

**WEDNESDAY, JUNE 21, 2023**

**10:27 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, June 20th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Tuesday, June the

20th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues and guests that are in the Chambers, I would like to share a quote with you today. This one comes from someone we all know of his work and career and great things he's done in our society, it's none other than Reverend Dr. Martin Luther King. His words, there is *no work is insignificant. All labor that uplifts humanity has dignity and importance and should be taken -- undertaken with painstakingly [sic] excellence.* Again, these words from Dr. King, and this is generally what we do here, Mr. Speaker, is it takes a lot of pain sometimes but we get through it.

So colleagues should notice you have on your desks a Main Calender, you also have a debate list. And after you've done any housekeeping or introductions, Mr. Speaker, we're going to begin working on that debate list. We're going to start with Calendar No. 88 by Mr. Weprin; followed by Rules Report No. 403 by Ms. Solages; and then Rules Report No. 215 by Ms. Glick. At some point today there's going to be a Rules Committee called and that committee is going to produce additional calendars of which we will probably be taken up today. There will probably be other additional floor announcements as we proceed; however, Mr. Speaker, that's the general outline of where we're at today at this moment. If you have

introductions or housekeeping now would be a great time, sir.

ACTING SPEAKER AUBRY: Certainly. No housekeeping but we do have a introduction by Mr. Gibbs.

MR. GIBBS: Thank you, Mr. Speaker. I rise today to make an introduction of a great organization, but more importantly of a great young man from my community, Mr. Antonio Rivera and his family and friends from South Korea on it that South Korea delegation took the trip up to Albany this afternoon just to see the work that we do here. They do a lot of work in our community and our district and I would like to introduce starting with my dear friend Mr. Antonio Rivera, Jr. who is the President of Hug -- World Hug Foundation. He's joined by -- he's joined by Angela Rivera, member of the World Hug Foundation. He's also joined by Joanna Kil, Chair of the World Hug Foundation, as well as Kang-Chun Lee, Director of the World Hug Foundation; Dae-Cheon Seo, Asia representative, also the World Hug Foundation Director, the International School of Academy. We also have Lauren Yehwa Seo, Asia student representative, World Hug Foundation, member also of the International School Academy and then we have Younsoo Ahn member of the International School Academy; Hyeran Kim, member of the International School Academy. Also, Soo-Yeon Yoo member of the International School Academy, and then we have John Park, who is also a member of the International School Academy.

Mr. Speaker, I ask that you please extend my dear friends from East Harlem and as well as South Korea the cordiality of

this great Chamber.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Gibbs, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Our thanks for coming and sharing what we hope will be our last day in Session this year. We hope that you enjoy the process. We hope that the great work of your organization will continue and know that you are always welcome here in the New York State Assembly, the People's House. Congratulations. Thank you so very much.

(Applause)

On debate: Page 20, Calendar No. 88, the Clerk will read.

THE CLERK: Assembly No. A04668-B, Calendar No. 88, Weprin. An act to amend the Insurance Law, in relation to using driving history as a rating or underwriting factor for private passenger motor vehicle insurance.

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 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.

Page 8, Rules Report No. 403, the Clerk will read.

THE CLERK: Assembly No. S00405, Rules Report No. 403, Parker (Solages, L. Rosenthal, Thiele, Simon, Colton, Otis, Lupardo, Santabarbara, Shrestha, Kelles, Epstein --A7165) An act to amend the Public Service Law, in relation to utility intervenor reimbursement; and to amend the State Finance Law, in relation to establishing the utility intervenor account.

ACTING SPEAKER AUBRY: Ms. Solages, an explanation is requested.

MS. SOLAGES: So now more than ever residential and small business utility customers need an equal seat at the negotiating table in matters that affect affordability -- affordability and reliability utility services. And so this legislation would allow non-profit organizations or groups of individuals that represent the interest of a significant number of residents or small business utility customers to apply for reimbursement of reasonable fees and other costs associated with participating and utility rate cases and other policy proceedings before the Public Service Commission. This legislation will also create a fund through the Comptroller to reimburse the intervenors.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, will the sponsor yield for some questions?

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you very much. I know this legislation we've debated the last couple years, the Governor has vetoed it. Has this legislation changed at all from last year?

MS. SOLAGES: We haven't changed the legislation, but we definitely don't agree with its veto message.

MR. PALMESANO: So you don't agree when the Governor said basically this would inadvertently resolve in increasing rates because it will provide a blank check for (inaudible) reimbursement for customers and third-party representation with no cap?

MS. SOLAGES: First, we don't agree with it because at the end of the day the ratepayers are being represented. We are creating a mechanism for greater participation. And second, if you look at other models throughout the State, for example, in California, the ratepayers were saved about \$1 billion by scaling back on potential rate hike proposals. And so this legislation is just allowing, you know, the ratepayer, the customer to have a greater voice in the conversation.

MR. PALMESANO: Don't right now we have a number of different agencies? We have the Utility Intervention Unit of New York through the Department of State, Division of Consumer

Protection which represents consumers and utility rate and policy proceedings. We also have a consumer fraud and protection bureau at the Attorney General's Office, and we also have that was created under Governor Cuomo in 2020 the special counsel for ratepayer protection, and that position is specifically charged with representing the interest of residential and commercial customers of New York's regulated electric, gas, water and tele-cam companies with the -- with the ability to participate as a party at the Public Service Commissions on hearings and investigations (inaudible). What -- isn't that enough? What -- what more do we need?

MS. SOLAGES: Let me talk about representing the ratepayers, our constituents. For me, it's never enough, but this would actually produce a -- a body, an entity that would solely be focusing on the ratepayers. And also, you know, when we're having this conversation it's important that we, you know, represent businesses and -- and individuals and get different perspectives in this conversation. And so, you know, we appreciate the work that these other entities are doing, but we also are looking for a greater voice in these conversations because we know that the rates of utilities are increasing.

MR. PALMESANO: So -- oh yeah, they're increasing all right because of the policies that continue to be passed in this House like the (inaudible) but that's a whole nother issue. So one question I want to ask, in the definition of proceeding, (inaudible) on page 2, it provides this language: Such sections of this Chapter are

-- as are applicable to a proceeding in which the Commission makes a finding on the record that the public interest requires the reimbursement of utility intervenor fees pursuant to this section.

Could you provide us examples of what other proceedings might be covered? And for example, I know in Long Island there's a citizen group which are vehemently opposing wind projects in their underground power line sitings. Would those groups be eligible for such funding under this process?

MS. SOLAGES: No. This is strictly dealing with rate proposal hikes.

MR. PALMESANO: Right. So, in that case, then -- I'm sorry. Go ahead.

MS. SOLAGES: That --

MR. PALMESANO: Rate proposal hikes.

MS. SOLAGES: Yes.

MR. PALMESANO: So in that case because of this major multi-billion dollar wind project as offshore wind projects being discussed, it might come up in committee later or later, so that's not -- those individuals, those groups, those consumer groups that want to represent the interest of those Long Island taxpayers and ratepayers, they would not have a seat at the table for intervenor funds to be eligible for them for this proposal, would they?

MS. SOLAGES: So, this would strictly be, you know, I know that we're talking about another issue, but this is strictly for rate proceedings.

MR. PALMESANO: Right, but obviously that case is billions of dollars. That project is \$1 billion project, a multi-billion dollar project that's going to affect local neighborhoods on Long Island and the community. Who is paying for that?

MS. SOLAGES: You know, Long Island is a -- is a barrier island and we really have to be educated about the effects of climate change. And so I look forward to having that conversation a bit later but focusing on this bill right here in chief that we are debating, it's really important that we focus on the ratepayers and making sure that they have a seat at the negotiation table. And these are our constituents who are now struggling between deciding between prescription drugs, groceries, paying rent and also paying for utilities. And so all this bill says is individuals will now be able to -- or excuse me, groups and organizations will now be able to just have their fees reimbursed similar to what utilities have. Now utilities are -- are benefiting from getting their fees reimbursed. And, you know, these are private entities, these are not our constituents, our -- our taxpayers, our ratepayers.

MR. PALMESANO: So on these fees, there's no cap on the amount that could be reimbursed to these utility groups, are there?

MS. SOLAGES: Yeah. So, um, you know, there's a process and procedure, you know, not just a random group can just come up and say *hey, I want to be reimbursed*, they actually have to apply for -- for the reimbursement. And in addition there's a -- there's

a process, and so similar to the -- the process that utilities go -- go through, we're just saying that entities such as PULP, AARP, can participate and have their fees reimbursed. It's all about parity and fairness.

MR. PALMESANO: Okay. So, but just for the record, these intervenor groups that might come before the Public Service Commission act as an advocate or an intervenor, they'll be eligible for these funds. Those funds will be paid for by the ratepayer, correct?

MS. SOLAGES: And it's reasonable reimbursement determined by the PSC. So, you know, they're not going to be able to just pick a number and then get reimbursed. Again, there's a process that's already established that all we're saying is that these outside groups can also benefit for what utilities are benefiting from right now.

MR. PALMESANO: And so these costs that -- that will be placed on them, like I -- I know you said in California, I know California's costing millions of dollars a year for different -- some 147 intervenors compensations (inaudible) were resolved, average amount over like 114,000 is the average claim per intervenor. I mean, so all these claims, obviously, we paid for and that determination was going to get paid. It would be paid by the Public Service Commission, but the ratepayers are the ones subsidizing those rates, correct?

MS. SOLAGES: You know, over a dozen states currently have an authorizing utility intervenor funding and, you

know, going back to the example of California, one intervenor group called TURN, which is Utility Reform Network, saved California gas and electric customers over 4 billion in 2021 alone. And so, you know, this bill would really provide low-income individuals, marginalized people and advocate and a chance to participate in the negotiations to fight against any rate increases.

MR. PALMESANO: What about these intervenor groups? Should intervenors that are already going to receive public funds, will they be qualified to receive this additional funding? I mean I know, for example, I'll just -- you know, look at the Public Utility Law Project, we fund them each year out of the budget. Would they, you know, would the State appropriation from the taxpayers, would they be eligible for a reimbursement under this program, too?

MS. SOLAGES: So, you know, PULP is such a great organization and they -- they do many other items. And so this bill would allow entities such as PULP, even municipalities to be able to become intervenors. And so, you know -- and we know municipalities do receive government funds as well. So, all we're saying is that, you know, when it comes to negotiations, when it comes to bringing everyone to the table and having a conversation about rate increases, we want what the utilities are receiving already which is, you know, reimbursement.

MR. PALMESANO: Right. Now, does this bill contain any specific language to the definition of participant that would preclude maybe some of the (inaudible) from seeking

reimbursement, Attorney General's Office, Utility Intervention Unit, NYSERDA, the Power Authority, municipalities particularly regarding streetlights, net metering customers, community choice or would all of those be eligible to participate in this program and be eligible to seek reimbursement? There's no language that precludes them from seeking reimbursement, is there?

MS. SOLAGES: My belief is that PNC would have some type of parameters. And so, you know, if these entities were seeking reimbursement, there's -- there's -- there's a process, but, you know, reviewing the bill quickly, some of those entities I don't think would be qualified but, you know, again, you know, there is a current process. This bill just creates the fund and, you know, allows people -- allows entities to get reimbursement.

MR. PALMESANO: So I know we talked about California and New York. This allows 30 days to review contribution costs and whether intervenor would have significant financial hardship versus California 75, there's a difference there, right?

MS. SOLAGES: And what's great is that the -- the PSC can change those parameters if they -- if they choose to do so.

MR. PALMESANO: And should the PSC be given the authority to join -- to join intervenors with similar interest together to avoid paying duplicate fees to these intervenor funds, because we're going to have different groups that come forward on the same case and then they're going to be paying out multiple allocations to a number of different intervenors because they're entering and

participating because they want to be an intervenor on --

MS. SOLAGES: This legislation would allow consolidation of -- of different intervenors as well.

MR. PALMESANO: Okay. One other question I want to ask you. Relative to proceeding. And it says the definition really permits an application intervenor funds in a rule-making proceeding. The rule-making participation -- the reimbursement for participation and the rule-making proceed -- proceeding would set a precedent that would enable parties --

MS. SOLAGES: Can the gentleman just speak a little bit louder?

MR. PALMESANO: Yes. I certainly can.

MS. SOLAGES: Thank you.

MR. PALMESANO: So I wanted to talk a little bit again about the definition of proceeding on page 2 as it relates to -- because it says proceeding means investigation, rule-making or other formal procedure, and I wanted to ask on that. The definition would permit an application for intervenor funds in a rule-making proceeding and I think the reimbursement for participation in rule-making proceedings would set a precedent that would enable parties participating in rule-making proceedings by other State agencies to cite this statute to seek its intervenor funds. Wouldn't that not be the case because it's a proceeding which is -- which is a rule-making proceeding versus a rate case, because I'm just going by the language in your bill.

