accompanied by Denise Egiziaco who is his deputy staff member. And I've got to tell you, having been a resident of Yonkers nearly my entire life, I've witnessed as an educator the tremendous role that Mike

Spano and his administration has taken to really bring about a tremendous renaissance when it comes to economic development, affordable housing. And in the field of education, it's very important for me serving a school district that's 75 percent students of color, the mayor who is looked upon in our city as the Mayor of Education, has brought upon a tremendous accomplishment and a 90 percent graduation rate for an urban school district. And initiated a model national program, My Brother's Keeper, that provides mentorship and support encouraging so many students of color to go to colleges and careers.

So today, Mr. Speaker, it is really a privilege to welcome back to the New York State Assemblyman -- to the New York State Assembly, Assemblyman Mike Spano, former, Mayor Mike Spano to this Body and if you could give him the cordiality of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Sayegh, the Speaker and all the members, Michael, once a member, always a member. You need no welcome back. We extend to you the privileges of the floor because it comes with a title. We hope that your term as mayor continues and that your success in serving your constituents continues as well. Please know you're always welcome here. Thank you so much.

(Applause)

Ms. Hunter for the purposes of a introduction.

MS. HUNTER: Yes, thank you, Mr. Speaker. I'll be

speaking on this resolution later today because we are memorializing today to be Credit Union Day so I have the privilege of introducing a group of representatives from seven different credit unions that serve the residents of my district, Mr. Speaker. We have Cody Seward from Summit Federal Credit Union; Dave Colavita, right down the street from my house from the Syracuse Cooperative Federal Credit Union; Andrew Smith from Sydney Federal Credit Union and Anna Banks from Sidney, as well; Bill Sweeney from CORE; all from Visions Federal Credit Union, we have Patricia Shermot, Shawn Gamble and Mary Robinson. Mr. Speaker, Derrick Reed from ACMG Federal Credit Union and Kayla Hughes from the Northern Federal Credit Union.

If you could please extend the cordialities of this House knowing that those folks right there are representatives and have the financial backs of the residents of my county, but across New York State. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Hunter, the Speaker and all the members, we welcome you here to the New York State Assembly, commend you on the work that you're doing in assisting people in their financial world. Please know that we are always grateful to have you here. You always are welcome here and we give you the privileges of the floor. Thank you so very much.

(Applause)

Resolutions on Page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 1022, Ms. Hunter.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 26, 2024, as Credit Union Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Hunter on the resolution.

MS. HUNTER: Yes, thank you, Mr. Speaker, on the resolution. Today, we are memorializing March 26th, 2024, as Credit Union Day in the State of New York. Credit unions are not-for-profit financial cooperatives owned and operated for the benefit of the members that they serve. In 1913, New York became the second state in the nation to enact a credit union law. Credit unions were an important and stable part of our financial industry and during the Great Depression, no credit union in New York was liquidated and remained an important part of the financial industry today. New York is home to 300 credit unions representing over 7 million New Yorkers, and Mr. Speaker, the economic impact in New York State is estimated at 6.6 billion, nearly 1 billion in tax revenue, and they provide jobs to over 26,000 people and I'm honored to be able to bring this resolution forward and join me in honoring these credit unions. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 1023, Ms. Walsh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 26, 2024, as Purple Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Walsh on the resolution.

MS. WALSH: Thank you very much, Mr. Speaker, and thank you to all my colleagues who wore purple today. I'm pleased to present this important resolution, Purple Day, again this year. Purple Day is another name for Epilepsy Awareness Day. Epilepsy Awareness Day aims to increase the public's knowledge of a neurological condition affecting nearly 50 million individuals globally. Epilepsy impacts the central nervous system causing seizures and other symptoms. It affects people of all ages, and much like other conditions, is not one-size-fits-all.

Purple Day was started in 2008 by Canadian Cassidy Megan to encourage awareness and cast away some of the myths that exists surrounding epilepsy. Cassidy was motivated by her own diagnosis to educate those around her. Purple was chosen because lavender is recognized as the international flower of epilepsy. Despite all the existing treatments and therapies, and there are new ones coming out every year, thankfully, there's much -- still much more to be done and much more research is needed. I've been a proud supporter of the Epilepsy Foundation of Northeastern New York,

which has included supporting my brother, Bob Bain and my sister-in-law, Debbie Bain who have both worked at the Epilepsy Foundation of Northeastern New York, and they were in fact, motivated by their own advocacy for my nephew Christopher Bain, who is now in his early 40s and has two great young daughters of his own. So thank you very much to my colleagues and for helping me to support Purple Day in the State of New York. Thank you Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

Assembly No. 1025, the Clerk will read.

THE CLERK: Assembly Resolution No. 1025, Mr. K. Brown.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 31, 2024, as Overdose Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 1026, Mr. Rivera.

Legislative Resolution memorializing Governor Kathy C. Hochul to proclaim September 15 - October 15, 2024, as Hispanic Latino Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 1027, Mr. Tannousis.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 2024, as Greek History Month in the State of New York, in conjunction with the commemoration of the 203rd Anniversary of Greek Independence.

(Pause)

ACTING SPEAKER AUBRY: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. On the resolution.

ACTING SPEAKER AUBRY: On the resolution.

MR. LEMONDES: I'd like to thank the sponsor for putting this forward on behalf of all Greek people worldwide, thank you. Greek Independence Day established on March 15th, 1838, designated March 25th as an eternal in perpetuity national holiday celebrated in Greece, Cyprus, and the Greek diaspora worldwide. It traditionally commemorates the start of the Greek War of Independence against the Ottoman Empire in 1821. Additionally, there are more than 5 million people of Greek origin living outside of Greece, scattered in 140 countries across the globe; however, New York has the largest Greek American population totaling around 300,000, with the majority located in the New York Metropolitan

area, and the rest of us scattered around the state and nation in smaller communities. It's traditionally held that the War of Greek Independence started at the Saint Lavra Monastery with the swearing in of the military leadership by Bishop Germanos in 1821. The fighting would last approximately eight years until an armistice was agreed upon, and in 1832 Greece was reestablished as an independent kingdom from the Ottoman Empire with the Treaty of Constantinople assisting the Greeks with the War of Independence with Britain, France, and Russia. American support of the War of the Greek Independence helped fuel important social causes in the United States including the abolitionist and Women's Suffrage Movements. Additionally the history of Greeks in North America is as old as the United States itself with the establishment of a Greek colony in St. Augustine, Florida in 1776.

Ladies and gentlemen, in recognition of Greek independence, Greek contributions to humanity, the United States and Democratic governments throughout the world, please join me in honoring and acknowledging the importance of this day. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Jensen on the resolution.

MR. JENSEN: Thank you very much, Mr. Speaker, on the resolution. As the representative of Greece in New York, the Town of Greece, I am so happy to rise and thank Members Tannousis and Lemondes for bringing this resolution to the Chamber. The Town

of Greece originally named Northampton, was renamed as it is today in appreciation of the Greek War for Independence and we stand with all the Greek Americans and the Greeks in Greece, both Greece, New York and Greece the nation, in celebrating their history and their heritage and their independence. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying aye; opposed. The resolution is adopted.

No. 1024, the Clerk will read.

THE CLERK: Assembly Resolution No. 1024, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 29, 2024 as Vietnam Veterans Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre on the resolution.

MS. JEAN-PIERRE: Thank you, Mr. Speaker, for allowing me to speak on this important resolution. As Chair of the Veterans' Affairs Committee, it is truly an honor to speak in support of this resolution on Vietnam Veterans' Day, and to recognize the more than 200,000 Vietnam Veterans from New York State, and to remember all those who perished during this conflict and remain missing-in-action to this day.

The Vietnam War with its complexities and controversies, tested our nation and the bravery of our service

members. Our soldiers faced unimaginable hardships, enduring relentless combat, witnessing the harsh realities of war. Today, we honor their unwavering commitment to defending freedom and democracy even in the face of adversity. Some might not know that the Vietnam War was the first major U.S. conflict that was fought with a fully integrated military, with President Truman having to sign an Executive Order, integrating America's armed forces in 1948. The Vietnam War was also one of the first widely televised wars, where the public was able to see the conflict as it occurred.

I think it's important to take a moment to share the story of Dan Bullock, a young African American soldier. Dan was born in North Carolina, and his family later moved to Brooklyn. He was just 14 years old. Bullock walked into the U.S. Marine Corps Recruitment Station. He falsified the date of his birth certificate to read December 21st, 1949 so he could pass as 18 years old. Bullock enlisted in the U.S. Marine Corps on September 18th, 1968. His family was unaware of this decision until he came home with his papers in his hand. Bullock was able to successfully complete boot camp in Parris Island, South Carolina and he arrived in Vietnam on May 18th, 1969. On June 6th, 1969, Bullock was killed by small arms fire while on the night watch at An Hoa Combat Base. He was just 15 years old. He was the youngest American service member to be killed in the Vietnam War.

Dan's story is one of the many that highlight the contributions of soldiers of color made during the war. Over 300,000

Black Americans, including Dan Bullock served in the Vietnam War. I learned about Dan's service and sacrifice while visiting the Wall that Heals in my district that the Town of Babylon hosted on October -- in October of 2023. The Wall that Heals is a traveling exhibit which was unveiled on Veterans' Day 1996, by the Vietnam Veterans Memorial Fund. It is a replica of the Vietnam Veterans Memorial in Washington, D.C., designed to travel to communities throughout the United States. Since its dedication, The Wall That Heals has been displayed at nearly 700 communities throughout the nation, spreading the memorial's healing legacy to millions.

It is also notable that although the military did not assign women to combat roles in the Vietnam War, more than 265,000 women served in the military during Vietnam and approximately 10,000 military women served in war zones during the war -- during the conflict. It is a common misconception that all women serving the Vietnam were nurses; that is incorrect. Military women served in health care, communications, intelligence, administrative positions.

