

**WEDNESDAY, MARCH 29, 2023**

**2:57 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, March 28th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Tuesday, March the 28th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. Good afternoon, colleagues and guests that are in the Chambers. I want to share a quote today from Anna -- Anna Lamott. She is a political activist, a public speaker, a writing instructor and a novelist. She was awarded the Guggenheim Fellowship in 1985, and inducted into the California Hall of Fame in 2010. Her words for us today, "There are places in your heart you don't even know exist until you love a child." This one, Mr. Speaker, came to me in honor of those young people and the adults who lost their lives recently to gun violence in Tennessee. Again, "There are places in your heart you don't even know exist until you love a child." I am grateful we're at a place where we love children in the country more than we like to maintain weapons.

Majority colleagues and in the Chambers, everybody has on their desk a main Calendar, and after there have been any introductions and/or housekeeping, we're going to begin our work on the floor by taking up three resolutions, which I believe many of our members will want to speak. After that, we're going to take up the following bills on page 4, they're going to be on debate: Rules No. 112 by Mr. Zebrowski, and Rules No. 113 by Ms. Hunter. As we

proceed, I will make another announcement about floor activity, however, right now, Mr. Speaker, that's the general outline of where we're going and where we are, and if you have introductions or housekeeping, now would be a great time, sir.

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

And we do have a piece of housekeeping.

On a motion by Mr. Epstein, page 4, Rules Report No. 111, Bill No. A.1395-B, amendments are received and adopted and the star is removed.

For the purposes of a introduction, Mr. Jones.

MR. JONES: Thank you, Mr. Speaker. And it's Vietnam Veterans Day here in the -- the Assembly and the State Legislature. I want to thank my colleagues Mr. Blankenbush and Mr. Morinello who are Vietnam veterans. Thank them for their service. And I have a Vietnam veteran here with me all the way from the North Country, Leon J. Menard enlisted in the United States Army from 1965 to 1967, serving from the 159th Battalion 274 Transportation Corps as a 100-ton crane operator. Leon served our country in the Vietnam War from June '66 to April 29th, '67. The following year, on November 9th, 1968, Leon married the love of his life, Carol, who joins him here today. Later this year the couple from Mooers will celebrate their 55th wedding anniversary. Leon was also a North Country businessowner where he ran Leon J. Menard Home Improvements for several decades, specializing in heating and

plumbing services. Together, Leon and Carol and raised their three daughters and one son. Leon is joined by his son Michael, daughters Tina and Michelle, and his grandson, Austin Gonyo, who is standing in for his mother, Tammy. I want to thank him and their family -- and his family for their service to our country and for his years of dedication to the North Country.

Mr. Speaker, would you afford Leon and his family the cordialities of the floor and welcome them to the People's House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Jones, the Speaker and all the members, Leon, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, that and your wonderful family that has supported you here. We thank you for your service and commend you on, was that 55 years of wedded bliss? God bless you, sir. God bless. Thank you for being here.

(Applause)

Mr. Slater for the purposes of a introduction.

MR. SLATER: Thank you, Mr. Speaker. I rise today to welcome and introduce several members of my community in the Town of Yorktown. As many know, I was the Town Supervisor there for three years. And anybody who has served in local government knows the importance of having a great team in order to succeed on anything that you set out to accomplish. I was lucky, very lucky, to have a great team with me in Town Hall. I'm joined today by Councilman Ed Lachterman, who is currently serving as Deputy

Supervisor, and I'm also joined today by members of our Finance Team, including the Town's Comptroller, Pat Caporale, Gennelle MacNeil and Rachel Scarano. Pat Caporale is currently serving as the President of New York's Government Finance Officers Association. She'll actually -- she's been serving there for the past year as the President of GFOA, and will be passing the baton on I believe tomorrow to a new president of that great organization. And with this team, especially our finance team, we've accomplished so much in the Town of Yorktown, including cutting our town tax rate for the first time in 30 years, and doing it twice in three years.

And so, Mr. Speaker, I'm so thrilled to have them here with me today, and if you could please extend the cordialities of the House, I'd appreciate it. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Slater, the Speaker and all the members, we welcome these distinguished members of Yorktown here to the New York State Assembly, commend you on the work that you're doing to take care of your community. Hope that you will enjoy your trip, and obviously that last day is always special, and that you've chosen to spend it with us is even more special. Thank you so very much for your service.

(Applause)

Mr. Burke for the purposes of a introduction.

MR. BURKE: Thank you, Mr. Speaker. Many of you probably remember the terrible incident during the Buffalo Bills game when Bills Safety Damar Hamlin very, very terrifyingly had a

heart attack on the field. It's my extraordinary honor to introduce and -- and welcome to the floor today two of the -- the trainers who saved Damar Hamlin's life. So, Nate Breske and Denny Kellington. You know, we -- we throw around the term "hero" quite a lot, but they quite literally saved a man's life for the whole world to see.

So if you could extend to them the cordialities and privileges of the House, I would appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Burke, the Speaker and all the members, gentlemen, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Our congratulations on the heroism you showed and the calmness under pressure. We all watched with bated breath as you did the work that you did. Thank goodness Damar is still well and with us, and hopefully returning to football soon. Thank you so very much for your work.

(Applause)

Ms. Solages for the purposes of a introduction.

MS. SOLAGES: Thank you, Mr. Speaker. And as we celebrate National Athletic Training Month, you know, the story that we heard of these two fine gentlemen saving lives happens almost every week, where athletic trainers have to run on the field and save lives. And so we are also joined by many other different athletic trainers from across this State who are here just making sure people know that athletic trainers are here and want to advocate for issues. So we have Caite Bucco, Lisa Geiger, Jessica Lappe, Megan

O'Grodnik, Kurt Pfaffenbach, Kent Scriber, Bridget Ward and Aimee Brunelle.

Please give them the cordialities of the House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Solages, the Speaker and all the members, we welcome this distinguished group of athletic trainers here to the New York State Assembly, extend to you the privileges of the floor. There is a sense in this Body and in the Senate that we have some athletes who sit in these seats and sooner or later they're going to play basketball sometime this year. We probably will need you before that happens. But in any event, we're pleased that you're here with us today. Know that you have friends here and you will always be welcome. Thank you.

