

SATURDAY, JUNE 10, 2023

12:15 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, we will pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

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

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

Well -- shh. Right, that's better.

Mrs. Peoples-Stokes.

A quorum being present, the Clerk will read the Journal of Friday, June 9th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Friday, June the 9th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. I don't want to pivot too much, we got to stay with a quote. This one is from Nas again. *If I ruled the world, imagine that.*

Mr. Speaker, members have on their desks a main Calendar. We will begin our floor work today by taking up the following bills: Rules Report No. 804 by Mr. Colton, followed by Rules Report No. 805 by Ms. Rajkumar. There will be a need to announce further activity as we proceed; however, that is a general outline of where we are, Mr. Speaker. If you have any introductions or housekeeping now would be a great time.

ACTING SPEAKER AUBRY: We have no one here visiting us at the moment that I can tell.

(Laughter)

MRS. PEOPLES-STOKES: And Mr. Speaker, please call the Rules Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Rules Committee, Speaker's Conference Room immediately.

The Clerk will read.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call on our colleague Mr. Zebrowski for the purposes of an announcement?

ACTING SPEAKER AUBRY: Mr. Zebrowski for a -- the purpose of a announcement.

MR. ZEBROWSKI: Thank you, Mr. Speaker, for allowing me to introduce -- interrupt the proceedings for an introduction. I just wanted to announce that a former employee of the Assembly, now Judge, Brian Haak is with us today. If we could greet him.

(Applause/Cheers)

ACTING SPEAKER AUBRY: On behalf of Mr. Zebrowski, the Speaker and all the members, Brian, once family, always family. You always have the privileges of the floor. And it's hard to sum all the thanks we owe you for the service that you provided this institution. And we hope that the life in a white and black robe, I don't know which one you wear, will be satisfying and that you will always know that you will be welcome here, you have friends here, you have family here. Thank you so much, my friend.

(Applause)

ACTING SPEAKER ZACCARO: Page 20, Rules Report No. 804, the Clerk will read.

THE CLERK: Assembly No. A07768, Rules Report No. 804, Colton, Lee, Braunstein, Zaccaro, Lucas, L. Rosenthal,

Jean-Pierre, Weinstein, Davila, Glick, Bichotte Hermelyn, Peoples-Stokes, Cook, Santabarbara, Hyndman, Epstein, Barrett, McMahon, Sayegh, Fall, Cunningham, Dickens, Bronson, Dinowitz, Williams, Weprin, Cruz, Gibbs, Ramos, McDonald, Benedetto, Zinerman, Rajkumar, Burdick, Pretlow, Shimsky, Thiele, Raga, Bores, Hunter, Paulin, Simon, Rozic, Meeks, Simone, Gunther, Clark, Stirpe, Taylor, Darling, Lunsford, Sillitti, Seawright, Lavine, Kim, Jacobson, Levenberg. An act to amend the Education Law, in relation to declaring Asian Lunar New York a school holiday.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect July 1, 2023.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Chang to explain his vote.

MR. CHANG: Thank you, Mr. Speaker. And thank you for the sponsor to sponsor this Lunar New Year calendar. But I would -- reluctantly I vote yes for this. There is -- this bill is flawed in -- in many aspect itself. And let me read this exactly what it said because I couldn't even understand it. No school shall be in session on a Saturday, first day of the Second Lunar New Month after the Winter Solstice in the preceding calendar year known as the Asian Lunar New Year. I couldn't understand what that means. And this doesn't address on if the Lunar New Year falls on a weekend and how

do we address that. And this applies on school superintendent with a population of over one million, which is only in New York City. So this is a not a Statewide holiday, but more a school holiday. And I couldn't figure out exactly what day based on -- on this reading itself. But I support this bill because of its implication itself, but still need work on it.

Again, I appreciate the sponsor for writing this, but it's -- it needs to be worked on, it's flawed. And Speaker, that's all I have. Thank you.

ACTING SPEAKER ZACCARO: Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. This is an historic moment for not just Asian-Americans, but all immigrants in this State and this country. Eleven years ago I arrived here. I was the only Asian-American, and I went to the Speaker back then, I was like, *Hey, Mr. Speaker, can we create an Asian-American Caucus?* And he was like, *Oh, you want to be a caucus of one person?* And then the next year we had two Asian-Americans, and 11 years later, now we have dozens, and an APA Task Force that was created under theegis of our current Speaker and a co-chair -- co-chairs of the APA Task Force that make this legislation possible, of course under the leadership of my -- of the main sponsor. But this is a moment where we're telling all Asian-Americans that you no -- you no longer need to just compete like hell to just try to fit in into a clique, into a group, into a community, but you truly belong in this State and in this country. At a time when every time we turn on social media, the

paper, Asian-Americans are being spat on or being hated on. This is the right thing to do. And it wasn't easy, between the inner politics, between the Senate and Assembly. We had a Speaker who put his foot down and made sure we did this the right way. And this is the only -- this is just the beginning. You know, 11 years ago we did a Lunar New Year that pushed New York City to -- to make it a holiday, and now we're making steps towards a Statewide holiday, and then we're gonna go further and make it into a Statewide -- for public employees to enjoy this holiday. And we're gonna get it done all the way to Washington, D.C.

So again, I want to congratulate the main sponsor, the co-chairs of the APA Task Force and the 20-plus members of the growing APA Task Force. Thank you, and I vote in the affirmative.

(Applause)

ACTING SPEAKER ZACCARO: Mr. Colton.

MR. COLTON: Mr. Speaker, to explain my vote and to make it very clear, this bill amends Section 30 -- 3604 of the State Education Law, and it lists the Lunar New Year as one of the Statewide holidays which are celebrated by the State of New York. And this is historic because the families who celebrate this holiday will no longer have to choose between celebrating the holiday with their children or having their children go to school. The families are now being recognized in a very important holiday, the most important holiday that is celebrated. It's a celebration of bringing family members together, to reflect upon the year, to reflect upon their unity

with each other, to reflect upon the accomplishments that they have made. The Asian community has made many accomplishments over the years, first of which is continental -- transcontinental railroad. And they've made many more accomplishments. Many have died in the military service of America. Lieutenant Kimlau, an Air Force pilot, died in World War II. This is a historic moment, and I want to thank the Speaker who did way above and aboard, doing all he could to make this moment possible. I want to thank all my colleagues for supporting it. I want to thank the sponsors, the cosponsors of the bill including my desk mate who has put tremendous effort into making this possible.

This is a historic bill and, yes, we can celebrate this, we can see this as a big step forward in terms of bringing people together and I vote in the affirmative.

ACTING SPEAKER ZACCARO: Ms. Lee.

MS. LEE: Thank you, Mr. Speaker. I grew up in a place where I was one of only a few Asians in my school. I was not able to share and be proud of my cultural heritage. I was made fun of for being Asian. I was a girl on the playground who looked different, whose parents couldn't speak English well, who was embarrassed that she didn't fit in. To be here to do this, to pass this legislation to recognize Asian-Americans across our State is something my younger self could never have imagined. I came to New York because I was seeking a place where I belonged, and New York became -- welcomed me. And now I'm raising my three daughters here as New Yorkers,

where Asian-Americans are the fastest-growing minority group in the State.

Lunar New Year is the most widely-celebrated holiday among Asian-Americans in New York. By recognizing this holiday, it sends a message to Asian-Americans that we matter and we belong here. This move holds particular power at this moment when hate crimes against our community are rising and many Asians feel like foreigners, simultaneously targeted and unseen. A Statewide Lunar New Year holiday gives all New Yorkers the opportunity to pause and learn about our traditions, and also about the contributions that Asian-Americans have made to this country. We are still asked, *Where are you from*, even though we have been here for centuries. We are the workers who built the Transcontinental Railroad. We are the small business owners who opened stores and restaurants when racism barred us from entering other professions. We are doctors and teachers and athletes and musicians who have enriched our communities. We have served in the military and died for this country, and our neighborhoods are among the most historic, including Manhattan's Chinatown, which I am so proud to represent. And we are making our mark in government, too. Fourteen years ago in this Chamber, now Congresswoman Grace Meng started this effort. It is now -- it's a collective power and the perseverance of those who came before me that have culminated in this history-making moment.

So from one Grace to the next, I'm honored to carry this torch for our community to make Lunar New Year a Statewide

holiday so that when someone asks us, *Where are you from*, we can proudly say, *We are from New York*.

I want to give a special thank you to our Speaker for his steadfast support of our communities and for his leadership to make this moment happen. I will be voting in the affirmative.

(Applause)

ACTING SPEAKER ZACCARO: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. I think that this is -- this is great. I'll be supporting this bill. I just wanted to put kind of in the record here for us, though, that there have been some concerns raised about the requirement that children attend school for 180 days each year in order to receive reimbursement -- reimbursements. So I -- I hope that as we, it appears to be, unanimously support this bill, but as we move forward, and I know that there's another bill that we'll be taking up shortly, establishing another holiday that we -- that we also keep in mind, and I hope that the school districts can work out how they can accommodate this and still meet the 180-day requirement.

So I'll be supporting this bill, but I just -- I think it's something that we need to be mindful of, and I know that the school districts are because they've reached out to me. So thank you very much. I'm in support.

ACTING SPEAKER ZACCARO: Ms. Walsh in the affirmative.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this bill. I just want to again join my colleagues in congratulating the sponsor of making this historic bill -- of making -- excuse me.

(Pause)

Thank you, Mr. Speaker, for allowing me to explain my vote. I am elated and want to thank the sponsor for introducing this bill which makes it a historic bill in making Asian Lunar Year [sic] a school holiday. We have a large population of Asian-Americans who have contributed to the State, to this nation. And I have a personal attachment, as I spent some time in China and Japan many years ago when I used to work. I did a lot of studying in -- in -- in the Asian art and Asian-American history, and I'm just really happy that we finally, finally will institute this holiday so that people can recognize and learn Asian history.

So, congratulations to the sponsor and I will be voting in the affirmative. Thank you.

ACTING SPEAKER ZACCARO: Ms. Bichotte Hermelyn in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Page 20, Rules Report No. 805, the Clerk will read.

THE CLERK: Assembly No. A07769, Rules Report

No. 805, Rajkumar, Epstein, Braunstein, Bichotte Hermelyn, McDonald, Rozic, Sayegh, Burdick, Stern, Colton, Septimo, Kim, Weprin, Carroll, Aubry, De Los Santos, Alvarez, Tapia, Cunningham, Lee, Anderson, L. Rosenthal, Bores, Paulin, Williams, Burgos, Mamdani, Hyndman, Raga, Sillitti. An act to amend the Education Law, in relation to establishing Diwali as a school holiday in certain public schools.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect July 1, 2023.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rajkumar to explain her vote.

MS. RAJKUMAR: Thank you, Mr. Speaker.

Tonight we make history together. Tonight our State Legislature comes together to speak with one voice to say that from now on and forever, Diwali will be enshrined in law as a school holiday in the City of New York. For over two decades, the South Asian and Indo-Caribbean community has fought for this moment. And tonight I say to you, nothing can stop a community whose time has come. Tonight our Legislature says to hundreds of thousands of Hindu, Sikh, Buddhist and Jain Americans across the State, *We see you*. Tonight we say to New Yorkers from India, Guyana, Trinidad, Nepal and Bangladesh, *We recognize you*. From now on, the largest school

jurisdiction in the entire country will recognize the Diwali school holiday. Tonight we proudly say that Diwali is an American holiday. People have said to me, *Jenifer, there simply is not enough room in the school calendar to have a Diwali holiday.* Well, my legislation tonight makes the rule. In the words of the great Shirley Chisholm, *If they don't give you a seat at the table, bring a folding chair.* I brought this legislation to the table so that all South Asian New Yorkers will have a seat at the table.

My own parents immigrated to the United States from India with just \$300 and a suitcase. My mom was born in a mud hut. They never would have imagined that their daughter would be standing here on the floor of this Legislature as the first Indian-American woman ever elected to a New York State office. Today South Asian families like mine have risen and contributed to our great State. Today we come together as a State Legislature to light the way forward for families like mine and to make Diwali once and for all and at last, a school holiday in the City of New York.

South Asians have an important place in the civil rights tradition of America. Martin Luther King, Jr. himself said that India's Gandhi was the guiding light of his movement for non-violent social change in the Montgomery Bus Boycotts. Hindus, Sikhs and Buddhists do not just believe in tolerance. They believe in one step more than tolerance, actively loving your neighbor of a different background as if they are your own family. This is the culture of inclusivity and love that our Legislature honors today. I thank each

and every one of you who believed the Diwali holiday was possible, even when everyone said it was impossible. People thought that this day would never come, but here we are.

So to all who believed in the possible against all odds, no matter where you are, whether here in the State Legislature, on the streets of Queens and all around the world, this victory belongs to you. I proudly vote in the affirmative.

ACTING SPEAKER ZACCARO: Ms. Rajkumar in the affirmative.

(Applause)

Ms. Zinerman.

MS. ZINERMAN: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to congratulate the sponsor on this bill and this very important victory. I want to also take this time to thank Ms. Lee and Mr. Colton for bringing and making sure that Lunar New Year was also recognized. The beauty of living in New York City and especially my beloved Brooklyn is the diversity of the people who live here, who represent their communities, who work very hard to share in the culture and build a culture that is what we call America. I want us to remember that -- I want us to remember today, because there are other groups who are growing in our country who one day will come to the -- come before us and seek to be recognized. And I hope we afford them the same opportunities that the Sikh and the Indo-Caribbean and the Asian people have been afforded today because of their representation, and that they, too, will

one day be able to celebrate their holidays. We do not ever have to consider ourselves minorities and fight against each other over holidays. We absolutely need to be able to recognize and include all that live here and enjoy this wonderful State. And with regard to our calendar, you guys have heard me say this a hundred times before, our children need the opportunity to learn in a state that recognizes who they are. We cannot continue to be slaves to a calendar of 180 days when there's 365 days of learning that can happen. And so certainly I'm one of those that are in support of increasing the amount of days so that our children can fully enjoy all that we have to teach them, but certainly, there will be room to celebrate more groups as they come.

Mr. Speaker, I vote in the affirmative. Thank you.

ACTING SPEAKER ZACCARO: Ms. Zinerman in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Please allow me to abstain my vote for the purpose of a explanation. I would like to congratulate the sponsor of this particular piece of legislation as well as the previous sponsor as we celebrate the diversity of the State of New York by acknowledging South Asian and Indo as well as Asian cultures with the Lunar holiday as well as Diwali, the Festival of Lights. This was a teachable moment, I believe, for all of us. And as we are coming upon a nation which has been trying to eradicate critical race theory, it has been a community where we are talking a lot about cancel culture. Today we are showing that as Mayor

Dinkins said that New York State, as well as New York City, is a great mosaic. It is one with many different races, ethnicities, genders, backgrounds, religious and beliefs, but one thing is for sure; we are all united in our purpose and in our values.

We celebrate diversity and inclusion today and I, Mr. Speaker, withdraw my request and vote in the affirmative.

ACTING SPEAKER ZACCARO: Ms. Walker in the affirmative.

Mr. Chang.

MR. CHANG: Thank you, Mr. Speaker. Thank you for the sponsor's bill. Fantastic. This is historic, historic recognition of Diwali. And I'd like to thank Speaker Carl for this and his support and Leader Barclay. Indian [sic] as a country was surpassed the population of China in maybe a decade or less, and in New York it's growing. So this is a needed recognition of Diwali needed.

My previous career in logistics, I lived and worked in Bangladesh and India and I know exactly what it means, celebrating Diwali. It's the Festival of Light. And this is -- I hope this is one of those rare moments that, a teachable moment for students and the people who may not understand the Sikh cultures. And when they realize what's Diwali means, hopefully they can decrease Asian hate crime on this. And in our small -- in this Body, recognizing this holiday and the sponsor, I thank this recognition. I know you pushed hard and I definitely vote for the affirmative. Thank you very much. Thank you.

ACTING SPEAKER ZACCARO: Mr. Chang in the affirmative.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to explain my vote. I am once again so excited and elated that we are passing a bill that will make Diwali a school holiday in the New York City public schools; a city that is diverse, that embraces so many other cultures. And, you know, this was long overdue to commemorate Diwali. New York City has over 200 [sic] New Yorkers who celebrate this sacred holiday, and they deserve the same accommodation afforded to those who observe other significant holidays. And by designating Diwali as a school holiday, we also can give much-deserved recognition in New York's growing South Asian and Indo-Caribbean and Hindu community. And I'd like to say, as a new mom who got engaged on Diwali Day to my now husband of Indian, Guyanese and Haitian descent, my husband and I would love to have a free day to celebrate and embrace this holiday with our son.

We just passed a historic bill making Asian school holiday Lunar Year [sic] -- Lunar Year [sic] a school holiday, and now we're passing this bill which is another historic bill to make Diwali a school holiday. I just again want to congratulate the sponsor, she worked so hard. She hustled and she got this through. So congratulations to you, congratulations to all of us and making this a historic moment and I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte

Hermelyn in the affirmative.

Mr. Beephan.

MR. BEEPHAN: Thank you, Mr. Speaker. It's late so I will be brief. Prior to my family converting to Christianity when I was younger, we were all practicing Hindus. All of my cousins back in Trinidad are practicing Hindus, and Diwali was a special holiday for us and it still is to many of my relatives and even people in this room here tonight. I -- I remember when I was younger, when I was in school in Queens in even up in the Hudson Valley, no one knew what Diwali was. Everyone looked -- would look at me like I had two heads when I mentioned that my family was celebrating the holiday. So I think this is a great step. I know it's not the same in today's day and age, a lot more people know about the holiday.

But I thank the sponsor for leading the charge on this. It was actually one of the first things she brought up to me when I first met her, when we were elected to the Assembly, and I proudly vote in the affirmative for my robust Sikh membership in my district and also for my fellow Indians. Thank you.

ACTING SPEAKER AUBRY: Mr. Beephan in the affirmative.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker. I rise today to thank the sponsor of this bill. I'm a proud -- proud cosponsor myself. I continue to enjoy organizing -- or assisting and

organizing the Town of Oyster Bay and their wonderful and growing celebration of Diwali, as well as enjoying this holiday with the growing South Asian communities within our town.

I look forward to seeing the education and awareness of Diwali continue to grow as the celebration continues to grow, and I am happy to support this legislation. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Blumencranz in the affirmative.

Mr. Braunstein.

MR. BRAUNSTEIN: Thank you, Mr. Speaker, to explain my vote. I would like to commend, congratulate and thank the sponsor for all her hard work on getting this passed. This was a uphill climb from the beginning, but through sheer force of will you've brought us to this moment. And after the passage of this bill, those families that celebrate Diwali will not have to make the difficult choice of going to school and making sure that you bring in your homework and to take care of your tests or celebrating with your family. They won't have to make that choice anymore. And more importantly than that, this will give all New Yorkers the opportunity to recognize and celebrate our South Asian and Indo-Caribbean neighbors. My wife keeps a big calendar in our kitchen, and I have three young children, three kids in public school, and she puts everything on there; baseball games, everything. And I'm looking forward to the day when I look up there and it says Diwali, no school.

So once again, thank you very much to the sponsor.

Today truly is a historic day. Thank you.

ACTING SPEAKER AUBRY: Mr. Braunstein in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker.

Today's really historical and it is because we're a -- an Assembly Body, we're a state, we're a nation that respects diversity. And for many years as a school educator, for me, seeing the different faces and the different students and who they represented, their religions and their backgrounds and ethnicities, and I realized very early on that many children, when we celebrated Christmas and we celebrated Hanukkah on Three Kings and only recently started to celebrate Ramadan, we began to realize with the growing population of South Asians and -- and -- and Indo-Paco [sic] communities and others, we began to realize that Diwali and Lunar holidays were just as important for many children and their families. I've had the pleasure of celebrating Diwali with Guru Guruji from a number of years ago, and realized the special blessings that it brings. And as a society that respects change and diversity, it is really most fitting that we respect today when we encourage and honor and recognize two very major religious and spiritual movements in the world in Diwali and the Lunar holidays.

So I thank the sponsors and I thank all the cosponsors and thank the Speaker and this Body for initiating this historical moment. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Ms. Hyndman.

MS. HYNDMAN: Thank you, Mr. Speaker, for allowing me to explain my vote. If you didn't know, I represent the County of Queens, and to my colleague from Queens and the Speaker from the Bronx, thank you for bringing us Diwali as a -- that we're able to celebrate, the children of New York City are able to celebrate this -- this holiday tonight. I'm the daughter of a Guyanese parent, and if you know the history of Guyana after the abolition of slavery by the British, a lot of Indians came to Guyana and worked as -- as indentured servants. And so when we think about how -- how diverse Queens is and the South -- the large South Asian population that is in Queens, this is very fitting that we're recognizing that culture, heritage celebrations are important. It's also timely that this holiday is -- or the celebration of this passage of this holiday tonight also coincides with the recent celebrations of the independence of Guyana.

So to my colleague, thank you for your herculean effort to the populations in Queens, particularly Jamaica, Queens where I represent. I am thankful that these children now do not have to choose between the test, like my colleague said, studying, they will be able to be celebrated in this great diverse City and State that we have. Thank you, Mr. Speaker, for allowing me to explain my vote and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Hyndman in the

affirmative.

Mr. Mamdani.

MR. MAMDANI: Thank you, Mr. Speaker, to explain my vote. To all of my colleagues, I say Diwali Mubarak. I say Happy Diwali. This is a celebration of light over darkness, of knowledge over ignorance, and of good over evil. And it is a celebration that is observed by over 200,000 school-aged children in New York City schools. A celebration that has meaning for Hindus, Buddhists, Jains, Sikhs and so many more. And it is a celebration that for so long we have denied our children in New York City. They have been told they must choose between their faith and their future, their culture and their classwork, and now we can tell them that in 2023 they will be able to observe this holiday as they should, at home with their friends and their family. And this is a holiday that has immense personal significance for me as the first Indian-American man to serve in this Assembly Chamber, and as the son of a Hindu mother and a Hindu family. It is a celebration that I have observed throughout my life, and I'm so glad to be a part of a Chamber that will bring that celebration to so many New Yorkers. And as with any history, we know that this starts with alternate-side parking --

(Laughter)

-- because in 2005 that was the first fight, to get alternate-side parking in New York City, and against the objections of Michael Bloomberg, it was approved. And in 2014 there was a coalition formed of more than 40 organizations, and today they have

managed to take a promise and made it into a policy. And I want to thank the sponsor of this legislation for stewarding this along the way, for the Speaker of this House for ensuring that we lived up to our word. For my fellow Co-Chair of the Task Force for ensuring that we finally begin a new chapter where Asian-Americans in the City and in this State can understand themselves, it's not simply being tolerated, not simply being approved, but rather, being celebrated.

Thank you all.

ACTING SPEAKER AUBRY: Mr. Mamdani in the affirmative.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. ANDERSON: The 31st Assembly District, Mr. Speaker, is home to over 20,000, 20,000 Asian-Americans, and we're excited today that Diwali will truly become a holiday where folks do not have to choose between school and celebrating family and community. A few weeks ago I had the opportunity to co-name a street after Guru Nanak Dev Ji with my colleague and the sponsor of this legislation, and this was the Guru who founded Sikhism. And when we learn about the holiday of Diwali and we learn about the various religions who celebrate this holiday, we want to make sure that they can do so safely and with their families, without having to choose between studying and celebration. And so when we think

about, and as I'm learning about Sikhism, it's all about teaching equity -- equity, justice and love across many groups and entities. And so when we look at the celebration of this holiday and it being adopted, it's extremely important that we do so in a way that's equitable and we do so in a way that acknowledges communities that have been long forgotten about and left behind.