As we pay tribute to the valor of our soldiers, we must also acknowledge the profound challenges many Vietnam Veterans encountered upon returning home. Unlikely -- unlike the previous conflicts, they were not always greeted with the gratitude and support they deserved. Instead, they faced misunderstanding stigma and neglect. Too often, their sacrifices were overlooked and their service went unappreciated. The Vietnam War was also one of the most divisive wars in American history. As a result, many Vietnam

Veterans were treated with hostility and anger by the public for their participation in war. This made the readjustment for returning veterans even more difficult.

Today should serve as a reminder, especially at the height of the budget negotiations, that we must continue to work to ensure that our veterans remain a top priority for us as elected officials. Let us pledge to support policies and programs that address the unique needs of Vietnam Veterans, including access to quality health care, mental health services, education and employment opportunities. Let us work tirelessly to ensure that they receive the benefits and assistance that they require to lead fulfilling lives as their service to our nation.

Finally, I would like to personally take a moment to recognize a proud Vietnam, our friend and our fearless Sergeant-at-Arms, Wayne Jackson. Mr. Jackson began his service in the Army in 1967 and was a member of the 19th Infantry Delta Unit and a recipient of the Purple Heart. Mr. Jackson and his team worked extremely hard to keep us safe in this Chamber. He exemplifies a true public servant and we are extremely thankful for his service to this Chamber. I would also like to take a moment to acknowledge John Couch who works in the Office of Sergeant-at-Arms. Mr. Couch is a Vietnam Veteran who served from January 1968 to 1969 in the Sergeant Air Force 12 Combat Support Group.

Once again, I am proud to have the opportunity to support this resolution and I am thankful for my colleagues for joining

me in support. God bless our Vietnam Veterans and may God continue to protect our troops, both at home and abroad. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow on the resolution.

MR. MANKTELOW: Thank you, Mr. Speaker.

First of all, I want to thank Chairwoman Jean-Pierre for bringing this resolution forward. I want to thank all of our Vietnam Veterans for being here today. I really want to tie this in a little bit. There's 200,000 -- or more than 200,000 Vietnam Veterans here in New York State. I want to talk very briefly about three of these individuals. One of these individuals was an infantryman. His name was Hank Trevi (phonetic), and I've had the chance to talk with Hank, spend some time with him. I'm actually going to go on an honor flight with him in about a month-and-a-half. He told us what it was like to go out in the bush on a mission, come back, get geared up, and get ready to head back out when the next call came. But what's so unique is how these three individuals that I'm going to talk about are really tied together, and they're all from different parts of New York State.

The second individual I want to talk about, his name is Ivan Fisher. He was a door gunner on a Huey helicopter. And I've gotten to know him over the years because, yeah, my mom's dating the guy so I get a chance to meet with him a little bit. And he told us about the missions that he flew on, not all of them, but some of them. And then today here in Albany, I got to meet another young lady. Her

name was Specialist Connie Rinnochio. Thank you, Connie. Connie was also an electrician's technician working on helicopters. She worked on OH-58s, Chinooks, Cobra gunships, and always the famous Huey helicopters. What's so important about this is these three individuals never really knew each other, but she helped keep those helicopters flying. Ivan helped keep the infantrymen safe as a door gunner going out to the bush, and as Henry was set out -- out there in the bush knowing that those men and women will be there to pull him back out.

So I want to say to those three individuals, I want to say to all of our Vietnam Veterans, thank you for everything you've done for this country. Thank you for allowing us to have the freedoms that we have. Thank you for allowing us to assemble here today, to be here, to vote on bills, to have the freedoms that we probably may not ever have if it wasn't for these type of individuals, these men and women that serve our country. So may God bless these men and women, may God bless their families, may God bless all of us because of individuals like this, may God bless America. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to thank the sponsor for this resolution, and certainly want to thank all the veterans that are in the Chambers today from any

war that they were in, in particular Vietnam because all wars are difficult, there's no question about it, but its impact on our country, both in Vietnam and in America was a very challenging one. It was very difficult for a lot of people to understand why we were there, and unfortunately many people lost their lives in the process of it. But for those gentlemen and the men and women who were there, thank you very much for what you did.

Now, I know I've told many of you this before, I come from a family where my mother's mother had 13 children. And several of her children had children who actually served in Vietnam. And at this point I would like to mention their names, Thomas James and Willy B. Swans were sons of my mother's oldest brother, John Swans. Benny Swans, Jr., who also received a Purple Heart for his service in Vietnam, was the son of my mother's brother Benny Swans. Reginald Davis, James Davis, and Charles Davis were the sons of my mother's sister, Mary Swans-Davis. And Reggie Settles was the son of my mother's sister Mavis Swans-Settles.

And so this war touched everybody's family across America, and I am very proud of the efforts that my cousins, first cousins did in this war, I am proud of the efforts that my ancestors who fought in literally every single war that America's ever been in, people who look like me, African Americans, my family members have served. And so I'm honored that they served, and I'm honored to serve and love America just the same way that they did.

So again, I want to honor all the veterans and

certainly honor the sponsor of this piece of legislation -- resolution that's before us, as well as the Ranker from the Committee. It takes courage. It takes courage to go to war and fight for the principles and honors that this country has provided for us. And so I honor all of the courage of the men and women who have done so. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Thank you.

Mr. Morinello.

MR. MORINELLO: Thank you. I'd like to thank Chairwoman Kimberly Jean-Pierre, Josh Jensen, Brian Maher, the entire Assembly for making us feel welcome. I'm going to speak as someone who came back to a nation that was in turmoil, a nation that was fighting, a nation that did not understand why we went and why we sacrificed, a nation that ridiculed. They threw feces at us, they threw urine at us, they called us baby killers, never recognizing it was the sacrifices that allowed them to do that with impunity.

My fellow comrades in arms and I want to thank you for welcoming us today, the welcome that we did not receive. And that spurred a focus on where this country needed to go. I served with African Americans, there was no prejudice, there was no racism, they were brothers. They were brothers because we relied on each other, and I don't know of any Vietnam Veteran that has any prejudice in them because we together, with our comrades, fought for the freedoms that we enjoy today. We must remember, freedom is not free and

there are those of us who are willing to give all. And some did give all, and some came back and left part of them there.

But I want to truly thank everyone in this Assembly for recognizing that yes, there's turmoils, and we have sides, but we have to learn to not take them personally. We have to learn to be able to listen to each other and understand why we're here. We're here for our districts. Each district is different. Each district has different needs and I think if we all open our ears and stop having decisiveness we may be able to come together to get some common ground to move us forward in a positive direction. But I want to tell you from the bottom of my heart, thank you. The reception I have received not only in my eight years here, but today especially. And I'm not sure if I mentioned Brian, but I want to thank Brian, okay, because these two gentlemen along with the Chairwoman put together a function that will go on in history and will only continue to be greater. And thank you, again; and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

(Applause)

Mr. Tague on the resolution.

MR. TAGUE: Thank you, Mr. Speaker. As a grandson of a World War II Veteran and son of a Vietnam Veteran and cosponsor of this resolution, thank you to the sponsor and other cosponsors of this resolution. And thank you to the members and staff who worked so hard to put on a great luncheon for our Vietnam Veterans today.

I wanted to acknowledge and say thank you for your service to the veterans who serve with us everyday in this Chamber. Sergeant-at-Arms Wayne Jackson, Assemblyman Ken Blankenbush, and Assemblyman Angelo Morinello, welcome home, gentlemen, God bless you and thank you. Secondly, I want to recognize two veterans that are here with us today from my Assembly district, Thomas Andreasen. He started his military career in 1965 as soon as he graduated high school. He started his Marine training in 1966 at Camp Lejeune. He served as an equipment operator for the Seabees in the Navy from 1965 to 1969. Tom did two tours in Vietnam in 1966 and 1967 in Vietnam and served four months in the Antarctica. He is decorated with a combat insignia, national defense, and Antarctica ribbon. Tom lives with his wife, Joy, in Catskill in Greene County; Tom, thank you for your service.

Sheriff Ron Stevens. Sheriff Ron Stevens started his military career in 1966 and served in Vietnam in 1968 and 1969. He served at a transportation outfit and transported projectiles to the bases. Ron is a United States Army Veteran, a recipient of the Bronze Star for his actions during the Vietnam War. After his military career, he served as a Captain in the New York State Police. Currently, Ron is the Schoharie County Sheriff. He and his wife, Kathy live in Schoharie, New York.

Mr. Speaker, in closing, let us also not forget the brothers and sisters of these great Vietnam Veterans that made the ultimate sacrifice. God bless them. God bless this great nation, the

greatest the world has ever seen. To our Vietnam Veterans, I say thank you, God bless you and most importantly, welcome home, welcome home. Mr. Speaker, I proudly vote in the affirmative on this resolution. God bless you, God bless America and thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. DeStefano.

MR. DESTEFANO: Thank you, Mr. Speaker, for this opportunity. First, I'd like to do the same as my colleague, Mr. Tague. I want to introduce my constituent that lives in my district, Mr. Peter Palamides and his wife, Patricia. Peter is a Purple Heart recipient. He had his basic training and advancing for troop training in Fort Jackson, South Carolina. He was sent to Vietnam in November of 1968. He was assigned to the 196th Light Infantry Brigade of the Americal, spent one full year and wounded in late June of 1968 in a fire fight. He returned back home in 1969, did the remaining six months in Fort Carson, Colorado, and discharged in 1970. He lives in my district with his wife, he has two children and five grandchildren.