(Applause)

We will start with resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 249, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 2023, as Athletic Training Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Solages on the resolution.

MS. SOLAGES: Thank you, Mr. Speaker. Before I

was actually a legislator, I actually was an athletic trainer. And I remember vividly being on the field and seeing frequently athletes getting injured and having that -- that response of running on the field and -- and triaging and determining what's going on in those life and death situations. And so I really want to stand here and commemorate the great work of athletic trainers and what they do, and making sure that we acknowledge that these health care professionals are doing the great work not only on the field, but also now in different industries and areas. There are major companies that hire athletic trainers now to make sure that their workers don't have overuse injuries. And so, you know, the work of athletic trainer is really beyond sports. They're an essential part of the health care system. They work in hospitals, clinics and other settings. They make sure that people are taken care of, given modalities, and they're a key role in helping patients manage chronic conditions like arthritis, diabetes, and other overuse injuries.

So we celebrate National Athletic Training Month so we take a moment to recognize the important work of athletic trainers and the everyday work of making sure that they are healthy and back on the field. Their dedication, their professionalism, the expertise is indispensable and a part of the health care system, and we are so fortunate to have them on our team.

So I thank all the athletic trainers for the incredible work that they do. They are truly essential, and we are grateful for making sure they keep us healthy, strong and active. Thank you, Mr. Speaker.



ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 250, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 29, 2023 as Vietnam Veterans Day in the State of New York, in conjunction with the observance of National Vietnam Veterans Day.

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' Committee, it is truly an honor to speak in support of this resolution here 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. It was 50 years ago that final troops were withdrawn from the Vietnam War after bloodshed and sacrifice. More than 58,000 Americans were killed during this long and costly conflict. Fifty-eight thousand families missing a cherished loved one at the kitchen table. Some might know -- not know that Viet -- that the Vietnam War was the first major U.S. conflict that was fought with a truly integrated military. With President Truman having signed an Executive Order integrating America's Armed Forces in 1948, a pivotal step which would

acknowledge that we were not a Black or White America, we are a United States of America, both --

(Applause)

-- both on the battlefield and back at home. One often forgotten, the disturbing reality is there are still 1,584 U.S. service members missing in action in Vietnam. Today, we also remember the brave soldiers and offer prayers and comfort and closure to their families. And let's not forget how our survivors -- surviving troops were treated in returning home. Vietnam veterans were often chet -- chased, mistreated, even spit on during their civilian life, a complete disregard to those brave soldiers, many of whom drafted and forced to leave their loved ones behind without having any say. Many of these veterans suffer from PTSD, addiction, various mental health disorders and more. And still to this day, there are far too many veterans who do not receive the proper care or wraparound services.

Today should we -- we should serve as a reminder, especially at the height of negotiations on our State budget, that we must continue to work hard to ensure that our veterans remain a top priority for us as elected officials. We not only need to say thank you to our veterans every day, but we need to pay back up and thank them every day. This Body -- I'm so proud to stand in this Body because we continue to do the work of those who have sacrificed for us.

Finally, I would like to personally take a moment to recognize a proud Vietnam veteran, our friend and a vital member of

this People's House, our Sergeant-of-Arms [sic], Wayne Jackson.

(Applause)

Mr. Jackson began his service in the Army in 1967, and was -- and was a member of the 19th -- 19th Infantry Delta Unit and a recipient of the Purple Heart. We always value and cherish his service to our Chamber and making sure we remain safe, welcoming a place for all. Thank you, Mr. Sergeant Arms [sic] for your service and your dedication to this Chamber and to this country.

Once again, I'm proud to sponsor this resolution and I want to thank my colleagues for supporting this resolution, and to all those who have traveled from the top of New York State to the bottom, we thank you and we recognize you. And to my colleagues of the Veterans' Committee and all my colleagues, thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Eachus on the resolution.

MR. EACHUS: Thank you, Mr. Speaker. The first thing that I'd like to do is I'd like to help inform folks here that we do not need to confuse that there are Vietnam veterans and there are Vietnam-era veterans. The folks that are sitting back here in just rows are Vietnam veterans. That means they were in country. That means a big deal, okay? And we should recognize that without question and I just wanted to clarify that. I was able to invite a gentleman here by the name of Richard "Richie" Lay, if you would stand, sir. Thank you. I asked him to send me a short bio. If I can read what he sent to

me as a very short bio, his bio says, *Here's the Reader -- Reader's Digest version. Richie was born in New York City during the last century; Richie will die during this century, location TBD.* So that's -- that's the sense of humor that he does have. As you know, he is a Vietnam veteran but he's not just that. For me, he is a friend and he is truly a hero of mine. I am not a veteran, but I think he will justify the fact that I will do anything for any veteran out there that I possibly can, and have done that for my entire adult life. Richie received the Purple Heart while in Vietnam and, most importantly, he also is the Chair of the Purple Heart Hall of Honor, Incorporated in New Windsor, my district. He wanted me to mention that one of the things that took him over seven years to achieve was the Purple Heart Honor Coin, which was minted just last year and is out there being sold now. The proceeds of that coin go to help veterans and the Purple Heart Hall of Honor.

The final thing that I'd just like to say, I don't want to drag it on, but one of the things that we all did in my district including Richie, who was there, was that we brought the Wall that Heals into Newburgh, the area. And if you have an opportunity to have that in your district, please invite it to come and have it there. It is an amazing thing. It usually -- it's open 24 hours a day and it allows many of the Vietnam veterans to really express themselves, as they did today. So thank you very much, Richie, for being a friend and a hero.

(Applause)

ACTING SPEAKER AUBRY: Mr. Slater on the resolution.

MR. SLATER: Thank you, Mr. Speaker. It's great to rise once again to recognize some incredible individuals who are with us today, and those who have served this country when they were called upon. I remember in 2015 when I was Chief-of-Staff for State Senator Terrence Murphy, we passed legislation for the first time having New York State recognize the VBA as a benevolent order, not realizing the impact that that would have on so many individuals who served over in Vietnam. Today we are recognizing -- continuing to recognize their service, and we continue to celebrate the service of so many.