So I'm proud and I commend the sponsor for her work, her tenacity and making sure, again, that this promise turned into policy. I withdraw my request, Mr. Speaker, and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. In explaining my vote, I just want to commend and thank the sponsor for bringing this bill forward. We've talked about it on several occasions. I represent the largest Guyanese community outside of New York City, and I had a chance to -- an opportunity to celebrate Diwali and learn about the Festival of Lights with the Guyanese community and a number of other nationalities in that diverse community. And I know at some point, I hope -- I'm hopeful -- this is important to my community and we're hopeful that we can see another bill that will extend this holiday to the rest of the State, but for now I'm very pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in

the affirmative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. When I ran for office in 2020, I ran for a district, District 34, that was one of the most diverse districts - and I believe it's still - in New York, and I would argue across the country. My district was nearly 30 percent South Asian, Asian-American, and I'm proud to have represented a deeply diverse community, many Hindus, Buddhists, Sikhs, Jains, that celebrate Diwali. So it is with immense joy and pleasure to vote in the affirmative, to commend the sponsor and the coalition and members who have pushed to make sure that this day happens. While in redistricting I lost many of my Asian-Americans to my dear friend Assemblymember Steve Raga, I am still proudly fighting and advocating to make sure all our AAPI communities are represented and celebrated.

So this is a wonderful occasion and I am proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Ms. Shimsky.

MS. SHIMSKY: Thank you, Mr. Speaker. This legislation, and I congratulate Ms. Rajkumar on it, sends a signal not just through New York City but across the State as well. The population of South Asians in Westchester County has grown a great deal in recent years. One of our school districts, the Ardsley School

District, recently made Diwali a holiday for -- for those students, and I suspect that it won't be long before Diwali, as -- as well as Lunar New Year will become Statewide holidays. I look forward to that day. And thank you to the leadership of Assemblywoman Rajkumar and Assemblyman Colton and everyone who worked so hard on getting these days on the calendar.

ACTING SPEAKER AUBRY: Ms. Shimsky in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues have on their desks an A-Calendar. I'd like to advance that A-Calendar. I'd like to advance the A-Calendar, sir.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. If we could now go to Rules Report No. 338 by Ms. Rajkumar, Rules Report No. 459 by Mr. Bronson. Thank you, just those two, sir.

ACTING SPEAKER AUBRY: Page 7, Rules Report No. 338, the Clerk will read.

THE CLERK: Assembly No. A03301-A, Rules

Report No. 338, Rajkumar, Kim, Mamdani, Bichotte Hermelyn, Dilan, Rozic, Paulin, Weprin, Lavine, Sayegh, Pheffer Amato, Joyner, Lucas, Vanel, Wallace, McMahon, Benedetto, Cruz, D. Rosenthal, Reyes, Septimo, Lunsford, Hevesi, Otis, Stern, L. Rosenthal, Clark, Barrett, Epstein, Glick, Burgos, Sillitti, De Los Santos, Anderson, Raga, González-Rojas, Simon, Lee, Shimsky. An act to amend the Executive Law, in relation to establishing the New York Asian American and Pacific Islander Commission.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Chang to explain his vote.

MR. CHANG: Thank you, Mr. Speaker. I am grateful that this Commission is being formed, and with both parties have a say. And I hope this Commission will have some teeth, some task force into -- into further enhance our Asian-American heritage, Lunar New Years and other bills and concerns here. And I'm grateful for the sponsor itself, pushing this Commission itself. At least everyone has a seat in the table and hopefully this might even come up with a solution in regards about Asian hate. If they can come up with that, we're grateful for that. Thank you for -- thank you, Mr. Speaker, I vote for the affirm [sic].

ACTING SPEAKER AUBRY: Mr. Chang in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 459, the Clerk will read.

THE CLERK: Assembly No. A06046-B, Rules Report No. 459, Bronson, Shimsky, González-Rojas, Hevesi, Reyes, Simone, Seawright, Solages, Cruz, Shrestha, Clark, Simon, Epstein, Paulin, Glick, Gallagher, Lunsford, O'Donnell, Kelles, L. Rosenthal, Bores, Burdick, Stirpe, Fahy, Burgos, Weprin, McDonald, Sillitti. An act to amend the Family Court Act, the Executive Law, the Civil Practice Law and Rules, the Criminal Procedure Law, the Education Law, the Public Health Law and the Insurance Law, in relation to gender-affirming care.

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

An explanation is requested, Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker. This bill establishes protections for individuals seeking gender-affirming care for themselves or their children, as well as for the healthcare practitioners who provide gender-affirming care in New York State. This bill provides New York will not be complicit in other states' attempts to punish the provision, receipt or support of gender-affirming care.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. BRONSON: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you very much, Mr. Bronson. So, could you just give maybe an example or two about, you know, like when this bill would actually apply so that we -- I could better understand what the bill is doing?

MR. BRONSON: Certainly. This bill would apply in situations where a person is in New York, seeks gender-affirming care but then another state that has outlawed that gender-affirming care tries to enforce their laws against the person who received the care here in New York State.

MS. WALSH: Okay. So, I was trying to think of an example. Let me throw this out there and just tell me if I'm going down the right path here.

MR. BRONSON: Certainly.

MS. WALSH: You have a -- a couple that is divorcing or has divorced in -- let me pick a state where it's -- which has been unfriendly; there are 19 states that have banned or restricted gender-affirming care. Let's say they're from Georgia, that's just one of them. And -- and there's a divorce decree that sets out -- and they

have -- they have a child. Their divorce decree spells out that one parent has -- say the mom has got primary physical custody, dad's got joint legal custody, they have a parenting schedule of when they're gonna see the child. You know, a divorce decree that handles all the money aspects but also has the -- the other -- the custodial piece to it. And then one of those parents travels with, say, the -- the teenager to New York State to receive gender-affirming care. How would that play out -- how would that scenario play out using this legislation?

MR. BRONSON: This bill doesn't address the custody issue and the issues of, you know, if there's a dispute between those two parents. It would only say that if a custody proceeding is brought here in New York, this provision would prevent the fact that gender-affirming care is outlawed in another state, that issue could not be used as being a reason to deny custody in a custody dispute that's pending in New York State itself.

MS. WALSH: Okay. I guess what I'm confused about is why -- why would it matter -- if a matter is being brought in New York State, a custody matter, why would it matter what another state says or has held with respect to gender-affirming care?

MR. BRONSON: Certainly. If another state has a provision in law that says gender-affirming care is child abuse --

MS. WALSH: Okay.

MR. BRONSON: -- and the custody dispute is being handled by the courts here in New York State, what this bill says is that state's opinion and determination that gender-affirming care is

child abuse cannot be used in the custody battle that's pending in New York State courts.

MS. WALSH: So are you envisioning a situation where the -- the parents and child are in New York State but it might apply, or it might be asked to apply to another state's law?

MR. BRONSON: I'm -- I'm sorry. Would you ask that again?

MS. WALSH: Yeah. So, yeah, I'll try, I'll try. So are you envisioning a situation where the -- the parties, the parents and child are in New York State but somehow the law of another state is being asked to apply to -- to New York residents, or are they -- are they out-of-state residents who just happen to be here, or...

MR. BRONSON: Well, let -- let's use the example that you gave --

MS. WALSH: Okay.

MR. BRONSON: In Georgia. So if Georgia has banned gender-affirming care for children or for anyone, but those individuals are in New York State, they seek gender-affirming care in New York State, then New York State under this provision would do a number of things. Number one, it would protect any prosecution of those individuals under our current law that is -- gender-affirming care is legal here in New York State, number one.

MS. WALSH: So here --

MR. BRONSON: And number --

MS. WALSH: -- so here it would be protective of

them seeking the care here.

MR. BRONSON: The care is given here in New York State.

MS. WALSH: Yes, okay. I got you there.

MR. BRONSON: That's the key to this legislation.

MS. WALSH: Okay.

MR. BRONSON: Two, any providers that gave that care are protected under New York State against if, say, another state tried to extradite or ask for an extradition, we will not participate in that. Thirdly, if that state asks for some form of law enforcement assistance from our law enforcement officers, they are prohibited from assisting the other state. And then lastly, the bill also will protect providers so that, one, their medical malpractice can't be changed because of their service that they provide, and they can't be subject to disciplinary actions.

MS. WALSH: Okay. And I really appreciate you laying out that -- that concept and those concepts so I can better -- so I really can better understand it. What it seems to me, though, is what's more likely to present itself in a family court situation would be if you had, say, two Georgia parents who did not agree on this issue. And one parent is going with the child to New York, say, to receive the care, the other parent disagrees and I think that that's how it would potentially come up under a family court proceeding where it would maybe be, like, a choice of law issue, you know, do we apply the Georgia law to this situation or do we apply New York law to the

situation and it would be -- would you agree with that thought?

MR. BRONSON: Well, this unfortunately in my opinion --

MS. WALSH: Yeah.

MR. BRONSON: -- this bill doesn't address that issue --

MS. WALSH: Okay.

MR. BRONSON: -- and we don't go that far. There's, you know, California has gone that far in their provision, we have not --

MS. WALSH: Okay.

MR. BRONSON: -- we haven't changed the jurisdiction issue, nor have we intervened in that dispute between those parents who disagree.

MS. WALSH: Okay. So instead of that scenario then, would it be then that perhaps parents and child come to New York, get gender-affirming care, go back to Georgia and somehow there's some problem in Georgia, they learn about it somehow or there's a petition filed by -- in Georgia by upset grandparents or I don't know, somebody withstanding, and they try to do a removal of the child, or they try to bring an abuser neglect case against the parents in Georgia. And I understand the issue in the bill. I think what the bill would say in part is that New York would refuse under this legislation to cooperate with, say, subpoenas, and -- and that kind of thing, I get that, but what am I missing? Is there anything else that this legislation

would do in that scenario?

MR. BRONSON: Yeah. What -- well, let me -- let me try to answer it this way, if I may.

MS. WALSH: Okay.

MR. BRONSON: So looking at our fact pattern, you have two parents who disagree about gender-affirming care.

MS. WALSH: Yup.

MR. BRONSON: One parent is a resident of Georgia, the other parent and the child are residents of New York State.

MS. WALSH: Okay.

MR. BRONSON: A custody proceeding is brought in New York State. This legislation would prevent, in that custody proceeding, using the fact that Georgia has outlawed gender-affirming care in a determination for the custody.

MS. WALSH: Okay. So what if -- what if instead we change the scenario just a little bit and both parents and child are residents of Georgia, the one parent and child travel to New York to receive the care, the other parent is in Georgia and doesn't agree. How does -- how does that play out under this?

MR. BRONSON: First of all, our law wouldn't apply to that custody battle in Georgia.

MS. WALSH: Okay.

MR. BRONSON: And so we would not -- this bill would not interfere with Georgia's ability, you know, both parents are

residents of Georgia, the child is a resident of Georgia. Even though they traveled to New York for the gender-affirming care, Georgia's laws would apply, their court system would deal with the custody battle in -- in that scenario.

MS. WALSH: Okay. Okay. I appreciate that. Is this bill -- so when I first read the bill, it reminded me of legislation that we took up having to do with abortion care and reproductive health care. Is it sort of modeled -- it seemed, at least reminiscent, you know, of -- of the bill.

MR. BRONSON: Indeed it changes that provision adding gender-affirming care in many sections of the proposed legislation.

MS. WALSH: Okay, very good. You know, I read so many bills, sometimes I just wonder if I'm imagining things. Okay. I -- okay. So I appreciate what you're saying as far as that New York's law, this legislation is not going to try to influence or impact what another state's laws are going to say regarding our custody matter that's going on in that other state. And I was doing a little bit of research, as -- as was my -- my colleague to my right about the interstate compact, the ICPC, Interstate Compact on the Placement of Children, where all 50 states are participating and the idea is that -- that members state to all pledge to work across state lines to foster care or adoption so that kids receive adequate protection and support, you know, regardless of what state they're in. But I think that that -- I don't know how applicable that is to this particular situation here.

MR. BRONSON: All we're saying is if it's against New York policy, which banning gender-affirming care is, then we're not going to participate in the enforcement of other states.

MS. WALSH: Okay, very good. And thank you so much for answering all of my questions.

Mr. Speaker, I'll just go on the bill briefly.

ACTING SPEAKER AUBRY: On the bill?

MS. WALSH: Yes, please.

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

MS. WALSH: Thank you. So I do have a better understanding now of what the bill does and what it doesn't do, which is good. I think that some of my colleagues may have some concerns about the bill in the sense of that argue -- arguably it infringes upon the constitutional and fundamental right of parenting. The 14th Amendment of the U.S. Constitution provides parents the substantive right to rear their children as they see fit. It further presumes that a biological parent's decision is in the best interest of the child. Courts have long held that parents have a fundamental constitutional right to care and control of their children. And that's the Troxel decision back in 2002. Under a strict constitutionalist construction theory, the courts and the law are, under existing constitutional principles, powerless to supplant parents except for grievous cause or necessity, and I -- that's from Stanley v. Illinois, 405 U.S. 645 from 1972. The state is *parens patriae* - I think I'm saying that right - and always has been, but it has not displaced the parent in right or responsibility, and that's the

seminal case of Bennett v. Jeffreys, 356 N.E.2d 277 from 1976.

This bill supplants how a parent chooses to raise their child, instead creating a safe haven for a minor to receive gender-changing treatment in New York. For those reasons, the Conservative Party, the Catholic Conference are both opposed to this bill and as I said, many of my colleagues may also feel the same way. And thank you very much, Mr. Speaker. I will be in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Goodell.

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

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

MR. BRONSON: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Bronson. I apologize. I had to step out for a minute so my apologies if you already answered this. I know that this language in the statute (inaudible) the proposed bill, specifically precludes any court or county clerk from issuing a subpoena relating to gender-affirming care that's provided in New York. Now using the example of a parent that has maybe primary custody in Georgia under the divorce decree or separation agreement is responsible for making all major medical

care, perhaps in consultation. Child comes to visit dad up in New York in violation of without consulting mom or -- or otherwise complying has gender-affirming care. Under the plain language of this bill, am I correct that in an enforcement action brought in Georgia, consistent with the Uniform Child Custody Jurisdiction Enforcement Act, this bill would preclude New York State courts from honoring that subpoena?

(Pause)

MR. BRONSON: The -- yes. Under the provisions of this, unless the out-of-state proceeding obviously is -- is in tort or contract and if it is actionable and in an equivalent or similar manner under the laws of this State, then we would not honor that subpoena.

MR. GOODELL: So if we adopt this then, this would be in essence, an exception to the Uniform Child Custody Jurisdiction Enforcement Act that New York and 48 other states are signatories to?

MR. BRONSON: Well, what we're saying here is we are not going to be complicit in what this State perceives as legislation and statutes that are based in hate and based in discrimination against those who may seek gender-affirming care, or individuals who, on behalf of their children with the assent of their children to seek gender-affirming care.

MR. GOODELL: And in so doing so we would be complicit in violating a foreign state's jurisdictional exclusivity under the Uniform Child Custody Jurisdiction Enforcement Act, we would

then be violating all of the other standards relating to interstate enforcement of existing divorce decrees, settlement agreements, custody agreements and just ignoring what other states are? I mean --

MR. BRONSON: So, let me -- let me -- let me just make a --

MR. GOODELL: I mean, you use an example if you want to --

MR. BRONSON: Mr. Goodell, if you -- let -- let me just try to answer your other question before you --

MR. GOODELL: Okay.

MR. BRONSON: -- make it more complicated with another fact scenario.

MR. GOODELL: Okay.

MR. BRONSON: If the parent did not have the authority under the separation agreement or the custody agreement, then they would not be lawfully doing -- making that gender-affirming care here in New York State. So if that's the case, then we would honor the subpoena under your scenario.

MR. GOODELL: Thank you for that clarification, very important. Thank you, sir.

MR. BRONSON: Thank you, Mr. Goodell.

ACTING SPEAKER AUBRY: 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. I appreciate my colleague's comments. Nevertheless, the Republican Conference will generally be in the negative. Those who support this are certainly encouraged to vote in the affirmative here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is going to generally be in favor of this piece of legislation. There may be a few exceptions, they can vote at their seat.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Simone to explain his vote.

MR. SIMONE: Thank you, Mr. Speaker. I would like to explain my vote. Could you imagine if your child was taken from you or denied health care if they told you they, he or she was transgender. Well, it's happening in other states south of us. This legislation will create a transgender safe haven in our State, welcoming our trans kids, their families and their doctors. Access to gender-affirming care is a human right. Transgender rights are a human right, human rights are transgender rights. This is about health care, plain and simple. And as long as there's a right wing war on

trans kids and families, New York should be a beacon of trans rights and a safe haven from their persecution.

There are 474 anti-LGBTQ bills in State Houses across the country right now based on hate and ignorance and fear, not based on parent's rights, over 100 of which will seek to eliminate access to gender-affirming care and criminalized guardians and health care providers who help transgender kids be who they are and have access to gender-affirming care denying them health care.

Forty-seven have already been passed into law, 14 states have banned gender-affirming care for kids. About 150,000 transgender youth have lost access or at risk of losing access to gender-affirming care because of these initiatives. Research shows that access to gender-affirming care for transgender young people reduce the risk of depression, psychological distress, and the risk of trans youth will commit suicide by 73 percent. The Trevor Project estimates that 1 in 2 trans kids in New York considered suicide in 2022. This law will help save lives. We should welcome them with open arms to our State. This is a direct attack on kids' lives and we have to make New York a safe space for our kids, our doctors and our parents and welcome them with open arms. I am proud to vote in the affirmative. Come to New York, we will help you.

ACTING SPEAKER AUBRY: Mr. Simone in the affirmative.

Ms. González-Rojas to explain her vote.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

Today, I think of my neighbors. At ten years old their child shared that they no longer identify with the gender assigned to them at birth. Understandably, the parents were concerned and confused as to what to do next, and most importantly they were frightened for the safety and well-being of their transgender child in a country that targets trans people with hatred, with discrimination and with physical danger. Luckily that child has loving and caring parents who have been supportive of them every step of the way. This is at a time where our Legislatures across the country are introducing and passing hundreds of bills that strip away the rights of LGBTQ people, and particularly trans people and their families.

At this time, it is imperative that we can do everything that we can here in New York State to protect and uplift our LGBTQ family, neighbors and loved one. As we celebrate Pride this month, I feel deep pride in representing a State that is rooted in love and care. I commend the sponsor for his relentless support of LGBTQ New Yorkers and with the Safe Haven bill, we extend that love and care to LGBTQ young people and families across the country. I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Mr. Bronson to explain his vote.

MR. BRONSON: States are proposing and enacting hundreds of hateful laws to punish those seeking gender-affirming care for themselves, for their children, as well as those professionals

who provide the care. New York will not participate in this hate. We will instead support and protect people to live their authentic selves. This bill will make New York a safe haven for transgender, gender-nonconforming, nonbinary and intersex individuals, their families and their health care providers who are currently under attack throughout this nation. We are a State that respects the dignity of every person. We are a State who honors the human rights of every person. We are a State who sees people who they are and loves them for who they are. We are a State that will promote their ability to live their authentic selves. Mr. Speaker, it's my honor to vote in favor of the Trans Safe Haven bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could now take our attention to Rules Report No. 789 by Ms. Walker.

ACTING SPEAKER AUBRY: Page 20, Rules Report No. 789, the Clerk will read.

THE CLERK: Senate No. S00350, Rules Report No. 789, Senator Jackson (Walker--A05874). An act to amend the

Election Law, in relation to legal challenges to the constitutionality of provisions of such law.

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

MS. WALKER: Thank you, Mr. Speaker. This bill requires challenges to the constitutionality of provisions of the Election Law be brought to specific venues provided at least one -- provided at least one of the plaintiffs is located there. The venues are as follows: For the 1st Judicial Department, New York County; for the 2nd Judicial Department, Westchester County; for the 3rd Judicial Department, Albany County; and for the 4th Judicial Department, Erie County.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Will the sponsor yield for some questions?

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

MS. WALKER: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MR. NORRIS: Good morning, Madam Chairwoman. I have a couple questions.

MS. WALKER: Good morning, Mr. Norris. Long time no see.

MR. NORRIS: I know. It's been a busy time for the Election Law issues. I have one question. Why did you choose four

counties out of 62 to allow these challenges only?

MS. WALKER: Well, this bill seeks to limit forum shopping. In addition, setting the venue for this class in specialized cases will permit the courts in those counties to develop an expertise in questions of Election Law constitutionality and which would contribute to a more unified body of law, of appellate law, to foster uniformity in constitutional interpretation at the trial level.

MR. NORRIS: Forum shopping. So typically a plaintiff, when they want to sue, will make a determination to decide where they want to bring a lawsuit so long as it's permitted. So I find it ironic that this Legislature, at least the Majority, is doing its own forum shopping in only picking 4 out of 62 counties in the State of New York where you can bring these types of matters. So why is the Majority themselves forum shopping and deciding which four counties out of the 62 to bring these challenges?

MS. WALKER: Well, again, Mr. Norris, in order to foster uniformity and constitutional interpretation, as well as to develop an expertise and questions of Election Law constitutionality at the appellate law level.

MR. NORRIS: Okay. Well, I think we've figured that part out about the forum shopping. The -- the next question is, is does the Supreme Court have original jurisdiction under our Constitution in law and equity so the Supreme Court Justices can act upon the constitutional questions of the -- of the Constitution?

MS. WALKER: The Supreme Court still has the

original jurisdiction over this particular legal area.

MR. NORRIS: Yes, that's what I thought. In the Constitution, the Supreme Court Justices actually have, under our Constitution, original jurisdiction at the trial level. There are Court of Appeals of course, and sometimes there's confusion when you look at other states, the Supreme Court is the highest court, (inaudible) Court of Appeals is, as you know, being an attorney. But at the trial court level, the Supreme Court Justices are, that's the original appoint of jurisdiction which is founded in our State Constitution to allow to hear these types of matters. Now, practically, I just want to point out...

MS. WALKER: Did you ask a question?

MR. NORRIS: No. I just want to make sure there was a response or something. No? Okay. I want to point out, like in the Appellate Division, I live in the 4th Appellate Division, which goes all the way from Jefferson County, takes in 22 counties all the way down to Jamestown, Erie County, Buffalo area. So if you're a plaintiff and you want to bring a constitutional question under the Election Law and you live in Jefferson County, you have to drive three hours to Erie County and Buffalo to hear this case?

MS. WALKER: Well, by selecting populous counties within each Appellate District, this legislation seeks to place the appropriate forums for constitutional Election Law challenges, (inaudible) may be convenient for residents of that Appellate District.

MR. NORRIS: The appropriate forum. So are you telling me that a Supreme Court Justice who's elected and may serve

in the other 58 counties in the State of New York are not qualified to handle the constitutional questions that are coming before them?

MS. WALKER: Well, I do not believe that the bill makes any assertions about the qualifications of any particular judge in any particular location, except to say that we believe it is important to set venue for specialized classes of cases and certain courts in certain counties so that we can have a certain level of expertise in this very important area of law.