Now to the war itself. Upon the return from Vietnam, many U.S. soldiers faced a lack of support and understanding from their own country. Unlike soldiers in previous wars, Vietnam Veterans were not welcomed home as heroes. Instead, they were often met with indifference and hostility. Many soldiers struggled with physical and mental issues stemming from their time in Vietnam, including PTSD, substance abuse with exposure to Agent

Orange. Unfortunately, the health care system at the time was ill-equipped to address these needs leading to many veterans falling through the cracks. Additionally, Vietnam Veterans faced social stigma and discrimination with some being labeled as baby killers, as was mentioned earlier, and blamed for the war itself. This added to a sense of isolation, alienation upon their return. It was only then in later years that the treatment of Vietnam Veterans began to improve with increased recognition of the sacrifices and efforts to provide better support and resources for their needs; however, the legacy of how these soldiers were treated upon their return serves as a painful reminder of the importance of honoring and caring for those who serve their country. Let us not forget the 58,000 or so members of the service that were left behind in Vietnam and veterans that are also, that there are several thousands still alive today that still suffer from the consequences of the ailments they received from Vietnam.

Mr. Speaker, I wholeheartedly support this resolution. Thank you for your service to all the veterans that made the trip to Albany today. We respect you, we thank you, and we love this country as they do. Thank you, sir.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Maher.

MR. MAHER: Thank you, Mr. Speaker, on the resolution. I wanted to speak specifically about the colleagues that I have the honoring of serving with. Helping to put together activities

for this day, I've been able to have some private moments and conversations about the service of Member Blankenbush and Member Morinello and many others. And it really is an amazing opportunity to hear some firsthand knowledge and experience that will truly humble every single person in this room. So I would welcome anyone who has not sat down with their colleagues to talk about that service, if they're willing, to really take advantage of that breadth of knowledge, because it is something that really does puts our work here and throughout our lives in perspective.

For me, I have the honor of escorting Mr. David Penney, Sergeant Dave Penney, who joined the Army, first tried to enlist, wasn't accepted and then was part of the draft. He told me an interesting story about that. They ended up in a two-and-a-half year period, sent him to Vietnam, and also with respect to our Majority Leader, he is one of 17 children, not 13, which I found absolutely astonishing, and his parents' names - I just had to put this into the record - they are great names, he is the son of Decatur Butterworth Penney and Ola Mae Robuck, one of 17 children.

Dave Penney served in '67 to 1969, was awarded the Air Medal, Bronze Star, Army Commendation Medal, Good Conduct Medal, National Defense Medal and Vietnam Service Medal. But after Mr. Penney got back from the war, he became a servant to the veterans' community, somebody who has for many years been the Commander of our Walden VFW, a member of the American Legion, and someone who is a mentor and a champion for other youth and

veterans going through a terrible time. He took his experience at war and his service and over the last 50 to 60 years has dedicated his life to the greater Walden community to make it a better place and to reach veterans who are in very, very tough situations. He has put together the Walden Memorial Day Parade and Veterans' Day ceremony, and really has accomplished countless, countless accolades for his community.

And one thing that Dave and I got to talk about today in Albany, it really made me think about the importance of this resolution and our work in honoring our Vietnam Veterans every single year and every day, hopefully, think about that life of service. Think about that amazing pillar in our community that Mr. Penney is, and think about how many tens of thousands whose lives were lost, who those communities and those families who were robbed of people like Mr. David Penney. And we remember those individuals, those that David served with, that Member Morinello and Member Blankenbush served with, and let's really think about that impact and that responsibility for all of us to honor that service and to honor their memory here today.

So Mr. Speaker, on the resolution, thank you so much for allowing me the opportunity to speak on behalf of our Vietnam Veterans. Welcome home, and thank you for service and now you're family.

(Applause)

ACTING SPEAKER AUBRY: Mr. Giglio.

MR. GIGLIO: Thank you, Mr. Speaker. I'm going to talk about somebody a lot more personal. I'm going to talk about my eldest brother, Nicholas C. Giglio, who served in Vietnam. Among his honors was the National Defense Service Medal, two bars; Army Commendation Medical [sic] with "V" device, Combat Infantry Badge, First Award; Good Conduct Medal; Vietnam Service Medal with three Bronze Stars; Vietnam Campaign Medal with a device; and a Purple Heart.

I bring that up because my brother, obviously he's my eldest brother, I've always looked up to him and he set a great example. I also bring it up because this will be my last time on the floor when this happens, and he would've killed me if I would've brought it up any sooner. But the fact of the matter is what people do, and they have alluded to it, the families also serve with them. But I would like to point out one more thing, my brother Nick was a very devout Catholic. And what those bullets didn't do, Agent Orange did at the end of his life. And it took his youth and they took his senior years. But the most remarkable thing is my parents are buried in a Catholic cemetery and Nick chose to go to a nondenominational cemetery, and I only found that out after he died. And he decided to be buried in a place called the Field of Valor, because I guess once a soldier, always a soldier, and the love that he had for his combat arms never waned and that's why he did it.

So I'm very proud to stand here as his brother and bring up his name in this place, along with all these gentleman and

ladies and let you know although there was great sacrifice, when they came home, we had a great time. We welcomed our heroes home, we didn't care what anybody else thought. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER DAIS: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. I, too, rise to speak on this resolution and would like to thank the sponsor for bringing this important resolution to the floor of the Assembly. It is an honor to welcome all of our Vietnam Veterans who are here on the floor with us today as we proclaim today as Vietnam Veterans' Day here in New York. You are our heroes. And please know that the words we speak on the floor here today do no justice to the debt of gratitude we will always owe to each and every one of you, but we can and we should continue to say thank you. So we thank you for your service and welcome home.

Also I would like to say thank you to my colleague Mr. Morinello, for very powerful words on the floor here today. And, Angelo, we thank you for your service as well. Of course to Mr. Blankenbush for your service as well, and of course obviously to Mr. Wayne Jackson for your service. We thank you and we welcome you home.

I'd just like to indulge you for a minute to introduce to you a very special man, his name is P. Earle Gleason, he's on the floor of the Assembly here with us today, he's from Penn Yan, New York, in Yates County. Earle is not -- Earle is a Vietnam Veteran, but

he is also my friend. I've known and worked with Earle for nearly 30 years, so it's great to have Earle here on the floor with us today. Just to share a little bit about Earle with you all, Earle was drafted in January of 1968. He served in the U.S. Army as part of the Americal Division, named after America and New Caledonia, the 23rd Infantry Division. He served in Vietnam from September 1968 to September of 1969. He was a combat vet, mortarman with the Infantry.

Earle's service to his fellow veterans and country and community did not end there. Earle's life has epitomized service. Earle has also served 20 years as a Yates County Veterans' Service Director, where I first got to know him working with him as a staffer for our former member, predecessor, Jim Bacalles, and then again as a member. He dedicated that time to help and serve his fellow veterans who needed assistance and guidance. That's the kind of guy Earle Gleason is; he's a veterans' veteran. In addition to that service serving our veterans and our country, Earle also served his community. He served for 24 years on the Milo Town Board, and he also served six years as a member of the Yates County Legislature before he decided to retire a couple years back ago.

It is really an honor and privilege for me to have my friend, Earle Gleason, here on the floor with us today. Earle, we say thank you to you, but we also say thank you to all the Vietnam Veterans who are here in this room with us today, and those who can't join us around the state and around this country. We will always thank you, we will always appreciate what you've done for us, and we

thank you. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER DAIS: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker, for the opportunity to be heard on this resolution. I'd like to thank the sponsor and all the cosponsors. I would like to thank all the Vietnam Veterans who have served this nation. And I'd also like to say to Assemblyman Ken Blankenbush, and my riding partner in the car, Judge Angelo Morinello, thank you for your service as well as our Sergeant-at-Arms. But long before I've had discussions with Judge Morinello in the car, or Assemblyman Blankenbush at dinner, I had a gentleman who really taught me about life. Somebody who explained to me what it is to be an American. I am very proud today to say in the Chamber, I have Vietnam Veteran, Phil Yoder from Lockport, New York.

Mr. Yoder enlisted in the Army at 18 in 1969. He went to Vietnam in February of 1970 and he was wounded in June of 1970. He was awarded a Purple Heart and received a Bronze Star with valor. After his service, he came back home to Lockport and gave so much to his community. He serves as an Assistant Scoutmaster for Troop 82 in Lockport. He's helped many with wrestling, youth wrestling. One of those individuals was myself. As a young Scout, Eagle Scout, he helped mold me and so many others. I am forever grateful for his service to our nation, but also to our Lockport community.

And I'd like to just share a story, because 30 years ago or so this happened and I've never forgotten this story for as long as I live. We were on a high adventure trip in the Adirondacks, up traveling to Mount Marcy, traversing all the way to the top. One of our scouts had a difficult time coming down. Well, I was a Senior Patrol Leader and I thought it was a good idea to go ahead of the pack and set up the camp. Mr. Yoder smiles because we got there, we set it all up. Mr. Yoder and a few others brought back the scout who was injured. He says, *Please, I want you to move this campsite over there about 500 yards.* We tore it down, we reset it up. I said to myself, *wow, I was only trying to do the right thing.* At that campfire that evening we were all around and he says, *do you know why you did that?* And I said, *I think I have an idea.* He says, *I want to tell you a lifelong lesson, never leave somebody behind. You always travel together as a group.* And I must tell you, that lifelong lesson has carried on with me and so many other Scouts throughout their career. Mr. Yoder, thank you for being a great mentor, a great friend, a great leader, and also for your great service to our country. Thank you so very much, Mr. Speaker, for being heard on this resolution.