MS. SOLAGES: I -- I don't -- I don't believe that's the spirit of the law or believe -- but again, when we talk about representing our constituents, ratepayers --

MR. PALMESANO: I understand.

MS. SOLAGES: I -- I think it's very important that we have a voice. And so if a private entity is -- is having a voice and they're able to get reimbursement, then, you know, we should do so the same. I'm not promoting the idea but, you know, I -- I do think that we should not be afraid of ratepayers having a -- a voice at the table when it comes to negotiations, especially when we're talking about rate increases on New Yorkers.

MR. PALMESANO: Because regarding that situation, too, are you aware of any other statute that would provide intervenor funders -- funds with respect to an investigation or rule-making as proposed in the language of this bill?

MS. SOLAGES: There's already precedence in intervenors during, you know. Sorry. There's already precedence when it comes to the (inaudible) process for intervenors to -- to participate.

MR. PALMESANO: Okay. Going back to the California statute different from the language in this bill. It's my understanding the California statute for intervenors requires eligibility to be because the order or decision has -- has adopted in whole or part, one or more factual or legal contentions, specific policy or procedure recommendation. So my question is, why is the eligibility for

reimbursement in this legislation based upon the possibility of adoption versus actual adoption, and should ratepayers be required to pay for intervenors that are effectively duplicating the work of other parties that are a part of this proceeding?

MS. SOLAGES: So there's a lot in that question.

MR. PALMESANO: There is, there is.

MS. SOLAGES: So, again, you know, the PSC has the freedom to -- to get intervenors to work together, and at the end of the day we are ensuring that people have a -- a voice in this process. And so, you know, the -- the concern that you may have, the PSC has the freedom to address those concerns.

MR. PALMESANO: Okay.

MS. SOLAGES: Nothing about the Congo?

MR. PALMESANO: What's that?

MS. SOLAGES: Nothing. I'm teasing you.

MR. PALMESANO: No, you're fine. You're fine. Well, listen. I appreciate your time. I think I can speak on the bill now.

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

MR. PALMESANO: Mr. Speaker, and my colleagues, I understand the intention behind the legislation. I understand what the sponsor is trying to do. Yes, protecting the ratepayer is an important thing, and we talked about that on the floor on a number of different occasions. For example, with the green

policies, but right now this -- we have a number of agencies that we've listed before like I said the Office of -- of Special Counsel for Ratepayer Protection, we have the Utility Intervention Unit, we have the Public Service Commission Special Processes, we have agency after agency that's goal is primary [sic] to act on behalf of the ratepayer in these proceedings. And I think there's very wise concerns relative to this. The Governor has cited the past several years in the veto message. Ultimately this is going to borne by the ratepayer and that's -- that's very problematic. I think there's also problematic language in the legislation as far as dealing with actual proceedings, rate -- and rule-making proceedings, I think that's problematic. It's going to make things eligible for intervention units from these different areas. Also, I did want to point out when we talked about the -- I brought up the -- the issue on -- with the offshore wind project and whether they would be eligible for any reimbursement. And the sponsor said that they would not be because this is not rate-making. And that's part of the problem, I think, with some of the green policies that we keep seeing being put in place is they're not going through the rate-making process. They're just being paid for, approved and then being put on the bills on the supply side because most of the rate -- most of the rate cases deal with the transportation and delivery that the utilities are required to put in place to make sure the wires are fixed, the pipes are fixed, that's what -- that's where the rate case is going and that's what (inaudible) rate case that raises up money. Rate case a lot of people upset but I never hear anyone get upset -- anyone get

upset on the other side of the equation when we see like this offshore wind project that's being proposed, like the project coming from Quebec to New York City. Those -- those are mult-billion dollar projects, billions of dollars that are going on the ratepayers' bills, it's a fact. They don't know it. There's no PSC approval. They're just pushing it through all in the sake of green energy and climate change when we know for a fact that it's not going to make a difference because we're only .4 percent of the total global emissions and yet, we have some of the -- the best environmental policies in place but we're doing this all in New York, this is all being borne by the ratepayer. Those -- that line from Quebec down to New York City, that's not coming up for ratepayer intervenor funds, the people (inaudible) when their utility bills are going up. They're just saying you're going to pay for it. Just like the Long Island project, offshore wind. That's going on everyone's utility bills. And I understand we keep talking about ratepayer cases. I just -- I -- I was just kind of just seeing -- when I see the outrage when the utilities go for rate cases everyone's like, you know, besides themselves and that's supposed to build resiliency and reliability in the system to provide and to address the abundance of power that's going to be needed to deal with this green mandate, and green is not so green. We can talk about that a little bit later. But that's where my concern is. There's already duplication of these agencies and organizations that use this program and act on behalf of the ratepayer. All this is going to do is you're going to have intervenors acting -- advocating on behalf of the ratepayer, but yet

they're -- they're costing the ratepayers' rates to go up because of this additional bureaucracy and duplication of services and there's no cap on the funds that can be awarded, we see that in California, it can happen here. And we can say we can put it in the PSC's hand, but the PSC already right now is pushing these costs onto the ratepayer like the offshore wind project that's being proposed, like the Quebec line coming down to New York City, all of them. Billions of dollars that are being borne by my ratepayers, by your ratepayers, all in the name of green energy and clean energy and climate change. But I will remind you once again, New York only contributes 0.4 percent of total global emissions, while China contributes 29 percent, has 1,000 coal plants and is building more. And if you want to add any in China and any in Russia into that, that's 40 percent, we're at .4 percent. We're not making the impact we've had, and this is all being done in New York. And what are we doing along the way? We're not making an impact, we're not going to make a big difference, we're not. Even if we get down to zero, because of those other countries. No one else is participating with us. And when we bring this up, you always say we're going to lead, we're going to lead, we're going to lead. The Commissioner of DEC, the President of NYSERDA says, the Governor says we're going to lead, I've heard it on this floor in debate. But yeah, we're going to lead on that, but when it comes to child human rights issues and dealing with electric vehicles and the elements that are needed to produce those electric vehicles like cobalt, which we know is extracted in the Democratic Republic of Congo and

is used in child labor. Some 35- to 40,000 children are estimated to be -- some as young as six years old, hand mining in artisan mines to extract cobalt used to produce the batteries to power the electric vehicles. And when we talk about electric vehicles and we see fire after fire, the safety issue of it --

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes?

ACTING SPEAKER AUBRY: Please stay on the bill that's on the board.

MR. PALMESANO: This is --

ACTING SPEAKER AUBRY: I -- I -- I understand your world view. We've --

MR. PALMESANO: Okay.

ACTING SPEAKER AUBRY: -- heard your world view. But if you would stay on the bill that we're talking about, please.

MR. PALMESANO: I -- I can certainly do that, Mr. Speaker. I -- I would say I would just make the contention this is all related to ratepayers and energy costs and energy policies. And I know -- and I know the sponsor want to address utility rates and utility customers and so do I, but they need to know what their -- their dollars are going for and how they're spent. And I think, again, there's already processes in place, there's already tax dollars going for this, they're already in a participation process. It's not just me that said it, the Governor said it. It's been vetoed twice, it should be vetoed again.

All this will do is ultimately increase rates for customers in residential areas, residential people and it's not protecting those other groups that want to have their voice heard like the offshore wind -- that not going to be able to (inaudible) on that part of it. This is all -- ask the ratepayer, we're not protecting them. We're not protecting for the -- the line coming down from Quebec. So that's where my concern is, that's why I get frustrated with this issue on a host of issues. And this is something that's going to continue to be a challenge for our ratepayers in the State, our businesses and all you're going to do, we aren't going to make the impact at all. It's going to increase rates for small businesses, farmers, manufacturers and we're going to continue to see the exodus of more and more New Yorkers leaving the State because we already pay some of the highest utility and energy prices in the country and it's just going to get worse under the policies that continue to be advanced in this House all in the name of climate change. And that's where my concern is because alls we're going to do is drive more and more businesses and manufacturers out of the State while not making an impact on the climate that we all say we want to protect.

So for that reason, Mr. Speaker, and for another host of other reasons, I'm going to be voting no on this bill and I would encourage some of my colleagues to join me in that vote as well and thanks to the sponsor for her time. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: Ms. Solages yields, sir.

MR. GOODELL: Thanks, Ms. Solages. Isn't it the purpose of the Public Service Commission to review these applications? I mean that's their role, isn't it?

MS. SOLAGES: Just to clarify. Are you saying the purpose of the PSC is to look at the intervenor -- intervenors or to -- to look at the whole process in a whole?

MR. GOODELL: Well, it's the whole process, correct?

MS. SOLAGES: Yes, and they -- they have to represent both the utilities and the ratepayers. So what we're saying is that we want intervenors just focusing solely on the ratepayers' interest.

MR. GOODELL: I see. So what you want to do is convert what has historically been a review by a State-funded theoretically independent agency whose sole mission is to protect the consumer and the system and convert it into an adversarial proceeding funded on both sides by the utility; is that correct?

MS. SOLAGES: No. This intervenor process

already exists. All we're saying is we're giving people a -- a greater voice. That's not a negative thing to have participation. I always say that democracy is a participation sport. And the more perspective and voices that we have, the better that the process will be. So the PSC -- the PSC represents everyone. All we're saying is that we want just another seat at the table. And I think -- I think the table's big enough to pull up another chair for the intervenors.

MR. GOODELL: But what's unique about this is you're asking utilities to pay not only their own expenses of presenting their case before the PSC, but also to pay the charges and cost of those who are opposing the case. Both be paid by the utility, correct?

MS. SOLAGES: That's not a -- a -- a unique, you know, request.

MR. GOODELL: Well, we have that situation when somebody applies for a SPDES permit, for example, the DEC. You apply for a permit. The DEC, of course, will take opinions from anybody, that's their role. Do we ask the applicant to pay for both sides of that proceeding?

MS. SOLAGES: We do for permits for a project.

MR. GOODELL: We do?

MS. SOLAGES: For utilities.

MR. GOODELL: Only for utilities. I'm asking about the DEC. Do we have anything comparable in the DEC?

MS. SOLAGES: So, this bill is a utility bill and so I want to stick to the topic of utilities.

MR. GOODELL: Well, I understand, but you said this was not unusual so I'm trying to find out, do we do it in another agency --

MS. SOLAGES: This is not a (inaudible) utility.

MR. GOODELL: Do we do it with the DEC -- just let me finish the question -- do we do it with the Department of Environmental Conservation where we ask an applicant for a permit to pay for those who want to oppose the permit? Do we do it in the Department of Health when someone applies for a certificate of need or -- or anything else? I mean we don't do it in any other regulatory context, do we?

MS. SOLAGES: So yes, just sticking back to utilities. You know, right now this is a dynamic that does happen with utilities.

MR. GOODELL: No, I understand. You mentioned that --

MS. SOLAGES: And New York health insurance companies already --

MR. GOODELL: So my question -- I mean just so we're clear, my question is, are there any other State agencies, other than the PSC, where we require a person seeking permission from the State to pay those who oppose them on the permit applications?

MS. SOLAGES: So to entertain the gentleman's request, the New York Health Insurance customers already saved millions of dollars similar due to the enactment of a 2010 prior

approval law which requires insurance rate increases request to be submitted to the Department of Public Service for approval prior to going through the effect and that impacts the customer and non-profits are allowed to submit comment and get reimbursement. So this -- this dynamic does exist, but I really want to focus on the utilities process.

MR. GOODELL: Certainly. So in describing who is eligible for this reimbursement --

MS. SOLAGES: Especially since utilities do have a monopoly if you look at across New York State. So this just, you know, is a different dynamic so I'm -- I -- I'm weary about taking samples and other examples and hypotheticals. We need to talk about the facts, which is utilities and, you know, this piece of legislation.

MR. GOODELL: Sure. So, looking at who is eligible for reimbursement by the utility, you list, for example, I'm looking at page 1 under the definition of participants. Those who represent the interest of a significant resident -- number of residential small business customers. Is there any statutory requirement that the intervenor represent people within that utility jurisdiction?

MS. SOLAGES: So the PSC would create the dynamics of rules around it, you know --

MR. GOODELL: No, I understand. The question is, is there any statutory requirement that those seeking reimbursement represent people within that utilities jurisdiction?

MS. SOLAGES: There could be a limit, yes.

MR. GOODELL: And is that in the statute? I don't

see it but...

MS. SOLAGES: This is not in the statute --

(Inaudible/cross-talk)

MR. GOODELL: Thank you. I think you answered the question. Now I see that the statute specifically prohibits reimbursement for one or more businesses or industries which receive utility service ordinarily and primarily for use in connection with the manufacture, sale, distribution of goods and services. Why is it that we expressly prohibit any reimbursement or any manufacturing in New York State? I'm looking at page 1, starting on line 16.