MR. NORRIS: Okay. So I just want to make sure I understand. So I hear a lot from the other side of the aisle that we have to have fairness, we have to have access to the courts; actually, I agree with that, we should have access to our courts, it should be available to the plaintiffs, and that's oftentimes why individuals go to their local courthouse and they file proceedings. And so if someone has the constitutional question about the Election Law and they want to file a pro se proceeding and they live in Jefferson County, they have to drive three hours to that courthouse to hear it?

(Pause)

MS. WALKER: I'm sorry. What was your question?

MR. NORRIS: My question is, is that if a pro se plaintiff who lives in Jefferson County in the 4th Appellate Division, do they have to drive all the way to Buffalo in Erie County to have this question heard before a Supreme Court Justice in Erie County which, by the way, they didn't vote for because they're in a different Judicial District.

MS. WALKER: Yes.

MR. NORRIS: And I hear so much on the other side about openness and transparency and fairness and access, I find that to be just in contravention that we're making someone drive three hours to a courthouse because the Majority is deciding which four counties in the State of New York out of 62 that these items will be heard. You talk about forum shopping. This Body is forum shopping by restricting them to those four counties only. And I have a real problem with that because the Supreme Court has original jurisdiction under our Constitution and they should be able to hear those cases in all 62 counties in the State of New York if they are seated, there's a Supreme Court Justice.

Now, I do have another question because we debated a bill yesterday about early mail voting, and I don't think we debated it, but one of our colleagues did. So if -- I want to just raise this point. So if this -- I'm just going to say in Jefferson County, for example, which is three hours away from Buffalo, New York, someone wants to challenge the constitutionality now of this early mail voting act, which I'm sure someone's going to file on, they have to drive three hours to do that?

MS. WALKER: Where -- which county do they --

MR. NORRIS: Jefferson County, with the 4th Department, would have to drive to Buffalo three hours away.

MS. WALKER: I feel like this is Groundhog's Day.

(Laughter)

MR. NORRIS: If they challenge the constitutionality

--

MS. WALKER: If they live in Jefferson County --

MR. NORRIS: Yeah.

MS. WALKER: -- which is in the 4th Judicial

Department --

MR. NORRIS: Yup, I understand that.

MS. WALKER: -- they will be required to go to Erie County.

MR. NORRIS: I see. I just find that to be so unfair, particularly after we just had this whole debate about access to the voting booth, I think voting booth, but -- but even on the mail ballots and, yet, we're letting these people have to drive three hours for their situation. Now, I just think I'll go on the bill.

MS. WALKER: Thank you.

MR. NORRIS: Thank you very much for answering my questions.

Mr. Speaker, on the bill.

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

MR. NORRIS: This -- this bill, you talk about forum shopping. And the plaintiffs have an opportunity to file where they would like to file for that case to be heard. And then there's a series of courts above that court, the Appellate Division and then the Court of Appeals. There are layers above the trial court. But if you talk about

forum shopping, you are restricted, under this bill, constitutional questions under the Election Law to only 4 counties out of 62 in the State of New York. And I just find that to be so ironic that the Majorities in both the Senate and the Assembly, because I see that passed there, are actually forum shopping themselves. And I think one of my colleagues might have some reasoning to that possibility, and I'll let him speak about that. I just find it very ironic that we speak about openness and transparency and access to the courts, giving everyone their fair shake and opportunity to be heard in the court and, yet, we are actually restricting access in our courts to legitimate plaintiffs who want to bring actions, who want to question the constitutionality and have a right, a constitutional right for those questions to be heard. I also understand it's 1:45 a.m. and, therefore, I will not say anything more on this and just let you know, Mr. Speaker, that I oppose this bill adamantly. I encourage my colleagues to do the same, and I thank the sponsor for answering my questions. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Will the member from Assembly District 55 yield for questions?

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

MS. WALKER: Now, is this my present district or is it my --

(Laughter)

-- which 55 are you referring to, sir?

(Laughter)

Yes.

MR. SMULLEN: Thank you very much.

ACTING SPEAKER AUBRY: Ms. Walker yields,
sir.

MR. SMULLEN: So here we are at quarter til two in the morning on the last day of Session, in theory, talking about one of the most momentous bills that -- you know, I think this bill sets forth designated judicial venues for constitutional challenges to Article 16 of the Election Law. Is that a correct assessment of what we're talking about tonight?

MS. WALKER: Yes.

MR. SMULLEN: I just wanted to ask you right up front, why did you choose Judicial Departments instead of Judicial Districts as the organizational rubric as to what -- where these forums would be located?

MS. WALKER: Sure. Judicial Departments can be large and cover many counties, and so that was a part of the concern or consideration in making those decisions.

MR. SMULLEN: Did it have anything to do with the colocation of Appellate Courts at those Departments? That's what they're primarily organized as.

MS. WALKER: Well, it's -- well, they are -- I mean,

I feel like we're sort of saying the same thing, Judicial Departments with Appellate Courts within the Judicial Department.

MR. SMULLEN: Well, I guess really what I'm getting to is, I think it just so happens in looking through the biographies of the judges in those Departments that those mandated forums are the most Democratic controlled portions of each Department; isn't that true?

MS. WALKER: That is not information that I am aware of, so I will say that I deny knowledge or information strong enough to make a judgment call as to your question.

MR. SMULLEN: Well, I certainly know. The 1st Department in Manhattan; 2nd Department in Westchester; 3rd Department, Albany; 4th Department in Erie County, Buffalo, those are all Democrat strongholds by demographics, correct?

MS. WALKER: Again, it's not -- it was not a part of my assessment in -- in the creation of this particular bill and so I will also submit that notwithstanding whether you are a -- whatever party you belong to, you're still under the same requirements to have to go to these particular courts.

MR. SMULLEN: I see. So was this bill introduced in response to any specific court case?

MS. WALKER: No, it was not.

MR. SMULLEN: So you're saying no, it was not, but are you aware of the matter of Amedure v. The State of New York in Saratoga County in 2021?

MS. WALKER: No, I am not. Maybe you could help refresh my recollection.

MR. SMULLEN: Well, so in the Senate debate, are you aware that the Senate sponsor stated that the matter of Amedure v. The State of New York, is quote, "what brought about this bill," unquote.

MS. WALKER: I did not participate in the Senate debate but perhaps you can tell us a little bit about what the Senate sponsor said further, but unfortunately I am not aware of that.

MR. SMULLEN: I see. Well, are you aware that I was a plaintiff in this case?

MS. WALKER: I am not aware that you were a plaintiff in this case or any case.

MR. SMULLEN: Well, I actually know this case quite well because I was a plaintiff in the case. So now we're talking about my case.

MS. WALKER: We are not talking about your case. We are talking about Bill No. A05874.

MR. SMULLEN: Well, we most certainly are, because the Senate sponsor said, quote, "what brought about this bill was the case of Amedure v. The State of New York."

MS. WALKER: I believe --

MR. SMULLEN: It's his bill as well as it is your bill.

MS. WALKER: Mr. Smullen, I believe that if you would like to debate the Senate sponsor for what he said, there is an

appropriate forum for that as well, sir.

MR. SMULLEN: Well, thank you. So in response to my case, this bill creates a new provision under Article 16 of the Election Law, correct?

MS. WALKER: That is incorrect.

MR. SMULLEN: So this bill creates, let me rephrase, this bill creates a new provision under Article 16 of the Election Law; is that correct?

MS. WALKER: That is correct, sir.

MR. SMULLEN: And your sponsor's memo argues that this bill is designed quote, "to prevent the forum shopping" and, quote, "reduce the partisan gamesmanship;" is that also correct? That's in your sponsor's memo.

MS. WALKER: That is correct.

MR. SMULLEN: Okay. So I guess I would contend that this bill actually increases the political gamesmanship as we're playing here tonight by putting partisan forum shopping actually in the Election Law statute. And as far as the constitutionality of this legislation, if it's signed into law, it can only be challenged in Democratic controlled courts; isn't that true?

MS. WALKER: Again, I will say that I don't have the information that would be sufficient enough to come to an answer for that. I have not taken a look at the demographics of any particular Judicial Departments or counties, especially not that of Saratoga County; however, I do live on Saratoga Avenue and I can maybe tell

you a little bit about the demographics of Saratoga Avenue and I will probably venture off to say that there are a lot of Democrats that live on Saratoga Avenue.

MR. SMULLEN: Well, as far as your accusation about forum shopping in Saratoga, the nearest Supreme Court to my home is Saratoga, Saratoga County, where its court is. So wouldn't it be logical that I would go to the nearest court in order to file this suit, that had a sitting Supreme Court Justice?

MS. WALKER: Well, in this particular set of circumstances, which Judicial Department would that be in, the 3rd?

MR. SMULLEN: I live in the 4th Judicial District; District, not Department.

MS. WALKER: Okay, but which Judicial Department do you live in, sir?

MR. SMULLEN: I'm sorry, I can't --

MS. WALKER: Which Judicial Department do you live in?

MR. SMULLEN: One moment, please.

MS. WALKER: Would it be the 3rd?

MR. SMULLEN: I'm pulling it up.

(Pause)

Yes, it would. It would be the 3rd Judicial Department.

MS. WALKER: So that would require you to have to come to Albany County. Is that a particular hardship for you?

MR. SMULLEN: Well, it is because Albany County has all Democrat judges.

MS. WALKER: Well, I can't speak to the partisan makeup of the Albany County Appellate Court; however, part of the conversation that we were having here was about the distance that one would have to go through in order to come to the particular court where jurisdiction has been set. And so in that regard, I believe that, you know, Albany County, for a 3rd Judicial Department case, based on the plaintiff who lives in Saratoga County, such as yourself, sir, would not have to go through any undue hardship or burden in order to come to Albany.

MR. SMULLEN: Well, I think it would be most logical to go to the nearest Supreme Court justice. And in fact, that would then either be in Saratoga County or in Herkimer County. Wouldn't that be most logical and convenient? Anyway...

MS. WALKER: It all depends on what, you know, your -- what -- how do you define logical and/or convenient.

MR. SMULLEN: So --

MS. WALKER: I think that as we are talking about efficiency, creditability, integrity, uniformity, that it is important to have a court that is appropriately prepared in the expertise of questions on Election Law constitutionality. And for that reason, those were the decisions that were made with respect to this bill.

MR. SMULLEN: So you have no concern about precluding voters and taxpayers from bringing a lawsuit in 58 other

counties around New York State.

MS. WALKER: I'm sorry. Repeat your question.

MR. SMULLEN: So, therefore, just from your -- from your comments, you indicate that you have no concern about precluding voters and taxpayers from bringing a lawsuit in the 58 other counties of New York State.

MS. WALKER: I do not believe that those were my words, sir.

MR. SMULLEN: Okay. Well --

MS. WALKER: You know --

MR. SMULLEN: -- thank you very much.

MS. WALKER: -- my mom tells me that straight talk leads to straight understanding.

MR. SMULLEN: Thank -- thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: I'm going to say that this bill is political gamesmanship at its worst. We identify an unconstitutional law, challenged it in Supreme Court and won. I can't help but take issue with the fact that when my colleagues on the other side of the aisle don't like the results, they change the law. When they lose the game, they take our ball and go home. On debate the Senate sponsor called our constitutional challenge quote, "frivolous", unquote. This is a missed statement of law and fact and needs to be corrected. I'd like to set the record straight as to what holding of the court was in

that case because we won on the merits. The Saratoga County Supreme Court granted the motion declaring Chapter 763 of the Laws of 2021 unconstitutional because they didn't part but (inaudible) judicial review of contested ballots and related impound orders governed by Article 16 of the Election Law. The court further found Election Law 8400 unconstitutional because it permits illegal absentee voting for fear of COVID even though the COVID State of Emergency had expired. The court found the Legislature exceeded its authority under the State Constitution and unquestionably violated the spirit of absentee voting. Also, the Appellate Division did not reverse these findings of law. It dismissed the petition because the Appellate Court found that it was brought too close to the General Election. The Appellate Court just happens to be in Albany where the sponsor now wants all 3rd Department cases to be heard. Make no mistake, this bill strips the ability to bring constitutional challenges. It prejudices litigants in 58 counties in the State while favoring just four counties for a very specific partisan counties. If a citizen wants to bring a challenge to a provision under Article 16, they now need to drive hours just to access the court. It restricts the ability of local Supreme Courts to your cases involving the constitutionality of the Election Law. This is a deprivation of due process. It changes the New York State Constitution without amending that Constitution. I call on my colleagues in this House to see this bill for what it really is and vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Flood.

MR. FLOOD: Will the sponsor yield for just a few quick questions?

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields, sir.

MR. FLOOD: Okay, Ms. Walker, you -- you just said that this was done to bring, I believe your words were integrity and efficiency. Can you give me a reason why the -- the 2nd Department is now -- you're bringing (inaudible) to it's Westchester I believe?

MS. WALKER: Well, that's a great question actually, Mr. Flood, considering I live in Kings County and there is an Appellate Court in Kings County. And so we are of the belief, I'm of the belief, that it is important for a court to have a particular skill and a particular expertise in this area of the Election -- of Election Law with respect to constitutionality and notwithstanding the distance even that I would have to take in order to get to the Westchester County Courts. It is more important to this particular bill that we foster uniformity and constitutional interpretations at the trial level.

MR. FLOOD: Well, it's funny you said that because your drive would be substantially shorter than my drive which is out on the North Shore of Suffolk County which if I have to go file and

had a case in that venue, I'm talking probably a four hour and 20 minute drive at that time in the morning. Westchester sits at the very far edge of the district. It would be more centrally located if it was in the Bronx or in Queens or in Nassau County. So instead, though, it's put all the way out as far as possible on the farthest northwest or the north western edge of that specific district. Is that just a coincidence?

MS. WALKER: What time will you be traveling?

MR. FLOOD: So if I had to be in court at 9:30 from where I am, I probably would have to leave around 5:30, because if you ever saw the LIE at 6:00 in the morning, it's going to take me probably two hours just to get out to Nassau County. And now from 7:30 I have to drive through the City up through the Bronx, across the Long Island Expressway to get into Westchester. So yes, it's probably about a four hour drive, similar to my normal drive here on a Sunday night. And so I'm just wondering why that location was picked, because we had all sorts of locations. Why that location?

MS. WALKER: Well, that location was picked not thinking about how long it would take you, Mr. Flood, from driving from your home to Westchester County or my home to Westchester County as well.

MR. FLOOD: But what --

MS. WALKER: However, it was taken into consideration and tried to find a location which would be centrally located --

MR. FLOOD: Okay. But --

MS. WALKER: -- for all of the individuals --

(Inaudible/cross-talk)

MR. FLOOD: I'm sorry. (Inaudible/cross-talk)

established it wasn't centrally located. It's as far away as possible. It's literally sitting on the outer edge of the -- of the Department. Like it's -- it's literally as far away as you can on that side of the (inaudible) it also happens to be unfortunately, of what my colleague was saying, made up of predominantly liberal-minded folks.

MS. WALKER: Well, it's also the location where judicial grievances for the 2nd Department is located. Are you saying that judicial grievances shouldn't be handled in Westchester County as well? I mean it's --

MR. FLOOD: Well, that's -- that's -- that's in a very limited circumstance.

MS. WALKER: Yeah, but --

MR. FLOOD: These kind -- these kind of challenges happen in every election cycle.

MS. WALKER: Okay. I understand that, but the questions you asked me was why Westchester County. And again I just gave you another example of precedence which said that for 2nd Department certain circumstances that Westchester County is the location of venue for which it's chosen.

MR. FLOOD: Okay. I understand that, but you use a -- a -- when -- when -- you know, when we bring up -- you know, we brought up some amendments this morning to, you know, hostile

amendments to articles and you said they're not germane to the issue at hand. Where our grievance committee sits is not germane to where we can bring election challenges to our State Constitution.

MS. WALKER: No, it's not.

MR. FLOOD: It's just one that has nothing to do with the other.

MS. WALKER: No, but for purposes of talking about the distance between you having to drive from Long Island to Westchester County, I am just admitting to you that it's not without precedent for a particular jurisdiction to be chosen for Westchester County. Quite frankly, it's also the location where the judicial institute is located at my beloved alumni of Pace Law School. So a judge who lives in Long Island has to drive to Westchester County in order to go to the judicial institute. So we are --

MR. FLOOD: But we --

MS. WALKER: And so --

(Inaudible/cross-talk)

MR. FLOOD: But it is unprecedented in taking away these type of venues and limiting it to 4 out of 62 counties. That is unprecedented. And it is unprecedented that you've put them in areas that are all coincidentally made up of Democratic judges. If you were to put it in Suffolk County, we have a very mixed -- you have equal amounts Republicans as you do Democrats on the -- on the -- on -- you know, in the charges -- benches, sorry, it's very late and this is again, we're taking this bill up at 1:30 in the morning on the last day

of Session something that's going to totally fundamentally change the way Election Law is taken. So I'm sorry if I'm getting a little angry, but your answers right now are not sufficient.

Speaker, on the bill, please.

ACTING SPEAKER AUBRY: Take a breath first.

MR. FLOOD: I'm good.

ACTING SPEAKER AUBRY: Okay. On the bill.

(Inaudible/cross-talk).

On the bill.

MR. FLOOD: (Inaudible) -- as I can be right now, because we've sat here through the last two days and watched as this Body has taken away the voice of just about every Conservative in this State. We lost the -- the State. This -- this Body lost some lawsuits last year so what we said is exactly we're going to take your best vote and we're going to go home. This Body talks about representing everyone and giving equal voice to everyone, but right now over the last couple days what we have done is our best to limit anyone with a Republican Conservative voice. We don't think this is true? I can see who is sitting there. In the last 40 years other than local bills, how many bills have been given the chance of being voted on committee? I don't think there was a single one this year. You want to limit our voices. Now what we're saying is we're in the court system so we're going to dictate what another body of government can do so that we can keep our Majority, our total control over the State. This is disgraceful. This is why people hate politicians. I am voting no. I

strongly encourage my colleagues to do so. If there's any semblance of fair and right in this State, these types of laws should not exist.

(Applause)

ACTING SPEAKER AUBRY: Mr. McGowan.

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

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

MS. WALKER: Yes, Mr. Speaker.

MR. MCGOWAN: Thank you, Ms. Walker. It's very late or early so I'll be as brief as possible. I just want to follow up on some of the responses that you gave to my colleagues just a few moments ago. One of the reasons that you said as a stated purpose to do this is to create an expertise in dealing specifically with these constitutional issues arising under Article 16 of the Election Law, correct?

MS. WALKER: That is correct.

MR. MCGOWAN: So my colleague who was just speaking was talking about the 2nd Judicial Department and I'd like to talk about the 2nd Judicial Department because that's where -- that's where I live in Rockland County. So the -- the court, the Supreme Court where any of these challenges would be litigated would be in Westchester County, correct?

MS. WALKER: Correct.

MR. MCGOWAN: And that would be the City of

White Plains Supreme Court?

MS. WALKER: I believe so.

MR. McGOWAN: Okay. And these are cases that would originate in the Supreme Court, the court of original jurisdiction, correct?

MS. WALKER: Correct.

MR. McGOWAN: Is the plan to have a specific part with only a limited number of judges assigned to handle these cases in order to develop what you call that -- or the goal of developing an expertise in these particular areas?

MS. WALKER: I believe the Office of Court Administration can decide the way that this particular bill will be implemented.

MR. McGOWAN: Okay. So you would agree with me that Supreme Court Justices can handle, you know, any type of cases. Civil case, potentially a criminal case and within let's say the civil contacts, all sorts of matters, breach of contract, matrimonial perhaps, personal injury. All these subject matters are handled generally by Supreme Court Justices by the State of New York, correct?

MS. WALKER: That would be correct.

MR. McGOWAN: Okay. So are we just -- is the goal to add this as one more thing that our Supreme Court Justices within let's say the 2nd Judicial Department would be handling?

MS. WALKER: I don't believe it would be adding

anything new. This particular bill, it just indicates that for cases that involve challenges to the constitutionality of the provisions of the Election Law be brought as specific venues.

MR. MCGOWAN: Okay. So right now if someone were to challenge Article 16 of the Election Law, they could bring that in any of the 62 counties in the State of New York, correct? Assuming -- let -- let me preface that further -- assuming that all other procedural jurisdictional requirements were met.

MS. WALKER: Yes.

MR. MCGOWAN: Okay. So what we're doing is we're truncating to 4 out of the 62 counties to develop as you said this expertise in this area, correct?

MS. WALKER: Correct.

MR. MCGOWAN: But this legislation does not discuss or address that certain parts would be designated or certain number of justices would be designated solely to handle these types of cases, correct?

MS. WALKER: Correct.

MR. MCGOWAN: Okay. And you said you would leave that and that would be left to the Office of Court Administration, right?

MS. WALKER: Right.

MR. MCGOWAN: Okay. Within the 2nd Department there is separate -- or within all the Departments there are separate Judicial Districts. For instance, the 9th Judicial District

which covers the County of Westchester. I know this because as a practitioner I do a lot of my litigation in Westchester as well as Rockland County, there are Supreme Court Justices that go sometimes back and forth between those two counties as well as the other counties within the 9th JD. So, again, does this bill speak to selecting judges from whatever judicial district is within the designated Departments to solely or specifically handle these types of cases?

MS. WALKER: Can you repeat your question, please?

MR. McGOWAN: Absolutely. Within the judicial districts which are contained within the Departments, will there be certain judges who may be moving around different counties who will be assigned to solely handle these particular matters?

(Pause)

Let me rephrase and make it even simpler.

MS. WALKER: Please.

MR. McGOWAN: This bill does not speak to assigning specific justices to handle this case, say we're going to have a panel of three or four that will be handling this, correct?

MS. WALKER: That's correct.

MR. McGOWAN: It can be any judge in theory depending on how the Office of Court Administration assigns a particular case within a judicial department, correct?

MS. WALKER: Correct.

MR. McGOWAN: So how is it that we are

developing this expertise that you stated is one of the main goals of this legislation?

MS. WALKER: Because we are in this very moment talking about the legislative intent of the bill. And if there are any questions with respect to OCA that they may have, it is implementation they can always refer to this dialog, sir.

MR. McGOWAN: Okay. Is there or has anyone asked for this?

MS. WALKER: No.

MR. McGOWAN: Have there have been groups or lobbyists or parties who said, you know what? I want to travel further or I really don't think that the Supreme Court where I brought this action, those justices don't know anything about constitutional law. Let's -- let's bring this all into only 4 of 62 counties within the State. Has anyone been asking for those types of things that would necessitate bringing this legislation?

MS. WALKER: Not that I am aware of.

MR. McGOWAN: So as the sponsor of this bill, Madam, can you tell me where this came from and what the reason for this is, aside from the stated goals of efficiency and having a speciality and determining constitutional issues.

MS. WALKER: And preventing forum shopping.

MR. McGOWAN: Well, that's happened already through the bill because the bill itself, this law is creating forum shopping by designating only 4 out of 62 counties. So I'm not even

worried about that because that's already covered. So my question is why are we doing this?

(Pause)

MS. WALKER: I believe that question has been asked and answered, sir.

MR. McGOWAN: So nothing happened that prompted this?

(Pause)

MS. WALKER: I believe that question has also been asked and answered.