From my district we have with us Angelo Arena, Tony Casale, Thomas Wirth, and James Mecca, if they would like to stand so we can recognize them. These brave men answered our country's call. And when I think about some of the missteps that our country has made in the past, it wasn't that they answered the call, it was their treatment when they returned home. And we know from people like Bob Castelli, who served in this Legislature, who served in this House, who was spit on when he was returned home. We've heard stories from people in my community like Eugene Lang who had to beg for money on the street when he was stateside just to call his family to let them know he made it. Thankfully, since then we have made tremendous strides in recognizing and celebrating the service of those who wear the uniform. I think that's a great tribute to

the country that we live in. And today, we are once again going back to that moment where we celebrate, we finally say to our Vietnam veterans, "Mission accomplished, and welcome home."

And so to all of those who served, from Mr. Blankenbush, Mr. Angel -- Angelino, and of course Mr. Jackson and all those brave soldiers who sit in the back of our Chamber, welcome home, mission accomplished, thank you for your service.

(Applause)

ACTING SPEAKER AUBRY: Mr. Maher on the resolution.

MR. MAHER: Thank you, Mr. Speaker. I also would like to steal the thunder of my colleague Assemblyman Eachus. Richie Lay is someone who has been a mentor to me as the Chair of the National Purple Heart Honor Mission. I was the Executive Director, he was my boss. And together, we were able to really do some amazing things to honor our Purple Heart recipients from throughout the country, and it certainly is a pleasure for -- for him to be here, so thank you for inviting him. As a staff member to New York State Senator Bill Larkin, I had the ability to watch him honor Vietnam veterans every year on the Senate side, and for me it was a special treat to select one of our Vietnam veterans from the 101st District. We brought up here with me Robert E. Lewis, and he's joined by his wife, Mary Lewis, who is also a tremendous supporter of our veterans' community, specifically the Hudson Valley Honor Flight. They've been a part of Rolling Thunder, and Robert is part of

Nam Knights, an active member of the Walden VFW and American Legion. Robert served in Vietnam as a gunner and crew chief on a Huey helicopter, and his service as a 20-year-old in Vietnam in combat is really extraordinary. For the first time, although I've known him for over a decade, we got to share his experience and his service today, and I was reminded of what folks like Robert were referred to. They were referred to as "the man in the doorway." And there's a poem here that I'd like to read by Michael Ryerson that much better describes what "the man in the doorway" meant to our troops in Vietnam.

*They came in low and hot, close to the trees and dropped their tail in a flare, rocked forward and we raced for the open doorways. This was always the worst for us; we couldn't hear anything and our backs were turned to the tree line. The best you could hope for was a sign on the face of the man in the doorway, leaning out, waiting to help with a tug or to lay down some lead. Sometimes you could glance quickly at his face and pick up a clue as to what was about to happen. We would pitch ourselves in headfirst and tumble against the scuffed riveted aluminum, grab for a handhold and will that son-of-a into the air. Sometimes the deck was slick with blood or worse, sometimes something had been left in the shadows under the web seats. Sometimes they landed in a shallow river to wash them out. Sometimes they were late, sometimes they were parked in some other LZ with their rotors turning a lazy arc, a ghost crew strapped in once too often, motionless, waiting for their own lift,*

*their own bags, once too often into the margins. The getting on and the getting off were the worst for us, but this was all he knew, the man in the doorway. He was always standing there in the noise, watching, urging, swinging out with his gun, grabbing the black plastic and heaving, leaning out and spitting, spitting the taste away, as though it would go away.*

*They came in low and hot, close to the trees and dropped their tail in a flare, rocked forward and began to kick the boxes out, bouncing against the skids, piling up on each other, food and water, and bullets. A thousand pounds of Cs, warm water and rounds, 7.62 mm, half-a-ton of life and death. And when the deck was clear, we would pile the bags, swing them against their weight and throw them through the doorway, his doorway, onto his deck and nod and he'd speak into that little mic and they'd go nose down and lift into their last flight, their last extraction. Sometimes he'd raise a thumb or perhaps a fist or sometimes just a sly, knowing smile, knowing we were staying and he was going, but also knowing he'd be back, he'd be back in a blink, standing in the swirling noise and the rotor wash, back to let us rush through his door and skid across his deck and will that son-of-a into the air.*

*They came in low and hot, close to the trees and dropped their tail in a flare, rocked forward, kicked out the boxes and slipped the litter across the deck, and sometimes he'd lean down and hold the IV and brush the dirt off of a bloodless face, or hold back the flailing arms and the tears, a thumbs-up to the right seat and you're*



*only minutes away from the white sheets, and the saws and the plasma.*

*They came in low and hot, close to the trees and dropped their tail in a flare, rocked forward and we'd never hear that sound again without feeling our stomachs go just a bit weightless, listen just a bit closer for the gunfire and look up for the man in the doorway.*

Welcome to our man in the doorway, Robert E. Lewis. Welcome home, and thank you for your service to our country.

(Applause)

ACTING SPEAKER AUBRY: Mr. Angelino on the resolution.

MR. ANGELINO: On the resolution, Mr. Speaker. First and foremost, I need to correct the record. The officer and a gentleman to my front mistook me for a Vietnam veteran. It's probably the gray hair and the wisdom that I bestow upon him, but it's actually, in fact, the gentleman to my left, Judge Morinello, who was a U.S. Army soldier in Vietnam and returned home, thankfully, and with a Bronze Star.

So 50 years ago, the last combat troops returned home from Vietnam. And these were the bulk of the troops who had been there. Some units actually moved their flag, meaning their division quarters, was moved in-country and they were there from 1960 to 1973, and some were there 'til 1975. And it is these veterans

-- and we have quite a few in the audience with us today -- it is these veterans that I personally owe a debt of gratitude. Many of these Vietnam veterans were drafted. My generation did not have to endure that because they did. They were taken from their jobs, homes, school and told they were going. Whether they were willing or not, they went. It is these gentlemen and some -- a few ladies who paved the way for the veterans of the next generation. We got the thank you's that you did not get. We got the welcome home parades from Desert Storm that you did not get. We got the newly-updated and renovated VA hospitals that you did not get. We got the thank you's and the drinks in bars that you did not get. I feel guilty accepting all of the gratitude on your behalf. You deserved it, we got it, and for that, I'm sorry. I appreciate all that you did. Many of you went into harm's way, young, 18, 19 years old, drafted, and some of you chose to stay, and those are the ones that you call "the lifers." And it was those lifers who still were in the military when I enlisted in the Marine Corps in 1985, and it was the lifers who taught me field craft, who taught me basically how to stay alive in a hostile environment. And for that, I want to thank you.