(Applause)

ACTING SPEAKER DAIS: Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me to take a few moments to reflect on the great heroes and sheroes of the Vietnam War. You know, I remember my family in South Carolina, many of whom are veterans from many different wars,

talk about their experiences during this time. And when I think about those stories, I say wow, this was a great American contradiction. In the wake of the Tet Offensive and the My Lai Massacres was an ongoing conversation around the Civil Rights Era. Right after Lyndon B. Johnson, probably one of the greatest American Presidents, one-term President, sadly enough, who signed the Voting Rights Act and the Civil Rights Act, working with Civil Rights leaders who were in the trenches fighting against economic and racial injustice. And they fought hard. At the same time, there were visions on the -- there were pictures on the television that were showing dogs, hoses, et cetera, which were being utilized and weaponized against individuals here on American soil at the same time as these visions from the Vietnam War were being shown. It was also a split between the Civil Rights Movement and it also burgeoned a new Black Power Movement. Many of these political and radical movements really got their worth as it relates to what side you were on and who you knew and how you felt about the Vietnam War.

And of course a lot of times when you think about wars, you say you know, this should be a time where people are calling for a ceasefire. And there are a number and were a number of Civil Rights Leaders who were calling for a ceasefire at that time, but the NAACP stood up on behalf of all of the Black soldiers who were serving in Vietnam valiantly on behalf of their country risking their lives each and every day not knowing if they would be coming home to the same level of societal support systems that their colleagues and

fellow soldiers were who were right next to them, but they continued to sojourn throughout that entire time. There was a saying that was done during an NAACP event. It was by Bishop Spottswood. He stated, *Onward ghetto soldiers, marching as to war, with the goals of freedom, going on before, NAACP'ers lead against the foe, forward into battle, see our banners go!*

And again, when many of these leaders thought about the contradictions that President Johnson was going through, one of the things that they noted, this was by Roy Wilkins, he stated to Lyndon Johnson at an event, the Freedom House Annual Award Dinner, *Freedom at home was never more widely shared nor aggression abroad more wisely resisted than under his leadership of the Nation.*

Again, I am not necessarily putting my own political views as to how it is I viewed on President Johnson, but I am saying today that you have no idea what it was that your service gave to this country, gave to the Civil Rights Movement, gave to the freedoms that we are enjoying as per the Voting Rights Act. And so while you were fighting a war abroad and didn't receive the level of supports that you felt were necessary in order to encourage you to keep marching forward, I want to say on behalf of myself and behalf of my constituents, and on behalf of so many people who may not even recognize all of the sacrifices that you made, thank you. We owe a huge debt of gratitude to you, and it has been my honor and my privilege, Mr. Speaker, for allowing me to take this moment to reflect

on the Vietnam War.

(Applause)

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

(Applause)

ACTING SPEAKER AUBRY: Mr. Steck for the purposes of a introduction.

MR. STECK: Thank you, Mr. Speaker. I am pleased to introduce the 2024 Class A State Girls Basketball Champions, Catholic Central High School --

(Applause)

-- which is located in Latham, New York, at St. Ambrose Church, which I certainly recall visiting many times during my youth, although in those days Catholic Central was a huge school over in Troy. It is smaller today, but the basketball team is obviously still a powerhouse. We also have an alumna of Catholic Central in my own office, Meg Brown, my office director, attended and graduated from Catholic Central.

They finished the season with a record of 25-1, led by Coach Audra DiBacco defeating Walter Panas High School in a 64-62 down-to-the-wire game. The Lady Crusaders are joined by their coach and family members, as well as the athletic director and principal and their biggest fan, Ms. Barrato.

So again, my congratulations to this group of

outstanding athletes, and to the administration of Catholic High for their success in developing this team and operating now from their new and very beautiful location at St. Ambrose Church in Latham, New York.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Steck, the Speaker and all the members, we welcome Catholic High Girls Basketball Champions here to the New York State Assembly, extend to you the privileges of the floor. Our congratulations on the success that you've had this year knowing that that success will lead to further successes in life, whether it be in basketball or just in general terms of going on to college and making your way in the world. We hope that it has been a powerful motivation for you to proceed and follow your dreams. We are just happy that you had the chance to stand with us today and sit and listen to others who went through their struggles of life that led to the successes that you do. I hope you will continue to appreciate that success and continue to grow and develop into the beautiful human beings that you will become. Thank you so very much for being here.

(Applause)

Page 4, Calendar No. 1, the Clerk will read.

THE CLERK: Assembly No. A00043-C, Calendar No. 1, L. Rosenthal, Lee, Seawright, Maher, Thiele, Paulin, Levenberg, Darling. An act to amend the General Business Law, in relation to labeling of ingredients of diapers.

ACTING SPEAKER AUBRY: An explanation is

requested, Ms. Rosenthal.

MS. ROSENTHAL: Thank you. This bill requires the labeling of ingredients on packages of boxes of diapers.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MS. WALSH: Thank you very much. So I have about three different areas of questioning that I'd like to touch on about this bill, which is not a very long bill, but the first has to do -- so as you said during the explanation, what this bill talks about is the labeling of diapers, right?

MS. ROSENTHAL: Yup.

MS. WALSH: Okay. And on line 4 of the bill it talks about an ingredient shall mean, quote, an intentionally added substance present in a diaper. But the term "intentionally" is not defined; why is that not defined?

MS. ROSENTHAL: I think people know what the word "intentionally" means, but in addition, this bill is meant to be parallel to the Menstrual Product Law which we passed here in 2019.

MS. WALSH: Okay.

MS. ROSENTHAL: So it uses the same language.

It's an ingredient-labeling bill law, as well.

MS. WALSH: Okay. Well, I'm asking because there are examples in our New York State law where the term is defined, and I refer you to the Environmental Conservation Law, Section 37-0121, 37-0209, 37-0901 where "intentionally added" generally means a chemical in a product that serves an intended function in the product component. So I just ask, in some areas of the law we do define "intentionally" but in this -- in this particular piece of legislation we're not.

MS. ROSENTHAL: Correct.

MS. WALSH: Okay. And I ask also because just using a hypothetical that, let's say that the diapers are produced using water, and that water happens to contain PFAs, something like that. That wouldn't be something -- if it was used in the way that the product was produced, it could be, I would say, an unintentional contamination, but depending on how you look at it, it could be an added -- an added something that was put into the product; do you see what I mean? So...

MS. ROSENTHAL: Okay, but we wanted to parallel menstrual product labeling in the General Business Law.

MS. WALSH: Okay. So -- well, I probably would've argued the same thing on that bill, too. Here we are on this one. Another example would be let's say that a diaper contains cotton that is grown out in a field and, as we know, in many old fields and old farmland there could be arsenic, trace amounts in the soil. If that

made way its way into the cotton fibers which then make their way into the diaper, that wouldn't be something that the manufacturer would have intentionally added to the product, but it could find its way into the product.

MS. ROSENTHAL: Mm-hmm.

MS. WALSH: Is it your intention in developing this bill that something like that situation would not subject the manufacturer to any kind of -- of civil penalty for failing to label arsenic in a product?

MS. ROSENTHAL: No. But, you know, there's 100 percent organic cotton where you would assume there -- there is no such contamination, and if you just say cotton, then I suppose a consumer could -- could think well maybe there is some in there or not.

MS. WALSH: Okay. And I'm sorry, I'm just having a little trouble hearing you, I'm afraid.

MS. ROSENTHAL: Sorry.

MS. WALSH: So is it your position, then, that under this legislation that an intentionally added substance would not include something where you have trace amounts that were either of some kind of a substance that was -- gets into the product through either the farming of what the raw materials or the actual development and manufacture of the product?

MS. ROSENTHAL: Can you repeat that? I didn't hear the last part.

MS. WALSH: Okay. Well, I'm just saying, is it -- is it -- I'm trying to ascertain --

MS. ROSENTHAL: -- because people are talking.

MS. WALSH: -- the legislative intent here of this part of the bill which talks about intentionally added substances.

MS. ROSENTHAL: Right.

MS. WALSH: Is it your position then that something like the two examples that I gave of the trace amounts of arsenic in the soil that make their way into the cotton or the water that's used in the -- the production of the material that's -- that's got a PFA in it. Would that be -- that would be, in your view, an unintentional addition rather than an intentional addition.

MS. ROSENTHAL: Well, you know, this -- this just requires listing. So if there's a high enough percentage of that and they figure that out, they would have to list it.

MS. WALSH: But this bill doesn't call out any threshold percentages of anything that would trigger the need to list.

MS. ROSENTHAL: It's true, in order of --

MS. WALSH: I'm sorry, I couldn't hear you.

MS. ROSENTHAL: It's in order of how much is in the product. I mean, this parallels the Menstrual Bill which has been very successful in this State and others, so I don't think those issues have come up with the Menstrual Labeling Bill.

MS. WALSH: Okay. But I mean, I'm just raising issues that I'm seeing looking through this particular bill.

MS. ROSENTHAL: Okay.

MS. WALSH: I appreciate your saying that there's another bill that hasn't caused these issues --

MS. ROSENTHAL: No, well that's a law, that's a law and so we've learned that there haven't been issues with that so it seemed to be no reason to address it in this -- in this bill.

MS. WALSH: And maybe I didn't hear you, I'm sorry, but I thought you just said that if there was some type of --

MS. ROSENTHAL: If there was like a huge percentage of arsenic, then it would have to be labeled.

MS. WALSH: Well, how much is a huge percentage? It's not called out in here at all.

MS. ROSENTHAL: It's in order of predominance, so I think in general, below a certain very small percentage you don't have to list it.

MS. WALSH: Is that in another section of law that is -- that I don't have in front of me? Because I'm looking at this bill and it doesn't have any of that.

MS. ROSENTHAL: Okay. So if the manufacturer did not know that arsenic was in the cotton, they would not intentionally be adding it, so this is about intentionally adding.