MR. McGOWAN: So okay. Just to -- my final question then, those goals you stated, right, having goals of why we want this and everything you stated is a justification for this -- this bill. But you can't tell me any incident or case or anything that said, you know what? This year, in this Session, literally at the end of Session, this is the time to bring this, we need it now because X, Y and Z has happened. There's nothing that -- that happened that prompted this?

MS. WALKER: I am going to say, sir, that nothing that I am aware of has prompted this. I was asked whether or not I was aware of your colleague's case in Saratoga County where he had a case about dangling chad. And again, it's not something that I was aware of.

MR. McGOWAN: Okay. Thank you very much, ma'am. I appreciate your time.

MS. WALKER: Thank you.

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

ACTING SPEAKER AUBRY: On the bill.

MR. MCGOWAN: This is very, very interesting, bizarre, confusing. As a practitioner for over the past decade in New York State handling both civil and criminal cases, we have rules and regulations about where cases can be brought. About jurisdiction and about venue which is really what we're talking about, the venue that these cases can be handled in. That's already covered. Any attorney knows when and where to bring a case. I don't think we need help with venues. I don't think we really need this. And it's very perplexing and very interesting why this is here. The idea that we need to have specialized Election Law constitutionality parts. Any Supreme Court Judge when a -- when a question of constitutionality can be brought up in a variety of contexts, in a variety of cases. We're not creating a separate part, that we're going to have judges who were just handling these types of cases and they're going to get really, really good and really, really proficient at handling these particular types of matters. No. We're just saying, well, basically whoever's up or better yet, we'll have OCA figure it out. Whatever judge is up, however they're going to catch the case, that's how we're going to do this. This bill is -- is -- I mean it's a thinly veiled attempt at -- at what's going on here which is to limit for whatever reason, sounds like political, but to deprive litigants of a convenient forum to truncate these cases and put them in a limited number of jurisdictions it just -- it really flies in the

face of everything we've heard over the last couple of days about accessibility, efficiency, those types of things to justify these other related Election Law type bills that we've been taking up over the last couple of days. I'll say this: I'm not fooled. This is not a good bill and I will be voting in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. WALKER: Yes, Mr. Speaker.

MR. GOODELL: Thank you, Ms. Walker. I was a little bit curious about the comment that was made earlier that one of the rationales for selecting just 4 out of 62 counties is because of a particular expertise. Until just recently in Chautauqua County we had no resident Supreme Court judge. And so every Supreme Court judge that we had until just recently was assigned out of Erie County. So my question is, why -- why would an Erie County judge have more expertise from sitting in Buffalo than the same exact judge would have sitting in my county?

MS. WALKER: I don't know if I can answer that question.

MR. GOODELL: I can. But I was curious --

MS. WALKER: And I don't know if I could, you

know, I don't know how the judges are assigned in your county or in any other county or any particular county. And quite frankly, this bill has nothing to do with the assignment of particular judges except to state that there are four particular locations by which any constitutionality provisions are challenged to the Election Law.

MR. GOODELL: In -- in the last few years, are you -- are you familiar with how many constitutional challenges to the Election Law have been initiated in New York State?

MS. WALKER: I am not, sir.

MR. GOODELL: And along the same line, are you aware of any problems in local Supreme Court judges' ruling on those constitutional issues?

MS. WALKER: I'm not aware of any problems.

MR. GOODELL: As you know, oftentimes in a case the case may actually involve multiple parties. I once was involved in a -- a jurisdictional case, by the way, an election case that went all the way up to the Court of Appeals. There were 236 I think defendants. They were all in Chautauqua County. So in that type of case where you have a constitutional challenge say challenging the constitutionality of, you know, 50 no excuse absentee ballots, what is the rationale for requiring the plaintiff and all 50 defendants to have to travel hours and hours to get to Erie County to have their case heard?

MS. WALKER: Well, I will --

MR. GOODELL: I mean wouldn't -- wouldn't it make more sense to have the judge in the county where all the

defendants and plaintiffs are located and reside then to have to force all of them to travel great distances?

MS. WALKER: Well, in part of your deliberations you mentioned that there were a number of plaintiffs in a particular case that was brought to the New York State Court of Appeals. And I'd submit to you that all of those plaintiffs had to drive hours and hours in order to get to Albany County in order to have their case be heard.

MR. GOODELL: Well, no. The Court of Appeals is only a court of law. So the Court of Appeals, you don't have the plaintiffs and defendants show up, it's only the lawyer --

MS. WALKER: Well, they particularly aren't there as well in the -- in the Appellate Courts as either, but since we have all of these plaintiffs traveling all over the State in order to hear their attorneys arguing their cases, I submit that perhaps they can, you know, sign up to go and hear their attorney argue their case before the Court of Appeals as well.

MR. GOODELL: Of course as you can appreciate, depositions and hearings must be in front of a court. And I've had Election Law cases where we've had full trials with multiple parties not at all unusual, for example, for both election commissioners to be defendants. Particularly if they're challenging the constitutionality involving some of their actions. So again, my question is, if we don't have any examples of problems with local Supreme Court judges, why would we force all the parties, including the Republican and

Democratic Election Commissioner, to have to travel up to four or five hours to appear in front of a court in a county that may be several counties away? Why -- what's the rationale for that if we haven't had any examples of any problems with the local judges?

MS. WALKER: Well, by selecting populous counties within each Appellate District this legislation seeks to place the appropriate forums for Constitutional Election Law challenges convenient for residents of that Appellate District.

MR. GOODELL: Now, of course as you know, there's -- there's only two Election Commissioners in Erie County; one Republican and one Democrat. The same number of Election Commissioners are in every county. So why do all the other 58 County Election Commissioners - we'll, it'd be 116 if they were all sued, hopefully that's never the case - but why would all the other parties be forced to travel to a foreign -- to a different county? I -- I'm-- I'm looking for a rationale. I mean I've never run into any problems with a local judge in terms of their basic confidence and a few times I did I took them up on appeal and sometimes the Appellate Division corrected the judge and sometimes the Appellate Division corrected me. But I haven't seen any particular expertise based on jurisdiction. And are you aware of any? I mean, are you aware of whether or not the Erie County judges or Westchester judges are any more expert on reading the Constitution than any other Supreme Court Judge?

MS. WALKER: Well, in this particular scenario here

once the -- this bill has been passed, one thing that it is my hope to see is that there will at least be an expert in the 1st Judicial District located in New York County, and the 2nd Judicial Department -- sorry I said district -- in Westchester County for the 3rd Judicial Department in Albany and for the 4th in Erie County. And that there will be some level of uniformity within the Election Law so that we don't have to worry about jurisdictions where there are 62 different analyses and answers and precedence to the same constitutional questions with respect to the Election Law.

MR. GOODELL: Of course as you know, any constitutional challenge, regardless of which county it's brought in, pursuant to Executive Law, Section 71 or the CPLR 1012(b), it doesn't matter what county it's brought. If it's challenging the constitutionality of the State law the Attorney General must be notified, right?

MS. WALKER: Correct.

MR. GOODELL: And the Attorney General funded by the State of New York has offices throughout the whole State, not just in Erie or Westchester or Albany, right? They -- they would then --

MS. WALKER: I would say in many different counties within the State but I wouldn't -- I'm not sure about throughout the entire State.

MR. GOODELL: So if the Attorney General by statute must receive notice of every type of this case, why isn't it

sufficient that the attorneys for the State of New York all receive notice? Why do we also have to forum shop with the judge?

MS. WALKER: I don't see -- I feel like I'm -- we're comparing apples to oranges here. What is the Attorney General and the Attorney General's Offices and the notice requirements and the judges have anything to do with A5874?

MR. GOODELL: Well, the answer is you've been talking about the need for a particular expertise.

MS. WALKER: Correct.

MR. GOODELL: Under the New York State existing law, it's the Attorney General's Office that needs the expertise, because it's the Attorney General's Office that defends the State whenever there's a constitutional issue and under current law the Attorney General already gets notice.

MS. WALKER: Well, this doesn't change the level of expertise that's required of any particular election lawyer and/or Attorney General or Assistant Attorney General, but it speaks to the four different venues by which a case is to be brought.

MR. GOODELL: Now, as you know, Article VI of the New York State Constitution starting in Section 7, says the Supreme Court shall have general original jurisdiction. And it goes on to say if the Legislature shall create new classes of actions and proceedings, the Supreme Court shall have jurisdiction over such classes of actions and proceedings. Although the Legislature, of course, can add other courts to have concurrent jurisdiction. Why is it

then that the Supreme Court in Chautauqua County or Cattaraugus, Allegany, Steuben, Yates or any of the other counties except those four are divested of jurisdiction?

MS. WALKER: Now which Department would -- which Judicial Department would those counties be located in?

MR. GOODELL: Which -- they're all in the 8th Judicial Department. And so they would all -- just as an example, we'll use Buffalo or Erie County. So why is it that a Supreme Court Judge in Orleans, Niagara, Genesee, Jefferson, Yates, Steuben, Chautauqua, Cattaragus or Allegany County, why is it that we're divesting or tempting to divest all of those Supreme Court Judges from any jurisdiction?

MS. WALKER: We are not divesting those particular judges as we also have heard. It would be the Office of Court Administration who would be implementing this particular bill with respect to the assignment of judges. And perhaps the Office of Court Administration in their infinite wisdom may pull a judge from one of those particular counties that you mentioned.

MR. GOODELL: Great point because each Judicial District has an Administrative Judge. And each Judicial Administrative Judge assigns the judges within that entire district. They can send them wherever they're needed. Why is it that under this bill, the Administrative Judge can only assign a Supreme Court Judge from Chautauqua, Cattaragus, Allegany, Steuben, Livingston, Genesee Niagara, Orleans or any of those other counties can only

assign any one of those other Supreme Court Judges to an Election Law case involving constitutionality if the judge travels to Buffalo. Why is it that the -- under this analysis that the Administrative Judge can direct the judges from the entire district to hear a case but they have to travel to Buffalo? Is it that they have better hearing in Buffalo? I'm sorry. That's not really -- why is it that they can assign the judges to come to Buffalo but can't assign a judge in Buffalo to go to Chautauqua or any of the other counties?

MS. WALKER: Can you repeat those counties again, please?

MR. GOODELL: Absolutely, of course. I mean I have two minutes and 37 seconds but I have a second 15. I can repeat them all you want. It's Chautauqua, Cattaragus, Allegany, Steuben, Livingston, Genesee, Orleans, Niagara and they're all in the same Judicial District. So what this bill says is you can take a judge from Steuben and assign the Election Law case to him, but only if they go to Buffalo to hear it. Why is that? And you can't take a Buffalo judge and send them to -- to Chautauqua County to hear the same case. Why is it that we are saying the Chief Administrative Judge can only -- they can assign whoever they want, but they can only hear it in Buffalo? What's the rationale?

MS. WALKER: Did you change your question, sir?

MR. GOODELL: No, it's the same question. I think

--

MS. WALKER: Well, first, I believe that the

question was, why does -- why does the judge have to go to Steuben, Allegany --

MR. GOODELL: No, no. Why does a judge from wherever they're located --

MS. WALKER: The administrative judge would have to look at judges from Steuben, Allegany, Orleans, Chatta -- Chautauqua, Cattaragus.

MR. GOODELL: Let me -- maybe -- maybe I should make --

MS. WALKER: All of these judges and all of these major counties across the State --

MR. GOODELL: So the 8th Judicial District has --

MS. WALKER: The 8th Judicial District --

MR. GOODELL: -- has many counties.

MS. WALKER: Right. And then they --

MR. GOODELL: Right.

MS. WALKER: So why wouldn't they be able to choose one of those judges, number one --

MR. GOODELL: Let me just make --

MS. WALKER: -- and I explained that the Office of Court Administration can choose from any number of judges within this pool.

MR. GOODELL: Right, I'm with you.

MS. WALKER: Right?

MR. GOODELL: Right.

MS. WALKER: So you were right there. And then they would have to go to Erie County, which would be the location that the venue is located under this particular bill.

MR. GOODELL: Okay. So I guess I'm asking for the -- of the rationale why --

MS. WALKER: Why -- I will also say --

ME. GOODELL: -- the Administrative Judge --

MS. WALKER: -- that that question has been asked --

MR. GOODELL: Excuse me, let me just ask the question before you answer it.

MS. WALKER: Why is sufficient -- is a sufficient question.

MR. GOODELL: Why do we say the Administrative Judge can assign any judge in the entire multi-county district to hear the case but they can only hear the case in Buffalo?

(Buzzer sounded)

ACTING SPEAKER AUBRY: You want another 15. Is that,

MR. GOODELL: Yeah, that's --

ACTING SPEAKER AUBRY: That's what that means. Proceed.

MR. GOODELL: I'm just confused why a Supreme Court Judge might be able to hear and analyze and rule better depending on where their seat is located.

ACTING SPEAKER AUBRY: We hope that with the second 15 you will no longer be confused.

MR. GOODELL: Indeed, you and me both, Mr. Speaker.

MS. WALKER: Add me to that list as well.

MR. GOODELL: So why is it that you think a judge can render a more thoughtful decision based on the location of their seat?

MS. WALKER: Well, this particular bill doesn't speak of the location of the seat of the judge. However, it does speak to the location of the plaintiff who I have not heard you mention at all yet in any of your questions.

MR. GOODELL: All right. So I'll give you a simple example. The plaintiff is in Allegany County. All the defendants are in Allegany County. The Court, the Administrative Chief Judge assigns the Allegany Supreme Court judge to hear the case. Why is it that under this bill they all have to travel to Buffalo; the Allegany Supreme Court Judge, the Allegany plaintiffs and all the Allegany defendants have to go up to Buffalo. Why?

MS. WALKER: In order to promote more uniformity and decisions with respect to the constitutional interpretation of Election Law matters at the trial level, we believe that it will be best suited with respect to those decisions if there was a more concerted effort as it relates to the jurisdiction and venues of this particular area of law.

MR. GOODELL: Now, as you know, all of our Supreme Court Judges are elected. And in order to become elected they often seek and receive a party endorsement. And I've actually had this situation before where I brought an Election Law case and the judge recused himself because he didn't want to rule on a case involving the local political leaders who were the ones that endorsed him and got him in office and it was a wise decision. And so it's not at all unusual, for example, in a lawsuit in Erie County involving the Erie County Board of Elections, Republican and Democrat, and oftentimes involving political figures that the Judge in Erie County doesn't want to hear the case and recuses himself. Why is it we can't allow the case to be heard somewhere else?

MS. WALKER: You lost me when you said that all of the judges at the Supreme Court level are elected.

MR. GOODELL: Yeah, that's the case Upstate. I don't know what they do in New York.

MS. WALKER: Oh, well, when you say "all" --

MR. GOODELL: The City.

MS. WALKER: -- that's an absolute so...

MR. GOODELL: No. So just the 3rd, 2nd, 3rd -- well, 1st, most of the 3rd, most of the 2nd, all of the 4th. So -- but in that case, why is it we would want to insist that the case be in Erie County if all the judges are up there have a potential conflict?

(Pause)

There's no need to belabor this. Thank you so much

--

MS. WALKER: Oh, thank you so very much.

MR. GOODELL: -- for your patience and your answers.

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you. All the Supreme Court Judges all have law degrees. Pursuant to the Constitution they all have original jurisdiction. They routinely hear these and other complex cases. We typically have venue where the parties are located focusing first, by the way, on venue where the defendants are located. And so you can't bring a case in Chautauqua County against defendants who all live in Erie County, you got to go to Erie County, that's the way the system is designed. But this bill says that if all the defendants are in Chautauqua County and all the plaintiffs are in Chautauqua County, y'all have to rent a limo and go up to Erie County or a dollar van or whatever they're called, you have to go up to Erie County to have the case heard. It makes absolutely no practical sense. And we're told it's develop expertise but all these cases involve a notice to the Attorney General. That's where the expertise is needed. And if there's ever a challenge as to the knowledge and expertise of the local Supreme Court Judge, that is why we have Appellate Divisions and a Court of Appeals. This bill has just one affect and that is to force every defendant, every defendant in every county outside of those four to travel to a court that would otherwise never

have jurisdiction without their consent. Please. We don't have any other special constitutional courts. Please. We don't otherwise require all the defendants to travel outside of their county hours on end. There's no rational reason for this bill other than forum shopping by the State Legislature.

For that reason I won't support it. It's grossly unfair, inappropriate, unjust and absolutely an abuse of power. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

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

ACTING SPEAKER AUBRY: Ms. Walker?

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MS. WALSH: Thank you very much. Did any group ask for this particular piece of legislation, because I know sometimes, you know, you get approached by a group that says we really want to do this. Like, anybody like that or did this, you know -- what was the genesis of this bill?

MS. WALKER: I believe there were a couple questions and so the answer to your first question is whether or not any groups contacted me. Not to my knowledge.

MS. WALSH: Okay.

MS. WALKER: And the reason for the bill or the

impetus behind the bill again is to --

MS. WALSH: Oh, oh, no. You don't even have to repeat that again.

MS. WALKER: Thank you.

MS. WALSH: We've heard it like 20 times. No, I understand what you're saying the reason for the bill is. I just want to know like in -- in developing this bill then, was OCA consulted, was the New York State Bar Association consulted, was the Board of Elections consulted? Any of those groups that -- or any others? Did you consult with anybody in developing this?

MS. WALKER: Not to my knowledge.

MS. WALSH: Okay, all right, very good. Now let's see, I think all the other questions have already been asked of you so, Mr. Speaker, I'll just go right on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: Thank you very much. So I -- I was doing a little bit of a head count, you know, we've got a lot of empty chairs. I think probably some people are maybe taking a little snooze right now which I totally can appreciate since it's almost 3:00 in the morning. But I did count some heads of attorneys here. And I -- I am very fascinated with -- because I can only -- I can only be a fly on the wall -- from what I understand about the process here is that for a bill to get kind of approved to move forward and go through committee and come to the floor, the other side of the aisle, my colleagues on the other side of the aisle they do a conference and they consider whether

it's a good idea to bring a bill to the floor and then, I don't know if you do like a straw poll or you talk about it. But it has to be the case that there are attorneys that I am serving with in the New York State Assembly on the other side of the aisle who thought it was a good idea to bring this bill to the floor for a vote and that is fascinating to me. And I'm looking at some of you right now. I -- I -- I am -- I'm just amazed by the last 48 to 72 hours, in particular, with the -- the legislation that's been brought forward. It seems as though no one asked for this, that nobody was consulted and the experts, so stakeholders we've been calling them today, discussing other bills, OCA, the New York State Bar Association, the Board of Elections, nope, nobody's asking for this. So as was said, Supreme Court Judges have unlimited original jurisdiction. And for non-lawyers what means is they are all equally qualified to handle the types of cases that would come before them, equally. So you might say, why do we need to create this special expertise? I would say that that is a ginormous red-herring.

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

MS. WALKER: Will Ms. Walsh yield for a couple questions?

MS. WALSH: Sure.

ACTING SPEAKER AUBRY: Ms. Walsh yields.

MS. WALKER: Thank you, Ms. Walsh. So again in the spirit of uniformity, I believe that it is your testimony this evening

to state that as long as a judge has original and competent jurisdiction that they can hear any particular case notwithstanding their own level of expertise; is that correct?

MS. WALSH: They're all admitted attorneys, they've all been elected to serve. As Supreme Court Justices, they all received the same initial training, they have original jurisdiction to handle all matters that could go before the Supreme Court. Yes.

MS. WALKER: I'm a little confused because just this evening one of the questions that you had of one of our colleagues who we all equally have the ability to introduce bills notwithstanding a particular expertise or license or area of law, but you believe that because that person was not a member of the Election Law Committee and that they were not an attorney, that they were not qualified in order to bring a particular bill with respect to the Election Law. So I am having a hard time understanding that contradiction.

MS. WALSH: I can appreciate your confusion on that issue.

MS. WALKER: Thank you.

MS. WALSH: And I actually addressed that with the sponsor of that earlier bill and explained to her that my concern was not with her, it was with the quality of the bill and not with her at all and she -- and I -- I certainly did apologize if she thought that I was making any -- casting any aspersions upon her or her ability to be --

MS. WALKER: Right. I understand that. So I wasn't --

MS. WALSH: I appreciate your question and now I'd like to continue with my on the bill. Thank you so much.

MS. WALKER: Thank you.

MS. WALSH: So I think that really what it comes down to, as I mentioned, I believe that the idea of greater competency of some Supreme Court Judges to handle these Election Law challenges over others, I think it's a giant red-herring. So I really think, I really think that the real reason is that although -- and I think I'm picking up on what my colleague said earlier this evening mentioning that we have one party control here in Albany, we say this all the time but it's true. We have super majorities in both Houses, both Democrats, we have the Governor, the Attorney General, the Comptroller, on and on and on all in the same political party. But what's been pesky I think for this Body and for that one party control has been the judiciary has been that third -- that third branch of government. And so I do believe that this -- the genesis of this bill is really to attempt to control outcomes and to forum shop and it is disgraceful. It's absolutely disgraceful. And I believe that, I believe it's unconstitutional. And it's just baldly political, it's not to be supported by certainly anybody who's -- anybody who's reasonable I would say. And I will certainly not be supporting it myself, and thank you, Mr. Speaker.

ACTING SPEAKER OTIS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER OTIS: A Party vote has been

requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. If there is anyone that supports it, they are certainly welcome to vote yes here on the floor. Thank you, sir.

ACTING SPEAKER OTIS: 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 some that will want to be an exception. They should feel free to vote at their seat.

ACTING SPEAKER OTIS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. Just -- just want to say this bill, the previous bill are both so blatantly unconstitutional that despite the best efforts of our colleagues down the hall to stack the Court of Appeals with crazy people, they're both going to be found unconstitutional. I vote no. Thank you.

ACTING SPEAKER OTIS: Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. You know, I had the privilege of arguing in 43 of our State's Supreme Courts, I have been all over this great land. And I have a lot of

experience with the judges in those courts. This bill for me is less about expertise and more about neutrality, because when you go to Erie County, you're going to get a wheel of 13 judges, half of whom are Republicans. And you're going to get assigned randomly to one of those judges. And there's actually precedence to this. If you bring an appeal to say the Workers' Compensation Law in the State, every one of those appeals goes to the 3rd Department. If you're accessing our Appellate Division, you have to travel to Buffalo or Rochester or Albany. This is something that we do, it's not unprecedented. But if you cite a case in Steuben or in Jefferson or in Yates or Cattaraugus, you're picking from maybe two judges, maybe three judges, very likely all of the same political party. So you're not just forum shopping. In a lot of cases you're shopping for the particular judge because you know who you're going to get. And when the party to that lawsuit is a local elected official, as our colleague pointed out, there's a decent chance they have a good working relationship with that particular judge. They may have donated to that judge, they may play golf with that judge, they may have run for office with that judge. But when you make someone go to a larger court, the odds that they have a close personal relationship are greatly diminished. My concern is that many of these cases, these constitutional cases, they are actually cited here. The cite of the harm is actually Albany. I actually would prefer if this case was cited entirely in the 3rd Department because this is the cites of the injury in that circumstance. When you're dealing with a constitutional case, the issue you're trying to assess is

whether the State has caused harm. So the special circumstances that cause you to want to cite a case in a particular county or particular locality don't matter as much. I vote in the affirmative. I had more. It's late.

(Pause)

ACTING SPEAKER OTIS: Are there any other votes?