MS. SOLAGES: So the -- the spirit of the legislation is for the ratepayers, the residential ratepayers that are most impacted by -- by, you know, utility increases to be represented. And so, you know, this is an opportunity for, you know, the residential ratepayers to have a greater voice in this process. And --

MR. GOODELL: So --

MS. SOLAGES: businesses --

MR. GOODELL: So basically --

MS. SOLAGES: -- private businesses have resources, you know, they -- they can, you know, voice their concern, but, you know, the average ratepayer when we talk about, you know, low income, marginalized individuals, you know, this bill is to give them an opportunity to voice their concern during the process.

MR. GOODELL: Okay. So you're basically saying, at least in terms of the statutory framework, we are not going to help

businesses set manufactured goods and services -- manufacture for sale of distribution goods or services, we don't really care about them in terms of the statutory reimbursement, we only care about organizations that may or may not represent people within that utility, correct?

MS. SOLAGES: No, not correct. You know, for the record, you know, we have concern for all New Yorkers, but this bill-in-chief that we are speaking about is -- is for the residential and small business ratepayers.

MR. GOODELL: Or organizations.

MS. SOLAGES: Or organizations.

MR. GOODELL: That purport to represent them.

Okay. What is the estimated cost to the utility company for this program?

MS. SOLAGES: It will vary depending on the -- you know, that's a -- that's a question on whether the utilities are requesting a -- a -- a rate payment or rate increase so it would vary.

MR. GOODELL: But what is your estimate, total aggregate. I understand it'll vary from individual cases, but how much are we talking about in terms of --

MS. SOLAGES: Well, if you don't have a rate --  
(Inaudible/cross-talk)

MR. GOODELL: -- what it will cost for utility --

MS. SOLAGES: If you don't have a rate proceeding, it's zero dollars, but if you do, it's -- it's different. So it all depends on

the amount of request that we get in -- in -- in the (inaudible).

MR. GOODELL: I understand it depends on the amount of request. What is the estimate of the aggregate cost of implementing this program? Do we have an estimate? I mean it's either yes, we have an estimate or no, and if we do have an estimate, what is it?

MS. SOLAGES: And so, again, you know, there are different entities that make a request for a rate payment so there -- there can't be a quantification. But I'll tell you that the moneys that are not used are (inaudible) back into the account and -- and -- and stay in the account for when it's used. So --

MR. GOODELL: So --

MS. SOLAGES: -- so, you know, this is just a fund to create it.

MR. GOODELL: So we don't know how much is going to be charged to the utility companies. We don't know the cost of this program. We do know that manufacturers are ineligible. We know that not-for-profits who purport to represent customers are eligible but we don't know whether they have to actually represent anyone within the utility district, correct? Is that a fair summary of our debate so far?

MS. SOLAGES: No, I don't think it's a fair summary because right now you're -- you're talking about putting into the legislative record hypotheticals. And so all I'm saying is that this is an opportunity for people to be represented and, you know, depending on

the amount of requests, then we will know the cost, but it's a fund so it's a finite amount of money and, you know, there's parameters around it. So the PSC has a jurisdiction. I would not want to legislate everything because, you know, there'd be different option, different parameters. And so this bill would give the -- the freedom for the PSC and other entities to fight for the ratepayers, and that's all we're saying. If you want to put something into the record, I would say that this piece of legislation is allowing people to be at the negotiation table and have a greater conversation about these rate increases that are impacting all across the State from, you know, Long Island all the way up to, you know, Buffalo. You know, people are paying, you know, these rate increases and not being represented at the table so let's put that on the record.

MR. GOODELL: And I think you've answered this so I apologize if you have and I missed it. The Governor vetoed this in the past, but there haven't been any changes since her veto; is that correct?

MS. SOLAGES: And so we disagree with the veto message, because again --

MR. GOODELL: No, I understand. My question is have there been any changes?

MS. SOLAGES: I'm -- I'm answering your question.

MR. GOODELL: Okay. Have there have been any changes? I think it's a yes or no.

MS. SOLAGES: And so I appreciate the -- the -- the

questionnaire's enthusiasm, and I would ask that he wait for me to answer the question. So back to that. So thank you.

ACTING SPEAKER AUBRY: Please, again. Why don't you --

MS. SOLAGES: Oh, no, no, no. I'm trying to answer the question and the gentleman keeps interrupting. And so if I'm free to answer the question...

ACTING SPEAKER AUBRY: Proceed.

MS. SOLAGES: If he could pose the question again, I will answer the question.

MR. GOODELL: Sure. Is this the same language in this bill that was vetoed by the Governor last year?

MS. SOLAGES: So we disagree with the veto message. If you look at the other parameters, the other states, money was saved at the end of the day and there are parameters around it. It's funny because in the Executive message it says that this is a blank check but that's an inference and that's saying that her own -- the administration, State agency doesn't have control or checks over the process, which is kind of odd to me. And so this piece of legislation has the ability to put parameters around who receives the money, it creates a fund, which allows individuals to have greater representation. And so I disagree with the veto message, and I hope through -- through me being the sponsor of the bill I can advocate for this piece of legislation and not -- not to receive a veto message.

MR. GOODELL: I understand you disagree with the

veto message. Has this bill changed since it was vetoed?

MS. SOLAGES: No, we have not changed it.

MR. GOODELL: Okay, thank you for -- for that.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This is an interesting bill because in New York State we've established a Public Service Commission. We approved their budget every year. They hire experts. Their sole mission is to protect New York ratepayers and utilities to make sure that the rates that are charged are fair and reasonable and that the utilities have adequate funds to ensure that we have reliable power. That's their sole mission. And what this bill does is it says we're going to now require the utility companies to pay people to challenge what they submit to the Public Service Commission. We already pay the Public Service Commission to make that analysis. And now we're asking utility companies to pay not only for their presentation but the presentation against them. And we don't do this in other contexts. We don't ask or we don't provide payment if somebody wants to challenge a request for a hospital for a certificate of need. We don't require the hospital to pay for the detailed report that goes to the Health Department. We don't pay the Health Department to review it and then charge the hospital again for potential comments from third-parties. We don't do it in the Department of Environmental Conservation. If you apply for a SPDES permit or any other permit, we don't require the applicant to pay for both their own application

and anyone that might challenge it. We work on a regulatory framework, not an adversarial framework. But what's particularly striking to me is this bill shows an obvious bias. Because it says we'll reimburse with a blank check, I mean there's no statutory restrictions. We'll reimburse those who are challenge [sic] it, who claim they represent utility customers, residential and small business, but we bar by statute any reimbursement for any manufacturing. Why is it that we seem to have this open animosity toward manufacturing? Is it some concept that maybe in New York State if you're a manufacturer and you employ people and you give them a family sustaining wage and you're the backbone of our economy that we're going to exclude you from being considered on a reimbursement program, what's that all about? We know and the Governor's pointed out that this will be expensive, although we're not told how much it will cost. We don't even have an estimate of how much it will cost. And we're supposed to sign off on a blank check. Last year there were 41 no votes. The bill hasn't changed since it was vetoed. The concerns raised by the Governor in her veto message have not been addressed. And therefore, I can't support it this year either. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. There may be those who support it, in which case they should vote yes on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is going to be in support of this legislation as we have in the past. Those who would like to be a negative should do so at their seat. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I just really want to acknowledge that there's an understanding that we do work under a regulatory framework. We have been since the existence of government pretty much. But we also have to remind ourselves that sometimes that regulatory framework grows so bureaucratic that it kind of almost forgets the needs of the people that it's supposed to serve, and sometimes the people have to speak for themselves. I think this legislation that's provided for us today by the sponsor offers an opportunity to create that for the people who are the ratepayers, the people who do need to use these utility services. And quite frankly, I

-- I don't think they're adverse to the Public Service Commission. They just want their opinion heard, too. And I think this is a fair opportunity and I'm very pleased to have the opportunity to vote in support of it.

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

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

(The Clerk announced the results.)

The bill is passed.

Page 5, Rules Report No. 215, the Clerk will read.

THE CLERK: Assembly No. A02917, Rules Report No. 215, Glick, Simon, Jackson, González-Rojas, Epstein, L. Rosenthal, McMahon, Kelles, Fahy, Burdick, Lavine, Stern, Colton, Hevesi, Dinowitz, Rivera, Simone, Burgos, Levenberg, Bores, Paulin, Reyes, Thiele, Shimsky, Ardila, Raga, Lee, Steck. An act to amend the Environmental Conservation Law, in relation to making contests, competitions, tournaments and derbies to take wildlife unlawful.

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

An explanation has been requested.

MS. GLICK: Certainly, Madam Speaker. The bill prohibits people or organizations from sponsoring, promoting, organizing or participating in a contest or a competition with the

objective of taking wildlife for prizes or entertainment. This exempts deer, bear and turkey. In addition, it exempts special dog training areas of field trials or similar K9 performance events. This in no way prevents anyone from taking nuisance animals or asking friends or neighbors to assist in taking animals that are predating on livestock or damaging property. These contests are not effective wildlife management tools and are in fact counterproductive by disrupting the family structure of some species and therefore result in more reproduction.

ACTING SPEAKER BUTTENSCHON: Mr. Simpson.

MR. SIMPSON: Thank you, Madam Speaker. Would the sponsor yield?

ACTING SPEAKER BUTTENSCHON: Does the sponsor yield?

MS. GLICK: Of course. For Mr. Simpson, any day.

MR. SIMPSON: Good morning, Ms. Glick. How are you? Great to be here.

So, I want to start off by just asking some questions about this bill and the difference between this and what exists already for hunting opportunities in New York. So colleagues now, because this is predominantly aimed at coyote hunting and coyote sponsored hunts. I think that's probably what precipitated this legislation.

MS. GLICK: Well, I think -- I think it includes other species; squirrels, fox, crows --

MR. SIMPSON: Right.

MS. GLICK: -- and the like that was a broader issue in terms of the impetus for the bill.

MR. SIMPSON: So currently there's a -- a season that's promulgated by the DEC that establishes dates of when you can start hunting coyotes, what region because we have different regions that open at different times. We also have bag limits established. We also have regulations on how coyotes are going to be taken -- taken, whether it's at night, during the day, with lights, you can even use electronic calls for many of these animals, wildlife that are taken legally in New York State. So there's a sport -- I mean there's a -- there's a popular sport in taking coyotes. It's a -- it's a specialized just like deer hunting. People are -- some people are focused on deer hunting, some people are focused on (inaudible). This legislation, the only difference between the hunting that happens here in these contests and the hunting that is legal and regulated by New York State currently are the prizes or the inducement, correct?

MS. GLICK: Well, first of all, it does not specifically limit it to coyotes. It is --

MR. SIMPSON: Well, we can do any -- any animal that's --

MS. GLICK: It's -- it is -- and there is no bag limit on a number of animals while there are bag limits on certain animals.

MR. SIMPSON: But there are no bag limits on squirrels, so it's the same thing. A lot of people really take their

squirrel hunting seriously, too. And there's a season --

MS. GLICK: Well --

MR. SIMPSON: -- and a bag limit, just like these contests operate during those open seasons, comply with the current legal season requirements or -- or regulations that DEC has. Nobody's exceeding a bag limit. Nobody's hunting illegally. Everybody's paid for their license. The only difference is the prize or how they were induced.

MS. GLICK: Yeah. This is about banning what has been referred to as killing contests where there is no intention of using the fur, the meat, or any part of the animal. It is just a matter of paying a registration fee, which presumably then goes into a pot for the purpose of paying off a prize for killing either the largest number of animals or the biggest animal. And there are -- this doesn't stop anyone from hunting any of these species on their property or a neighbor's property, but it does say that creating a prize contest is not a management tool and is an inappropriate way of suggesting that you are in some way managing the -- the wildlife.

MR. SIMPSON: But I would say in the, you know, language and -- and -- and narrative that -- that has been pushed around this legislation is that it's in some ways inhumane different than other hunting that happens that's legal. There is no -- in other words, this game is not being tortured, it's not being taken in any different manner than it is that's already legal and licensed by New York State. So the only thing, the only difference that I can find that I

can possibly see is that a group of people decided to get together, and amongst them they say --

(Sneeze in background)

MS. GLICK: Bless you.

MR. SIMPSON: Bless you. They say for the largest coyote you might win \$100. The big buck contest has happened here in New York State for many, many years. Probably one of our most famous, greatest members of this Body, Assemblymember Roosevelt at the time was a great hunting enthusiast in the Adirondacks. And there were many photos with trophies for the largest buck. The most beautiful animal that he took in the Adirondacks. What is the difference? What is it that you are trying to accomplish other than taking away a prize or a benefit or something, an advertisement of an organized hunt, because they're still going to exist with deer. Our area is known for some of the best bass fishing in Lake Champlain, the Adirondacks. We have -- and that's excluded, by the way, if I'm correct.