Mr. Speaker, if you'll allow me to end with a -- a message, if there's any Marines remaining, you've got to meet me in the back. I've got the duty roster, you're going to have to sign up and pull a couple of hours of duty tonight. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. And I want to say thank you to the Chairwoman for bringing this resolution forward. And as the Ranking Member of the Veterans' Committee and all of the Veterans' Committee, I want to thank them for -- for bringing this resolution forward. But it's not about us today, it's about our Vietnam veterans. And I have the very good fortune to know two of them very, very well and personally, and another one that I'll share a quick story. When I got to basic training, my drill sergeant was an E-7, a Sergeant First Class. He was a Vietnam veteran tanker, and the things that he taught us in our training platoon was things that prepared us for life, no matter where we went and what we did. But since then, I've had a chance to sit down and meet two Vietnam veterans face-to-face. One is a good friend of mine. He was a farmer, he was an infantryman in Vietnam, and just now he started to share some stories with us of what they went through, how it really was in the bush and the things they saw and the things they'll never forget. And I wish I had more time because I would -- would really love to tell some of those stories to honor these Vietnam veterans. And the last one is, unfortunately my dad passed away 20 years ago, and my mom now has a friend who's a Vietnam veteran. He was also a door gunner on a Huey chopper, and Ivan is his name. And we sit at our table quite often and talk about his friends who he lost, what they did in Vietnam and what he stands for today.

So today it's not about us here, it's about our Vietnam veterans, Mr. Speaker. It's about saying thank you. And as my

colleague put it so well, welcome home, gentlemen, welcome home, ladies, and may God bless you and watch over you. And again, let's remember our Vietnam veterans. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brooks-Krasny [sic] on the resolution.

MR. BROOK-KRASNY: Mr. Speaker, now I know where you shop for your suits. Brooks-Krasny you said --

ACTING SPEAKER AUBRY: Brook-Krasny.

MR. BROOK-KRASNY: Brooks Brothers, right?

(Laughter)

First of all, I'd like to thank the -- I'd like to thank Madam Chair for bringing this resolution up. I would remiss if I haven't add some Russian accent to the conversation and the celebration of Vietnam veterans. I remember, and I was in my teens and I was obviously on the other side of the globe, I remember my father was very much against those communists in the Soviet Union, I have to say that. And very quietly, in the privacy of our kitchen, was telling me, *Son, remember, this war against Vietnam communists will end up on the right side of the history.* Today, being a member of New York State Assembly, Mr. Speaker, I'd like to thank all the veterans for their service; those who are still with us and those who sacrificed their lives fighting -- fighting communism. And on behalf of hundreds of refugees from the former Soviet Union, I have to say that without their service, I don't think we would be able to leave that Soviet Union. Without their service that terrible government would

still be in existence.

So I want to thank them for their sacrifice, and I'm -- I will be forever -- forever grateful to them for what they've done this 55 years ago. Thank you very much. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I rise to honor the Veterans' Committee, both the Chair and the Ranker, for putting together this resolution and for taking this time to honor Vietnam veterans in particular. And I want to say the names of my family members who are Vietnam veterans, some of them are now deceased. Reginald Davis, Thomas James, Benny Swans, Jr., who was a Purple Heart recipient, he is now deceased. Charles Davis, James Davis, Reggie Settles and Buddy Clark all went to Vietnam, all members of my direct family, literally first cousins. And so they all didn't volunteer, necessarily, to go, some of them did, but most of them didn't, they were drafted. There was not even a draft in America. And I remember when they came home, it wasn't -- it wasn't a good time for people to be at war. This war was not popular in America. It was very difficult for them when they came home. And they felt like they had done something wrong when, in fact, they did a lot right. They did a lot of right that most people have never done and would not have done.

So I want to honor all Vietnam veterans, those that are in the Chambers with us today, those that visited us today, those

across America who served in this unpopular war. America's been in 12 conflicts, and people of color have always served in all of them. And so I also want to honor the men and women who are veterans on the committee that established the first African-American Veterans Monument in the City of Buffalo, in the United States of America that honors all veterans in all wars from all branches. Warren Galloway is the co-chair, he's a Vietnam veteran. Robin Hodges. Ronal Bassham is a Vietnam veteran. Henry Curtis, III, a Vietnam veteran. And Richard Cummings, a Vietnam veteran. And so we can never thank you enough for people who are willing to give their life so that we can live in freedom. So thank you to all veterans and thank you for those who put this together today.

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

We will rise.

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

(Applause)

Page 4, Rules Report No. 112, the Clerk will read.

THE CLERK: Assembly No. A03172-A, Rules Report No. 112, Zebrowski, Gunther, Bronson, Weprin, Steck, Hunter, Stirpe, Wallace, Durso, McDonald, Chandler-Waterman. An act to amend the Insurance Law, in relation to inspections of private passenger automobiles prior to the provision of coverage for physical damage thereto; and providing for the repeal of such provisions upon

expiration thereof.

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

MR. ZEBROWSKI: Thank you, Mr. Speaker. This bill would allow automobile insurers to dispense with the physical inspection or photo inspection program which is an insurance regulation that inconveniences and costs many constituents across the State money. It's an outmoded, expensive and largely ineffective insurance regulation. It was installed back in the 1970s, I believe, 41 years ago. And at that point it was supported by insurance companies and was an attempt to deal with skyrocketing insurance rates and certain insurance frauds that were happening at the time. Either phantom vehicles or cars that would be totaled in another state and then brought over and insured in New York State. There was a task force put together, it came up with a host of regulations and a bill that was negotiated and it started from there. Here we are 41 years later, and technology has improved by leaps and bounds. There are many, many folks that have a vehicle now, we know that there are apps, there's CARFAX, there's things that you can turn your car on from inside your living room. But more importantly, there's modern insurance fraud-fighting tools like special investigation units, enhanced loss reporting system that's known as CLUE, improved DMV title verification products like VIN etchings. And in fact, at the time when this insurance regulation went into effect there was not even a nationwide VIN system that was universally used by all the

different states. It's a regulation that -- the repeal of this regulation is supported by a host of insurance companies, but also folks like the Business Council, I believe the Farm Bureau, a host of other sort of folks that are out there trying to identify and repeal unnecessary business regulations. And even the person who really helped draft the regulation has written an op-ed that talks about how it's no longer necessary. It's costing money, and it's an inconvenience. There's a host of folks that have purchased a vehicle and have to travel 30 miles or so to get one of these pictures taken. But perhaps most importantly, in addition to that inconvenience, if you don't get that taken and you get into an accident it could mean financial peril because you'll actually not have any of your damages covered should you not get that photo inspection.