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. I'll be real quick and I apologize. But we should all have expected this. It's right out of the playbook. We heard former Governor Andrew Cuomo say there's no place in New York for Conservatives. We've heard the current Governor, Governor Hochul tell Republicans to get on a bus and leave. Well, we're almost there, you're telling them to get on a bus to drive four hours just to protect their rights. I vote in the negative.

ACTING SPEAKER OTIS: Mr. Lavine to explain his vote.

MR. LAVINE: Democrats voting against this bill when bills involving the most important aspects of constitutional liberty come before this Body. How often, how often do we see votes on the other side of the aisle voting with us even though I know in your hearts you feel the same way we do. I have voted against this. This is democracy. This is the way it works. And for those who have expressed such outrage, what I say is give me a break.

ACTING SPEAKER OTIS: Announce the results.

(The Clerk announced the results.)

The bill has passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please have the House stand at ease?

ACTING SPEAKER OTIS: The House will stand at ease.

(Whereupon, the House stood at ease at 2:50 a.m.)

MRS. PEOPLES-STOKES: Sir, Mr. Speaker, if I could add that you would ask members to please come back at 9:00.

ACTING SPEAKER OTIS: The House will stand at ease until 9:00 a.m.

* * * * *

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

(Laughter)

That was done earlier today.

(Laughter)

MRS. PEOPLES-STOKES: That was earlier. So this is today, today, for real, for real. And hopefully, this is our last day of the 2023 Session. We're going to continue our floor work, first by taking up Rules No. 714 by Mr. Carroll, then we're going to consent the bills from last night's A-Calendar, beginning with Rules Report

No. 806 through Rules Report No. 850. There probably will be a need to announce additional floor activity at some point, Mr. Speaker. It's been a really long, productive week but I really do want to appreciate the members for their patience and their diligence and getting us through this in the interests of our constituency, as well as the entire State of New York. So I appreciate your cooperation.

With that said, Mr. Speaker, we can proceed with our work.

ACTING SPEAKER AUBRY: Shall we proceed.

Page 17, Rules Report No. 714, the Clerk will read.

THE CLERK: Senate No. S05984-A, Rules Report No. 714, Senator Kavanagh (Carroll, Thiele, Burgos, A06132). An act to amend the Election Law, in relation to registration of voters during early voting.

ACTING SPEAKER AUBRY: Mr. -- Mr. Carroll, a explanation is requested.

MR. CARROLL: Thank you, Mr. Speaker. Good morning. This bill will create a streamlined process to register to vote and vote by affidavit ballot on the first day of early voting.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker, and good morning.

ACTING SPEAKER AUBRY: Good morning.

MR. NORRIS: Will the sponsor yield for a few questions?

MR. CARROLL: Yes.

ACTING SPEAKER AUBRY: Mr. Carroll yields.

MR. NORRIS: In the State Constitution, isn't it provided that there shall be registered -- a voter should be registered at least ten days prior to Election Day?

MR. CARROLL: Yes.

MR. NORRIS: And the current Election Law currently states that no voter who is not registered shall not be permitted to vote at an early voting site; is that correct?

MR. CARROLL: Excuse me. Say that again.

MR. NORRIS: Under current Election Law, at a polling -- early voting site, no voter is allowed to vote at that site if they have not been previously registered; is that correct?

MR. CARROLL: Yes. That's current law, yes.

MR. NORRIS: Yes. But we have a problem right at the second Saturday before Election Day, the first day of early voting.

MR. CARROLL: We have what, Mr. Norris?

MR. NORRIS: A problem right now.

MR. CARROLL: We have a problem? I don't think we have a problem. What we're trying to do is to allow for individuals who are duly-allowed to register to vote but are not registered because the deadline is now ten days prior to an election, and that coincides with the first day of early voting to register on that day and then via affidavit ballot to vote.

MR. NORRIS: I guess the problem, though,

currently, is that there is a problem because if a person goes to the early voting site on that first Saturday and they're not registered, they can't vote there; would that be fair?

MR. CARROLL: That -- that is correct.

MR. NORRIS: Okay. And you stated earlier, I just want to confirm, if that person registers at the early voting site on that day, they have to vote on an affidavit ballot, correct?

MR. CARROLL: Yes.

MR. NORRIS: All right. And was there a constitutional amendment that was defeated in 2021 that said there shall be no same-day voter registration? Was that rejected by the voters?

MR. CARROLL: That was.

MR. NORRIS: Great.

Mr. Speaker, on the bill.

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

MR. NORRIS: I -- I promised Mr. Carroll I would keep it less than five minutes, and I think we're doing okay.

On the bill, Mr. Speaker. Thank you very much.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Find my notes. I certainly recognize the issue and the problem that occurs now on what they call "The Golden Day", which is that second Saturday before Election Day under this quandary; however, I still do have concerns because under

the current Election Law, a voter cannot have a ballot at the early voting site if they're not registered. And there was a reason for that when this law was contemplated initially; to make sure that the Board of Elections have the opportunity to make sure they vet the voter registration form, make sure that that information is provided to the Election Inspector at the early voting site, and I do have concerns about that, that there would not be a proper vetting on that day, on that golden day under this bill. I also have concerns that the voters spoke loud and clear in 2021 and they rejected same-day voter registration. That was at a polling site on Election Day. But this is at the same parallel scenario that someone could register on the day of early voting and that is a concern of mine, and this should be put up for a constitutional amendment to be addressed.

And for those reasons, Mr. Speaker, I'll be voting in the negative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A slow roll call has been requested. Members must come to the Chamber and cast your ballot.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. This bill

very simply clarifies current State law, making sure that any New Yorker who shows up on the first day of early voting can register to vote and vote via affidavit on that day as it coincides with the 10-day voter registration deadline that we passed last year in this House and was signed into law. This will make it easier for New Yorkers to vote, it will make early voting all that more important, and it will bring much-needed clarity to our current Election Law. And for that, I vote in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: I want to thank the sponsor for fighting for -- for fighting valiantly for voting rights, and courageously. And the sponsor and I and many of us share this observation. We trust the voters. I vote yes.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

(Pause)

MRS. PEOPLES-STOKES: Madam Clerk, if you would please recognize our colleagues that are joining us by Zoom to ascertain their vote.

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

MR. GANDOLFO: Jarett Gandolfo, I vote in the

negative.

THE CLERK: Mr. Gandolfo in the negative.

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

MR. HEVESI: Andrew Hevesi, I vote yes.

THE CLERK: Mr. Hevesi in the affirmative.

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

MS. LUCAS: Nikki Lucas in the affirmative.

THE CLERK: Ms. Lucas in the affirmative.

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

MR. MCDONOUGH: David McDonough and I vote in the negative.

THE CLERK: Mr. McDonough in the negative.

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

MR. SANTABARBARA: Angelo Santabarbara. I vote yes.

THE CLERK: Mr. Santabarbara in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please place our House at ease.

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, at 11:07 a.m., the House stood at ease.)

* * * * *

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues, if we could go now to page 3 of the A-Calendar and begin with Rules Report No. 806.

ACTING SPEAKER AUBRY: On the A-Calendar, page 3, Rules Report No. 806, the Clerk will read.

THE CLERK: Assembly No. A00052-B, Rules Report No. 806, Magnarelli, Sillitti, Jean-Pierre, Shimsky, Levenberg, Eachus, Otis. An act to amend the Insurance Law, the Workers' Compensation Law, the Volunteer Firefighters' Benefit Law, the Volunteer Ambulance Workers' Benefit Law and the General Municipal Law, in relation to deductibles offered by public group self-insurers.

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

advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01662-A, Rules Report No. 807, Hunter, Woerner. An act to amend the General Municipal Law, in relation to authorizing certain municipalities to establish an emergency repair pilot program; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

Oh. On a motion by Ms. Hunter, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A03089, Rules Report No. 808, Pheffer Amato, Woerner, D. Rosenthal, Thiele, Fahy, Lee, Simon, Seawright, Conrad, Wallace, McMahon. An act to amend the Public Health Law, in relation to the Adult Cystic Fibrosis Assistance Program.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03316-B, Rules Report No. 809, J. A. Giglio. An act in relation to authorizing the Jamesport Fire District to file an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion by Ms. Giglio, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03935-A, Rules Report No. 810, Ramos, De Los Santos, González-Rojas, Santabarbara, Eichenstein. An act in relation to authorizing the Commissioner of Motor Vehicles to enter into reciprocity agreements

with other states, countries, provinces or territories that issue driver licenses.

ACTING SPEAKER AUBRY: On a motion by Mr. Ramos, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04245, Rules Report No. 811, McDonough, Bendett, E. Brown, DeStefano. An act authorizing Maimonides Educational Center to receive retro -- retroactive real property tax-exempt status.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04871-A, Rules

Report No. 812, Kelles, Simon, K. Brown, Jacobson, Steck, Seawright, Simone, Thiele, L. Rosenthal. An act to amend the Executive Law, in relation to requiring certain State-owned and operated parking facilities to install and maintain charging stations for plug-in electric vehicles.

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

THE CLERK: Assembly No. A05020-A, Rules Report No. 813, Hyndman, Gibbs, Hunter, Epstein, Woerner, Levenberg, Simon, Tapia, Blumencranz, Chang, Jackson, L. Rosenthal, Santabarbara. An act to incentivize the purchase of local produce in supermarkets and grocery stores through the FreshConnect program.

ACTING SPEAKER AUBRY: On a motion by Ms. Hyndman, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05136, Rules Report No. 814, Pheffer Amato, Aubry, Colton, Santabarbara, Lupardo, Paulin, Burdick, Clark, Steck, McDonald. An act to amend the Retirement and Social Security Law, in relation to the calculation of final average salary for certain members of the New York State and Local Police and Fire Retirement System.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05274, Rules Report No. 815, Levenberg. An act to amend the Vehicle and Traffic Law, in relation to the residential parking system in the Village of Cold Spring in the County of Putnam.

ACTING SPEAKER AUBRY: On a motion by Ms. Levenberg, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05314-A, Rules Report No. 816, Beephan. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Chief Daniel Nimham Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Beephan, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes -- no. The Clerk will read.

THE CLERK: Assembly No. A05682-A, Rules Report No. 817, Zebrowski, L. Rosenthal, Simon, Colton, Reyes, Simone, González-Rojas, Kelles, Mamdani, Ardila, Steck, Shrestha, Burdick, Shimsky, Gallagher, Stirpe, Ramos, Otis, Fahy, Thiele, Clark, Bores, Raga, Levenberg, Cruz, Anderson, Glick, Epstein, Lee,

Gunther, Solages. An act to amend the State Finance Law, in relation to enacting the New York Tropical Deforestation-Free Procurement Act; and to amend the Economic Development Law, in relation to establishing the Supply Chain Transparency Assistance Program.

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

THE CLERK: Assembly No. A05786, Rules Report No. 818, McDonald, González-Rojas, Colton, Reyes, L. Rosenthal, Raga, Davila. An act to amend the Legislative Law, in relation to lobbying for the confirmation of persons to State office.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker, and thank you for your support and that of my colleagues. This legislation addresses a reporting loophole for lobbying in the Legislative Law to include all non-- nominations and confirmations for positions subject to confirmation of the State Senate. Currently, State law is completely silent on the requirement of lobbyists to report who is paying them,

how much, when lobbying on nominations and confirmations by the New York State Senate. This legislation requires regular and public disclosure of lobbying on Senate nominations and confirmations, just as it does for those seeking to influence legislation or items in the State Budget. It's imperative to the operation of a responsible Democratic government that such information be publicly and regularly disclosed. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mr. McDonald in the affirmative.

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

The bill is passed.

THE CLERK: Assembly No. A05866-B, Rules Report No. 819, Bendett. An act in relation to making eligible for provisional appointment and authorizing Paul Strobel to take the competitive Civil Service examination for the position of police officer and be placed on the eligible list for employment as a part-time police officer for the Columbia County Sheriff's Office.

ACTING SPEAKER AUBRY: On a motion by Mr. Bendett, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06028-A, Rules Report No. 820, DeStefano. An act authorizing the Town of Brookhaven to alienate certain parklands for use as a wet retention pond for municipal drainage purposes and to dedicate certain other lands as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06050-A, Rules Report No. 821, Bronson. An act to amend the Alcoholic Beverage Control Law, in relation to permitting the sale or promotional gifting of certain complementary products for wine and spirits.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Mrs. Peoples-Stokes.

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please call the Ways and Means to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room, please. Immediately. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A06098, Rules Report No. 822, E. Brown. An act in relation to authorizing the Shulamith School for Girls to file with the County of Nassau Assessor an application for a retroactive real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Mr. Brown, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06225, Rules Report No. 823, Simon, Shimsky, Gibbs, Davila, McDonough, Carroll. An act to amend the Vehicle and Traffic Law, in relation to calibration checks for weigh in motion violation monitoring system.

ACTING SPEAKER LAVINE: On a motion by the -- on a motion by Ms. Simon, the Senate bill is before the House. The Senate bill is advanced. The Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06275-A, Rules Report No. 824, Paulin, Seawright, Ardila, McDonald, Forrest, Septimo, González-Rojas, Simone, Solages, L. Rosenthal, Benedetto, Simon, Epstein, Glick, Zaccaro, Thiele, Aubry, Colton, Levenberg, Reyes, Zinerman, Dinowitz, Steck, De Los Santos, Raga, Otis. An act

to amend the Public Health Law and the General Business Law, in relation to prohibiting medical debt from being collected by a consumer reporting agency or included in a consumer report.

ACTING SPEAKER LAVINE: Well, still. On a motion by the Senate -- by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced and laid aside.

THE CLERK: Assembly No. A06347-B, Rules Report No. 825, Weprin. An act in relation to authorizing and empowering CREF to combine with TIAA, with TIAA continuing in existence as the surviving entity following such combination and with CREF ceasing to be a corporate entity; and to repeal Chapter 124 of the Laws of 1952, relating to incorporating College Retirement Equities Fund for the benefit of the teaching profession.

ACTING SPEAKER LAVINE: On a motion by Mr. Weprin, the Senate bill is before the House and the Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06706, Rules Report No. 826, Manktelow, Miller, Smullen, Brabenec, DeStefano. An act

granting retroactive membership in the New York State and Local Employees' Retirement System to Justin Whitmore.

ACTING SPEAKER LAVINE: On a motion by Mr. Manktelow, the Senate bill is before the House. The Senate bill is advanced and the Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bores to explain his vote.

MR. BORES: Thank you, Mr. Speaker. I rise to commend my colleague for this great bill, fighting for his constituents. This bill was vetoed by the Governor last year and hasn't been substantially changed. And I know there's many in this Chamber that believe we shouldn't retake votes on bills that were vetoed by the Governor, and I'm proud of my colleague for standing up and pushing this though anyway. In particular, it was vetoed for being an unfunded mandate, and I know there's many in this Chamber that don't believe in fighting for any unfunded mandates, but my colleague said, no, his constituents are more important, and I commend him for doing that and proudly vote yes.

ACTING SPEAKER LAVINE: Thank you, Mr. Bores.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06721, Rules Report No. 827, Tague. An act to amend the Not-for-Profit Corporation Law, in relation to exempting the Leeds Hose Company No. 1, Inc. from the requirement that the percentage of nonresident fire department members not exceed 45 percent of the membership.

ACTING SPEAKER LAVINE: On a motion by Mr. Tague, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAVINE: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06749, Rules Report No. 828, Pheffer Amato. An act to amend the General Municipal Law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06755, Rules Report No. 829, Pheffer Amato. An act to amend the General Municipal Law, in relation to disabilities of deputy sheriffs in certain cities.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06776-A, Rules Report No. 830, Slater. An act to amend the General Municipal Law, in relation to permitting the Town of Putnam Valley, Putnam County, to lease certain sport field fences for advertisements.

ACTING SPEAKER AUBRY: Home Rule message

is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06915, Rules Report No. 831, DeStefano. An act to amend Chapter 638 of the Laws of 2022 relating to authorizing the Town of Brookhaven, County of Suffolk assessor to accept an application for a real property tax exemption from Word of Truth Church, Inc., in relation to making technical corrections thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07006-B, Rules

Report No. 832, Brabenec. An act in relation to authorizing Congregation RSK to receive retroactive real property tax-exempt status.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07208, Rules Report No. 833, Levenberg, Burdick, Otis, Barrett, Zaccaro, Epstein, Sillitti, Sayegh, Jacobson, Shimsky, Eachus, Shrestha, Simone, Thiele, Colton, González-Rojas, Zebrowski, McDonald, Simon, L. Rosenthal, Kelles, Paulin, Carroll, Lunsford, Woerner, Taylor, Steck, Cunningham, Novakhov, McDonough, De Los Santos, Fahy. An act to amend the Environmental Conservation Law, in relation to decommissioning nuclear power plant discharges into the Hudson River.

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

THE CLERK: Assembly No. A07311, Rules Report No. 834, Pheffer Amato. An act to amend the -- the Administrative

Code of the City of New York, in relation to dual retirement system membership in the New York City Teachers' Retirement System, the New York City Employees' Retirement System and the New York City Board of Education Retirement System.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07356-A, Rules Report No. 835, Weprin. An act to amend the Insurance Law, in relation to group capital calculations, liquidity stress tests and confidentiality.

ACTING SPEAKER AUBRY: On a motion by Mr. Weprin, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07374, Rules Report No. 836, Paulin. An act to allow Tammy Sciavillo, wife of deceased firefighter Vito Sciavillo, to file an application for continuation of State health insurance benefits.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07375-A, Rules Report No. 837, Lupardo, Peoples-Stokes, Bronson, Woerner, Thiele, Kelles. An act to amend the Cannabis Law, in relation to authorizing conditional adult-use cultivator and processor licensees to sell tested, packaged and sealed cannabis products and cannabis to a cannabis-dispensing facility licensed by a tribal nation for retail sale.

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

advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will recall
-- record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07409-A, Rules Report No. 838, Morinello. An act to amend Chapter 584 of the Laws of 1996 relating to incorporation of the Wheatfield Volunteer Firefighter's Benevolent Association and providing for its powers and duties, in relation to its purpose and the use of foreign fire insurance premium taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Morinello, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record
the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07414, Rules Report

No. 839, Pheffer Amato. An act to amend the Administrative Code of the City of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York City Fire Department.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07418-A, Rules Report No. 840, K. Brown. An act to amend Chapter 535 of the Laws of 1968 relating to the incorporation of the Deer Park Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, in relation to the source of tax revenues paid to such association for fire department use and benefit.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07456-A, Rules Report No. 841, Benedetto. An act to amend the General Business Law, in relation to prohibiting residential and commercial properties from operating digital billboards or signs that use flashing, intermittent or moving lights near certain Mitchell-Lama housing.

ACTING SPEAKER AUBRY: On a motion by Mr. Benedetto, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07609, Rules Report No. 842, Pheffer Amato. An act to amend Chapter 756 of the Laws of 2021 creating a temporary "Commission to Prevent Childhood Drowning" to improve water safety in New York State, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms.

Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07633-A, (she said it wrong) Rules Report No. 843, Maher. An act in relation to enacting the "Village of Washingtonville Deficit Financing Act."

ACTING SPEAKER AUBRY: On a motion by Mr. Maher, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07668, Rules Report No. 844, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to updating certain death benefit provisions

of the New York City Employees' Retirement System, the New York City Teachers' Retirement System and the Board of Education Retirement System of New York City to ensure continued compliance with the Federal Older Workers' Benefit Protection Act.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07673-A, Rules Report No. 845, Bichotte Hermelyn. An act to amend the New York City Charter, the Education Law, the Public Housing Law and the New York City Health and Hospitals Corporation Act, in relation to construction and mentoring programs; and providing for the repeal of certain provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte Hermelyn, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect on the 120th

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07677, Rules Report No. 846, Zinerman, Joyner, Bichotte Hermelyn, Tapia, Solages, Simone, Alvarez, Taylor, Jean-Pierre, Jackson, Chandler-Waterman, Gibbs, De Los Santos, Darling, Ardila, Anderson, Burgos, Davila, Lucas, Zaccaro, Reyes. An act to amend the New York City Charter, the Education Law, the General Municipal Law, the Labor Law, the Public Authorities Law and the New York City Health and Hospitals Corporation Act, in relation to providing for employment opportunities for economically-disadvantaged candidates and economically-disadvantaged region candidates and apprenticeship utilization on public transactions; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Zinerman, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Ms. Zinerman on -- to explain her vote.

MS. ZINERMAN: Mr. Speaker, thank you for allowing me to explain my vote. This is a banner day in the Assembly, not just because we've been here for 48 hours, but because we are about to be presented with a wonderful piece of legislation that aims to promote the economic opportunities and equity for all New Yorkers. The Community Hiring Bill, which has been carefully crafted and considered, estab -- seeks to establish employment goals within the framework of the program established under Section 3502 of the New York City Charter. By doing so, we aspire to create a more inclusive and fair job market, ensuring that economic advantages are not limited to a select few, but are accessible to all residents. In our diverse and vibrant City, economic disparities persist, and Black and Brown communities continue to face significant challenges. This bill addresses these issues by requiring the establishment of employment goals for transactions subject to this program. These goals will help foster job opportunities for economically-disadvantaged candidates and those in economically-disadvantaged regions, providing them with a pathway to economic stability and prosperity. To ensure the effectiveness of this program, the bill also includes provisions for reporting, monitoring and progress tracking. Regular reports will be published, and providing information on the progress made by contractors and subcontractors

toward meeting employment goals. This transparency will enable us to assess the program's impact and make necessary adjustments to achieve our objectives. Moreover, this bill emphasizes the importance of the best efforts from contractors and subcontractors in meeting employment goals. They will be required to review and consider economically-disadvantaged candidates in good faith. They will also be encouraged to advertise employment opportunities and collaborate with referral sources and apprenticeship programs.

Okay. So I want to -- since I've run out of time, I want to say thank you to Phil Thompson, who was the brainchild of this particular piece of legislation in the New York City Council, for the Mayor for picking it up, for -- to the Speaker and his staff for ushering it in at the last hour. Certainly, to the members of the Caucus, my sister Bichotte Hermelyn for allowing me to shepherd this in, and certainly to all the members of the New York State Black Legislative Caucus for their continued support. Thank --

ACTING SPEAKER AUBRY: And how do you vote?

MS. ZINERMAN: -- you, and I vote aye.

ACTING SPEAKER AUBRY: Ms. Zinerman in the affirmative. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07679, Rules Report

No. 847, Pheffer Amato. An act to amend the General Municipal Law, in relation to including thyroid cancer in the list of cancers presumed to be incurred in the performance of duty for purposes of disability retirement.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07685, Rules Report No. 848, Burgos, Braunstein. An act to amend the General Municipal Law, in relation to electronic bidding.

ACTING SPEAKER AUBRY: On a motion by Mr. Burgos, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect March 1, 2024.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07756, Rules Report No. 849, Palmesano. An act to authorize the Commissioner of General Services to transfer and convey certain unappropriated State land to the Town of Romulus.

ACTING SPEAKER AUBRY: On a motion by Mr. Palmesano, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07763, Rules Report No. 850, Hunter. An act relating to a temporary in rem foreclosure moratorium; and providing for the repeal of such provisions upon the expiration thereof.

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

Page 3, Rules Report No. 807, the Clerk will read.