MS. GLICK: Well --

MR. SIMPSON: There's a -- there's a bass fishing tournament that happens on a lake near my house. There's hundreds of bass that are hooked by a barbed hook and released --

MS. GLICK: Fish are not wildlife.

MR. SIMPSON: Okay, but still it's a contest with a managed -- it's a managed resource of New York that's induced by a competition of a thought of winning a prize.

MS. GLICK: Is there a question? Or are you on the bill or should I sit down?

MR. SIMPSON: No, I'm on the bill. But I'm asking what is the difference and -- and you talked about well, there's -- well, there's no difference in the hunting methods, right? There's no -- nobody exceeding -- is there anybody exceeding the bag limit?

MS. GLICK: There isn't a bag limit for a number of species, I'm glad you brought up Teddy Roosevelt who was actually horrified by the decimation of certain species and created a club of focus on the ethical hunting. And I believe it may be an apocryphal story but that he -- that the teddy bear is the result of somebody having tied a -- a bear to a tree and he said well, that's not a fair chase, I'm not going to shoot that animal. I will say to you since you focused primarily on coyotes, I will say to you that there are wildlife experts from a variety of -- of higher education institutions and organizations like the Yellowstone Ecological Research Center and they are -- their opinion, not mine, their opinion is is there's no credible evidence that indiscriminate killing of coyotes or other predators effectively serves any genuine interest in managing other species. And in fact, indiscriminate killing actually results in the disruption of a predator's social structure and forging ecology in ways that increase the likelihood of predation and more reproduction. Not my words. This comes from the Professor Emeritus at the Department of Environmental Studies, University of California, Associate Professor of Environmental and Natural Resources at Ohio State, Professor

Emeritus from the University of Colorado Boulder, and I will say that there's a long list, I won't bore everybody. But I will say that, you know, states nearby that have a great history and a storied tradition in hunting like Vermont have banned this practice as well.

MR. SIMPSON: Well, you know, Yellowstone is a long ways from the Adirondacks. We can talk about what other states do and what other cities and what other people, I mean we could go on and on. But it's interesting that, you know, you quoted indiscriminate. What makes it indiscriminate when there's a -- a prize at the end of the day as opposed to a group of people that go out coyote hunting that are not exceeding any bag limits in any way following the rules, because everyone that is participating in these contests are following the rules laid out by DEC. DEC is charged with the authority to manage the population to prevent an extinction -- extinction -- extinction -- extinction -- I can't even pronounce that this morning or, you know, a negative effect to the resource.

MS. GLICK: Well --

MR. SIMPSON: And they haven't issued anything, have they?

MS. GLICK: One, DEC since they don't manage these contests do not take them into account, so you are disrupting the way in which DEC can in fact manage our natural resources, that's number one. Number two, I would say what's indiscriminate is the encouragement for the largest number of animals, which is typically the one of the more prominent ways in which people get to win the

prize is the largest number. If people are going out hunting and there's no bag limit, they may decide that, you know, they'll call it a day after they've gotten a few animals and a few other of their friends and they'll call it a day but this is, I call it indiscriminate and others, other wildlife management specialists call it indiscriminate because you're offering a prize usually for the largest number of animals. And therefore the encouragement is to kill as many animals as possible, not in competition with other people who are seeking to kill the largest number of animals. So this isn't about some folks getting together and deciding, let's go hunting and, you know, let's call it a day for when we break for lunch or we'll go get a beer down at the bar at 4:00. This is about people having -- a number of people all trying to kill the largest number of animals. That's why I call it and others call it indiscriminate.

MR. SIMPSON: Now, would -- if a group of hunters got together and they decided they were going to go coyote hunting, let's say ten people. And they say amongst themselves, they didn't promote it in the paper, they didn't advertise on social media and they say the winner buys dinner or, you know, maybe everybody else buys -- you know, maybe everybody throws in five bucks unofficially and they go to dinner and, you know, it seems to be broad enough that the language includes the sport any --

MS. GLICK: Well --

MR. SIMPSON: -- for entertainment. Entertainment is a very broad word so...

MS. GLICK: I will -- I will respond to that saying that although everything's changed in terms of gambling these days, but I will say that if -- when gambling was not as prolific and encouraged as it is today, five guys get together and have a poker game and, somebody, you know, walks off with a few bucks at the end of the night. Nobody is looking to -- would A, know about it unless somebody was bragging, and basically that was never anything that any level of law enforcement was particularly interested in. What they were interested in were organized, promoted and sponsored activities that were -- and that's what this bill says. It says sponsoring, organizing, promoting these contests. So it's a specious argument to say a few guys get together and -- and -- and -- make a -- a bet amongst themselves. That's clearly not what the bill is intended to or would have any ability to -- to direct any activity towards. This is about contests that are publicized, sponsored, promoted and where there are -- there is prize money available based on basically registration fees. This is not -- this isn't three guys getting together and saying whoever shoots the most squirrels is going to buy every -- buy a round of drinks. This is about people registering, paying a fee and then those individuals going out with the intention of killing the largest number of animals, and at the end of the day displaying the, you know, you have to prove that you killed the most animals and then that person wins a -- a -- a prize. And the prizes sometimes are quite large so it's a little bit -- that -- that is not just a few bucks across the table.

MR. SIMPSON: I hate to ask this question but what was the thought behind leaving white-tailed deer, turkey and bear out of it --

MS. GLICK: Well, those --

MR. SIMPSON: -- because there are contests that, you know, charge \$5, \$10, \$25.

MS. GLICK: There are special management plans by DEC for those species and there are tags, bag limits and so forth. So they are a highly-managed species. And frankly, if you want to cut down on them you don't want to kill all of the coyotes because you want them to be hunting the deer and not somebody's cow.

MR. SIMPSON: Okay. Well, thank you, Ms. Glick, for --

MS. GLICK: Thank you.

MR. SIMPSON: -- the debate.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. SIMPSON: So this bill -- there appears to present hunting these animals that are covered under this bill as somehow inhumane. People wanton taking of animals when all of those people that participate in these contests follow the regs to the tee. There's nobody exceeding the bag limits. There's nobody that's wiping out a population, it's a fair chase. These are difficult animals to take. People have been doing this for many, many years and there is no difference between that and other hunting which is still going to

continue hunting these animals other than the contest or the prize. And the one thing that we need in New York is more hunters and more youth getting engaged in this and this is one way that can promote this activity in a way that aligns with New York State's mission of managing its resources and this bill will interfere with that and continue to create less and less people interested in hunting and, therefore, you know, kids and other people getting into things that they shouldn't be.

So I would encourage all of my colleagues to oppose this bill. This bill does nothing to improve the natural resources in New York and does not harm the resources in New York, although it's made to sound like it is. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lemondes.

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

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

MS. GLICK: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LEMONDES: Thank you. I listened intently to the previous debate and I'm -- I'm wondering if you could elaborate for me the difference between a hunting derby and a fishing derby.

MS. GLICK: Well, the only difference is that this is about wildlife and fish are not wildlife.

MR. LEMONDES: But the essence of the derby is what's -- is -- is -- is what this bill is targeting, correct?

MS. GLICK: Well, it doesn't have anything do with fish.

MR. LEMONDES: Correct, it doesn't have anything to do with fish, I'm using that as an example. Derby to derby. Social aspect of a sponsored derby that's -- that's executed legally within our State.

MS. GLICK: Is there a question?

MR. LEMONDES: I'm just looking for your comment and clarification on why a hunting derby, presumably against, as I gather, squirrels and coyotes is targeted by this bill and other derbys are not.

MS. GLICK: Well, we focused on the wildlife because we believe that it in part disrupts the management of certain natural resources. Those resources are disrupted when there is a indiscriminate killing of a large number of animals and may in fact be counterproductive in that, particularly with certain species, it leads to the reproduction, the greater reproduction of those same species. So it's not a management tool and in fact it's a, if you will, a counter-management tool.

MR. LEMONDES: Thank you. We can -- we can disagree on that. I -- I would like clarification if -- if you don't mind on if I as a private property owner invited my colleagues to hunt coyotes, that's okay, but if I charged them and said whoever shoots the

largest coyote, for example, gets the kitty, that would be illegal under this bill, correct?

MS. GLICK: Well, if you are -- you can -- it doesn't prevent anyone from inviting friends or neighbors in order to hunt on their land. It doesn't prevent you from offering someone refreshments at the end of the day. What it does say is that sponsoring and publicizing and promoting a contest is prohibited.

MR. LEMONDES: So what's the essence of it? It seems to me as a lifelong hunter, conservationist and farmer that the essence of this is one more attack on 2nd Amendment rights and hunting rights.

MS. GLICK: Well, you know, nobody's taking anybody's gun away from them and they are free to shoot as many squirrel as they want. They just can't have -- which is frequently organized by a local fire department or a local bar or grill from promoting a contest that is -- for which you pay money to participate with the hopes that at the end of the day you will be the one out of all of these other people who will have either killed the largest or the greatest number of animals of whatever particular species has been targeted. But I will say to you particularly since you mentioned farming, that nothing prevents anyone from inviting friends and neighbors over to help hunt a pack that is predating on their livestock. And what is important about that is it is important at the time and the location to go after that -- those animals that are predating, not to wait three weeks and another place because that is likely not to in fact be

the -- the animals that are predating on your property.

MR. LEMONDES: Thank you. I'm glad you brought up squirrels. So are red, gray squirrels and chipmunks covered under this or not?

MS. GLICK: Yes.

MR. LEMONDES: They are. Are you aware of the economic importance of being able to manage squirrel populations, particularly in the Catskill Region, for the production of ginseng which is one of New York's most important crops.

MS. GLICK: There's -- there's no -- I will repeat it. I'll repeat the same phrase two or three times, then after that I -- I won't continue to say the same thing because it -- it bores the rest of the members. Nothing in the bill prevents anyone from killing as many nuisance animals on their property as they choose to. But it may not in fact be as effective as one might think because it might in fact result in more reproduction, not elimination.

MR. LEMONDES: Well, when we're talking about squirrels and ginseng, it's -- it's different. And so I'm just raising my point --

MS. GLICK: I understand.

MR. LEMONDES: -- that I think this is an unintended consequence of this bill that it might -- it might impede the ability of those farmers that raise that crop to manage their number one predation source on their crop.

So, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LEMONDES: Thank you. This bill is dangerous for many reasons. Again, the essence of it is another attack on 2nd Amendment rights and hunting rights in New York State. It's cloaked in management practices that will actually quote unquote, as I understand correctly, control for current rights but just stop the ability of organizations, groups, et cetera from charging or making any money off of a contest, which if the species we were talking about were fish, would be -- would be okay and fine. And so it's the essence -- it's the essence of what's -- what's being potentially put into play here. And I want to speak -- I'm glad -- I'm glad we talked about agriculture because I want to put forth a few facts about agriculture and coyotes. And I would love to show all of you what a coyote kill on a baby lamb looks like and how many they kill. Goats, lambs, chickens, turkeys, owl, et cetera. Just as an example, depredation accounted for 30 percent of total sheep loss and deaths, 40 percent of lamb deaths and 15 percent of total production costs. That means every time you go to a store and buy a rack of lamb or a lamb chop, it's 15 percent higher because we're letting more coyotes run around. Every coyote that we could kill - and I understand the study that -- that you're referencing - every single coyote that we could kill does disrupt that -- their social order, and ultimately the fewer coyotes we have, the better. When it comes to your food costs, food security, protein diversity, all of this is impacted by the coyote, which if you remember those of us that are over 40, 35, 40 years ago there probably -- the

number of coyotes in New York State were almost non-existent. Now they're back. They -- they -- they impact several management practices by the DEC, number one is the turkey reintroduction program. Coyotes are huge predators on turkeys, and I want to -- I want to go back for a minute just to make sure we cover -- the data I have is 2019 and this is national. Forty percent -- 47 percent of kills of sheep nationally were from the coyote alone. You might think black bear, grizzly bear, mountain lion, that's about four percent to five percent. Number two, 34 percent, wild dogs, coy dog hybrids, and wolf -- and -- and wolf breeds with the -- with the coyote.

Thirty-four percent again by dogs. The -- the economic impact of that is 51.4 million spent on non-lethal control methods, 4.7 million on lethal control methods. And the bottom line is, is that as -- as we try to yet curtail hunting rights even greater with something on the fringe, what's next? That's the -- that's the question here. What's next?

What's coming next? And I want to go back to sheep again because what most people may not realize is one of the impacts of the CLCPA is every time another solar panel is set up in New York State it increases the need for sheep for management. Whether you recognize that or not, that'll come out over -- over the ensuing years because sheep are the only species that can -- that can control in that environment. Sheep are predated by coyotes extensively. Every coyote that can be taken reduces your cost to food in the grocery store. Just think about that. So when you complain about the high production cost of agricultural protein that you purchased, don't forget

what you're doing to raise that cost on the other side of the ledger.