That's the synopsis of the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMITH: Thank you. I rise today to strongly oppose this legislation that would make New York State insurance regulations 79 optional, ending -- effectively ending a successful fraud-fighting program. This regulation requires a photo inspection of a small percentage of used vehicles prior to adding them to an insurance policy and has been highly effective in preventing auto theft and fraud saving billions of dollars in higher premiums for motorists.



Last year a similar bill passed both Houses of the Legislature, but was wisely vetoed by Governor Hochul, who recognized the importance of this regulation in driving down cases of insurance fraud and keeping insurance rates down for consumers. The physical preinspection program protects and deters potential fraudulent preexisting damage claims. It is a targeted program that focuses on the eight percent of used vehicles most likely to be involved in fraud and saves \$41 in potential fraud for every \$1 invested. Contrary to what the insurance industry says, the program is still effective today. In fact, when Regulation 79 was first implemented in 1978 there was a seven percent drop in New York auto theft which migrated to New Jersey, Pennsylvania and Connecticut where auto theft rates increased by 36 percent, 16 percent and 18 percent, respectively. The program has been modernized over the years to provide a transparent, seamless and positive customer experience at the point of inspection. Furthermore, gutting this important anti-crime and pro-consumer regulation while auto theft is on the rise would be a mistake. After a similar program was made optional in Massachusetts, inspections dropped by about 87 percent and collision claims climbed about 55 percent, with premiums spiking 61 percent. That's a 61 percent increase in premiums. And it wasn't that Massachusetts residents suddenly became worse drivers, it's that criminals know how to commit crimes when no one's looking. The program also requires pictures of the VIN sticker to ensure that there's been no forgery. While vehicle sales moving -- are moving increasingly online, having an expert review of the VIN sticker helps

consumers to avoid inadvertently purchasing stolen or flooded vehicles. Eliminating Regulation 79 would compromise consumer protection, endanger jobs during economically-challenging times and would be a bad public policy. According to the insurance industry's own statistics, this program has successfully achieved \$2.4 billion in avoided preexisting fraudulent damage over the prior five years.

I strongly urge my colleagues to oppose this bill and support efforts to strengthen the regulation and actually make it more accessible for motorists. For example, the New York State Department of Financial Services is considering an amendment to the regulation, which would allow motorists the option to self-inspect using a smartphone application which is ready to be released and integrated into existing insurance apps. This approach would address the concerns about the ease of access to the program without compromising its effectiveness in preventing fraud and protect -- protecting consumers. Eliminating a regulation that has been successful in protecting consumers, detecting and deterring fraudulent claims and saving billions of dollars in higher premiums for motorists would be a mistake.

For that reason I stand again in opposition to this legislation and would encourage my colleagues to oppose it as well. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GANDOLFO: Like my colleague, I also rise in opposition to this bill and in support of Regulation 79. As my colleague has mentioned, this program has been successful in preventing fraud and it only requires a small number of vehicles to be inspected as part of the program. One thing I would like to emphasize is that the CARCO program, aside from being successful in preventing fraud, employs about 300 Long Islanders with jobs that were created as a result of this regulation. These are good-paying, high-tech jobs. The average -- the average salary is about \$80,000 a year, and eliminating this regulation will put those jobs at risk and put Long Islanders out of work. Auto theft also has a ripple effect on our economy, leading to higher insurance premiums for all people who have to enter the insurance market. So that's another concern I have with eliminating this regulation. Our local law enforcement has also spoken out that they feel that that's a concern of theirs as well. The CARCO inspection program is also not just about preventing fraud now, but as we move to a more digital future where we have a lot of more online car buying options and online insurers who deal primarily through apps and websites, we do feel that this will increase the risk of fraud, which is why it's important to keep Regulation 79 in place.

Finally, I want to just address the argument that the program is outdated and unnecessary. I don't think that's entirely accurate. The program has been highly affected -- effective over the

past 40 years and it has kept our insurance premiums down for everyone. I would ask my colleagues to vote against this bill for the reasons I mentioned, and just to think about the 300 New Yorkers who might be put out of work as a result of the passage of this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. DeStefano.

MR. DESTEFANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DESTEFANO: Mr. Speaker and colleagues, I stand in opposition to this bill for a lot of mentions already stated. It also would be unfortunate for this company that's right next-door to my district. As previously stated it does employ 300 members of my community and they are high-paying jobs. It's essential for safeguarding the customers preventing the fraud which previously mentioned averaging roughly 80,000 a year, \$80,000 a year, and Regulation 79's abolishment would make New York less competitive. It would be a sign of criminals that New York is open for business when it comes to insurance fraud if this regulation were to be appeal -- repealed. This claim that the program is unnecessary is simply untrue. Over time, the program has been updated to reflect enhancements on technology and consumer trends. In this new era of digital commerce it is crucial to identify -- discourage false claims. To do this, the program uses mobile A-1 Technology to offer a transparent, smooth

and positive customer experience at the point of inspection. Further, this program doesn't just protect consumers today, but it looks forward toward the future where the potential of fraud rises as more and more insurance and automobile purchases are made online. The CARCO inspection program's integration with law enforcement and carry special investigative teams as well as the use of the -- the A-1 Technology show that it is the cutting edge and a powerful tool in the battle to keep insurance premiums as low as possible and prevent crime. Eliminating a regulation that has been successful in protecting consumers, detecting and deterring fraudulent claims and saving billions of dollars in higher premiums to the motorists would be a mistake.