THE CLERK: Senate [sic] No. A05207-B, Rules Report No. 807, Hunter, Woerner. An act to amend the General Municipal Law, in relation to authorizing certain municipalities to establish an emergency repair pilot program; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect 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. I will be opposing this bill and if I could I'd vote more than once in the negative. This is absolutely one of the most -- one of the worst bills I have seen in my career here on so many levels. It's almost as if you took a checklist and said, *how many constitutional due process principles can we violate?* And for those who are interested in listening, that takes less than two minutes. This bill allows municipalities to make repairs on a house under a emergency repair program; there's no definition of what's an emergency. It allows a municipality to make those repairs without notice to the homeowner or the landowner, which means the municipality can send people onto private property with no warrant, no hearing, no notice and make repairs under an obnoxious standard of what they think might be an emergency. And then to top it off,

they, under this bill, can bill the homeowner for the repairs. No restrictions on how the repairs are going to be made, no consultation with the homeowner, no competitive bidding, nothing. Why don't we just take an invitation, send it out and say, *please, come to court as we sue you for violating almost every conceivable due process protections that homeowners should be entitled to*. And so, when you go home and you get a call from a homeowner who found out that there were people on his property without his permission making repairs at his expense to meet their ideas on what ought to be done, just remind them, it's complements of the New York State Legislature. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12 -- Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to Rules Report No. 570 by Ms. Simon, 613 by Mr. Burdick, 750 by Ms. González -- González-Rojas, 675 by Mr. Thiele -- 765, that one was in the box, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 12, Rules Report No. 570, the Clerk will read.

THE CLERK: Senate No. S06519-A, Rules Report No. 570, Senator Kavanagh (Simon, Weprin, Dickens, Thiele, Steck,

DeStefano, Davila, Stirpe, Ardila, Dinowitz, McDonald, Novakhov -- A1565A). An act to amend the Election Law, in relation to establishing a deadline for changing the location of a polling place for an early voting period.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Norris to explain his vote.

MR. NORRIS: Thank you, Mr. Speaker. I had the opportunity to discuss this bill with the sponsor. I am going to be supporting this bill. I just want to put in the record that I still have concerns that it may be costly for the Board of Elections if as part of their communication plan there's a mailing that would be required particularly in Upstate communities. So I'm just going to put that into the record, maybe we can see some clarification in a chapter amendment or clarification from the Board of Elections when they do this, but otherwise I will be supporting this bill because I think notification would be appropriate if a polling site was shut down. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Norris in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. You know,

early voting has become so much more widely used in the last decade than ever before. And when changes occur regarding locations of early voting sites it's important that citizens be notified in a timely manner prior to those deadlines. Currently there's no law that standardizes the time frame. So this discrepancy is fixed with this bill so that individuals have the information that they need to participate in the voting process and are made aware of the physical location of the early voting sites in their districts. And it leaves to the local Board of Elections to create a plan for communicating because sometimes these things happen on short notice and it's important that the local Boards of Election have a plan to reach out to their voters. So thank you very much. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 613, the Clerk will read.

THE CLERK: Assembly No. A00345-C, Rules Report No. 613, Burdick, Weprin. An act to amend the Insurance Law, in relation to requiring certain notices be posted and provided regarding long-term care insurance policy changes.

ACTING SPEAKER AUBRY: On a motion by Mr. Burdick, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blankenbush to explain his vote.

MR. BLANKENBUSH: Thank you, Mr. Speaker.

This bill, when it was going through the Insurance Committee we were a Minority in the negative on this bill. There were four areas of concern that we had on this bill. The sponsor of the bill, the way I understand was last weekend worked on correcting those four areas that were on the bill. Three of those areas of the four were completely amended and acceptable to make this bill a very good bill. And Mr. Speaker, any time that we could get three out of four areas in a bill amended in the same Session, I consider that a win. And so forth, I want to thank the speak -- the sponsor of the bill. I know that he worked last weekend on amending this bill. And I -- I believe it's a very good bill now and I will be supporting it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so very much.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker, on the bill. First of all, thank you for those kind words, though I do have to give the primary credit to the Senate sponsor of this bill, Shelley Mayer, who worked very closely with those who would be effected by

the bill. And so I do feel that what we have here is one that provides a great deal more notice to the public and to the policyholders, but while at the same time recognizing and trying to be mindful of the concerns of the insurance industry. And so I vote in the affirmative. Thank you so much.

ACTING SPEAKER AUBRY: Mr. Blankenbush and Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 750, the Clerk will read.

THE CLERK: Assembly No. S00580-A, Rules Report No. 750, Senator Holyman-Sigal (González-Rojas, Anderson, Cunningham, De Los Santos, Zinerman, Seawright, Shimsky, Burdick, Clark, Ardila, Aubry, Lavine, Epstein, Hevesi, Sillitti, Simon, Carroll, Tapia, Thiele, Darling, Chandler-Waterman, Forrest, Cruz, Jean-Pierre, L. Rosenthal, Lunsford, Gallagher, Dinowitz, Simone, Mitaynes, Zaccaro, Raga -- A2893A). An act to amend the Social Services Law, in relation to the provision of and payment for violence prevention programs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jensen to explain his vote.

MR. JENSEN: Thank you, Mr. Speaker, to explain my vote. I will be supporting this bill. Communities across our State, including the Rochester/ Monroe County area, are suffering from illegal actors perpetrating violence against community members. And certainly the State should look at creative ways to work to solve this violence that is plaguing our communities. I am concerned about the expansion of the State's Medicaid program further away from its original intention. We have a Medicaid program that is not efficient, it's not effective, it does not truly cover the cost of healthcare and the things that it reimburses. While this would expand our Medicaid program, it does so on a very limited basis with the majority of the funding coming via Federal dollars that the President has already signified will be approved. So while I am supportive of this measure today, we need to make sure that we are not setting a precedent where we're using the State's Medicaid dollars to fund programs that are further and further away from the original intent of the program. And with that I will vote aye.

ACTING SPEAKER AUBRY: Mr. Jensen in the affirmative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. You know, every time I get a phone call from my police precinct it feels like a punch in the gut. It is always news of another life lost to gun violence in my district. In an average year gun violence in New

York kills 870 people and wounds over 2,600 people. I recently joined my colleagues as mothers stood in the Capitol using the pain and loss of their children to gun violence in order to push for policy change. Today's vote is for those moms. Gun violence is a public health crisis and requires public health solutions. Amongst victims of gunshot wounds, nearly 2 out of 3 are either on Medicaid or uninsured. The White House recommends that State use Medicaid to reimburse community violence intervention that serves these victims. So this is what this bill does. It reaches those victims in the hospital and ensures that they receive proven tools to end retaliatory cycles of community violence. This keeps communities safe and provides mental health and peer counseling support necessary to heal. Gun violence also has economic consequences. One study estimates cost-savings of hospital violence and director programs was \$4 million per year, per hospital. This is fiscally responsible and most importantly can lead to a reduction of shootings. So I want to thank the Speaker for prioritizing public safety. I want to thank the advocacy groups for their incredible leadership. New Yorkers Against Gun Violence, Everytown for gun safety, Brady United, Community Justice Action Fund, Giffords, Kings Against Violence Initiative and the Health Alliance for Violence Intervention. We will not rest until we see the day when gun violence is no more in New York State. I proudly vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 765, the Clerk will read.

THE CLERK: Assembly No. S05881-A, Rules Report No. 765, Senator Skoufis (Thiele, Norris, Barrett, Woerner, J.A. Giglio, Rivera, Kelles, Wallace, Smith, Gandolfo, Brabenec, Hunter, Steck, Santabarbara, Meeks, L. Rosenthal -- A5549A). An act to amend the Real Property Law, in relation to manufactured home parks.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker, for affording me this opportunity to explain my vote. Saratoga County has the most mobile home parks of any part of the State. And frankly they're suffering from a push for overdevelopment. So I want to thank this sponsor of this bill for bringing this very practical commonsense approach to the floor and thank you to all my -- my colleagues for supporting this on behalf of the mobile home park tenants across Saratoga County, thanks. And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Thiele to explain his vote.

MR. THIELE: To explain my vote. I just want to express thanks. This was a bipartisan bill if you look at the sponsorship and I especially want to thank Assemblymember Giglio who on the East End of Long Island we share a lot of these mobile home and manufactured parks. And at the opposite end of the State, Assemblymember Norris all for their for help in making sure this bill could come to the floor and be considered today and also on our side of the aisle Assemblymember Carrie Woerner. So I just want to thank all of you for the bipartisan effort for the leadership on both sides of the aisle so that this bill could be considered today. Thank you.

ACTING SPEAKER AUBRY: Mr. Thiele in the affirmative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. Yes, I would also like to thank my colleague on the other side of the aisle who helped get this legislation over the line and to a vote today. It is again, I'll say very important for our senior citizens and our manufactured home parks and our family parks to make sure these people aren't displaced from out-of-state park owners that are looking for higher and better uses for the property and it would displace 2,500 -- thousands of people in my district and also in my colleague's district. So I want to thank him for acknowledging the Governor's

veto for correcting the bill and for getting a better bill so now tenants in manufactured home parks will now have 60 days to notify a property owner whether or not they would be interested in buying the property. So it would give them the right of first refusal. I think 60 days is not a long time for a landlord to wait before displacing hundreds of people. So thank you, Mr. Speaker, and thank you to my colleagues on the other side of the aisle.

ACTING SPEAKER AUBRY: Ms. Giglio 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, if we could now call our attention to Rules Report No. 618 by, no -- 620 by Ms. Pheffer Amato; 596 by Ms. Reyes; 422 by Ms. Walker; 747 by Ms. Weinstein and 618 by Ms. Joyner on the bill.

ACTING SPEAKER AUBRY: Thank you.

Rules Re -- on page 14, Rules Report No. 620, the Clerk will read.

THE CLERK: Assembly No. A03748-A, Rules Report No. 620, Pheffer Amato, Bronson, Gunther, Colton, Brabenec, Reyes. An act to amend the Civil Service Law, in relation to hearing procedures for certain public employees.

ACTING SPEAKER AUBRY: On a motion by Ms.

Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested.

MS. PHEFFER AMATO: Good morning. Okay, good.

ACTING SPEAKER AUBRY: Good afternoon.

MS. PHEFFER AMATO: This bill would require that for disciplinary proceedings board against a Civil Service employee, such hearings must be overseen by an independent hearing officer. Under the current provision of law, an employee may be dismissed after a hearing held before the officer or Body that has brought the charges against the employee. The employing officer therefore becomes the (inaudible) the prosecutor and the judge (inaudible) employee's action. This bill will provide a more fair procedure by requiring that disciplinary hearings be presided over by independent and an impartial hearing officer.

ACTING SPEAKER EACHUS: Ms. Giglio.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. PHEFFER AMATO: Absolutely.

ACTING SPEAKER EACHUS: Absolutely.
Sponsor yields.

MS. GIGLIO: So have you ever been in local

government or in county government?

MS. PHEFFER AMATO: Yes.

MS. GIGLIO: You have. Have you ever had a hearing or a disciplinary action on an employee?

MS. PHEFFER AMATO: I had it against me, actually.

MS. GIGLIO: Oh, you had it against you. So you were an employee for the government and then you -- so you were never on a town board or on a --

MS. PHEFFER AMATO: No, not that way.

MS. GIGLIO: Okay. Well -- and then -- so who pays the cost if it's determined that the employee was insubordinate? Who in this bill would pay the cost of the hearing officer which could be several hearings and several hours in a day and very costly.

MS. PHEFFER AMATO: First of all, the independent hearing officer that would be -- it would be -- first of all it's coming from her, right? The public relations board, the employees [sic] relation board. And these costs of these independent arbitrators would be less. So therefore the cost would be split by both.

Now if the -- the cost would be shared by both. If the independent hearing officer will be able to require the cost to be shared differently if they find a portion of the charges brought against the employee or the employer defense is frivolous in nature. So depending on the outcome, could be where the cost will lie.

MS. GIGLIO: So it was my understanding in reading

the bill and in the Government [sic] Employees Committee that if the employee was found to be insubordinate that they would be paying the cost for the hearing officer; is that not correct?

MS. PHEFFER AMATO: That is not correct.

MS. GIGLIO: Okay. So the cost will be split down the middle and then -- unless the hearing officer says that both of them have to split the cost or...

MS. PHEFFER AMATO: Or if the hearing officer says that the employer was really wrong and says they pay for it.

MS. GIGLIO: Okay. Because in -- thank you to the sponsor.

Mr. Speaker, I'll -- I'll speak on the bill.

ACTING SPEAKER EACHUS: On the bill.

MS. GIGLIO: Yeah. Having served in local government for ten years and having, you know, many department heads and many people that come forth and file charges or complaints against employees, I have attended those hearings. The hearing officer is usually a labor attorney that works for the municipality or the county. And the -- I've seen a lot of outcomes that, you know, the department head may have been just picking on an employee or, you know, it was not there and the cost didn't have to get split and the employee, who is an employee of the government, did not have to bear any cost for having to say what actually happened in the scenario. Also, the unions, the local unions that represent those people are usually present and they're usually present with their own attorneys to

counter anything that a hearing officer has to say. So I'm -- I'm concerned that this is going to cost the employee money and I know that a lot of the school districts are concerned about this as well including BOCES that this is not a -- a good way to proceed. They also in the bill have to agree on a hearing officer, which may be very difficult to get to. And with the suspension of 30 days without pay for a lot of cases, I think it just put the employee at a disadvantage. So even though I know that some of the unions are supporting it, I'm not sure why. I'm reading some of the letters. I -- I just think that everybody has a chance of representation when they are brought to a hearing for disciplinary action. And I -- I -- I don't think it's broken so I don't see why we have to fix it. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Thank you.

Mr. Ra.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. PHEFFER AMATO: Yes, I will.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. RA: Thank you. So just -- my -- my colleague covered a number of questions on this, but in -- in terms of the changes this makes to this process, my understanding is that currently, you know, a municipality might have a, you know, people designated that are on their staff for a -- for a, you know, a panel or whatever that

hear these types of disputes. Would you still be able to do that under this bill?

MS. PHEFFER AMATO: No. We are creating a neutral arbitrator. This bill simply establishes due process for a worker facing a hearing. It's not allowing a principal or somebody higher or bringing that person. We're bringing an independent arbitrator, not a friend and not another --

MR. RA: So when you,

MS. PHEFFER AMATO: Right. If they want to do that, they have to collectively bargain that in a contract. These people don't have that protection.

MR. RA: So if that's agreed to in the collective bargaining agreement, this would allow that.

MS. PHEFFER AMATO: Yes.

MR. RA: Okay. Other -- otherwise if -- I guess if the collective bargaining agreement's silent, the employer and the employee would have to agree on who the hearing officer is, correct?

MS. PHEFFER AMATO: Say that again.

MR. RA: If -- if there is no such agreement within the collective bargaining agreement, the employee and the employer would have to mutually agree on a hearing officer to hear --

MS. PHEFFER AMATO: Right. They have to have (inaudible) an independent hearing officers maintained by PERB so they will pick from that list that's used for fire departments. Let me just say this.

MR. RA: Sure.

MS. PHEFFER AMATO: This is a fallback if there is no disciplinary process in a contract.

MR. RA: Okay. And you talked about the due process rights of the employees. So currently, my understanding is the school district, the town, whatever, can suspend the employee without pay for up to 30 days under current law, correct?

MS. PHEFFER AMATO: Current, yes, correct.

MR. RA: Under this, they -- they -- they would be able to suspend them but it would be with pay.

MS. PHEFFER AMATO: Correct. Innocent before proven guilty.

MR. RA: Yes. Be -- before there's a hearing held, okay. What -- what would happen if they are during that time unable to agree on a hearing officer?

(Pause)

MS. PHEFFER AMATO: Yeah, right. So there's a list from PERB, which is what we used before, again public relations -- relations employee [sic] board. It's the same way that firefighters are disciplined so it's a process that's being used. We didn't create something new that exists. So I'm pretty confident that they'll be able to agree on an independent hearing officer because they've used them before.

MR. RA: Okay. And then last -- lastly in terms of the decision of the hearing officer and the nature of it, whether it's

binding on the municipality, what if any changes are made by this bill regarding that?

MS. PHEFFER AMATO: Say that again. And I'm sorry.

MR. RA: The -- regarding the -- any decision made by a hearing officer and whether it's binding on the municipality, is -- what changes does this bill make with regard to that?

(Pause)

MS. PHEFFER AMATO: Right. Whatever the hearing officer finds is binding, unless it's in some collective bargaining part of the contract. Right. If it's -- right now if it's not -- if it's not in the contract, it's not binding and this will make it binding. That's why we're creating this.

MR. RA: Great. Thank you very much.

MS. PHEFFER AMATO: Thank you.

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

ACTING SPEAKER EACHUS: On the bill.

MR. RA: Thank -- thank you. And certainly I -- I appreciate the need to make sure that employees have a -- have a fair opportunity whenever there's one of these types of actions, but I -- I will tell you, I -- I heard from entities on this bill that I don't normally hear from in terms of the cost that they're worried that they may incur as a result of it, and in terms of it really making it difficult to deal with these types of situations. Now, certainly any time there's an employee discipline issue, that employee is fully entitled to due process, they're

fully entitled to have a fair process to decide whether they are, you, know guilty of any wrongdoing and what discipline comes out of it, but as we all know, whether it's a school district, whether it's a town, whether it's a village, so much of what they do is mandated by the State, and they incur tremendous costs as a result of mandates from -- from this State. So I understand what this is trying to accomplish, but I have real concerns that it is going to very much hamstring the -- the municipalities both in terms of additional costs and their ability to appropriately deal with employee discipline issues. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Thank you.

Mr. Steck.

MR. STECK: Thank you very much, Mr. Speaker.

This system actually is quite broken. The system is distinguished from a system where an employee needs to -- where the employer has to prove just cause in order to obtain dismissal. In these type of proceedings, first off, the employer only has to prove that its actions were reasonable. It doesn't have to prove that they actually had just cause to fire the employee. Second, they get to appoint the hearing officer. I know in the school district context, the superintendent of the schools can appoint himself or herself as the hearing officer. Not very likely that that person, the superintendent, is going to find that the actions of one of her or his department heads were unreasonable. So this is basically a kangaroo court as it exists right now. Now this bill doesn't change the standard. It doesn't give these employees just cause

protection, but it does give them at least a neutral who can hear the question as to whether there is reason -- whether there is a reasonable basis for dismissing the employee.

So I think we have to keep in mind that this is a very easy standard for an employer to meet, and that this bill will just introduce a modicum of fairness into a proceeding which today functions like a kangaroo court. I'll be voting extremely enthusiastically in the affirmative for this bill and I thank the sponsor for bringing it forward.

ACTING SPEAKER EACHUS: Mr. McGowan.

(Protestor interruption)

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

(Protestor interruption)

MS. PHEFFER-AMATO: The sponsor -- I'm saying the sponsor yields. I'm sorry.

ACTING SPEAKER EACHUS: The sponsor yields?

MS. PHEFFER AMATO: Of course.

MR. MCGOWAN: Thank you, ma'am. Just clarification. If there is a collective bargaining agreement between perhaps say a police union and the municipality that covers discipline and the selection of a hearing officer, this section, this change would not trump that or in any way implicate or -- or change the agreement that was collectively bargained, correct?

MS. PHEFFER AMATO: Correct.

MR. MCGOWAN: Okay. Thank you very much.

MS. PHEFFER AMATO: You're welcome.

MR. MCGOWAN: Thank you, sir.

ACTING SPEAKER EACHUS: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who wish to support it can do so by voting yes on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: You're welcome.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker. So currently the employer pays all the costs, but if there is an outcome against an employee that is a union employee, then the union employee may pick

up all the costs, and the union employee always has a chance to appeal a decision by a hearing officer by having counsel. So I think that -- that the cost to the employee, which if you were ever in local government you know that those -- those salaries are not great and they may not be able to afford a hearing officer. And I have attended and spoken to many employees that have had hearings with favorable outcomes towards them and ones that have not had favorable outcomes towards them where they've had to expend a lot of money in legal fees to come back at the town and were still unsuccessful. So I think that if the employer is bringing a charge against an employee, the employer should pick up the charge. And if the person feels that they were unfairly treated or that the hearing officer was one-sided, they always have an appeal process. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: You're welcome.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

Page 13, Rules Report No. 596, the Clerk will read.

THE CLERK: Assembly No. A06604, Rules Report No. 596, Reyes, Dinowitz, Ramos, L. Rosenthal, Joyner, Jean-Pierre, Simon, Aubry, Stirpe, Weprin, Williams, Taylor, Santabarbara, Steck, Paulin, Glick, Cruz, Lavine, Stern, Seawright, Rivera, Jacobson, DeStefano, Dickens, Epstein, McMahon, Burgos, Carroll, Forrest, Tapia, Ardila, Lunsford, Clark, Colton, Woerner, Sillitti, Bores. An act to amend the Labor Law, in relation to protecting employee

freedom of speech and conscience.

ACTING SPEAKER EACHUS: On a motion by Ms. Reyes, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I believe the Republican Conference will generally be opposed to this measure for reasons I hope to explain in a moment. Certainly those who support it are encouraged to vote yes here on the floor of the Assembly.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is going to be in favor of this piece of legislation.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain your vote.

MR. GOODELL: Thank you, sir. This bill would make it a -- an unfair employment practice to take any action against an employee who refuses to attend an employer-sponsored meeting. If there's any discussion about the employer's opinion regarding various things like religion, politics or there's a whole list, including amongst

other things, civic, community, fraternal or labor organizations, which is kind of an interesting bill because it says the employee can refuse to attend a meeting where the employee doesn't even know what the meeting is going to necessarily cover because the meeting hasn't yet occurred. And it's particularly problematic as it relates to an employee's right to unionize and an employer's right to talk to employees about the benefits or disadvantages of unionization. And so this would basically say that the employees could simply refuse to even meet with the employer and then the employer couldn't even present their side of the story. And of course as I mentioned, it applies to additional including politics. It opens a Pandora's box where an employer might have a meeting and talk about legislation that we pass here and the impact on unemployment rates and insurance rates and everything else. It's just a Pandora's box that literally infringes on free speech and the right of an employer and an employee to have free discussions back and forth. And for that reason I will be opposing it. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Goodell in the negative.

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Mr. Speaker. I -- I appreciate my colleague's concerns but I would just like to add for the record that this doesn't prohibit an employer from holding these types of meetings. It just means that they can't retaliate against an employee who decides not to participate in it if the employer is merely

expressing their opinion regarding religion, politics or policy that's not germane to their duties as an employee. I think this is a great piece of legislation because it's about employee freedoms. And I, of course, will be voting in the affirmative. And I have to thank all my colleagues also on the other side of the aisle that supported this piece of legislation and all the labor unions that have collaborated with me in its craft -- in the crafting of -- of this bill. So thank you, Mr. Speaker. I'll be voting in the affirmative.

ACTING SPEAKER EACHUS: Ms. Reyes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 422, the Clerk will read.

THE CLERK: Assembly No. S00818, Rules Report No. 422, Senator Myrie (Walker, Zinerman -- A7431). An act to amend the chapter of the Laws of 2022 amending the Election Law relating to establishing the John R. Lewis Voting Rights Act of New York, establishing rights of action for denying or abridging of the right of any member of a protected class to vote, providing assistance to language-minority groups, requiring certain political subdivisions to receive preclearance for potential violations of the NYVRA, and creating civil liability for voter intimidation, as proposed in legislative bills numbers S. 1046-E and A. 6678-E, in relation to the effectiveness thereof.