I want to give one example of energy and control that sheep provide. And again, this comes back to the coyote, it comes back to this bill and how this bill will impede hunting rights, how it will impede the taking of coyotes, one of our most economically-destructive species in New York State. It costs 60 cents per acre to graze noxious weeds and plants with sheep. It costs \$35 per acre to spray via helicopter with herbicides. What does that have to do with this bill? Again, the relative importance of sheep, which their number one predation source in this State is the coyote, will increase as each year passes and with the installation of each new solar panel, whether you recognize that or not. I could speak forever on this. Ski resorts, vineyards, they're all resorting to sheep for management because it's cheaper, reduces carbon footprint, helps with sequestration, all of the things that the CLCPA claims to provide. Coyotes also kill domestic dogs, cats, chickens, everything that you might have in your backyard or in your home coyotes target mercilessly and destroy them.

So to sum this all up, it's my belief that this bill is an explicit infringement on hunting rights and 2nd Amendment -- 2nd Amendment privileges that we as Americans and New Yorkers hold very, very dearly cloaked in all other things, as I previously said, nonetheless an overt attack. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would

the member from the 66th Assembly District yield for some questions?

MS. GLICK: Certainly, Mr. Smullen.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. SMULLEN: Thank you very much, Chair. I -- I appreciate the opportunity to talk about this issue here in public because it's been -- we've debated it in the past and we'll probably be debating it in the future because it's one of these hunting bills that your committee has jurisdiction over. I just wanted to ask you right up front, have you ever been hunting?

MS. GLICK: No.

MR. SMULLEN: So, therefore, I assume you having not been hunting, you don't have a hunting license?

MS. GLICK: No, though, I don't understand the relevance of understanding what wildlife management professionals have said has to do with whether I have a hunting or a fishing license. I do have a English degree so I can read.

MR. SMULLEN: Sure. Well, we're all law-abiding citizens in the hunting community, and I wanted to make sure that as we -- as we talk about these bills and about what is lawful and unlawful, that we're on the same sheet of music as far as what hunters have to do in New York State to adhere to the regulations. Now, how is hunting regulation paid for in New York State?

MS. GLICK: I assume a great deal of it is State dollars to DEC and the conservation fund.

MR. SMULLEN: So some of it is from hunters themselves who pay for a licence each year which goes to the DEC and that pays for what used to be called game wardens which are now called EnCon Police that -- that enforce the hunting regulations under the Environmental Conservation Law. This law that you're proposing to change, is that under the Environmental Conservation Law?

MS. GLICK: Yes.

MR. SMULLEN: Okay. So where did you come to the -- the idea of the fines that would be levied for violations of this law?

MS. GLICK: We talked with a lot of different stakeholders, some of whom in fact are hunters. We have a -- a memo from folks who are from various parts of the State; Otsego County, Suffolk County, Albany, Erie, Onondaga, Essex. And in discussing it, we wanted to make it not so burdensome. They're sort of in line with violations that DEC has around hunting, in general. So if you -- hunting is restricted, you have a season, if you take a -- a deer out of season - and I have witnessed in Roscoe in Delaware County at the border of Delaware County, DEC police, the week before hunting season starts, setting up there to see that nobody is coming with a deer that's been taken out of season, presumably if they have, they would receive a fine whether they had a hunting license or not.

MR. SMULLEN: And is this a violation or is it considered a crime?

MS. GLICK: It's a violation.

MR. SMULLEN: It's a violation. So someone that violated this -- this law that you're proposing would not have a criminal record, they would have a administrative record within the State system.

MS. GLICK: Yeah, they would pay a fine.

MR. SMULLEN: They would pay a fine. And that fine would be how much?

MS. GLICK: Five hundred for -- up to 500, presumably they could be fined less, right? It's up to 500 in the first instance.

(Pause)

Okay. It's not less than 500 and up to 2,000.

MR. SMULLEN: Up to \$2,000. So if a fire company had a -- a contest for squirrel say, what is the -- what is the bag limit for red squirrels in New York State?

MS. GLICK: There are no limits on coyote, raccoons, fox, skunk, possum, weasel, bobcat, snipe, rails, crow, woodcock. There -- there's no bag limit there. There are bag limits for grouse, rabbit, hare, (inaudible). There is in fact a bag limit on gray, black and fox squirrels interestingly enough. So -- but there is -- they are -- red squirrels are an unprotected species.

MR. SMULLEN: And that's probably like coyotes because they're a nuisance species that most people in the -- in the areas that I'm from consider them to be.

So, if there aren't bag limits on a lot of these wildlife

species, what would be the purpose of banning a contest if there is no bag limit, if you could just hunt as many as you wanted to based on the current DEC regulations which have been known and understood and enforced and have been reviewed by our -- our actual wildlife ecologists in the State DEC?

MS. GLICK: Well, certainly we've looked at information from experts in wildlife management.

MR. SMULLEN: Who's -- who's a better expert in New York State than DEC?

MS. GLICK: Well, DEC certainly as a -- a State agency is important and is a management oversight agency. But since they do not interact with the contest, they don't manage those. Those are actually, in my view, undermining the potential for DEC to do proper management by having what would be presumably a larger number of animals killed in a specific area disrupting - particularly when it comes to coyotes - disrupting the -- the pack and in fact producing more coyotes as a result. So I think that from a point of view of respecting DEC, one would see these contests as undermining their ability to do their management.

MR. SMULLEN: Well, I don't think the EnCon Police that are in every community that interact with hunters on a routine basis that manage the reporting of all the taking of all the animals across the State. They have a -- a pretty direct line to their regional DEC headquarters, to the actual managers of those populations at the DEC headquarters in Albany. So, you mentioned in

your memo that one of the organizations that you had consulted with is the World Humane Society. Could you tell me why you would seek an organization -- a policy and advocacy organization for such a bill?

MS. GLICK: Well, they've reached out to us. We were looking at, as I said, Project Coyote which is, you know, the Chairman of the Oregon Fish and Wildlife Commission, the President of the California Fish and Game Commission. These gentlemen denounced these events as unethical and an anachronism with no place in modern wildlife management. I -- I understand that, you know, DEC doesn't want to necessarily step into this space, although they have responsibility for managing wildlife and this -- these contests are not wildlife management tools. They are an entertainment, as one of our colleagues mentioned, a social opportunity. I just think that this is an inappropriate way of reacting to -- we do -- we've done a lot of things that happened in the past that are traditional. We learned that they have a negative consequence and we evolve and we don't do them anymore. This is one of those things that yes, we have a lot more coyotes because we don't have wolf and we don't have mountain lions. We used to have those in this State and as they did in Vermont, we don't have them anymore. There are no breeding populations. Every once in a while somebody sees a mountain lion. Maybe they see a mountain lion, maybe they don't, but if they say they see a mountain lion, I'm going to take them at their word, but we don't have a breeding population. And so those natural predators no longer exist in New York and yes, we have a large

number of coyotes and they are a problem, but killing more coyotes only breeds more coyotes. And what we need to do is to not undermine the ability of DEC to manage the wildlife resources.

MR. SMULLEN: So really, you think this is immoral that these -- that these contests -- that fire departments or fishing game clubs have is actually an immoral act because they don't comport with your standards --

MS. GLICK: No, I --

MR. SMULLEN: -- of 21st Century mortality?

MS. GLICK: No, Mr. Smullen. I do not. I think that they are an ineffective and counterproductive action.

MR. SMULLEN: But you don't hunt. You don't have a hunting license. You've participated in it. You don't understand the social or cultural rhythms of Upstate New York, so how would you know what these people are feeling when they do this, when they actually adhere to DEC regulations when it comes to these -- these certain species?

MS. GLICK: Well, Mr. Smullen, as you well know, I do have friends who live in the Catskills and in the Adirondacks. That's why the Adirondack Council has put out a memo in support. Protect the Adirondacks has put out a memo in support. Those individuals are clearly people who have lived in Upstate New York. The sponsor is from Upstate New York. I don't have to be a hunter to have an opinion or to be able to read those studies or those memos from organizations that are deeply steeped in wildlife management to

understand that these contests are not an appropriate management tool.

MR. SMULLEN: Well, thank you very much for your -- your comments, Chair. I would reply that your lived experience is not from the Adirondacks. And unfortunately that is in my opinion, and we'll differ on this, we have different traditional values having to do -- do you, for instance, do you think that it's immoral to eat meat?

MS. GLICK: Well, the bill doesn't address that and I don't think that people should be told whether they can eat meat or not.

MR. SMULLEN: Well, that's good because we actually consume the wildlife in Upstate New York that we -- that we take. So thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So really what we have here is a -- is a cultural difference that -- that cannot be bridged. And what we're going to do here today, like we did last year, is by a majority vote with the Chamber mostly empty, if I were to count seats right now and say how many people are in this Chamber actually listening to this debate, I would say that it's under a third, perhaps a quarter of the -- of the members. And that in public as we have this debate, that people ought to listen to what some of the people of this State think about these bills. Because we've been down this road before and I won't

repeat what I've said in prior years, but culturally speaking, we have regional differences across this State. We have a majority from the dense urban area that says that this -- this bill is right and proper, that we are going to take away the privilege to hunt in a certain fashion that the people of another area of the State have done so because we know better. And I would respectfully submit to all of you that if I were to come into your community with a majority vote and pick an issue that any of you disagreed with and I forced it upon you because I said so because I have the votes, you would think that's wrong. From a legal standpoint, from a moral standpoint, from any standpoint that you would have. And I ask all -- all of the members that are here today, whether you're from Long Island or from Syracuse or from Buffalo where the Senate sponsor is from, from the City. Let us organize our lives as we see fit as long as we're not violating the law. Let us not create a new law when we're just a hammer looking for any nail that we can find to drive it home simply because we can. That is the tyranny of the Majority. That is what is wrong with this bill. And that is why I urge all of you to vote no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

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

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

Mr. Pirozzolo.

MR. PIROZZOLO: Good afternoon, Mr. Speaker, how are you today? I would like to ask the sponsor if she would yield for a few questions, please?

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

MS. GLICK: Certainly.

MR. PIROZZOLO: Ms. Glick, if at any time you can't hear me, just let me know, I'm a little bit hoarse, I'm not sick, it just has more to do with allergies than anything else.

MS. GLICK: Well, I'm -- I'm sorry to hear that. Maybe we can just wait until everybody moves out of the area because

--

ACTING SPEAKER AUBRY: That would be appropriate.

MS. GLICK: -- it would make it easier on you.

MR. PIROZZOLO: Well, when you say "everybody" who are you talking about?

MS. GLICK: Well, people who are going to the Rules Committee.

ACTING SPEAKER AUBRY: Hold one minute. Just hold one minute, and in fact I must get up and leave.

MR. PIROZZOLO: It can't be because of something I've said because I haven't really said it yet.

(Pause)

MS. GLICK: I think we can hear you now, despite your allergies for which I am sympathetic.

MR. PIROZZOLO: So I want to thank you for your time the other day. We spoke about this, we had a brief conversation and we kind of agreed on the term "management tool" and I like that term, but I've been thinking about it in comparison to some other things and I'm going to have to take a different stance (inaudible) the other day. I mean I believe that I am an advocate for animals, I don't know if anyone has seen, but I've had my dog Valentine here and, you know, I'm pro pets and I think there's certain abuses that -- that we do need to work on. But there is really a big difference between pets, there's a big difference between wildlife, and then there's a big difference between animal that, you know, pretty much are grown for food. I would imagine we could agree upon that. Yes?

MS. GLICK: Yeah.

MR. PIROZZOLO: Okay. And just to be clear, I want to go over what this bill is so you understand that I understand your intention is that this is about contests that have prizes and entertainment. So you make it sound like a group of people get together and glorify the killing of animals for prizes that (inaudible) or recognition. So you really want that to stop and -- and I guess that's really what we're discussing here.

So I would like to know of any of these animals on the list, are any of these animals on the endangered species list?

MS. GLICK: Well, if they were, it would be illegal

to go after an animal on the endangered species list.

MR. PIROZZOLO: So then I'll take that -- that none of these animals, that's a no, none of these animals are on the endangered species list. Are any of these animals considered predators?

MS. GLICK: Yeah.

MR. PIROZZOLO: Okay. The animals that are considered predators, what do they prey? What do they -- what do they eat? Who do they attack?

MS. GLICK: Well, you know, nature is a funny thing. Animals will eat -- if they are carnivores, they will eat anything that they can overpower and so frequently they'll go after the smallest animal or the weakest animal, and we don't really get to choose or direct them towards which animals they should in fact hunt. So...