For that reason and many others I stand against this bill and encourage my colleagues to oppose it as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. I rise to strongly oppose the legislation that would eliminate New York State Insurance Regulation 79. As previously mentioned, gutting this important anti-crime and pro-consumer regulation while auto theft is on the rise would be a mistake. In 1977 there were more than 133,000 auto thefts in New York and over 977,000 nationwide. The New York City Police Auto Crimes Unit collaborated with special investigative units to address the spike in auto thefts involving paper

and abandoned cars. Regular -- Regulation 79 was adopted in 1978 to address rampant auto theft and preexisting damage insurance fraud in New York. Since then, the program has become a victim of its own success. The main concern behind the bill is the ease and convenience of access to programs. Well, I -- I chose inconvenience over cost. Costs of the insurance policies that many of our constituents complain about. Furthermore, eliminating Regulation 79 would not only compromise consumer protection, but it would also eliminate up to 300 good-paying high-tech jobs, possibly raising insurance premiums for all of our constituents, and averaging up to about 80,000 per year each of Long Islanders directly engaged in development, design and administering the state-of-the-art fraud-fighting technology.

Over the last five years this program has provided the industry and premium-paying policyholders with the avoidance of 2.4 billion in preexisting fraudulent damage claims. I disagree with the argument that the program is outdated and unnecessary. In today's world of technology, databases such as CARFAX do not catch the eight percent of highly-probable fraudsters since those technologies require previous damage to have been reported or repaired.

Experience indicates these criminals will not report damages, which leaves these pre-insured inspections as the key tool to detect and deter fraud. In addition, the program is still necessary because auto theft and fraud are still major problems in New York State. According to the FBI's 2019 Crime Statistics Report, only two of the top ten vehicle

theft states, New York and New Jersey, had a theft reduction, down 17 percent and 12 percent. That's less fraud. And that's respectively from 2015 to 2019. It's no coincidence that these are the only states with fraud prevention inspection regulations. With the increase in auto purchases and auto insurance coverage online, vehicles sight unseen, eight percent of the highly-probable fraudsters will optimize this window of opportunity to strike and commit fraud. Without the mandatory regulation, fraud would increase, losses and loss reserves would increase with insurance premiums spiking down the road, negatively impacting all consumers, especially those on limited budgets including our senior citizens. The CARCO inspection platform is fully integrated with a 43 fraud alerts engine and central data repository with 58 million images and 175 million fraud data points added annually. Law enforcement and carrier special investigations units utilize the central data repository to perform approximately 11,000 vehicle searches daily for ongoing investigations. This database is an essential tool in detecting and deterring fraudulent claims and protecting consumers.

In conclusion, I urge my fellow legislators to oppose this bill and support efforts to strengthen the regulation and make it more accessible to motorists. Eliminating a regulation that has been successful and protecting consumers, detecting and deterring fraudulent claims and savings billions of dollars in higher premiums for motorists would be a big mistake. We must stand with our constituents and oppose this measure. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed, although I'm sure as in the past there will be some of my colleagues who will be voting in favor of this here on the floor of the Assembly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker. Majority Leaders [sic] will generally be in the affirmative on this vote. Anyone wishing to cast their vote in opposition, come down to the floor and record that.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thanks, Mr. Speaker. Just to explain my vote. I certainly respect my colleagues and them arguing in favor of a regulation that a business in their area utilizes. You



know, the question just is should we keep a regulation on the books that is, you know, 40-plus years old, and I believe we're now the only state in the nation that has it. And when you're the only state that does something, I think it's incumbent upon us to wonder why. The insurance companies are the ones to -- that would stand to be victimized by this fraud because they would be paying out the claims which would then increase rates on all New Yorkers. As I said earlier, back when it was first implemented those companies were actually on the ground helping to implement it. This program actually makes it optional. So if these folks really felt that this regulation was going to -- was really critical in preventing phantom car insurance claims and thefts and things like that, they could keep it. But I think it's virtually universally recognized that in this day and age it's just no longer effective. That's why it enjoys such broad support; the State Small Business Association, the National Federation of Independent Businesses, the Business Council of New York State, the Associated General Contractors, the Farm Bureau, numerous Chamber of Commerce. We just have to keep up with technology, Mr. Speaker. We should be doing more of this. Looking through, as I hear often my colleagues talk about what regulations are on the books, which are from a bygone era, a bygone time that are just costing our constituents time and money. I believe this is one of those. I feel that the evidence backs that up. That's why I sponsored the piece of legislation.

I'll be voting in the affirmative and I ask all my colleagues to join me. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Rozic for an introduction.

MS. ROZIC: Thank you, Mr. Speaker, for allowing me to interrupt today's proceedings for the purposes of an introduction. On behalf of myself and many members in this House and in the Manhattan delegation, I wanted to introduce a dear friend of mine and the current Chair of the New York City Planning Commission, Dan Garodnick. Dan is in the back and joined by members of his team, Jasmine and Genevieve. So if you will extend the cordialities of the floor on behalf of myself and many of us here who remember Dan from his time at the New York City Council and welcome him to Albany.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rozic, the Speaker and all the members, Dan, welcome to the New York State Assembly. We extend to you and to your staff the privileges of the floor. Hope you enjoy your trip to Albany and it will be beneficial for the people of the City of New York, as I'm sure is your intent. Please know you're always welcome here. Thank you so very much.

(Applause)

Page 4, Rules Report No. 113, the Clerk will read.

THE CLERK: Assembly No. A05519, Rules Report No. 113, Hunter, Weprin, Burdick. An act to amend the Banking Law, in relation to authorizing the Department of Financial Services to promulgate regulations relating to the payment of debit and credit transactions and imposition of related fees by banking organizations.

ACTING SPEAKER AUBRY: Ms. Hunter, a explanation has been requested.

MS. HUNTER: Yes. Thank you, Mr. Speaker. So --

ACTING SPEAKER AUBRY: One minute, Ms. Hunter. We have some -- excuse me, those of you on the back wall, please take your conversations away from Ms. Hunter so that we can hear her. Thank you.