MS. WALSH: Okay. Okay, thank you. I think that that answers the question.

MS. ROSENTHAL: Okay.

MS. WALSH: Okay. So the second thing I'd like to

touch on is the effective date. The effective date of this legislation is no later than 12 months after the effective date of this section, each package or box containing diapers sold in the state shall contain a plain and conspicuous printed list of all ingredients which shall be listed in order of predominance. So -- and then the legislation itself, in Section 2, says this act shall take effect immediately. So one concern that's been raised by manufacturers is that changing packaging in any way, I mean, across industries, is a very time-consuming process. It's not something that happens right away. And I was told that even artwork change on packaging can sometimes take years in order for it to be changed, then to have everything in the manufacturing process changed to fit that and then to have product coming off the line with that new packaging. So is -- why would you think that 12 months would be a reasonable time frame in order to accomplish something like this labeling of diapers?

MS. ROSENTHAL: I think a full year is -- is a long time, actually, and what we are considering here is people who are buying diapers for their babies and for their adult needs, I think a year is enough time.

MS. WALSH: Okay. Oh, so this -- just -- just to clarify what you just said, that the diaper labeling, that that would include both diapers for babies and -- and adult use diapers -- diapers as well.

MS. ROSENTHAL: Yes, yes.

MS. WALSH: Okay. Thank you for that. Okay. So

have you been contacted at all by, like for example, Procter & Gamble is concerned and opposed to this legislation because of that very issue. They're saying that they don't -- that will not give them enough time in order to make the labeling changes that the legislation requires.

MS. ROSENTHAL: You know, we -- we know that implementation of the menstrual product labeling was successful and companies came into compliance by the effective date. Procter & Gamble is not my go-to advocate and I actually have many memos from Women's Voices for the Earth, New York Sustainable Business Coalition, WE ACT for Environmental Justice, Citizens Campaign for the Environment, (inaudible) putting toxic chemicals in diapers also has an impact on our environment, Brooklyn Diaper Project --

MS. WALSH: But they're not manufacturers, right? None of them. They're just -- they're environmental advocates, but they're not -- they're not actually doing the work of making the changes, right, to the packaging?

MS. ROSENTHAL: I chose to listen to these advocates here.

MS. WALSH: Okay. You chose to listen to the -- to the environmental advocates and not the manufacturers who actually have to --

MS. ROSENTHAL: The manufacturers --

MS. WALSH: -- implement this legislation.

MS. ROSENTHAL: The manufacturers, yes.

MS. WALSH: Okay.

MS. ROSENTHAL: The manufacturers have self-interest. They are not a -- they're not technicians and they are not unbiased.

MS. WALSH: We -- we all -- we all have biases, I'm sure. The -- the other issue that it comes up with the manufacturing effective date is that -- that was raised to me was, what do you about -- if -- if you're basing the effective date on a year from from when the -- the legislation is passed, how do you account for older product that is not moving quickly on -- on the shelves of -- you know, if you get into, you know, like a big retailer or something where there is -- there's fast turnover, that's one thing, but if you have maybe like a bodega where they might have some diapers or products like this in the back, maybe there's a layer of dust on them, I don't know, maybe they're not selling. They could have the old labeling on them and wouldn't it be fairer to measure the effective date from manufacture of the product rather than the -- the date from the passage of the legislation?

MS. ROSENTHAL: So what I'm concerned with here is having caregivers, parents, guardians, anyone who takes care of a baby and up to toddler age, you know, kids wear diapers maybe until they're four, is to ensure that they know what is in the ingredients in the diapers that they purchase for their babies and young children. That's where I'm coming from, and I think it's best. A year is a long time, and I think it's best to operate in the spirit of transparency so people will know what they're putting on their children's behinds.

MS. WALSH: Okay. Now, if the manufacturer does not follow this legislation, then the last part of your bill imposes a civil penalty. Could you talk how that was figured out, how that civil penalty works?

MS. ROSENTHAL: It's -- it's the same penalty as menstrual products penalty, yeah. You know, we write laws. It's on businesses, individuals to follow the law, and I think this is perfectly reasonable, especially because we're talking about babies and their health and safety.

MS. WALSH: Yup. So the civil penalty is 1 percent of the manufacturer's total annual in-state sales, not to exceed \$1,000 per package or box; is that correct?

MS. ROSENTHAL: If you're reading from the bill, yes.

MS. WALSH: Okay. Do you have any idea how much that could be -- that could be for a manufacturer?

MS. ROSENTHAL: As I said before, the intent of this legislation is to allow people who purchase diapers for use on babies, toddlers, for them to know what are the ingredients of that diaper. You know, we found that when we pass laws, businesses, individuals have to abide by them. In a case like this, they will have to get their packaging ready within a year.

MS. WALSH: Okay. Now, going back to the 12-month implementation.

MS. ROSENTHAL: Yes.

MS. WALSH: It's my understanding that the Senate's version was amended to 18 months. Are you going to amend yours to 18 months as well, or no?

MS. ROSENTHAL: No, I'm not.

MS. WALSH: Okay. So we won't have matching.

MS. ROSENTHAL: No, we won't.

MS. WALSH: That's fine.

MS. ROSENTHAL: They can amend theirs, and I think they will.

MS. WALSH: Okay, very good. Thank you so much.

MS. ROSENTHAL: Thank you.

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

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: So I can completely appreciate that the sponsor's goal here is to provide what she believes is consumer protection. I just think that you also need to consider the rest of it which is who's got to take this legislation and try to implement it. Is it reasonable the way that it's worded, or is it ambiguous, and is there a reasonable period of time within which to comply or face a civil penalty which could be significant. So, you know, I think the bill could be considerably improved if it did have a definition for what would be considered to be intentionally added. We've done that in other areas of the law, such as the Environmental Conservation Law sections that I've read earlier, intentionally added could simply mean

that it was something in a product that served --

(Buzzer sounding)

-- I'd like to keep going -- an intended function in the product component. I mean it's not hard to add a little bit of definitional into there, especially if the manufacturer is going to be facing a penalty if they don't guess right about whether it's considered to be unintentionally or intentionally added. I think that if you take a look at the issue of what that year-long date, or in the case of the Senate, 18-month date is going to be run from, you do have an issue where you've got product that could be sitting on the shelves for a considerable amount of time, thereby exposing manufacturers to liability for product that already came off -- off the manufacturing line and had been sitting on shelves before this bill even passed, or was signed into law. And that doesn't seem to be fair to me either. It seems much more fair to give (inaudible) -- to listen to the manufacturers who are willing to comply but need further guidance spelled out in the law and in the legislation and a reasonable amount of time to comply.

So I would encourage the sponsor to perhaps consider what the Senate has done in terms of amending their version to 18 months at least. I -- you know, I think it could be as much as two years to actually get this done in an appropriate time frame, and also to add enough definition to the legislation so that everybody knows who is supposed to be doing what and how you're going to be able to achieve compliance. I don't doubt the sponsor's caring for the

advocates desire to have these things labeled, but I also think that we have to think about the other side of the coin, those who are actually going to be complying with this, and make sure that we have enough clear language in the legislation to allow that to take place and have it take place in a timely manner.

So with that, I'll be voting in the negative on this piece of legislation, Mr. Speaker, and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Goodell.

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

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

MS. ROSENTHAL: Sure.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. GOODELL: Thank you, Ms. Rosenthal. To your knowledge, has the U.S. Consumer Products Commission issued any advisories on diapers?

MS. ROSENTHAL: I'm -- I'm not aware of that.

MR. GOODELL: And what about the Federal Trade Commission?

MS. ROSENTHAL: I'm not aware of that. But we are talking about babies and safety. A point that I'd like to make in

response --

MR. GOODELL: I -- I -- if it's okay, I just wanted to

--

MS. ROSENTHAL: Okay, you got my answer.

MR. GOODELL: Yeah. And am I correct the EPA is not moving to ban any products from baby diapers or the DEC?

MS. ROSENTHAL: I don't know that the EPA has been asked nor has it weighed in on that.

MR. GOODELL: I see. And do we have any data as to any injuries or other health effects involving baby diapers?

MS. ROSENTHAL: We actually know that preemies, babies that are preemie and that -- whose health is compromised who have weak immune systems, we really don't want to expose them to chemicals, phthalates, other ingredients. So what this bill does is it actually has a list of ingredients so that the purchaser can make their own decision.

MR. GOODELL: I see.

MS. ROSENTHAL: Do I want my baby to be exposed to these or not, and that is consumer choice.

MR. GOODELL: And -- well, my question was, do we have any data -- do you -- do you have any data on how many children have suffered ill effects from the contents of diapers? Do we know -- I mean, are we talking a few hundred, a few dozen?

MS. ROSENTHAL: So you're saying that a parent should risk --

MR. GOODELL: No, I'm just asking if we have any data.

MS. ROSENTHAL: Well, actually there -- there was the *Environmental and Occupational Health and Safety Journal* in France has talked about more than 200 chemicals, including diaxon, formaldehyde, PCBs, PAHs in popular diaper brands and -- and that babies have suffered rashes, allergies that has happened after they've worn those diapers.

MR. GOODELL: And did the French -- French OSHA group identify how many cases we're -- they were talking about? Was there any data in terms of the number or frequency or magnitude?

MS. ROSENTHAL: So are you saying that -- that it's fine to have toxins in diapers?

MR. GOODELL: No, I'm just asking, do we have any data at all on the number or frequencies of any --

MS. ROSENTHAL: I think -- I think --

MR. GOODELL: -- ill effects reported by babies? I understand that there are chemicals in everything we use. There's chemicals in our clothes, our socks, our shoes. Everything we eat and drink has chemicals. But that doesn't mean that just because there's a lot chemicals in the soft drinks that we drink that people are dying or having ill effects. So the question then is, how -- do we have any data as to any number of children that have ill effects from the contents of diapers?