ACTING SPEAKER EACHUS: An explanation has been requested.

MS. WALKER: Thank you. This bill is a chapter amendment for the John R. Lewis Voting Rights Act of New York, Chapter 266 of the Laws of 2022. The change is to the effective date postponing the implementation until July 1st of 2023. Postponing the effective date will give the State and localities the opportunity to identify potential implementation and financial challenges as well as ensure that State and local units of government can properly implement this groundbreaking historic law to ensure that it fully benefits all New York's voters.

ACTING SPEAKER EACHUS: Mr. Ra.

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

MS. WALKER: Yes.

MR. RA: Thank you. And thank you for the explanation as -- as was indicated. This is a chapter amendment and it changes the effective date, so let me start there. What is the need for changing the effective date? It's my understanding so it'll now be July 1st, 2023 which means that rather than this having been in effect for the better part of the last year it would not be in effect for another few weeks.

MS. WALKER: Correct. So this will give the State and other localities an opportunity to identify potential implementation and financial challenges and ensure that the State and

local units of government can properly implement this groundbreaking law that fully benefits all New York's voters.

MR. RA: Okay. Now my understanding, though, is that this law has been applied by the courts already to cases. Are you familiar with cases that have actually utilized this law and considered this law on -- on election matters within the last year?

MS. WALKER: I am familiar with the principle being employed in a number of circumstances. But in terms of whether or not I know the exact cases, I am not fully aware of that.

MR. RA: All right. Now -- so if this statute has been applied by the courts, would not changing the effective date be disruptive to any decisions that relied on this statute over the last year?

(Pause)

MS. WALKER: Okay. I'm sorry, Mr. Ra. What is it that you'd like?

MR. RA: Well, I'm asking if the change in the effective date would -- would not be disruptive to any decisions that have been issued by courts in reliance on this statute.

MS. WALKER: I do not believe so because I am unaware of any cases that have been brought under this statute to begin with. Further, the standing provisions of the bill does not go into effect until July 1st of this year.

MR. RA: Okay. And -- and just for clarification, the only thing this does is changes the effective date. So we had a fairly lengthy discussion last year about a number of issues with regard to

this in terms of how it impacted different levels of government. I know we spoke in particular about school districts and their inability to implement things that might -- they might be asked to do under this. But there also have been concern with regard to, you know, city charters and their creation of ward systems, county charters and the number of legislators in a particular county. There's no substantive changes other than the effective date in this bill, correct?

MS. WALKER: There are no substantive changes; however, I did indicate as we had a intellectual spar with respect to this bill in the past and -- and my commitment was to continue to work with you; however, we have not had an opportunity to do so but I will continue to say that if there are concerns that you want to discuss, I am open to discuss those concerns with you.

MR. RA: Okay, absolutely. I would -- I would like to do that because, you know, one of the big issues that came up last year was -- was with regard to school districts who don't necessarily have the legal authority under current New York State law to, you know, implement things like ward systems and stuff like that they might end up being asked to do under this. And you may have seen over the years sometimes we get those types of local bills from -- from colleagues to allow a -- a district to do that. So that's something we can speak about in the future and I -- I thank you for answering my questions.

MS. WALKER: Thank you.

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

ACTING SPEAKER EACHUS: On the bill.

MR. RA: As I said, a lot of those substantive concerns that were discussed last year still exist under this bill because this does not make any such changes, but it is problematic in -- in my view to change the effective date of a law that has already been utilized in litigation. There were Election Law cases last year that relied on this statute and I think it's somewhat unclear what the impact is when we change the effective date of a statute. So we're basically saying the court applied the statute in a certain way, but now we're -- we're creating a situation where legally the statute was not in effect at that time, so that is problematic and -- and for that reason I'm going to be voting in the negative. I thank my colleague and certainly I think there are still substantive concerns with this law and I'll be casting my vote in the negative. Thank you.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A Party vote has been requested.

Mr. Goodell.

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

ACTING SPEAKER EACHUS: You're welcome.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Rules Committee to the Speaker's Conference Room?

ACTING SPEAKER EACHUS: Rules Committee to the Speaker's Conference Room, immediately.

Mrs. Peoples-Stokes, Party vote position?

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is going to be in favor of this piece of legislation as we were on last year. Thank you.

ACTING SPEAKER EACHUS: You're welcome.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 747, the Clerk will read.

THE CLERK: Assembly No. A07757, Rules Report No. 747, Weinstein, Otis. An act to amend part D of Chapter 59 of the Laws of 2023 amending the Tax Law relating to the Empire State Film Production Credit and the Empire State Film Post-production Credit, in relation to the application of such provisions; and to amend the Tax Law, in relation to the claiming of credits under the Empire State Film Production Credit.

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

Explanation has been requested.

Ms. Weinstein.

MS. WEINSTEIN: Thank you. This actually is a budget bill relating to the budget. As I think most can recall that in this year's budget we increased the annual aggregate cap for the film tax credit program by \$280 million. So what this bill simply does is it clarifies -- well, it corrects an unin -- unintentional exclusion in the budget. And this bill will clarify that both existing and new credit applicants would have access to the additional 280 million that was allocated in this year's budget.

ACTING SPEAKER EACHUS: Mr. Goodell.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER EACHUS: Sponsor yields.

MR. GOODELL: Thank you. As you know there was a substantial increase in the film tax credit. And you explained that this would allow people who applied for the credit prior to the new budget --

MS. WEINSTEIN: Correct.

MR. GOODELL: -- to take advantage of the tax credit that was approved in the new budget; is that correct?

MS. WEINSTEIN: It -- it clarifies that the original intent of the Governor and the Legislature was that applications that had been received before prior to April 1st would be -- will -- would

have access to this additional pool of credits.

MR. GOODELL: I see. And so those applications would relate to funds that were expended in the prior year?

MS. WEINSTEIN: Yes.

MR. GOODELL: So it would be then possible that the amount of tax credits related to prior year productions could exceed the 420 million that was in the prior year budget?

(Pause)

MS. WEINSTEIN: It -- it doesn't go -- it -- it wouldn't increase over the 420 in the individual year.

MR. GOODELL: I see. But what we're saying then is that in order to qualify for a tax credit in '23-'24, you don't actually have to do any work in '23-'24, you would be eligible even if the work was done in prior years?

MS. WEINSTEIN: Yeah, that is how the -- the program exists --

MR. GOODELL: I see.

MS. WEINSTEIN: -- currently. We're now making a change to -- to that because any tax credits that aren't allocated in a given year are available for future year allocations. And the ESDC -- ESD has the ability to pull from future year fundings. That's current law. We're just clarifying because of the new money that those prior applications are eligible for this new money.

MR. GOODELL: And so, I think I understand, but I hope this is my last question. So let's say hypothetically last year there

was \$700 million worth of tax credit eligibility. Is it then possible that 100 percent of the tax credit allocated in this year's budget could be consumed by activities that were done last year?

MS. WEINSTEIN: In theory, yes.

MR. GOODELL: Okay. Thank you very much for clarifying this.

On the bill, sir.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: You know, the theory of this tax credit is that it will encourage future production. I mean the whole concept is we want these film companies to be hiring people this year as part of our economic development activities and that's why we put aside a 700 million tax credit. What this bill does is basically eliminate that or dilute that perspective by saying that the tax credit we included in this year's budget can actually be used for projects that are long since done, and that eliminates the incentives for new projects. And if we're putting 700 million on the table in economic development I would hope that it's for future economic development and that it has a future impact on employment. This bill does the opposite and allows those tax credits that we were hoping for future employment to be used for projects that are already finished. For that reason I won't support it. Thank you, sir.

ACTING SPEAKER EACHUS: You're welcome.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Withdraw the roll call.

A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. My apologies for the -- my miscommunication. The Republican Party is generally opposed to the retroactive availability of this tax credit, but those who support it can certainly vote yes here on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: You're welcome.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this piece of legislation. Anybody who wants to vote otherwise will have to do so at their desks. Thank you.

ACTING SPEAKER EACHUS: You're welcome.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 618, the Clerk will read.

THE CLERK: Assembly No. A02034-A, Rules Report No. 618, Joyner, Alvarez, Dickens, Seawright, Forrest. An act

to amend the Workers' Compensation Law, in relation to schedule in case of disability.

ACTING SPEAKER EACHUS: On a motion by Ms. Joyner, the Senate bill is before the House. The bill -- the Senate bill is advanced.

An explanation has been requested.

MS. JOYNER: Thank you. This bill would increase the minimum weekly Workers' Compensation benefit. It would provide equity and fairness to low-wage workers and ensure that future benefits are adjusted with inflation.

ACTING SPEAKER EACHUS: Mr. Goodell.

MR. GOODELL: Thank you. Just a couple of clarifying questions if you would?

MS. JOYNER: Yes.

MR. GOODELL: What is the current minimum weekly rate now?

MS. JOYNER: One hundred and fifty dollars.

MR. GOODELL: One-fifty?

MS. JOYNER: Yes.

MR. GOODELL: And under this it will increase to 275?

MS. JOYNER: Yes. There will be gradual increases of 275 on January 1st, 2024; 325 on January 1st, 2025 and then after July 1st, 2026 it would be one-fifth of the State average weekly wage.

MR. GOODELL: If the State average weekly wage

remains the same as it is now, how much would that be?

MS. JOYNER: So the average State weekly wage is over -- a little over \$1,500. And one-fifth of that would be \$318.

MR. GOODELL: I see. So it will go from 150 to 325 by January 25th [sic], right?

MS. JOYNER: So by 2024 it would go up \$125, then the following year an extra \$50, and then you can do the math from there because my math is not great.

MR. GOODELL: Sure. And if we increase the minimum amount by... it looks like a little over 200 percent, what impact would that have on the rate that's charged to our employers?

MS. JOYNER: So as far as its impact, it would help 11,500 workers. And as far as what impact it would be on employers, it would -- our estimates are .5 of -- an increase of .5 of the current \$11 billion system.

MR. GOODELL: And how much is that in terms of dollar number?

MS. JOYNER: So it will be gradual in -- increases but once it's fully implemented it would be \$58 million.

MR. GOODELL: Fifty-eight --

MS. JOYNER: Yes, but this would be after 2026 when it's fully implemented.

MR. GOODELL: And how does the New York State Unemployment -- or I'm sorry, Workers' Comp rate compare to our neighboring states like Pennsylvania, Ohio?

MS. JOYNER: Well, we've been stagnant for over a decade. It's insufficient to, you know, support our current workers. And as far as other states, I would say we have two states that have already established this; Massachusetts and New Jersey, but I don't have any other comparative data.

MR. GOODELL: Thank you very much, Ms. Joyner. I also appreciate your insights.

MS. JOYNER: Yes, thanks.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: My county is -- is just north of the Pennsylvania line and I have employers that are both in Pennsylvania and in New York. And typically once a year they send me a letter comparing how much it costs them for an employee to be in New York compared to their manufacturing operations 20 miles away in Pennsylvania. And the comparison is shocking. We've been hemorrhaging population as you know. We actually led the nation in terms of population loss over the last few years. And the reason we're losing population is because people are leaving for better opportunities elsewhere. And those better opportunities mean higher-paying jobs and more plentiful jobs elsewhere. And while I certainly appreciate my colleague's desire to raise unemployment -- or disability rates even further, we need to recognize that every time we raise the cost of doing business in New York, fewer companies do business in New York, and that means fewer opportunities for our friends and

neighbors, fewer jobs and a continued exodus of employees. This bill over a period of just two years would increase the -- the amount paid out by over 200 percent. And for anyone who is in business, that type of rate increase, you know, a couple hundred percent is very difficult to address and resolve. And for that reason I will not be supporting it. But again, I appreciate my colleague's comments and her insights.

Thank you, sir.

ACTING SPEAKER EACHUS: You're welcome.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who wish to support it can certainly vote yes here on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: You're welcome.

Mr. Fall.

MR. FALL: The Majority Conference will be in the affirmative on this piece of legislation. If there are those that would like to vote in a different direction they can do so at their desk. Thank you.

ACTING SPEAKER EACHUS: You're welcome.

The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Mr. Speaker, members have on their desks the B- and C-Calendar. I now move to advance the B- and C-Calendars.

ACTING SPEAKER AUBRY: On Mr. Fall's motion the B- and C-Calendar are advanced.

Mr. Fall.

MR. FALL: We would like to go to Rules Report No. 858 and 860 by Mr. Thiele. After we will consent the B and C-Calendars.

ACTING SPEAKER AUBRY: Thank you, sir.

Page 4, Rules Report No. 858, the Clerk will read.

THE CLERK: Assembly No. A07754, Rules Report No. 858, Thiele, Shimsky, Eachus. An act to amend the Village Law, in relation to the incorporation of villages.

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

(Pause)

An explanation is requested, Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker. This bill

would amend Article II of the Village Law which relates to the issue of village and corporation, the process by which a territory can become a village in the State of New York. And I'm going to just take a little bit of time to explain that process because it will inform the provisions of the bill.

So to create a village in the State of New York, first of all you must make -- meet a population and area requirement. You have to have at least 500 regular inhabitants and you have to be an area that is not more than 5 square miles or coterminous with other existing districts, either a single district or one or more districts or you could be coterminous with a town. So there are population requirements, there are area requirements. So from there, this process begins with a petition, and that petition has certain requirements that have to be met in the law. There also has to be a map of the territory. And for a petition to be a valid petition, there are two ways to have a valid petition. One, it must be signed by 20 percent or more of the regular inhabitants of the territory or it must be signed by the owners of property that are more than 50 percent of the assessed valuation of the territory that's going to become the village. So either by being an inhabitant or by being a property owner you can petition to create a village. That petition gets filed with the Town Clerk and then it is -- it goes to the Town Supervisor. And it is the Town Supervisor that -- that is responsible for dealing with the petition, not the Town Board, just the Town Supervisor. And the Town Supervisor is required to have a public hearing first, and we'll have it and the hearing itself is

only on the legal sufficiency of the petition. Think of the Supervisor as the Board of Elections dealing with a petition, a candidate petition. They only look at the legal sufficiency of the petition under the current law. They -- it doesn't matter whether the Supervisor thinks the village is a good idea or a bad idea or indifferent, doesn't matter. They're not looking at that. They're only looking at the four corners of the petition to determine whether or not it is legally sufficient. If the Supervisor finds that it is legally sufficient, it then goes to a referendum of -- of the residents that live in the territory that are going to become the village. If he rules against the petition that it's not legally sufficient, there is no referendum but it is subject to judicial review pursuant to Article 78. So that's a -- a broad outline of -- of -- of the petition and the village incorporation process. Before I get to the specifics of the bill, I'm just going to tell you a little bit of my experience that I think will also inform about this legislation.

As a Town Attorney and then as a Town Supervisor and a State Assemblyman, as a public official during my tenure I've seen three village incorporations in my district. One of them has been incredibly successful and two of them have been unmitigated disasters. One was the Village of Pine Valley which was incorporated in the -- in the early 1990's and within a few years disincorporated. And then there was the Village of Mastic Beach which I share with Assemblymember DeStefano, that particular area. They incorporated and within a few years disincorporated. They very quickly had buyer's remorse because they got caught up either that they were angry at the

town or they got caught up in the idea of home rule and made emotional decisions without assessing whether or not a village was a good idea, because there's nothing in the process that -- that -- that provides for that. In the case of the Village of Mastic Beach, they -- they very quickly ran up a very large debt, disincorporated and that debt had to be assumed by -- by the Town of Brookhaven. So a little bit of background.

Now to the specifics of this bill. This bill does a couple of things. Number one, it increases the population requirement from 500- to 2,000 as the minimum population. Second, it would eliminate the ability to petition as property owners. The ability -- you know, the idea of property owners being able to petition for a village or as a condition of voting is a long-ago discarded item, except in this law. So if this bill were to become law, you could only petition under the 20 percent of residents, not as the basis of a property owner. The -- to me, the major part of this bill is that it requires a fiscal -- fiscal study to be prepared that would look at the provision of services, the fiscal impacts, the tax impacts of both within the village and then the rest of the town outside of the village. So before a village -- a village incorporation petition could be valid, that study would have to be done. It would have to be submitted to the Department of State which would post it on their website, so that information would be available to the public. And the last thing that I would say about this bill is that these provisions would become effective immediately, but across the State if there's any place out there that is currently in the process of

petitioning to become a village, any signatures that have already been gathered would still be valid. They would not be effected by this statute. So signatures already gathered would be -- would be valid, still valid and would be grandfathered in, but the rest of the provisions of this law, most notably the fiscal impact study, would have to be complied with as -- as part of any petition that is pending.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: First, thank you to my colleague for a thorough explanation of both the current law and how this law would change it, appreciate that explanation. The bottom line essence is that right now you can form a village if you have 500 residents. Under this legislation you couldn't form a smaller village, it would actually make it illegal to form a village unless you add 2,000 residents. Under current law, the owners of over half the assessed value can initiate the referendum to create a village because after all, they're going to be paying more than half the taxes. Under this, there voice is silent. They can still sign a petition, of course, but they can't move this process forward as 50 percent of the assessed value. This new bill calls for a fiscal study which in general is good, but if you're creating a brand-new village, until you create it, you don't know what the village is going to provide because you don't have any village trustees or village mayor. And so the fiscal study is totally illusory

and hypothetical. The bottom line for most people is the fact that no village regardless of size can be -- can be created without a referendum. So what this bill says is that if you have 2,000 residents, even with a referendum you cannot create a village. What this law says is even if more than half of the assessed value want a village, that's not enough by itself. I believe in local government. I've worked for small villages. I've worked for some very small villages. At one time I think I represented one of the smallest villages in the entire state, that was successful. I think it's up to the people going through a referendum to decide if they want to be a village, and shouldn't be up to us to set an artificial threshold of more than 2,000 people. And secondly, I think it's up to the people to decide if they don't want a village. And the current process allows the people by referendum to eliminate the village. So my perspective, I'd rather let the people who live there, who know of things better than any of us to decide for themselves, with a referendum, whether they want a small village or not. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MR. RA: Could you just explain the population threshold piece? I know there was some type of I guess study that suggested that villages under -- under 2,000, you know, or under -- I'm

sorry, you know, 500 or whatever could not function normally. But my understanding is that there's currently 291 villages and 347 towns in New York State that have fewer than 2,000 residents. So I don't know if you're aware of problems with those particular municipalities, just a reason for that population.

MR. THIELE: Yeah. There -- there is a study that was recently done by Pace University Law School that -- that went through all those things. I wouldn't -- me personally, I would not make the argument that villages under 2,000 couldn't be financially viable. I -- I think that that population requirement being increased is more necessary because you don't want to have a proliferation of villages also and duplication of services in government. There should be a larger minimum size. In fact, Nassau County happens to be the perfect example of that. There was such an interest in -- in gaining local land use control in Nassau County away from the towns that there was a whole proliferation of villages. So many that Nassau -- Nassau County amended their charter. So there was an amendment to the Nassau County Charter that said any village formed after 1963, they can form a village but they don't have any land use authority if they were formed after that. So I think like that Nassau County example, there is the potential for a proliferation of local government that is -- does not provide the efficient delivery of services and, you know, the 500- requirement goes back 50 years and we're really updating it. And I think that's my motivation here is to have a -- a sizeable local government that yes, can function but that we don't have

a proliferation of government, also.

MR. RA: Okay. Thank -- thank you, Mr. Thiele.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So I -- I do have, you know, a few concerns with this piece of legislation. It does make it more difficult to form a village. You know, as my colleague said, at the end of day in order to form one there has to be a referendum. So it's not as if, you know, it's particularly easy to form a new village. I understand the concern with the -- with the size of population, but I -- but I also know I've had, you know, constituents -- I -- I represent a number of villages, I represent a number of unincorporated hamlets. And I've, you know -- I'll be honest, there are times when I hear from village residents that they wish they weren't in a village 'cause maybe they don't like something the village is doing and plenty of times where I hear from people who live in unincorporated hamlets that say hey, if only we were a village we could do X, Y and Z. But at the end of the day, under current law, there are provisions that allow that opportunity for those villages -- or I'm sorry, for those residents to have some level of self-determination with -- with regard to the formation of a village. And if somebody comes up with the appropriate level of support and can get a referendum passed they can -- they can create a village. So I -- I know that there's been objections to this raised by -- by organizations that are concerned with protecting the rights of -- of villages and local governments including the New York State

Conference of Mayors and as -- as a result of that I'm going to be casting a vote in the negative because I think that it's appropriate that we continue to allow residents to have that ability to determine for themselves whether -- whether they want to make that choice to form a village. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Paulin.

MS. PAULIN: Thank you. Will the sponsor yield?

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MS. PAULIN: Thank you so much. It's just a few questions. The bill says that if there were petitions that have already collected signatures, this bill does not invalidate them. Is the idea that they won't have to start from scratch?

MR. THIELE: Yes.

MS. PAULIN: But if there are petitions that are already in progress that were based on the prior law, they would've alleged in the petition that the proposed village has at least in the prior 500 inhabitants and now in the new it would say 2,000. They would've had to print that on the petition. Does that invalidate those petitions?

MR. THIELE: It does not.

MS. PAULIN: The bill also requires that a fiscal study of the fiscal service and taxation interests of the proposed village and the rest of the town must be completed. Do the petitioners

have to do their own study or can they rely on a third-party study?

MR. THIELE: There needs to be a study. The incorporators, there's -- there's a -- when you see a petition listed are the incorporators that -- that are responsible for legal service and all of that. They are responsible for providing a study that would be submitted to the -- to the -- to the Department of State, to the Secretary of State. Whether they provide -- whether they take the actions to do the study or hire a consultant or they use a -- a -- a study that's been done by somebody else and they have permission to use that study, there has to be a study. And it's the responsibility of the incorporators to provide that study to the Secretary of State. How they do that, I would think is up to the incorporators. So if there's a prior study, as you mentioned, there's no reason why -- and it meets the requirements of this law, there's no reason why they couldn't use that study.

MS. PAULIN: So in the two existing scenarios out in the world, because there are two communities that are looking to become villages currently, the -- the towns have objected and have been very litigious. So we know that, you know, that is likely. However, can a petition because they don't think the study was adequate or because they disagree with the conclusions, can that be objected to as a grounds for a lawsuit?

MR. THIELE: Well, I would say anybody can sue on anything. We -- we see that every day. So nothings -- nothings going to stop somebody from filing a lawsuit if they want to file a lawsuit. I

think the question is, can you file a meritorious lawsuit in a particular case. And, you know, the statute basically says that you have to do a study on the fiscal impacts, the -- the services and -- and the tax impacts. So if the study addresses those three areas, overall fiscal impact, the provision of services and the impact of tax -- on taxes for both the territory to be incorporated as well as outside in the rest of the town, if it addresses those items that are in the statute, you know, there may be a lawsuit but I -- I don't believe it would be a winning lawsuit.

MS. PAULIN: And wouldn't you also say that it's the incorporators that would have -- would be the only ones that would have access to the services that they want to buy back or provide themselves. Therefore, that would be one factor. And wouldn't it also be up to them to know, you know, what they're specifically going to or how they're going to specifically going to interact monetarily with the town so the town wouldn't know or be able to assess whether the fiscal was adequate because they wouldn't have that information. Wouldn't you say that's correct?