MR. PIROZZOLO: That's correct. As a matter of fact there are even news stories where some of these predators have attacked babies in backyards and children. So I agree with what you're saying there. Do you happen to have any idea of what the population of coyotes is in New York?

MS. GLICK: I don't know that they've -- that anybody has a handle on that.

MR. PIROZZOLO: Well, that's not true, so I'm going to ask again. Do you have any idea what the population of coyotes is in New York?

MS. GLICK: Well, we think that that's a difficult

thing to estimate.

MR. PIROZZOLO: All right. Well, I'll tell you that there's about 20 to 30,000 population of coyotes in New York.

MS. GLICK: And -- and that number comes from?

MR. PIROZZOLO: I just did a very quick Google search. It comes from an organization within New York State, but I'm not going to -- it's not my hill to be -- it's not my hill to die on. I'm just throwing it out there that you don't have an idea of how many coyotes there are in New York. Do you have any idea the population of bobcats in New York?

(Pause)

MS. GLICK: No. They're -- they're fairly secretive, though I have had the great -- good pleasure of seeing some.

MR. PIROZZOLO: Well, if that's true I'm sure if you took a poll (inaudible) but there are about 5,000, okay? So that question could continue is do you know how many squirrels there are in New York?

MS. GLICK: I will attest to the fact that I don't have a listing of the population of any of the animals that are on the list.

MR. PIROZZOLO: So then you don't know specifically if this contest will harm the species of this population or these populations. You're just upset that there's a prize or --

MS. GLICK: No, no, no, please. Please do not characterize, please do not characterize.

MR. PIROZZOLO: All right, I apologize. Explain it

to me then.

MS. GLICK: The natural resources of the State belong to the people of the State of New York. DEC manages those resources and the Legislature is the trustee of the natural resources of the State. That is our responsibility. There are scientists from New York who come from Bedford, Islip, South Salem, Willseyville and a host of other places that believe that the indiscriminate killing of wildlife in the form of these contests will not effectively manage populations and dysregulates their numbers. Killing coyotes, even in large numbers, causes coyotes to reproduce more quickly. DEC has recognized the phenomenon and states: Studies have shown an increase in reproductive rates in areas where coyotes were intensively removed. Past experience show -- has shown that attempts to control or limit coyote populations on large-scale basis may increase birth rates, thereby accelerating the coyote population growth and expansion. Random killing disrupts their social structure thereby encouraging more breeding and migration. Additionally, due to coyotes' territorial nature, those who are removed are replaced by others. So there is some notion that these contests are helpful. I am reading from wildlife scientists in this State and comments from DEC that point out that these efforts are counterproductive and ineffective. That's --

MR. PIROZZOLO: So who regulates animal (inaudible) populations?

MS. GLICK: DEC.

MR. PIROZZOLO: Has DEC asked for this? Has DEC said let's stop these contests?

MS. GLICK: We have neither a memo in support or opposition.

MR. PIROZZOLO: Who has asked for the elimination of these contests?

MS. GLICK: Well, we have had, as I just read from, a memorandum in support from wildlife scientists. We have some from hunters who feel that these contests in some way give them a bad name, now it's not all hunters, it is some hunters who are concerned that these are -- just undermine the -- what is viewed as an appropriate and ethical fashion of hunting. And we have a memo from farmers that likewise are concerned that it increases that these contests, in their communities, increase the number of coyotes that they have to deal with on their farms.

MR. PIROZZOLO: I -- I'd love to read those memos sometime because that's -- that's awful strange, but are any studies -- have any studies been done on the impact of communities as (inaudible). If we're going to stop this hunting because we don't want to increase the population because by removing animals from the population, I don't understand how somehow that increases it, I'm sure that argument would be made, which you are making. But if we don't remove these animals and as the population increases, do we have any idea of the impact that's going to happen to our farmers, to our neighbors, to just the wildlife population in general? Do we have any

idea of what's going to happen?

MS. GLICK: Well, the natural order of things is really that if -- if -- if we didn't have us and animals were in the wild, they would predate on those animals in their area who were weakest and perhaps older and the nature does have its own way of culling populations. But we are in the mix and we disrupt that.

MR. PIROZZOLO: But sense we don't have (inaudible) as you already stated before, the main predator is out so basically we're just kind of using these contests as maybe as a substitution. But I also want to get back to one other point when we spoke about wildlife. Why are fish not considered wildlife? How did you make that determination?

MS. GLICK: I didn't make that decision.

MR. PIROZZOLO: Who did?

MS. GLICK: That is D -- that is a DEC. And frankly, you might look up in -- in the Google and see the U.S. Wildlife and Fish, that has just been the way that it -- it's not me, it's just the way it has always been organized.

MR. PIROZZOLO: So that's -- that's DEC's opinion. But it's funny you say Google because I did Google wildlife and --

MS. GLICK: It's the law. It's not an opinion, it is the law.

MR. PIROZZOLO: Okay. So my opinion is that that's an opinion. Five categories of wildlife are mammals, fish, birds, reptiles and amphibians. So it's the DEC's opinion that the law should

be that fish are not considered wildlife. But, again, you know, my thought here is that there are conservation groups who consider maybe some of these animals to be cute and furry and not really based upon their predatory histories of what they can do and what happens as population explodes, that people who really don't have any business in the idea of wildlife management are getting into the business of wildlife management because it makes them feel good.

MS. GLICK: Well, I'm not going to go into the biology, but we categorize species. They fall into various categories and mammals are wildlife. There is avian wildlife and then there are fish. They are separate categories --

MR. PIROZZOLO: Fish wildlife.

MS. GLICK: -- and that is why it's not an opinion based on someone at DEC imagining. It is the way the law is structured. Wildlife and fish are separate.

MR. PIROZZOLO: All right. Thank you so much.

If I may speak on -- on the bill, sir.

ACTING SPEAKER RAGA: On the bill.

MR. PIROZZOLO: So, once again, as -- as very justifiably said by my colleagues, this does seem to be people who are not knowledgeable about a particular subject coming into a community and saying what you're doing are wrong because I just don't like what it's done. I'm not happy that hunters are being characterized as gleeful at the deaths of animals because of prizes and entertainment. Maybe the management tool is not being seen as a

management tool because if these species were endangered, I'm sure the Department of Preservation Conservation would have something to say about it. And in addition, because these contests are going on and it is being allowed that they go on, and I will note that they are being allowed to go on legally, that that in itself is the management tool that is not being created. If we take away this tool and we allow these populations to explode, then we will have to be dealing with this problem down the road. So this is another one of those pieces of legislation that I agree that we're doing simply because we can, but it turns into legislation where we are no longer serving our constituents. We are self-serving because it makes us feel good. So I would ask everyone to please vote against this legislation. We really have no business, you know, as a -- as a city-based organization with a city-based Body dealing with Upstate wildlife management. Thank you, sir.

ACTING SPEAKER RAGA: Mr. Gallahan.

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

ACTING SPEAKER RAGA: Will the sponsor yield?

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

ACTING SPEAKER RAGA: The sponsor yields.

MR. GALLAHAN: Thank you, Assemblymember. I have just a few questions, my colleagues have covered many basis here. I know that you have -- you don't have a hunting license and you don't hunt, but have you ever attended one of these contests?

MS. GLICK: No, though, I have read some of the material about them and there are some videos that have been produced, you know, photos that have been produced --

MR. GALLAHAN: Sure.

MS. GLICK: -- but I have not attended.

MR. GALLAHAN: Well, I've attended several and let me tell you about the -- the 13 of them that I attended through my local American Legion Chapter 457 in Phelps, New York. We have done it over a -- a 13-year period. We allow for squirrel, rabbit and grouse. And when you bring those animals back in to the legion, we have people in waiting to clean them and prepare them for consumption. You stated earlier in your debate that no intention of using the meat. That was a statement that you made earlier in debate. Well, I beg to differ. We put on a game dinner every year at the legion which raises tens of thousands of dollars. All these animals are taken in a perfectly legal way. All of these animals are prepared for consumption and then made into a meal for a game dinner, which promotes youth -- children and youth programs at the legion and service members programs. So let's take that away. So 13 years (inaudible) over 100,000 bucks.

Also, it says here in -- it states in your summary: It's sole objective is to prohibit inhumane, unsupporting -- unsupporting and wasteful wildlife killing contests which are opposed by a growing number of management professionals and State wildlife commissions. If this was inhumane and unsupporting, wouldn't there be violations

through the DEC that would be issued?

MS. GLICK: Well, first of all, I am looking at DEC bag limits and there do seem to be bag limits on grouse and rabbit. So I'm not sure whether --

MR. GALLAHAN: Well, let me repeat that question.

MS. GLICK: -- those contests were -- well, you asked me a question.

MR. GALLAHAN: Yeah, okay. Go ahead.

MS. GLICK: So -- and it took a while to get to the question so give me a moment. The -- there -- you talked about grouse and rabbit for which there are daily bag limits so --

MR. GALLAHAN: Absolutely. Six -- six for squirrels and five for rabbit, correct?

MS. GLICK: Correct, and grouse is four.

MR. GALLAHAN: Yes.

MS. GLICK: So -- so it -- it -- it -- it -- it seems like that was more of a -- an organized hunt and not -- not -- if -- if -- if there's a bag limit on certain species --

MR. GALLAHAN: Yes.

MS. GLICK: -- and people are only killing up to the bag limit, it's different than those where there is in fact a no limit and the limitation -- if there is no limit, and so I'm just wondering what the contest you participated in was.

MR. GALLAHAN: Well, actually, actually we did have coyotes in that contest and they skinned the coyotes and sold the

pelts, as you all know they use fur --

MS. GLICK: Okay.

(Inaudible/cross-talk).

MR. GALLAHAN: -- so --

MS. GLICK: -- for which there's no bag limit, okay.

MR. GALLAHAN: Right, right, no bag limit. So, we did that and then that money is donated back to the American Legion for their programs. So, in your testimony earlier -- your -- your, I'm sorry, your debate earlier, no intent of eating the meat is -- is -- is -- is not the case. And it's not the case in many of the hunting contests that I've -- I've participated in and in particular the one that -- that I ended up cooking for for 160 people and raising tens of thousands of dollars for our local American Legion. But I want to get back to, its sole objective - talking about this bill - is to prohibit inhumane, unsupporting -- unsupporting and wasteful wildlife killing. Where is this inhumane and unsupporting?

(Inaudible/cross-talk)

MS. GLICK: I think you're reading from the memo and not the bill.

MR. GALLAHAN: I'm reading from -- from your -- your summary, yes. Yes, this is in your summary.

MS. GLICK: Well, we'll only be voting on the bill.

(Laughter)

MR. GALLAHAN: Okay. Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: Thank you, Ms. Glick. To me this is another direct hit on Upstate culture. Let's eliminate these -- these contests. Everybody thinks that everybody's out there killing uncontrollably, wiping out the wildlife. Nothing could be further from the truth. That's -- that's not the case at all. We've been doing this since -- I'm a -- I've been hunting for over 45 years and all these contests that I've ever been involved in have been run with integrity and 90 percent of them have always intended to use the meat. So I have to disagree with -- with the sponsor on that, but you chip away, you chip away, you chip away, you chip away, pretty soon we have -- we have nothing left. Upstate is -- is a community, my community, my district, the 131st, which happens to encompass seven counties and 47 towns is a hunting district. And I have got hundreds of e-mails in opposition to this bill. And I'm sure the sponsor has had e-mails against this bill but they were never mentioned. Just the e-mails that were in favor of the bill were mentioned.

So I would -- I would encourage you to take a look at what's happening Upstate, how we run these -- these contests and really look hard at what happens when these are successfully run, as the one that I participate in, and make tens of thousands of dollars for our legion and local communities. And I would encourage you to -- to vote no on this bill and to give it consideration for what's happening to the Upstate folks, not just the Downstate folks. As we went through all these bills yesterday, 80 percent of them were for Downstate.

Thank you.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: Thank you. Mr. Speaker, will the sponsor yield?

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

MS. GLICK: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: I'm not going to even talk about coyotes just for the sake of discussion. So I'll use kind of a different example for the question I have. If a landowner actually is able to get a nuisance permit to eliminate raccoons or Canadian geese, which are a huge problem where we are. If they actually have a legitimate nuisance permit, are they allowed when they have hunters come on to the property to incentivize them to say look, I'll give you two bucks or five bucks for each geese, because -- or will that be a violation of the competition even though they have a legitimate nuisance permit and they're just trying to incentivize the use of that permit?

MS. GLICK: Well, three things. One, nothing in the bill prevents any individual from eliminating nuisance animals that are either threatening their livestock or they're damaging their property. I chose to put up a gate and hire somebody to kill the porcupine eating the deck, that's my choice, but nothing stops anybody from eliminating a nuisance animal. This in no way -- and you could -- you can pay people to eliminate nuisance animals.