MS. ROSENTHAL: You know, it's immaterial. All this is is a law that would say you must list ingredients. In soft drinks there is a list. If you don't want Aspartame, don't buy that diet soda. The same choice needs to be available to consumers --

MR. GOODELL: I understand --

MS. ROSENTHAL: Let me finish. To consumers --

MR. GOODELL: I -- I --

MS. ROSENTHAL: -- when they're purchasing something that is on their baby's skin for a substantial amount of time, up to four-plus years of their baby's life.

MR. GOODELL: I understand that.

MS. ROSENTHAL: That's good.

MR. GOODELL: I'm sorry if I wasn't clear in my questioning. I understand the purpose of the bill. I understand that there are multiple chemicals that are used in creating diapers. I understand that every -- almost every single diaper that's now manufactured has super-absorbent polymers. I understand all that.

MS. ROSENTHAL: That's good.

MR. GOODELL: Do we have any data on any number of children that have suffered any effect? That's either a yes or no question, and then --

MS. ROSENTHAL: No, it's not a yes or no. And if it were even one, I would still propose this bill --

MR. GOODELL: I see.

MS. ROSENTHAL: -- because one is too many for

babies to be exposed to chemicals that could potentially affect their health.

MR. GOODELL: And then just one follow-up question, if I may. I understand we don't have any data, or at least we're not aware of any, that correlate between the contents of the diaper when it's manufactured. We do, of course, have a dramatic amount of data on the con -- contents that are intentionally added after the diaper's on the baby, including the ill effects of E. coli, which is unavoidable. Do you have any comparison between the toxicity of the diaper itself compared to the toxicity of the intentionally-added components after the diaper is put on the baby?

MS. ROSENTHAL: I'm not sure you really understand the scope of this bill.

MR. GOODELL: Oh, believe me, I've changed hundreds of diapers. I understand the scope of the problem.

(Laughter)

MS. ROSENTHAL: Well then if you -- then you would care that parents have the option of picking diapers with or without chemicals.

MR. GOODELL: Thank -- thank you very much, Ms. Rosenthal. I do appreciate your comments.

MS. ROSENTHAL: I'm sure you do.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: You know, having four kids and now multiple grandkids, I've had my share of opportunities to witness the toxicity of the chemicals that are added intentionally after the diaper is applied to the baby. It may be a dirty secret to some, but the intentionally-added products after the diaper is applied are much, much worse than anything the manufacturer could conceivably put in from an environmental health and every other asset -- aspect, which is why we always tried to dispose of those products safely and quickly as possible. And so I appreciate the sponsor's concern about what might be in the diaper before it's applied to the baby, but we know that what is applied afterwards far exceeds it in terms of dangerousness as well as toxicity.

And so I certainly appreciate my colleague's concern, but I think we regulate enough in New York State and we don't need to add to the cost to the consumers when they're facing an obvious problem after the diaper has been applied. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: Thank you. I just want to express my gratitude for two things; one, is that we're actually debating a bill at 4:30 after all those hours; and second, to the sponsor because I believe this bill is important. Not that I changed most of the diapers, but when my kids were little one of my children had bad reactions to Pampers or the -- some -- or the other brand, and we actually had to use cloth diapers. If only we knew the ingredients that were in those Pampers or other brands, it would have been much better. So you

never know. Knowledge is important, consumers have a right to know things, and I hope that future consumers have the opportunity to have this labeling information. Because the consumer is always right.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield?

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

MS. ROSENTHAL: Yes.

MRS. PEOPLES-STOKES: Thank you. Ms. -- Ms. Rosenthal, is this the first time you had this bill in? You've had this in for a couple years, right?

MS. ROSENTHAL: Yes, I have. And I've had it -- it's gone through committees with unanimous votes.

MRS. PEOPLES-STOKES: Have you had -- have you heard from anyone in the industry about your bill?

MS. ROSENTHAL: I believe I had a -- a e-mail or something from Proctor & Gamble, the -- a manufacturer, saying what they wanted in the bill.

MRS. PEOPLES-STOKES: And do you know -- I mean, I know that they're definitely Pampers, and there's one other brand because I have a great-granddaughter and I've -- I've been changing diapers. How many brands are there that actually prepare both diapers for adults and children? How many different brands are there?

MS. ROSENTHAL: There -- there are brands, there are 100 percent organic brands, and then there are store brands and there are also, you know, big corporation brands.

MRS. PEOPLES-STOKES: Okay. And the reason why I asked you if you had heard from the industry is because I think it's important for them to have communicated with you.

MS. ROSENTHAL: Yes.

MRS. PEOPLES-STOKES: I remember -- thank you very much.

On the bill. I remember as a county legislator, Mr. Speaker, I introduced a bill that simply would ask that milk be label -- labeled with RBG2 if it has it in there. And the industry came all the way from Minnesota to Erie County Legislature to speak about why it shouldn't happen. Fortunately for us, the citizens and consumers, eventually it did happen because we really should know what is in the products that we're using. Some of us may not want to know, some of us may not care to know. But some of us would like to know what is in what -- whatever product it is we've chosen to use. And I actually never really thought about what -- what are they using to make this diaper that goes on to the bottom of some of our most precious things we have in life, our babies. What are they using? And here's one thing I know for a fact, is that even in the State of New York and across this country and across the world, in fact, on a regular basis we're graduating chemists and scientists who are putting together things that are supposed to make our lives easier. And understanding

that sometimes what's supposed to make our life easier doesn't always make it healthier. And so I think those two things need to start meeting, and I hope that is the intention of this piece of legislation that at some point what we're creating to make our lives easier will also keep us safe. Now, when my daughter was a baby there -- there was a thing called diaper collections. A number of people were in the business of coming by your house and collecting your diapers and washing them and bringing them back. That was a long time ago; things changed. It's more convenient to have a diaper that you can just throw away, but it's also more convenient to understand how was that diaper and whatever it is made with could or could not impact your baby, and I think that's important information to have.

I will be happy to work with Ms. Rosenthal and any other part of the industry that wants to think that it's not a good reason to label what you use to make this product, to help figure out how we get that done because it's -- it's only fair. It's simply fair, that's all it is, just knowing what you're putting on your child and that is not going to have a negative impact.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Flood.

MR. FLOOD: Thank you, Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FLOOD: Typically, I'll -- I'll stand up here and,

you know, make a statement about, you know, New York being, you know, anti-business, anti-legislation, so I don't want to sound like a hypocrite here. But I'm also the father to five children, of which at one time I had three in diapers at the same time. And I can tell you, when of these child[sic] starts screaming at night and you don't know what's wrong and a rash appears because maybe there's something in that diaper or you had to buy an off-brand that you didn't know was there, there's nothing in the world more than what you want to do is be able to fix it. You know, I -- I have, like I said, I had four children, three of them in diapers at the same time. To be able to know what's in the ingredients and make sure that the, you know, as a parent you don't lose your sanity when you just can't figure out what's wrong, I think something like this is -- is kind of something that's necessary. I think it's -- it's just common sense. I -- I don't think this is gonna require too much more costs on the manufacturer, so something like this I -- I believe we should pass. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

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 to this bill, although some of my colleagues clearly support it for the reasons that were articulated. And

so those who support it, including those who have multiple kids in diapers, are certainly encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is gonna be in favor of this consumer-friendly piece of legislation. However, should colleagues decide to do like -- otherwise, they should vote at their seats.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. And I appreciate the comments of my colleagues on both sides of the aisle in support of this bill. Part of the challenge we have when we require every chemical to be listed in a product is that unless you're a scientist or a chemist or want to get online to -- to research, it's -- it's almost meaningless. I mean, it adds costs and challenges to the manufacturer. But most people, for example, if you said, *Oh, this diaper contains super-absorbant polymers* would say, *Whoa, what's that?* Well, that's the product that makes the diaper absorb liquid. Each granular absorbs 30 to 60 times its weight, and that's what

converts it from granular to a gel and it's very effective. And that product, by the way, is in most so-called green or organic diapers, too.

So I certainly appreciate my colleagues' comments on both sides of the aisle in support of a chemical listing, but -- and we do have scientists on the floor of the Assembly who would be able to read that and understand it, particularly my colleague Mr. Friend, but others as well. I appreciate the thought, but I'm not sure it's actually gonna change anyone's decision on which diaper to buy or not to buy any. So for that reason I -- I'm not supporting it, but I do appreciate the comments of my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Zaccaro.

MR. ZACCARO: Thank you, Mr. Speaker. You know, I happen to be a father of a night -- a beautiful trio of children. My eight-, six- and four-year-old who over the years you will learn as a parent how the -- how times have changed from the days where my grandmother would talk about, you know, putting some of us or some of her siblings in cloth diapers, and we've seen the evolution of how that changes over time. And as, you know, that evolution changes so do our childrens [sic] and the way their bodies react to things. And so I just want to take a second to appreciate the sponsor for bringing forth a bill that really says, you know, it's important to list what is in this product you are using. We do it for everything today. There are people who at one time just drank strictly whole milk and now you

have a wide variety of milks. And people who, you know, cannot eat or drink certain things, we want to know what we're putting in our bodies. And so to say that that should stop short of -- of what it means to ensure that children are not affected by chemicals that are in products that they're gonna use over their course of growing, I -- I think that, you know, this bill was important and I want to thank the sponsor for that, and for that I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Zaccaro in the affirmative.

Mr. Dais.