MR. THIELE: Well, I would say two things. One, I think the statute provides that the responsibility is for the incorporators. And as you say, only they can know what their vision is for the village. And there are -- you know, there's -- there's a village, there's only one village, one entity that's called the village, but there are many different aspects of what -- what villages can be. I have villages in my district that are I would call full-service villages.

They have police departments, highway departments, planning boards, building departments, they do everything. There are other villages that -- that are in my district that -- that exist that they really -- their interest was land use. So they still have the town provide highway services, they still have the town to provide police services. Only the incorporators can know what they want that village to look like, why they're forming it, what services they want, so yes, I would agree that it's the incorporators that -- that -- that have that responsibility. And are the only ones really that can, you know, assess that. You know as Mr. Goodell said, you know, there -- there will ultimately be a village board and they'll make the decisions on the budget, the capital budget and all of those things, but it's really the incorporators presenting, you know, referendum of what their vision is for the -- the village and that village has to have dollars and cents attached to it. So yes. I -- I -- I think it's the incorporators that have that responsibility.

MS. PAULIN: And you would also agree I think that it's a point in time. You know, for example, there may be negotiations with staff or whatever for different salary levels. So it's a point in time that the -- the study would be accurate or not accurate in terms of its fiscal based on the incorporators' vision.

MR. THIELE: Well, yes. I mean you're -- you're looking at the present. Any such study after a period of time is going to become stale with changed conditions, but it certainly should be accurate and valid enough to survive the time limit of an incorporation.

MS. PAULIN: So that the only basis for an objection would be if there was no study at all on those subject matters as -- as thought by the incorporators in terms of their vision; is that correct?

MR. THIELE: That's correct. The -- the Town Supervisor would -- would have to look and see, did they provide a -- a -- the study and are the issues that are in the statute addressed. It is -- just like it is not under current law up to a Town Supervisor to determine whether or not is a good idea or a bad idea. It still would not be up to the -- the -- the Town Super -- Town Supervisor to determine whether they provided a good budget or a bad budget. That's not the role of the town supervisor under this statute. It is only to check the box. Did they provide the study and does that study meet the -- the broad requirements of this statute.

MS. PAULIN: Thank you, Fred.

On the bill.

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

MS. PAULIN: Currently, there are two communities that are looking to become villages. One of them is the community that I represent and Edgemont part of Greenburgh. This has been going on for seven years. The Town Supervisor has objected twice, brought it to litigation and both times was somewhat successful so that new petitions would have to be circulated. They are about to file them again. This bill and one other we'll see shortly is targeting my community. Targeting them so that they will have yet another

grounds for litigation, this bill, if it's passed. So yet, another missed opportunity potentially for this community because we know that the Supervisor is going to reject them and Article 78 will be enacted and then this community again will potentially not be able to become a village. I find the last minute nature of bringing this forward similar to what my colleagues have said on the other side of the aisle and the fact that it's targeting my 7,800 constituents appalling. With that I cast my vote in the negative.

ACTING SPEAKER AUBRY: Ms. Shimsky.

MS. SHIMSKY: Thank you very much, Mr. Speaker. I ask the -- the sponsor to yield for a question or two.

ACTING SPEAKER AUBRY: Certainly. Mr. Thiele?

MR. THIELE: Yeah, I will yield, yes.

MS. SHIMSKY: Okay. I think this rather than a specific answer more your wisdom on the subject. We all know that any of our governments, including our State government is a work in progress and things evolve and change over time. What do you see as the value in having an entity seeking to incorporate to put out a first draft of what they see their government is like and how that would improve the reality of their government going forward should incorporation be approved by the voters?

MR. THIELE: Well, any incorporation is begun by proponents of the incorporation that are circulating the petition. So having a fiscal feasibility study allows the public who's going to vote

to know what their vision is, what they think the village is. They're the ones proposing it, what do they think that village should be. Should they have a police department or should -- or should they continue to have the town police department, should they have a highway department. And they will also get to know what the fiscal impact of providing those services are. So really to kind of address your question and -- and -- and some of the things that were said by Mr. Goodell earlier, I live in a village. I've been a village attorney. I believe in village government, I think it's -- it's great. But I think when people make a decision on the creation of a village it's a serious decision and it should be an informed decision. And what I think this bill does is that it gives the community an idea of what the vision is of the incorporators and what it's going to cost to be able to do that. And I think that allows them, not just to make it a decision but to make an informed decision.

MS. SHIMSKY: Okay, thank you. And with regard to the financial sustainability question, obviously if you are an existing village you already have a baseline established as to the kinds of services you have, the kinds of assets you have, and the cost of those assets. When you're starting a village from scratch -- from scratch to at least some degree, is there the potential for greater financial risk?

MR. THIELE: Well, I mean there's always more uncertainty I think when -- when you're starting out. But I think what you need to do in a situation in doing that kind of financial feasibility study, you want to look at the property tax base of the village, you

know, what kind of services do you want, what's important to the community, how you're going to provide those services. You know, any budget is -- typically whether it's village, town, county, the budget's going to be 70 to 80 percent salary and benefits, so you need to know how many employees is it going to take and what's the -- the -- the salary range in that particular region and that community, how much is it going to cost. So I think yes. You know, you don't have the certainty of having done it before, but I think you can put together a picture that provides the residents not certainty but a good idea of what services a village would provide and what it's going to cost to provide those services.

MS. SHIMSKY: Okay. Thank you very much, Mr. Thiele.

Mr. Speaker, on the bill.

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

MS. SHIMSKY: Okay. It is the Wild West out there when it comes to village incorporation. I have seen this in practice for close to 20 years in my own area which abuts Assemblywoman Paulin's area. We need to put in place some safeguards to make sure that the existing town is protected and that the people voting for the existing village have a shot at being the kind of financially sustainable and happy village that Fred has lived in and that I have lived in for many years. This particular bill, the Skoufis bill only changes three things. One is getting rid of the petition as property owners. I bet you

all thought that this kind of petition requirement would have been dead by the time Andrew Jackson was dead. But it's not. This got into our law somehow generations after Mr. Jackson's death. How it got in, I don't know but I don't see how we could talk about ourselves as a forward-looking and forward-thinking Body, much less a progressive Body if we still maintain these property requirements which are obviously extremely antiquated. In terms of the population requirements, in -- in most of -- of the populated areas of our State, having villages as small as 500 people would certainly cause lots of problems in terms of proliferation of everything including elections. It would also -- I think there is the potential for certain levels of financial chaos and unsustainability, especially depending on the vision for the amount of services that people have. I think raising the requirements is a good idea all around. The third thing, the financial analysis. We've already heard from the sponsor of this bill how buyer's remorse can result in all kinds of chaos after an incorporation vote. Ensuring that there is at least a well-thought-out first draft of history so people have an idea where this is going to go before they cast their votes is absolutely critical to make our municipalities run properly. For those reasons, Mr. Speaker, I will be voting in the affirmative and encourage all my colleagues to do the same.

ACTING SPEAKER AUBRY: 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 legislation. Those who support it can certainly vote yes here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this piece of legislation. If there are those that would like to vote in a different direction they can do so at their desks. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I represent several villages that are in my county and in my district that have less than 2,000 residents that would be very, very surprised to find out how unsuccessful they are. They actually consider themselves extraordinarily successful and are very, very proud of their operation. They've learned how to live within their means. Their residents really like the fact that they're a separate village. They take great pride in it and they do very well. It's just a little bit arrogant as an institution when we make decisions that ignore the will of the people that are in those areas and apply a blank -- blanket rule. So for those of you, actually we've had -- some of my colleagues have come -- Bemus

Point, for example, has 364 residents. Mr. Meeks was in my community and we had lunch the other day and what a great community, isn't it, Bemus Point, 364 residents; Busti, 391; Panama, 479; Sherman, 730. Now, the unique thing about a small village is they all know each other and there's no secrets and they all work together to make things happen. And in Bemus Point with only 364 residents, it's not unusual to see the Mayor mowing the village park but that's just part of living in a great, small village. So I think we ought to let the people decide for themselves what works best for them and not impose an artificial cap on the size of villages across the State of New York without really any regard to what the people want. For that reason I will not be supporting this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Flood to explain his vote.

MR. FLOOD: Thank you, Mr. Speaker. And first let -- let me say I do commend the sponsor on trying to bring this legislation. I do understand that some villages do kind of bite off more than they can chew, but at the time when the Mastic Beach Village was -- I guess, whatever you want to call it, returning back to the Town of Brookhaven, I sat on both sides of it. I was working for the Town of Brookhaven during that transition. However, the -- the district that I represent has four villages inside of it. In fact, I live in one of those villages, the Village of Port Jeff which has about 7,200

residents. However, the three other villages that are in my district, Poquott, Belle Terre and Old Field are somewhere between 800- and 950. Arguably those three villages run more efficiently than the Village of Port Jeff does and I'm not discouraging the village I live in, I'm actually quite happy living there. I think, though, it's important to understand that the -- when determining what factors need to be looked at when trying to incorporate a village, you're looking at what is that specific tax base that's going to be providing the services, what services must that village provide and what services does that village want to provide. And I don't think there's anyone else that can make that determination than the local people that live there. I understand some of the -- the positive things that this bill is trying to do, but ultimately a cap on -- a flat cap of 2,000 residents to be able to incorporate I think negatively impacts a lot of smaller communities, Upstate rural communities. And even in the middle of Long Island we have lots of small, little villages that run extremely efficiently with small populations. For that reason I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Flood in the negative.

Ms. Paulin to explain her vote.

MS. PAULIN: Thank you, Mr. Speaker. I just want to put a couple of things on the record. And that is, you know, in going through this, I think that this language was rushed and written by the -- the Senate Majority Leader who -- whose district -- the --

who wants the bill. And the -- and as such, understanding because she does represent both, that -- that the village -- prospective Village of Edgemont needs to be excluded. I have a letter to that effect from her and so I'm looking forward to January when we pass the chapter amendment that will exclude that prospective village from this bill. Thank you. With that, I'm still casting my vote in the negative because as such, without that chapter, this is not a good bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Paulin in the negative.

Ms. Giglio.

MS. GIGLIO: To explain my vote, thank you, Mr. Speaker. So the Town of Riverhead has a business district that they pay taxes to the town for the business improvement district, they do have police services, they do have highway services, it's on a State road so they also get State services. But for years they've been talking about becoming an incorporated village and this bill would prohibit them from doing that. So I am going to respectfully vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Giglio in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 860, the Clerk will read.

THE CLERK: Assembly No. A07761, Rules Report No. 860, Thiele, Shimsky. An act to amend the Village Law and the General Municipal Law, in relation to establishing the village incorporation commission.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Read the last section --

A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed for reasons I hope to explain in a moment, but those who support it can certainly vote yes.

ACTING SPEAKER AUBRY: Mr. Fall.

MR. FALL: The Majority Conference will be in the affirmative on this piece of legislation. Those that would like to vote differently can do so at their desks. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell on the bill.

The Clerk will record the vote, I'm sorry. It's been a long week.

(The Clerk recorded the vote.)

MR. GOODELL: Indeed. Thank you, sir. As you know the previous bill quadrupled the size, minimum size for a village. This bill takes it one step farther and says that they'll be a Statewide commission called the State Village Incorporation

Commission consisting of three Statewide representatives, one appointed by the State Comptroller, one by the Attorney General and one by the Secretary of State. And they would have the power to quote, "determine whether the establishment of a village is in the fiscal service and taxation interest of the residents who approved the petition." Think about that. Three State-appointed bureaucrats with full authority to decide whether or not a referendum approved by the voters is in their best interest. With all due respect to our Secretary of State, State Comptroller and Attorney General, I don't think a single one of them have been in any of my villages and I'm not sure they would know what's in the best interest of my villages better than all the residents in that village that voted on the referendum. For that reason I don't support it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Paulin to explain her vote.

MS. PAULIN: Thank you. I -- I agree with Mr. Goodell. This is -- this -- this one is even worse. This one would -- essentially there would be no more villages in the State of New York. That's the goal of this bill. And again being targeted at the community that I represent because they -- the sponsor in the other House doesn't want this village to be created. So it was targeted on purpose hoping the other bill would cause litigation and then prevent this village from incorporating because the effective date is January 2024. So I want to thank the sponsor in the other House for agreeing again by letter to me

and by negotiating with the Speaker for excluding the prospective Village of Edgemont going forward, because now understanding how detrimental it would be to 7,800 people who merely want to vote, they merely want to vote, folks. And after seven years and two litigations this bill would kill it. So I want to thank the sponsor in the other House for recognizing that and for committing, committing twice to me on the phone and to the Speaker and in a letter that she is going to exempt them. Thank you.

ACTING SPEAKER AUBRY: Mr. Thiele.

MR. THIELE: Well, Mr. Speaker, at this stage of the game you'd think I'd be just smart enough to just shut my mouth but I'm going to put just a couple of things on the record. You know, we're -- first of all, both of these bills that we've talked about today are --are talking about having an informed decision, having the voters have as much information as possible. And when it comes to, you know, the Commission that's in this bill, all they get to look at is the finances, objective third-party independent look at the finances and the impacts of a proposed village. There's nothing unique about that. If we were going to create a new county and people in my neighborhood have talked about that from time to time, this Legislature would have to decide whether or not that's in the public interest before the people, you know, on the East End of Long Island could vote on a county. If a new town is going to be created, a petition goes to the county legislature. They have to decide first whether or not it's going to be in the public interest. If you want to

create a water district or a sewer district in a town or a village or the county, that water district can't be created, that sewer district can't be created until you submit it to the State Comptroller and they determine that it's in the public interest and it won't have an undue burden on taxpayers. So having the Comptroller, for example, having oversight over what happens with local governments and the creation of new Local Governments is not something new, we do it already. And with regard to villages there's no reason why we shouldn't provide that service to voters who are making the decision. For those reasons and others, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Thiele in the affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker, to explain my vote. You know, there seems to be a glaring omission from the previous bill and this one and that's a consideration of maybe reform as to when these referendums are conducted. And I respect the voters too much to not think that we should be considering in this Commission or maybe just putting it into the previous bill that those referendums have to be done in even years. That way we will create voter participation. Thank you.

ACTING SPEAKER AUBRY: Ms. Shimsky.

MS. SHIMSKY: Thank you, Mr. Speaker. The other thing that this bill does is it takes the -- the approval of the petitions out of the hands of the Town Supervisor. Now one of the things we've

talked about is the chaos in the number of years it has taken the proposed Village of Edgemont to move forward. And one of the problems is you get into a situation where one of the people who may have a financial interest either for or against the incorporation of the village actually passing on the legitimacy of petitions. That's not a great idea either and that has spawned, at least by my count, four years of litigation in the Town of Greenburgh. And for that reason as well, I think having another Body pass on the legal sufficiency of those petitions probably is a good thing for everyone. So for that reason, too, I vote in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. We'd like to make an announcement. There's a need for an immediate members-only Republican Conference in the Parlor.

ACTING SPEAKER AUBRY: Thank you, sir. Republican Conference in the Parlor.

Mr. Jacobson.

MR. JACOBSON: We will have an immediate and brief conference of the Majority in the Speaker's Conference Room right now.

ACTING SPEAKER AUBRY: Democratic

Conference in the Speaker's Conference Room.

The House will stand at ease.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The House will stand at ease.

ACTING SPEAKER AUBRY: The House will stand in ease. Thank you.

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ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. If we could just go right to the previously moved B- and C-Calendars and begin on page 1. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly.

On the B-Calendar, page 3, Rules Report No. 851, the Clerk will read.

THE CLERK: Assembly No. A05562, Rules Report No. 851, K. Brown. An act to amend the Highway Law, in relation to designating a portion of the State highway system the "Trooper Fabio Buttitta Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr. Brown, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05898-B, Rules Report No. 852, Angelino. An act to amend the Real Property Tax Law, in relation to establishing a residential investment exemption in certain cities.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06609, Rules Report No. 853, McDonough. An act granting retroactive Tier V membership in the New York State and Local Employees' Retirement System to Daniel Miller.

ACTING SPEAKER AUBRY: On a motion by Mr.

McDonough, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06871-B, Rules Report No. 854, Maher. An act relating to approving certain employee benefit costs for transportation employees for the Goshen Central School District.

ACTING SPEAKER AUBRY: On a motion by Mr. Brabenec [sic], the Senate bill is before the House. The Senate bill is advanced. Home Rule -- oh, I'm sorry.

On a motion by Mr. Maher, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06959-A, Rules Report No. 855, Brabenec. An act authorizing the Town of Warwick, County of Orange, to alienate certain lands held in public trust in the Town of Warwick, County of Orange.

ACTING SPEAKER AUBRY: And now on a motion by Mr. Brabenec, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07663-A, Rules Report No. 856, Rivera. An act authorizing the State University of New York to lease a portion of the lands on the campus of SUNY Buffalo State University for the relocation and operation of the Leonardo da Vinci High School; and to amend the Education Law, in relation to the computation of Building Aid for the renovation and equipping of the Leonardo da Vinci High School.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07689, Rules Report No. 857, Pheffer Amato. An act to amend the Retirement and Social Security Law and the Criminal Procedure Law, in relation to service rendered by investigators and sworn officers of the Waterfront Commission of New York Harbor.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07759-A, Rules Report No. 859, Jones. An act relating to the settlement of certain land claims.

ACTING SPEAKER AUBRY: On a motion by Mr. Jones, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk. The Clerk will read.

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

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We are on the C-Calendar. Rules Report No. 861, the Clerk will read.

THE CLERK: Assembly No. A07667, Rules Report No. 861, Braunstein. An act to amend the Tax Law, the Administrative Code of the City of New York, Chapter 877 of the Laws of 1975, Chapter 884 of the Laws of 1975 and Chapter 882 of the Laws of 1977, relating to the imposition of certain taxes in the City of New York, in relation to postponing the expiration of certain tax rates and taxes in the City of New York.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07758, Rules Report No. 862, Braunstein. An act to amend the Real Property Tax Law, in relation to authorizing a tax abatement for alterations and improvements to multiple dwellings for purposes of preserving habitability in affordable housing.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and colleagues, if we could now bring our attention to Rules No. 503 by

Mr. Hevesi; 655 by Ms. Paulin; 734, Mr. Bronson; 143, Mr. Brown; 441, Mr. DeStefano; and 496, Mr. Manktelow.

ACTING SPEAKER AUBRY: Thank you very much.

Page 11, Rules Report No. 503, the Clerk will read.

THE CLERK: Assembly No. A04986-A, Rules Report No. 503, Hevesi, Lunsford. An act to amend the Social Services Law, in relation to child care assistance under the Child Care Block Grant.

ACTING SPEAKER AUBRY: On a motion by Mr. Hevesi, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

A Party vote has been called for.

Mr. Goodell.

(Pause)

Mr. Goodell, a Party vote has been requested and...

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed for the reasons I'll explain in a moment. Those, of course, who support it can vote yes.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation.

ACTING SPEAKER AUBRY: Thank you very

much.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Hold on.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Now, Mr. Goodell. I'm sorry.

MR. GOODELL: Thank you, sir. Under current law, we provide our -- our social services districts provide child care support for families that are on welfare. The amount of child care support is directly tied into the amount of their work or their employment or their other activities that are all designed to help them break free from poverty and maximize their potential. What this bill does is say that there doesn't need to be a connection between the hours that they're involved in work activities or training or education, and that a person can be on welfare without any correlation to time and still receive full-time day care. And many of us believe that -- that day care is extraordinarily important to help them move forward, but if they're not working or they're not engaged in work activities or they're not doing anything to break free from poverty, it probably is not appropriate to ask the taxpayers to foot the bill for full-time child care. And always, we're wrestling with that -- that dilemma. We want to help everyone become as successful as possible, but recognizing that our local tax levy, between 25 and 35 percent is for the cost of welfare. And so we want to be sensitive to the costs to our neighbors,

but we still want to be compassionate. And so I think the connection is important and should remain in place.

Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 655, the Clerk will read.

THE CLERK: Assembly No. A07085, Rules Report No. 655, Paulin, Gibbs, Zinerman. An act to amend the Public Health Law, in relation to requiring nursing homes to designate dedicated storage spaces for the storage of the bodies of deceased persons.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jensen to explain his vote.

MR. JENSEN: Thank you, Mr. Speaker, to explain my vote very briefly. This legislation certainly seems to be inspired by what happened in the early days of the pandemic in 2020 when health care providers were overburdened based on loss of life in their facilities. And while that certainly is tragic in seeing what happened to the -- the deceased at that time needs to be addressed, this

legislation would put tremendous onus on nursing homes to build out capacity that they may or may not be able to afford in rooms, in critical space that may or may not be able to be used for any other purpose.

For that reason, I will be voting no because this should be a group effort between not just the health care providers, but local communities and the local infrastructure to ensure that the deceased are treated with the proper respect after their life does come to a close. So I will be voting no.

ACTING SPEAKER AUBRY: Mr. Jensen in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 734.

THE CLERK: Senate No. S06056, Rules Report No. 734, Senator Ryan (A07333, Bronson). An act to amend the Economic Development Law and the New York State Urban Development Corporation Act, in relation to certain economic development programs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. This -- this piece of legislation adds criteria regarding housing, and it has basically provisions that will add in the extent to which projects will use end-to-end fiberoptic architecture to deliver high-speed broadband internet to the project area. Now, I think we've all recognized, especially in the last few years, the importance of upgrading these systems, but a concern has been raised with regard to this bill that perhaps in doing so, as you're -- you're allocating funds for housing development, that you may be essentially prioritizing this type of infrastructure and taking money away that may otherwise just be spent on building housing itself. We do have lots of Federal funds that are coming in for -- for this type of infrastructure for fiberoptic, and the concern is that there -- there's a lot of money that will be there for -- for this from the Federal Government and we don't want to divert any that could -- could be otherwise used to make sure that we are adding to housing stock through these projects.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 143, the Clerk will read.

THE CLERK: Assembly No. A02753-A, Rules Report No. 143, E. Brown. An act authorizing the Bais Tefila of

Inwood to receive retroactive real property tax-exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. Brown, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 441, the Clerk will read.

THE CLERK: Assembly No. A03486-A, Rules Report No. 441, DeStefano. An act in relation to authorizing the assessor of the Town of Brookhaven to accept an application for exemption from real property taxes from Al-Muneer Foundation, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. DeStefano, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 496, the Clerk will read.

THE CLERK: Assembly No. A03679-A, Rules Report No. 496, Manktelow. An act to amend the Tax Law, in relation to authorizing Wayne County to impose a hotel, motel or seasonal rental occupancy tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Manktelow, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes

MRS. PEOPLES-STOKES: Mr. Speaker, I understand that you do not have any housekeeping or further resolutions.

ACTING SPEAKER AUBRY: No housekeepings [sic], no resolutions, but...

MRS. PEOPLES-STOKES: But, on behalf of the Sergeant-of-Arms [sic], Wayne, I would ask people if you would

please open your desk drawer, see if you have any snacks that you've been holding on to while we were going through these very long debates, and throw them out.

While you're doing that, Mr. Speaker, I now move that the Assembly stand adjourned until Sunday, June the 11th, tomorrow being a legislative day, and that we return at the convene -- reconvene of the Senator -- of the Speaker rather.

ACTING SPEAKER AUBRY: We will reconvene at the call of the Speaker.

(Applause)

(Whereupon, at 4:28 p.m., the House stood adjourned at the call of the Speaker.)