MS. BYRNES: So if you give a couple of hunters money based upon the number that they kill, that is an exception then to any type of competition or would not fall into this bill?

(Pause)

MS. GLICK: Well, you -- you can pay people to execute the permit. And so the permit -- presumably the -- the permits, as I understand it, are limited to whatever is the nuisance --

MS. BYRNES: Correct.

MS. GLICK: -- and so that is what can be -- you can hire somebody to -- if you don't want to do the -- do the actual hunting based on what is the limitation provided by the permit, you could pay somebody else to do that.

MS. BYRNES: All right. So that -- anyone -- if you have a legitimate nuisance permit, a landowner does, then that would not -- that would be an exception and to anything with this contest.

MS. GLICK: Yes. We said from the beginning that this is -- anyone can remove a nuisance animal with the proper permit and if you either don't want to personally or can't for any reason be it time or -- or whatever, you can pay somebody to use -- to execute the permit.

MS. BYRNES: How many of the events that you have defined in this bill, how many of these contests actually occur every year in our State and how many animals are actually killed?

MS. GLICK: We're not exactly sure but we've seen estimates from, I think, 29 to 60 but --

MS. BYRNES: Events per year in the entire State of New York?

MS. GLICK: Yeah.

MS. BYRNES: Okay.

MS GLICK: So it is hardly a threat to the 2nd Amendment.

MS. BYRNES: Well, would you agree that it's also hardly a threat to wildlife? I mean that's not that many contests over the course of the entire State of New York.

MS. GLICK: Well, in a certain area, you know, as we have -- which we learned from the time we were kids in school taking science, nature is a balance and in a particular area you can disrupt the balance of nature by eliminating a large number of the top predator. I would think that since we do have in some areas a large number of deer and not enough people taking deer, the limitations placed by DEC, we would probably want to have in some locations more predators than less.

MS. BYRNES: Let's talk a second. Now I know that you have an exception here in the bill for special dog training areas or field trials or similar K9 performance events, basically what many of us Upstate would refer to as bird dog or gun dog competitions of which my puppy has been a proud participant. But my question is, while you have -- I'm guessing that pheasant and grouse are going to be considered wildlife under this bill, correct?

MS. GLICK: Well, they're -- it's not under the bill,

it's under the law currently.

MS. BYRNES: All right. Then --

MS. GLICK: Let's say the bill didn't exist. They'd still be considered wildlife.

MS. BYRNES: Pheasant and grouse, though, minus the fact that they may be taken into a special field trial, dog gun competition, you know, if you were to have a competition minus dogs being involved to go out and see who could find the most pheasants and grouse, that would be a violation of this bill, correct?

MS. GLICK: I'm not -- could you repeat the question?

MS. BYRNES: Well, if -- if -- if we have a case where there are pheasant and grouse out in the fields and there is some type of contest, competition, tournament or derby with the objective of taking those pheasant or grouse for some type of even entertainment, that would be barred and made illegal by this legislation, correct?

MS. GLICK: Well, there are -- for both species there are bag limits per day. So if they are absent a field trial, it would be illegal under this bill to have a contest. I'm not sure what the contest would be if you're limited to -- on a daily basis to six grouse --

MS. BYRNES: Well, there -- there aren't that many grouse and pheasant that naturally exist in New York State anymore and DEC actually raises 30,000 pheasants every year, although this year I believe because of the avi -- aviation flu or whatever it is, they -- this year's pheasants I believe were almost totally destroyed and not

put out in fields. But the DEC does historically raise about 30,000 pheasants every year that are put out in areas throughout New York State for the specific purpose of it being one of the most popular hunting activities in New York.

So my question would be -- and but there aren't that many so it's -- it's very hard to get up to a legal limit. So if you go out and you're competing with each other, one person gets three, the other gets two, woo-hoo, I was the winner today, would that be a violation of this legislation?

MS. GLICK: Well, if you're -- if -- if -- if there is a prize for the largest number, yes.

MS. BYRNES: Or it says (inaudible). Doesn't that also include for entertainment?

MS. GLICK: I'm sorry?

MS. BYRNES: Entertainment. Isn't that -- correct me if I'm wrong, but if -- if there's some type of prize or other inducement or for entertainment, which is pretty broad-ranging.

MS. GLICK: Well, it -- it just is referring to the formal organized competition itself being the entertainment. So it's associated --

MS. BYRNES: So, it's --

MS. GLICK: -- the entertainment is not the prize. The -- the organization of a contest is the entertainment.

MS. BYRNES: All right. So if -- if it's not something that's been organized by a group and you just got two or

three hunters that are going out, then they can themselves, just again going back to where we started, they can say okay, whoever gets the most gets a beer after we're done or has to buy dinner and that's no issue.

MS. GLICK: Well, you know, the -- it refers to sponsoring, promoting, the notion of publicizing. It's rather a -- a somewhat specious argument, and I refer to my analogy to a poker game, which if it were organized and promoted through social media might get the attention of the police, and if there were six games happening at the same time that might come to the attention of the authorities and be violative of, though, I don't know the gaming rules I will tell you now, that might be violative and that would be a problem. But four people get together. Growing up my parents had a Tuesday night card and Canasta --

MS. BYRNES: Well, I must confess --

(Inaudible/cross-talk)

MS. GLICK: -- with a friend --

MS. BYRNES: -- I have no idea to how to play --  
how to play cards --

MS. GLICK: Well --

MS. BYRNES: -- not even Solitary --

MS. GLICK: -- I'm sorry.

MS. BYRNES: -- so I'd like to stay on the hunting issue.

MS. GLICK: Well, I'm using an analogy, which I

think is my prerogative. Mr. Speaker, is that permitted within the rules of the House?

ACTING SPEAKER AUBRY: You certainly can use it in the House.

MS. GLICK: So I would just say that they would go and I had no idea if my father and his four friends actually played for money or not. But I don't think anybody would have known. They weren't running -- they weren't running a -- a poker game or a gin game. If somebody is running a contest, that is the issue. And it's really a -- a specious argument to raise whether a few people get together and amongst themselves decide that whoever gets whatever is going to be the person paying for the beer at the end of the night.

MS. BYRNES: I'm not sure that that would be correct or would be buying dinner. But so you're saying anyway that this would -- that would -- that type of scenario would not be what's contemplated by this bill. And even if they put a post up on Facebook, you know, holding up the -- the grouse or the pheasants, no problem, no issue, DEC is not going to come knocking at their door if there isn't a poster saying there was a competition today.

MS. GLICK: Well, nobody is registering, paying a fee and participating in an organized-sponsored contest.

MS. BYRNES: And those are prerequisites

MS. GLICK: Well, yes. It says -- I will read from the bill because it's pretty -- if I can find amongst all of the paper, the bill. The bill says, unlawful for any person to organize, sponsor,

conduct, promote or participate in a contest competition with the objective of taking wildlife for prizes or other inducement or as entertainment.

MS. BYRNES: Right. So --

MS. GLICK: So it's really the organizing, the promoting, the registration fee, the prize at the end. That is what is prohibited.

MS. BYRNES: All right. And as the sponsor, that is the legislative intent, correct?

MS. GLICK: Totally.

MS. BYRNES: Okay. All right, thank you. If I could just be heard briefly on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. BYRNES: I think that, again, without belaboring it, I agree with the other members who've spoken out against this. I believe it is an Upstate, Downstate divide where we have different traditions. And like I said, DEC actually said in their website that we have a long tradition in the State, especially of hunting activities and one of the most popular is hunting activities is pheasant, which is why DEC raises 30,000 pheasants every year for the expressed purpose of having them killed. So to feel like we're all offended because wildlife gets killed in the State when the State actually raises them for that expressed purpose in order to encourage hunting activities, I think is in itself a specious argument and a specious purpose for this bill and needless to say I'll be voting in the

negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Ms. Byrnes.

Ms. Glick to close.

On the bill.

MS. GLICK: On the bill, briefly. I appreciate the notion that somehow because I live in New York City and only spend some time in the Catskills that I have no connection to the ethos or traditions or understanding of Upstate. I -- I -- I reject that. I think that I've gained a great deal of understanding of -- of how folks Upstate live and a great appreciation for that, but I have received e-mails from people who live in districts Upstate thanking me for sponsoring this bill and taking what they know will be heat for promoting it. They obviously may not have reached out to their own members thinking they might not be receptive, but this is -- there are organizations that are local organizations from Upstate that have reached out, organizations of hunters, farmers, ranchers and other individuals that have in fact said that they find that the contests undermined the way in which people view hunting in general and wish that the contests wouldn't exist because it undermines the -- the way in which people view them. So I respect the concerns of my colleagues. I think that we do hear from our colleagues about -- there are a lot of bills that are put out by some of the men in the Body that have to do with women's anatomy which they seemed not to have a great deal of understanding of. So we all have our own approaches to

legislation. I believe based on the information provided by wildlife management experts and scientists, that this is an appropriate measure. And I therefore ask for a solid vote in support of -- of banning these particular contests which undermine people's interest in ethical hunting. I appreciate the cordiality of my colleagues and respectfully ask for a solid vote in support of the measure.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act -- this act shall take effect November 1st.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you. For the reasons well explained by my colleagues, the Republican Conference is generally opposed. Those who support it can certainly vote yes here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this piece of legislation. For those that would like to vote in a different direction they can do so at their desks.

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.

Mr. Fall.

MR. FALL: Mr. Speaker, can we now go to Rules Report No. 482 by Ms. Cruz, followed by Rules Report No. 451 by Mr. Otis?

ACTING SPEAKER AUBRY: Thank you, sir.

Page 9, Rules Report No. 482, the Clerk will read.

THE CLERK: Senate No. S02193, Rules Report No. 482, Senator Bailey (A00129, Cruz, De Los Santos, Simone, Kelles, Simon, Raga Taylor, Seawright, Levenberg, Otis, Joyner, Walker, Davila, Glick, Zaccaro, L. Rosenthal, Zinerman). An act to amend the Criminal Procedure Law, in relation to requiring accurate interpretation of statements made by deponents with limited English proficiency in accusatory instruments and supporting depositions.

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

MS. CRUZ: Thank you, Mr. Speaker. This bill would require accurate interpretation of statements of accusatory instruments and depositions by persons with limited proficiency in English. New York is a linguistically-diverse state and some New Yorkers are not fully proficient in the English language. This is difficult in the criminal justice context when someone seeks to report a crime or provide a statement to law enforcement.

ACTING SPEAKER AUBRY: Mr. Morinello.

MR. MORINELLO: Thank you. Will the sponsor yield for a few questions, please?

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

MS. CRUZ: Absolutely, Judge.

ACTING SPEAKER AUBRY: Ms. Cruz yields.

MR. MORINELLO: Thank you very much, I appreciate that. There's been an estimate as of December 21st, 2021 over 600 to 800 languages in New York State with different dialects. But more accurately, the New York City Office of -- the Mayor's Office of Immigration Affairs celebrated on February 21st, 2023, there are more than 400 languages that are spoken in New York. Is -- would you agree that that is a accurate statement?

MS. CRUZ: Sounds about right.

MR. MORINELLO: Okay. And within those 400 languages, are we to understand there are various dialects that some may be very obscure?

MR. CRUZ: That sounds about correct, as well.

MR. MORINELLO: One of the issues is because of the multiple languages, the number of interpreters are limited; am I correct?

MS. CRUZ: In some languages that's correct, yes.

MR. MORINELLO: Okay. And New York State being as diverse, New York City has more access to interpreters of

various languages than the Western part of the State; can that be an accurate statement?

MS. CRUZ: Somewhat. I think with OGS and DCJS providing interpretation services through contracts that are often phone-based, you can have access even in other parts of the State where an in-person interpreter may not be as readily available as it is in the City of New York.

MR. MORINELLO: Okay. I can -- I can tell you from personal experience, when I was on the bench there were many times that we had to call a central number from OCA to get a certified interpreter. Sometimes it would take a day or two, and if it was a nonresident of the area, we had to hold them for that reason. In an instant like -- instance like that where it is a telephonic interpretation with the interpreter being sworn, this bill requires that it be both -- it be in written -- in a written authorization. Have you considered how that can be accomplished in situations of an obscure language being interpreted by someone in New York City for a judge in Western New York?

MS. CRUZ: So, a couple of things. The instance that you are referring to is what would happen post the bill taking effect. The bill is supposed to help pre getting into court. Post getting into court, it's not something that's contemplated by this bill. What the bill would do is if I, as a victim or I want to make an accusation against someone and I happen to not speak the language, then there are certain requirements that in order for my statement to be used and

that later, actually serve as something that would help overturn a case, there would have to be an interpretation as well as the -- the affidavit that has been interpreted by someone who actually has the qualifications to be an interpreter. Our hope and our goal is that through these contracts that OGS and DCJS have, that they implement a piece that would make the affidavit almost automatic in instances like this.