MR. DAIS: As a dad of two, shoot, when I was younger, my grandma always used to put talcum baby powder on me. And now recently we know that talcum baby powder created cancer in certain women; ovarian cancer, ovarian cysts. So we have to realize, yes, we don't want to be overburdensome on our businesses, but to our colleague Mr. Flood's point, making sure what we know is in our products, especially to our most vulnerable, especially to our children, to our babies, we want to make sure those products are safe for them. And having those items listed on the box will give what we all care for, which is freedom of choice. The ability to say, *Do I want this product on my child or not?* And I think simply putting it on the box is not a burden to the industry. At the very least, hopefully it's protecting our children and that's why I'm voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Dais in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So, let's look at it from the perspective of the consumer who has children, that's making the purchases, that wants to make a good -- a good purchase. What will this bill get you if you go to the store and you're reading -- you're gonna be reading a label, we don't know how long it's gonna be, it's gonna list in -- plain and conspicuous printed list of all ingredients which shall be listed in the order of predominance. If there is a chemical, if there is a substance, if there's -- it's not gonna contain any amount. You're not -- the consumer won't know whether that amount is a significant amount, whether it is a meaningful amount, whether that amount means anything in terms of the health of their child. It's -- it's not going to provide information that will actually be helpful to the consumer. It might scare the consumer, and it's certainly -- taking it from the other side, as I try to on debate, what is it doing to the manufacturer? It's putting the manufacturer in a situation where the manufacturer doesn't know if it's intentionally added. What does that -- what does that include? Do I have to include substances that may have gotten into the product just simply through the farming of a component part or something? And if they guess wrong, guess what? They get hit with a big civil penalty.

So I think whether you look at it from a consumer point of view or the manufacturer's point of view, this is not a good piece of legislation in my opinion, and I continue to vote negative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. You know, it -- it was a very -- it was one of those days here where some of the arguments had to be the strangest things I've heard in a long time. We're talking about simple transparency. What's in a product that I'm gonna purchase, not even for myself, for a child. For someone who can't defend themselves and is going to depend on me as a parent to purchase whatever it is to take care of them. So we are just saying, *Give us the transparency so that every parent here can make their own choice.* And somehow we are delving into, *Well, what are the products in there that are truly bad for our child? What's really going to hurt them?* You know, is it what's on the diaper or what happens on the diaper that's going to cause my child harm? We are literally only asking for transparency. I'm left thinking that perhaps what we're afraid of is actually getting a list of the ingredients and realizing that something's wrong with the diapers, that's something wrong with what we're putting on our children.

And so I'm all for transparency. And I got to tell you, you know, there's research out there. I was looking quickly here and 71 percent of the people that purchase diapers don't even know what's in them. Think about the fact that there is a selfless [sic] child out there who's depending on a parent to care for them, and we are more

worried about whether a manufacturer has a year to come up with a list that if you're manufacturing the product you should already have. I would have given them 30 days instead of a -- of a year.

I'm gonna be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: So, any -- any time any business is regulated there's a cost-benefit analysis that should be employed. Now, arguments against this bill come from two separate points of view. One is, even if these internationally-added ingredients are listed that we won't know. I won't know, that's for sure, but I'll still have the option of reading the ingredients. But more importantly, than whether I have the scientific knowledge to know the danger in some of these ingredients by listing them, there will be plenty of people who have the scientific knowledge who will be able to broadcast, broadcast the dangers. And secondly, this will cause an expense, an undue expense to the manufacturers. As someone who changed many diapers, both for my children and my grandchildren, I think that we have to be sensitive to protecting our most vulnerable of infants. And as someone who believes in capitalism and may own shares of stock in -- and probably do, in some of these corporations that manufacture these products, I'm happy to get by with a couple of cents less in dividends to make sure that our most precious of little children are protected.

Thank you, sponsor. I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker, for an opportunity to explain my vote. I want to commend the sponsor on this commonsense legislation. This isn't just about consumer protection, this is about having a voice for the voiceless. Our babies can't advocate for themselves, so we have a responsibility to do so. And as it relates to the corporations, this industry right now, the diaper industry is a \$46 billion industry; \$46 billion. It's projected to be an \$80 billion industry by 2030.

So with that being said, I don't think the cost to label these products will hurt them. I think it will be beneficial to the communities in which they serve, and I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Meeks in the affirmative.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. I'm going to be supporting this piece of legislation, but I just want to, you know, point something out. I -- I think when points are raised and questions are asked from this side of the aisle on a piece of legislation like this, they're raised for good reason. And it doesn't mean that any -- that somebody who is raising them or is voting no doesn't care about the

safety of our children, that's very much not the case. But this is a perfect example of the type of bill that every single year we raise points on this side of the aisle, they're ignored and dismissed, and then we end up back here doing a chapter amendment addressing the very points we raised.

So I -- I'm voting for this piece of legislation and I look forward to voting for the chapter amendment next year. Thank you.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Ra in the double affirmative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker. This bill to require labeling of ingredients on boxes or packages of diapers is really a very simple piece of legislation. Consumers deserve the right to know what is in the products that they purchase. And parents and guardians and carers of children need to have the opportunity to decide if they want to buy diapers that have contaminants or if they want to choose diapers that do not and are 100 percent organic. It is simply a transparency measure. However, when you talk about manufacturer versus a baby's butt, I'd say a baby's butt should win. Secondly, for those who take care of elderly parents, this bill applies to adult diapers as well, so the same logic applies. You want to put on your loved one's private areas something that will not harm them, and that's why we need to know what's in these products. The main point

is if there's nothing to hide, why are you opposing this legislation?
And I know this will pass. I believe the Governor who, herself, is a mom to two and a grandma to a baby who uses diapers will use her common sense and sign this bill into law.

And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 5, Calendar No. 9, the Clerk will read.

THE CLERK: Assembly No. A00117-A, Calendar 9, Paulin, Sillitti, Sayegh, Epstein. An act to amend the Public Health Law, in relation to factors for consideration for applications for a license to operate a bank or storage facility.

ACTING SPEAKER AUBRY: 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. Last year, a version of this bill was introduced that unfortunately would create a lot of concern over how we treat embryos, and the intent of the

legislation was always to ensure that embryos were protected and were stored properly and were available for use and the intent was always positive. There were some language issues, though, that the sponsor thankfully addressed and resolved. And so while last year there were over 40 no votes, with those language changes that clarified the actual text and brought it in line with the laudable objectives of protecting embryos, I'm changing my vote and I encourage my colleagues to do the same.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Calendar No. 31, the Clerk will read.

THE CLERK: Assembly No. A00892, Calendar No. 31, Jacobson, Otis, Sayegh, Gunther, Gibbs, Levenberg. An act to amend the Municipal Home Rule Law, in relation to the definition of "population" for purposes of providing substantially equal weight for the population of that local government in the allocation of representation in the local legislative Body.

ACTING SPEAKER AUBRY: Mr. Jacobson, an explanation has been requested.

MR. JACOBSON: Thank you, Mr. Speaker. This bill would codify the existing State law -- existing case law that

districting or redistricting is based on the number of residents in the district, the same standard that we use for us here in the Assembly, the State Senate or Congress. This bill would correct subdivision 1 of Section 10 of the -- sorry, I didn't know I was --

ACTING SPEAKER AUBRY: That would be helpful.

MR. JACOBSON: Want me to start over?

ACTING SPEAKER AUBRY: Yes.

MR. JACOBSON: All right. Sorry about that, I thought it was on. This bill would codify the existing case law that districting or redistricting is based on the number of residents in the district, the same standard that we use for us here in the Assembly, the State Senate and Congress. This bill would correct subdivision 1 of Section 10 of the Municipal Home Rule Law. It would clarify that section so that it is clear that "population" for purposes of districting or redistricting means residents.

ACTING SPEAKER AUBRY: Mr. Brown.

MR. A. BROWN: Thank you, Mr. Speaker. Since Steve -- will the sponsor yield?

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

MR. JACOBSON: Yes, I will yield.

ACTING SPEAKER AUBRY: Mr. Jacobson yields, sir.

MR. A. BROWN: Thank you. Since Steve

Lawrence just died, I may as well quote Steve and Eydie; *It seems like we've been here before.*

MR. JACOBSON: Well, we have.

MR. A. BROWN: You know, that famous song "Where or When." So Mr. Sponsor, Mr. Jacobson, aside from citing Wesberry and [sic] Sanders and *Reynolds v. Sims*, can you explain why the wording "citizen" or "registered voters" have been stricken from line 6 and 15, please?

MR. JACOBSON: As I explained, case law is that -- population means residents, and that we are to redistrict for -- concerning all of the residents, whether they're citizens or not citizens, whether they're voters or not voters.

MR. A. BROWN: Thank you, Mr. Jacobson. If -- if that's the case, can you please tell me why the people in the correctional institutions are not counted into the local population and illegal citizens are? And if I may remind you, last year you had corrected me but we didn't get the answer, you said that the State Constitution does reference them, but we discovered, you know, years gone by that, in fact, they were referencing people who were serving in the military and, in fact --

MR. JACOBSON: No --

MR. A. BROWN: -- people in correct -- let me finish -- people in correctional institutions are not being counted.

MR. JACOBSON: That's not -- that's not correct.

MR. A. BROWN: The only thing, if -- it -- it's

almost as if the Clean Slate bill had such a tremendous effect, it even wiped them out even before they got out. I think we should count our citizens who are in correctional institutions as voters before we count illegal immigrants.

MR. JACOBSON: Well, as you know, a statute can't correct the State Constitution. And this is -- this, by the way, concerning the residents when somebody is either in the military or is in a correctional facility, is also in Section 5-104 of the Election Law. But since you brought up the State Constitution and you question what I said last time, I'm gonna read it to you.

MR. A. BROWN: Thank you.