MS. HUNTER: Okay. Thank you. This bill would require DFS to promulgate rules and regulations on State-chartered banks relating to the order in which bank process debit and credit transactions. Currently the statute processes checks only in this process so we wanted to include debit and credit. It allows for charges that may be imposed by consumers resulting in checks, other written orders or electronic transfers drawn or received that do not clear, and credit and debit transactions that result in overdraft accounts and it requires disclosures, alerts and notices to consumers relating to the imposition of overdraft fees.

ACTING SPEAKER AUBRY: Mr. Curran.

MR. CURRAN: Thank you, Mr. Speaker. Will the

sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Ms. Hunter, do you yield?

MS. HUNTER: Yes.

ACTING SPEAKER AUBRY: Ms. Hunter yields, sir.

MR. CURRAN: Thank you, Pam. So real quick, the language contained in your bill is identical to language that is contained in Governor Hochul's proposed Executive Budget; is that correct?

MS. HUNTER: Yes, that's correct.

MR. CURRAN: Now, we as a Body did not include your language in our one-House resolution. Why is that?

MS. HUNTER: That is correct. We did reject that because this is policy and it has no financial implications to the State which should not be considered in the context of our State budget.

MR. CURRAN: And I think that's great. Let me just ask you, did the Senate include the identical language in their one-House?

MS. HUNTER: No.

MR. CURRAN: All right. Last Session this House passed legislation that required DFS to do a study or to perform a study on overdraft fees; is that correct?

MS. HUNTER: Yes.

MR. CURRAN: All right. And I've been told that

that report is supposed to come back July of this year, correct?

MS. HUNTER: Correct.

MR. CURRAN: Do you feel that this bill, passing it today, would be a little bit premature since that report would deal specifically with recommendations or even if there is a problem with how banks deal -- deal with overcharges?

MS. HUNTER: I do not think it will be a problem.

MR. CURRAN: And why is that?

MS. HUNTER: I don't believe that because even though the bill says it will be effective immediately, the study is due July 1st. But it will be upon DFS to consider the results of the study when they're implementing the rules and regulations, and nothing in this bill requires DFS to implement the rules and regs before the study is complete.

MR. CURRAN: Okay. Let -- let me just ask you, when -- when you said that -- as you said, if this bill is signed into law it goes into effect the day after it's signed into law. Have you discussed the ramifications of this bill with any local banks, State-chartered banks?

MS. HUNTER: No.

MR. CURRAN: All right. Do you know whether or not State-chartered banks already have in a place mechanisms and processes how to deal with debit and credit transactions within their banks?

MS. HUNTER: Okay, yeah, they have some in place

now but there's no uniform system.

MR. CURRAN: Okay. But do you think it's realistic to expect them - which these processes have been in place for decades - to then shift overnight when this bill is signed?

MS. HUNTER: Well, again, it won't be overnight when the Governor signs the bill. And, in fact, the Governor may not sign this bill before July 1st, right? So, in fact, the study could be done. They could be assessing what the study has in place and then it wouldn't be overnight. And DFS also allows when they put regulations forth, time for compliance.

MR. CURRAN: Okay. Do you know how much time for compliance?

MS. HUNTER: No.

MR. CURRAN: That's not specified in the bill?

MS. HUNTER: No.

MR. CURRAN: Does this bill specify -- well, let me just ask you this. This bill allows the Superintendent to set certain rates for overcharge fees, correct?

MS. HUNTER: Correct.

MR. CURRAN: All right. Does this bill specify any type of range or impact that they can set that may negatively affect a local bank?

MS. HUNTER: No, but that intent is to get rid of excessive charges, and they will be looking at what is put in place by Federally-chartered banks that's in current statute right now.

MR. CURRAN: So -- and -- and getting to this piece of legislation, it only deals with State-chartered banks, correct?

MS. HUNTER: Correct.

MR. CURRAN: It doesn't deal with Federally-chartered banks?

MS. HUNTER: Correct.

MR. CURRAN: So currently, if a State-chartered bank, they have a variety of ways in which they can handle checks that come in from an individual account. And, you know, as a person that worked at a bank all through law school, those ways can consist of a lot of different. They can take the largest one, pay that out. They could take the smallest one, pay that out first. They could take it in numbered order of the checks or in the sequence that they come in. Under this bill -- and usually the way that the bank handles those checks is usually a conversation between the bank and the customer and it is worked out that way, particularly when it's a big commercial customer. This bank would take that cooperative agreement between the customer and the bank out of the equation. Is that fair?

MS. HUNTER: Well, what we're trying to do is make debit and credit transactions similar to exactly what you described that's in current statute right now with how they cash checks.

MR. CURRAN: Sure. But I -- I think -- and I don't want to put words in your mouth, but there are times when individual customers would have a preference. Especially commercial customers

would have a preference on if, for whatever reason, they're being overdrawn on an account that they may want larger checks to be paid before smaller checks or vice versa. Say, for an individual account. If a person has a mortgage payment that's due and it's got overdrawn, they don't want their account depleted by all of the smaller checks because they've got to make that mortgage payment. So that's actually -- this bill would actually wipe that out and require banks to actually then pay all the smaller ones without that agreement between customers and the bank, correct?

MS. HUNTER: No, we feel that the regulations will cover what you're describing.

MR. CURRAN: How is that?

MS. HUNTER: So, what you just described, and the answer's still the same from what I said before, is the process you described and the current statute will be exactly the same for debit and credit. This is solely for debit and credit transactions. So, how they process them now is what we would like them to do with debit and credit transactions.

MR. CURRAN: All right. So -- and listen, I'm just making sure that I understand. So -- so say in a particular case right now, a bank had talked to its big commercial customer and they said, *Listen, if in the case where we are overdrawn for any accounting error, we don't want you to pay out the smaller checks that may be pending because we have these larger checks that we have to deal with.* Under this bill - and correct me if I'm wrong - that wouldn't be



the case, that if there were funds there and there were pending smaller checks, the smaller checks would be paid out.

MS. HUNTER: So, again, I guess until we see the regulations to give you certainty, but that same regulation that offers the flexibility for checking that you described would be offered for debit and credit transactions.

MR. CURRAN: Okay. So then let me just ask you, then. So then the Superintendent is not mandating through this bill that should a -- should there be, say, three checks, two small ones, a large one, and -- and they are overdrawn on the large check, the bank would not be required, then, to pay out the two smaller checks?