MR. JACOBSON: It says for purposes of voting, no person shall be deemed to have gained or lost a residence by reason of his or her presence or absence while employed in the service of the United States nor while engaged in navigation of the waters of the State or of the United States or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum -- and this is the part that I think you should look at -- or institution wholly or partly supported at public expense or by charity, nor while confined in any public prison. So that's what it is in the State Constitution. Therefore, we're not changing the law. What -- what -- the reason that it's in the bill is so that it's clear that when you're doing -- so it's all in one spot so when somebody reads it, they're not gonna say, *Oh, well can we count this and that?* No, we put it in there so it's clear, but it just references what's in the State

Constitution.

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

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. A. BROWN: Thank you, Mr. Speaker. This bill seem to be a blatant power grab by one party to simply circumvent the rule of law by redefining the word "population" that our Founding Fathers have established and would allow for one party rule, and more so will deny Home Rule by counting people who are part of the population who aren't actually residents.

(Pause)

Sorry for the delay. This bill looks to amend the Municipal Home Rule Law to redefine the words "population" for purposes of including any and all personage, whether legal, a citizen or registered in any way to, and I quote, "give weight for the population of that local government in the allocation of representation in the local legislative Body." In other words, to artificially alter the demographics of a population in order to weight the voting towards one end, possibly towards one party. By allowing these illegal immigrants in this case, and this seems why this is being altered, the rephrasing of the word "population" simply undermines and strongly undermines the nation's commitment to the rule of law and rewards those who seek to circumvent our immigration system.

And for that reason, I'll be voting in the negative, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

MR. JACOBSON: Yes, I will yield.

ACTING SPEAKER AUBRY: Mr. Jacobson yields.

MR. GOODELL: Thank you, Mr. Jacobson. I was pleased to see that you had a copy of the State Constitution. It always warms my heart when somebody has a copy and references it.

MR. JACOBSON: Well, I think it's important when we're debating bills.

MR. GOODELL: I would agree. And if you would look at your copy of the Constitution in Article III, Section 5.

(Pause)

MR. JACOBSON: Well, I don't have the full Constitution with me, I'll have to admit. But go ahead and make your point.

MR. GOODELL: Well, it says the members of the Assembly shall be chosen by single districts and apportioned pursuant to this section, along with the Senate, among the several counties of the State as nearly as may be, according to the number of their respective inhabitants, excluding aliens. And then -- and then in case we missed, it Article III, Section 5(a) defines inhabitants, and it says for the purposes of apportioning Senate and Assembly Districts pursuant to the foregoing provisions determine inhabitants excluding

aliens shall mean the whole number of persons.

MR. JACOBSON: I would say that that portion of the State Constitution was really overridden by a series of cases in the U.S. Supreme Court, such as *Wesbury v. Sanders*, *Reynolds v. Sims*, which held that the Equal Protection Law requires its seats in both Houses are bicameral, State Legislature might be -- may -- must be apportioned by total population basis. So I think that these -- those cases made clear that we represent everybody who's in the district.

MR. GOODELL: But none of those cases dealt with the question of whether or not apportionment should include illegal immigrants or temporary residents who are here legally with a temporary visa, correct?

MR. JACOBSON: I don't think it was brought up at the time, but I think that the concept is that we represent everybody. We represent -- and, you know, we represent people that can't vote. You know that.

MR. GOODELL: Of course.

MR. JACOBSON: We represent children.

MR. GOODELL: Absolutely.

MR. JACOBSON: We debate that -- when we're debating the State Budget every year, I hear it from everybody, "And I represent all the children in the district and I want to make sure they get the funding from the schools they deserve." But they don't vote.

MR. GOODELL: Well, I have -- I have several thousand people in my district that live there every day, 24/7, months

at a time, sometimes years at a time. Don't you think I ought to represent those folks even though they might be there at State expense with room and board paid for by the State taxpayers and they're living in a prison? Don't I represent those people, too?

MR. JACOBSON: I think that in your outlook of life you might consider their interests, but I think under the State Constitution as it stands now, you don't.

MR. GOODELL: So the State Constitution excludes aliens, and that's an old word but it meant noncitizens, that's basically what aliens meant back then and still means. So you're saying even though the State Constitution says we're not gonna consider the number of aliens in your district in doing apportionment, we will under this bill, notwithstanding the Constitution, but on the other hand we will follow the Constitution and only consider inmates from where they used to live or might want to live in the future? How's that work? I mean, I have somebody in my -- in a prison in my district that says for several years, for example. Where do they -- I mean, they're an inhabitant of my district, and God knows where they want to go after they're released. Why would we count them from some other jurisdiction?

MR. JACOBSON: Well, it's -- it's an interesting argument. And when you propose a -- an amendment to the State Constitution I'll consider it.

MR. GOODELL: Now, what section were you referring to that says that inmates should be counted in some other

district?

MR. JACOBSON: You're talking about the Constitution or the Election Law?

MR. GOODELL: Under the Constitution.

MR. JACOBSON: That's Article II, Section 4.

MR. GOODELL: So it says for the purposes of voting --

MR. JACOBSON: Mm-hmm.

MR. GOODELL: It says for the purposes of voting, no person shall be deemed to have gained or lost a residence by reason of being employed in the service of the United States or engaged in the navigation of the waters of the State or the nation or on the high seas, or while a student, nor while kept in any almshouse -- that's a -- that's an old word, I guess, isn't it -- or in an asylum or institution wholly or partially supported at public expense, nor while confined in any public prison. So that talks about for the purposes of voting, if they were registered to vote in a different district they can continue to vote in that district, correct? I mean, it says for the purpose of voting.

MR. JACOBSON: Well, as you know, that you have to be a resident from the add -- your -- when you -- when you vote, when you are -- when you register to vote you're saying that you're a resident at that address and, therefore, you're a resident of wherever that address is.

MR. GOODELL: Accepting that argument for a moment, if I have 1,000 inmates and there are 100 who registered to

vote, this constitutional provision would say they don't lose the right to vote from wherever they were last registered to vote just because they're in prison, right?

MR. JACOBSON: Mm-hmm.

MR. GOODELL: We both agree on that. What about the other 900 who weren't registered to vote in any other location? Shouldn't those people, consistent with the State Constitution, be counted as residents within my district?

MR. JACOBSON: Well, it's -- it's an -- it's an interesting argument and you would have to amend the Constitution.

MR. GOODELL: I don't think I have to amend it, because it just says for the purpose of voting, wherever you could last vote is where you can still vote. It doesn't talk about people who were never registered, right, nor does it deal with them?

MR. JACOBSON: So you're saying that if they registered from a prison?

MR. GOODELL: No, if they didn't register at all. I represent everybody in my district, including, as you pointed out, kids who have never registered to vote, can't, they're too young. But I also represent all the inmates who never registered to vote anywhere else, don't I?

MR. JACOBSON: True. But we represent people in our district that vote against us, we represent people that never registered to vote or registered and never -- and they don't choose to vote. So we represent everybody.

MR. GOODELL: Thank you, Mr. Jacobson. It is always a pleasure discussing the Constitution with someone of your stature. Thank you.

MR. JACOBSON: Thank you.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: So, the -- the challenge that many of us have on this bill is that when it comes to counting people who shouldn't be counted under our State Constitution, namely aliens which are expressly excluded under the Constitution, this bill says, *Oh, we'll count those in making apportionment, but when it comes to people who live in our district and have lived there for years and have never voted anywhere else, oh, we're not gonna to count those because they're in a prison.*

My friends, let's follow the State Constitution and all of its nuances. If you're in a prison and you register to vote somewhere else you can still vote somewhere else, that's cool. I'm okay with that. But if you never registered to vote and you're living in my district for years on end, I represent you and I -- you should be included in calculating the redistricting. And likewise, the Constitution is clear: If you're not a citizen of the United States, you shouldn't be counted in calculating the redistricting. That's in our State Constitution. That has not been held to be inviolative [sic] of anything else, and nor should it.

So this bill unfortunately conflicts with both constitutional standards and intent, and therefore, I can't support it. I do, however, as I mentioned earlier, appreciate my colleague's comments. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

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 to this methodology as reflected in this bill, but those who support it are certainly encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can do so now.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I rise to explain my vote. What this bill will do is will codify the existing case

law so there's no question that when it comes to redistricting, we're basing it on population. It's the same standard we use in the Assembly, the State Senate and for Congress. It's -- this bill revises the Municipal Home Rule Law, and I believe that our local municipalities deserve no less of a standard than we have in the State Legislature or what we use for Congress.

As I mentioned, we represent everybody in the district. We represent people who vote, who don't vote. People voted for you, people voted against you, people who choose not to vote. We represent children. And I guarantee you that when we're debating the budget soon, there will be people say, *I represent the children in my district and I want to make sure that they get the proper school aid.* And that's right, because we do represent the children. We represent everybody in the district.

And so this bill is long overdue. It should had corrected the law years ago and I'm happy and proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Ms. Williams to explain her vote.

MS. WILLIAMS: Thank you, Mr. Speaker. Thank you for the opportunity. Apparently, this bill was before this House before and I may have voted yes; however, today I find this bill very confusing given the climate that we're in in New York State and specifically in New York City. I cannot vote for this bill giving others

the same status of our taxpaying people in my district and I am firmly a no on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Williams in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have housekeeping.

On a motion by Mr. Gibbs, page 32, Calendar No. 363, Bill No. A.860, amendments are received and adopted.

On behalf of Mr. Epstein, Bill No. A.5815-A, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the State Finance Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House, the Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

We have numerous fine resolutions, Mrs. Peoples-Stokes. We can take them 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. 1028-1033 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 11:00 a.m., Wednesday, March the 27th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:21 p.m., the House stood adjourned until Wednesday, March 27th at 11:00 a.m., that being a Session day.)