MS. HUNTER: This bill is for debit and credit transactions only.

MR. CURRAN: Okay.

MS. HUNTER: The current statute already covers how they process checks.

MR. CURRAN: So, say on a larger debit transaction, a larger debit transaction as opposed -- they have three debit transactions, two smaller, one larger. The larger can't get paid? Is it required, then, that the bank pays out on the two smaller debits?

MS. HUNTER: So I guess two things. The flexibility that I just described still covers that for the debit and credit transaction, and then also would allow for the lowest dollar amounts to be processed first, that way -- what we're trying to get to is that people won't have so many overdraft fees. And so, similarly, you're

getting all of the smaller checks processed first so maybe there will only be one overdraft fee instead of three because you took the largest checks first. But again, the flexibility that's described in current statute for checks could be permitted again for a debit and credit.

MR. CURRAN: Okay.

On the bill. Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CURRAN: So, Mr. Speaker, in -- in reviewing this bill, it -- it is clear a couple things. One, in my -- my review of it it's premature. It's premature for two reasons; one, as we had spoke about, there is a pending study. I think it would be more prudent to wait for the study to come back before we pass this bill, see if there's any recommendations. But second, and more importantly, there is a possibility that this bill may be actually part of the budget that we're currently negotiating since it was in the Governor's one -- Executive proposed budget. The second is, despite what may have been said, the bill does require a bank to pay out smaller -- smaller transactions if a larger one cannot be paid out. This is something that has historically been between banks and customers been negotiated between a shared agreement, and this is going to eliminate that and it's going to eliminate customer choice in -- in where they go. And I say that because this is a bill that deals specifically and only with State-chartered banks. Federally-chartered banks will not have to be required to do this. So basically what we're telling our customers or our residents is, *Listen, if you're looking for a bank where you can*

*have an agreement, where you can talk to your banker and say, Listen, in these circumstances where we are overdrawn, for whatever reason, I want you to do X. We're not -- we're not doing that here. We're saying in this bill the Superintendent is going to say what they're going to do when you're overdrawn. So what we're basically doing is telling our residents, You know what? If you're looking for a bank, you're looking for a bank where to put your money, go to the Federally-chartered banks because they're not going to be hampered with this very legislation that's going to prevent you from having a better -- a better agreement and relationship with your bank.*

For those reasons, Mr. Speaker, I'm going to be voting in the negative against this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

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

MS. GIGLIO: Yes. So I agree with my colleague that it is premature in the budget and then this bill as well, without especially bringing the banks to the table to figure out what it is that they do. Because banks are not getting rich on these overdraft fees, but what it is doing is identifying people that are struggling. Because I've spoken to the banks and I've spoken to the credit unions, and it identifies people that are struggling, which then they bring the person in, they talk to them and they say, *Let us tell you about the benefits*

*that we have. We can teach you about financial literacy. We can teach you about budgeting. We can help you to pay off debt so that you're not overdrawn every month because that can't be a good feeling.* So I think that bringing the banks to the table and figuring out how to help people that are struggling to pay their bills rather than just eliminating fees, which is an alert to the banks that someone is struggling, that it's -- it's really not serving any purpose except for making banks scrutinize more who they want to do business with and who the consumers are.

So for that reason I'll be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

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 will be generally opposed to this legislation for the reasons mentioned by my colleagues, but those who wish to support it are certainly free to vote in favor here on the floor of the Assembly.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this piece of legislation. However, there may be a few that would like to be an exception. They're perfectly able to press their own buttons to do so.

Thank you, sir.

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: Last year we eliminated the ability of any consumer who uses a State-chartered bank to agree with the bank on what order their check should be charged. And as a result, if you had a large check for something that was very important to you, say, rent or your car payment, prior to last year you could tell your bank, *If my large check doesn't clear and it was written before the smaller ones, don't -- don't pay any of them because I'm going to come in with the necessary 10 or 20 or \$30 so that I'm not facing eviction or a repossession.* And last year, this legislative Body put our opinion over and above every consumers and we said, *You know what? We don't care what you want. If you go to a State-chartered bank we're going to clean out your account with all the smaller checks and good luck with your rent check or your car payment or any other agreement you had with the bank.* And this bill takes that bad bill which had 46 no votes, which was a bipartisan opposition, and now it extends it to everything else. Every other debit and credit transaction. But it only

eliminates consumer choice if you go to a State-chartered bank. My friends, let's recognize that consumers are in the best position to decide for themselves how they want their debit and credit transactions handled, and they're not looking for us to tell them that if they go to a State-chartered bank the administration will override any of their personal choices. And for that reason I oppose it and hope my colleagues will oppose it as well.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hunter to explain her vote.

MS. HUNTER: Yes, Mr. Speaker, to explain my vote. I think it's a proud day when the Assembly stands up for consumers and trying to make sure that they are not imposed with excessive overdraft fees. I would love to see the generosity of our banking system with our -- the people in our communities and -- and not hitting them very hard with all of these fees. And so I'd like to just provide a little bit of context relative to the flexibility in making sure that these State-chartered banks are competitive with these Federally-chartered banks, and that's why this language is included in here that the costs incurred by the banking organization in providing any services associated with such charges, the competitive position of the banking organization and the maintenance of a safe and sound banking organization that protects the public interest. This provides for flexibility and also just puts these State-chartered banks right in line with Federally-chartered banks to make sure that they are

competitive. We want to make sure that people are coming to our State-chartered banks, that they're getting the same products and services that you would get at a Federally-chartered bank. And, you know, in the current times that we are, we just have increased inflation, we have increased interest rates right now, we want to make sure that our banking systems are safe and sound, making sure that all of our consumers have flexibility and making sure that they're able to go to those community banks, especially those ones in our communities that are right on the ground of providing the services; small loans to maybe MWBEs, small businesses, and we want to make sure that they stay in our communities.

So I implore others to vote in the positive as I will,  
Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Hunter in the affirmative.

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: No housekeeping, but fine resolutions. We will 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. 252 and 253 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 10:00 a.m., Thursday, March the 30th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:15 p.m., the House stood adjourned until Thursday, March 30th at 10:00 a.m., that being a Session day.)