MR. MORINELLO: Well, let -- let's go back to what you've talked about, the affidavit. And I'm going to use the same scenario. We have Western New York, and you have to call, the police would have to call or whoever's doing the investigation, whether it's the victim or the defendant, they would have to call some outside number to get that. How would they accomplish this written authorization and the affidavit at that particular point where they might have had difficulty even finding an interpreter?

(Pause)

MS. CRUZ: So, ideally, we would want DCJS and OGS to make it part of the contract that they would have, whether it's a pro forma affidavit or that they put it as part of whatever the stenographer is going to transcribe, that they are interpreting accurately. If -- in the meantime, if they have not got into the contract piece where they amend the contract to actually include this piece, then we would say that a written statement signed would serve as an affidavit in the meantime.

MR. MORINELLO: So would it be fair to interpret

it, and I'm not sure, assuming a police officer or a sheriff or some public official has to interrogate or take a statement across the State and they find somebody in New York City who has it because it's an obscure dialect of a established language, how would they prepare that affidavit or that information on a serious issue when there's -- when there's that distance between them?

MS. CRUZ: Give me one second.

(Pause)

So, I -- I want to make sure that I get your question correctly. We are not talking about an instance where it would be a possible defendant. We're talking about an instance where it would be a deponent. I want to make sure that you're -- that this is where we're going, right?

MR. MORINELLO: Correct -- well, either, but let's stay with the deponent at that particular point.

MS. CRUZ: So this bill only refers to the instances where it would be with a deponent.

MR. MORINELLO: I'm sorry, would you please repeat that? I apologize.

MS. CRUZ: Sorry. This -- this bill only addresses the instance -- the instances where we're dealing with a deponent.

MR. MORINELLO: Okay. So it doesn't deal with a defendant.

MS. CRUZ: No.

MR. MORINELLO: So an -- an exclamatory or a

spontaneous utterance to a police officer by a defendant who has a language barrier doesn't apply here?

MS. CRUZ: It does not. I believe I discussed this with one of your colleagues during the Committee meeting, and what I expressed to him is the -- the -- the rule that we're coming up with here, the law that we're coming up with here would not touch that instance.

MR. MORINELLO: Okay. But -- so let's go back to the deponent. I live in a tourist area, and I live on a border, okay, and I'm not gonna use the phrase "front line -- front -- front porch of America," but I really am, okay.

MS. CRUZ: I don't think I've ever heard that term before.

MR. MORINELLO: Yeah.

(Laughter)

Not from me anyway, but trust me. But anyway, let's take -- we get tourists coming through, okay, and we have a lot of Asians that come through, okay, because of the water element and the feel of the water, and many of them cannot speak English. But let's assume one of them has an unfortunate incident where they're either robbed, something happens to them. And they don't live in the area, they have to give a statement, okay, but they're also going to be leaving the area and that statement would then be part of the complaint or the information. How is that accomplished with the certification that is needed from the witness or the victim?

MS. CRUZ: So again, it would have to be done simultaneously. You are translating -- let's -- let's give an example. I happen to be the interpreter for that particular deponent that you're describing. I, as the interpreter will have to certify and -- and sign off, basically saying I'm qualified to be an interpreter and every other requirement that the law is asking me to put into that affidavit. What happens once this person leaves or how useful or what the rules of evidence say, they can be done with that statement. Once that person leaves is not contemplated by this bill.

MR. MORINELLO: Oh, no, but -- but the point is it would be a remote translation. Somebody at the -- on one end of the State -- because most --

MS. CRUZ: Let me just verify, are you asking if the crime happens, the person wants to file a complaint, but they're filing it once they've already left?

MR. MORINELLO: No, no, no. There's an incident, it's investigated. The victim gives their -- has a statement to give, but it's in an obscure language so they have to check with whatever central office.

MS. CRUZ: Mm-hmm.

MR. MORINELLO: They find it, but it's telephonic. So just for the sake of this, the victim is in Niagara Falls, the tel -- the translation is in New York City.

MS. CRUZ: It's the same thing because whoever's doing the telephonic translation would still have to provide that

affidavit.

MR. MORINELLO: Okay. And a written copy of the statement or a translated copy --

MS. CRUZ: Correct.

MR. MORINELLO: -- of the statement. So that would have to be transmitted from New York City to Western New York --

MS. CRUZ: Yes.

MR. MORINELLO: -- am I correct? Okay. So would there be any chain of custody of that particular statement issue that might happen?

MS. CRUZ: That's not contemplated by this bill.

MR. MORINELLO: Okay. So that could be an unintended consequence of the -- of the rule. And the reason is you've got somebody who's not physically there, watch -- looking at it and handing it over immediately. So now you've got a situation of somebody translating in New York City, that has to be given to somebody to move over or to -- or to -- to transmit back --

MS. CRUZ: Judge, if I may, that's a process that is very similar to what happens now. So for example, the NYPD carries around, I believe it's a card or an actual sheet with different languages, the person points to it, they call. So the chain of custody issue that you're explaining is something that I suspect is already being contemplated because many of these agencies and entities are already using telephonic translation for communication, whether it's with

someone who is simply approaching a police officer or someone who is an actual defendant. Or even in the courthouse.

MR. MORINELLO: And if I understood what you said before correctly, this has nothing to do with a defendant's statement, but what do we do with a defendant who speaks an obscure language that wants to give a statement, okay? This will not apply to them?

(Pause)

MS. CRUZ: The -- the constitutional requirements of translating for a defendant are not contemplated here. There's a whole other set of case law and requirements for that.

MR. MORINELLO: Okay. Thank you very much.

MS. CRUZ: Thank you.

MR. MORINELLO: Thank -- thank you for your courtesies.

On the bill.

ACTING SPEAKER AUBRY: Mr. Morinello on the bill; something I love to say.

MR. MORINELLO: I would like to start off --

(Laughter)

I lost my train of thought.

(Laughter)

No, I'm -- I'm okay. I -- I would like to start out with this Session we focused on accuracy of convictions, accuracy of allegations and we tried to avoid any type of convictions that were not

proper or improper or any lying. I -- I see that this bill has merit, and I support the merit. I am just concerned about unintended consequences. And if you get into a -- let's go to -- and I'm gonna use my experience on the bench -- I've had witnesses that have come back or stayed around to support their information that are now testifying and under cross-examination. It's going to be impossible to get an -- an interpreter on an obscure language from another part of the State. And the concern there is, how do you complete the trial? How -- how do you have that interpreter certify to the statement or to the translation of the victim while they're on the stand under the current circumstances?

So the intention of the bill is honorable. I have no objection with the intention of the bill, I just feel that the unintended consequences are too great to be able to accomplish the -- the goals. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. CRUZ: Sure thing.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Cruz. I see the bill language says that an accusatory instrument -- instrument --

MS. CRUZ: Can you repeat that, that it says what?

MR. GOODELL: The bill language says that an accusatory statement, quote, "shall not be sufficient unless accompanied by a certified translation." What do you mean by the phrase "shall not be sufficient"?

(Pause)

MS. CRUZ: You can't use it unless it has that. If -- if the person who is providing the statement is not -- is not proficient in English, then the accusatory instrument is not deemed sufficiently completed, legally sufficient, in order to be used as any other accusatory instrument or unless it is accompanied by that translation certification.

MR. GOODELL: So just some examples so we understand. So you're saying it could not be used to establish probable cause for a search warrant?

MS. CRUZ: For a -- for -- I'm sorry. I -- I think you're gonna have to speak a little bit louder.

MR. GOODELL: So you're saying that the statement, until accompanied by a written certification, could not be used to establish probable cause for a search warrant?

MS. CRUZ: Yup, correct.

MR. GOODELL: And it could not be used to justify an arrest, correct?

MS. CRUZ: Correct.

MR. GOODELL: And until it had a certified

translation, could not obviously be used at trial.

MS. CRUZ: Correct.

MR. GOODELL: Now, isn't it possible, though, that the accusatory instrument or the -- the accusation by someone who is speaking a foreign language could be almost simultaneously translated by somebody with that familiarity who is not a certified translator?

MS. CRUZ: The problem with instances like that is it then leads to appeals, to grounds for appeal.

MR. GOODELL: Now, you reference --

MS. CRUZ: Especially if it's not completely accurate. And -- and I'm going to use an example from when I used to be in practice. I -- even sometimes interpreters who are very well-meaning will misinterpret a word because of what Judge Morinello was explaining before, there are dialects or there are differences in, you know, from country to country. And so when you don't have a certified interpreter and they might use a different word, you're going to now have grounds for a possible appeal.

MR. GOODELL: Now, you referenced several places the phrase "an interpreter."

MS. CRUZ: Can you repeat that? I'm sorry.

MR. GOODELL: Certainly. The statute repeatedly references the phrase "interpreter," or "the interpreter," or...

MS. CRUZ: Interpreter, translator; we use that interchangeably.

MR. GOODELL: Is this a requirement that the

person who does the translation be in any way certified, or can they merely state that they are bilingual?

MS. CRUZ: It would have to -- I think the second one is correct, that they are interpreting to the best of their ability. The reason why I kept on mentioning earlier some of these professional services is because they have been used by our court system already for a couple of -- of years.

MR. GOODELL: And the language makes it clear, then, that this accusation couldn't be used for any purpose, including obtaining a search warrant, until there was a written certification as to the accuracy?

(Pause)

MS. CRUZ: So I want to read a little section on the record for you to make sure that we have the -- the correct qualifications of the interpreter. "An affidavit by the interpreter stating that the interpreter's qualifications and affirming the accuracy of such translation." That language, for any -- for those of us in -- in practice who have ever had to use a translator, is very similar to what's already used when you have to certify the interpretation/translation of the document. So it's -- it's very common already.

MR. GOODELL: Thank you. We talked about the statement not being sufficient for probable cause or arrest or for a search warrant. Would the statement prior to a written certification be sufficient for an APB or an Amber Alert or a Silver Alert or something of that nature?

MS. CRUZ: Hold that thought.

(Pause)

The bill doesn't contemplate that, and I'm not sure, I don't know that I've ever heard of an accusatory instrument actually being used for those purposes. It may be, but I'm not -- I don't think I've ever heard of that.

MR. GOODELL: Thank you very much for your comments.

MS. CRUZ: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: No happiness to hear that?

(Laughter)

ACTING SPEAKER AUBRY: I'm always smiling when you get on the mic, no matter how I feel.

(Laughter)

MR. GOODELL: Okay then. On the bill.

I appreciate my colleague's desire to make sure that an accusatory instrument that's -- that's made to the police or law enforcement is accurately translated. I think that's a belief and an objective that all of us in this room share. The concern I have is that this language says that until you get that certified translation, you can't use this statement at all. As my colleague mentioned, that statement until you get a certified translation, quote, "shall not be sufficient."

Well, there's a lot of law enforcement activities that are very time-sensitive. So if the police get a report of what a neighbor believes might have been a murder or a felonious assault or a kidnapping, the police may need to act immediately to secure the location, to get a search warrant, to stop the further commission of a crime, or to catch the perpetrator. It seems the right balance would be to say that an accusatory instrument in a foreign language can't be used at trial unless accompanied by the certification. But we most assuredly want to be able to use that statement in regular law enforcement activities, particularly when time is of the essence. So if we get a -- a -- a complaint to the police department, let's say it's in a common language, let's say it's in Spanish, and let's say the officer, the desk sergeant, understands Spanish. He can't dispatch a car to stop a -- a kidnapping that's in process? He can't refer that to a warrant until we get a written certified translation? Obviously, we want to make sure that we have clear and open communication. Everyone, including the sponsor and I, agree on that. But we need some balance to ensure that those statements can be used in the interim to protect innocent victims, to move forward quickly with the necessary due process, probable cause, warrants or whatever action is needed to protect the public.

And so I hope that if this comes back, that we see a chapter amendment that clarifies that those statements cannot be used in a trial until they're certified, but can be used in the interim where time is of the essence to save lives or protect people. And for that

reason I will be opposing this particular language, but hope we see a new version at some point in the future. Thank you, Mr. Speaker and, again, thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

MR. ANGELINO: On the bill, Mr. Speaker.

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

MR. ANGELINO: While everybody wants accuracy and we want correctness, and we want everything to ensure a conviction at the end of a -- of a case, it's all well and good that we're discussing this in the middle of the day in this beautiful building, surrounded by attorneys and knowledgeable professionals. A lot of the -- a lot the incidents that take place are more than likely going to be on the front seat of a patrol car talking to a distraught victim with radio communications being the only way that an officer can communicate. Cell phone service is sketchy in much of my district as soon as I get off a paved highway, a State highway.

The intentions of this are good, but in practical application it is gonna be near impossible for a victim to get justice and for a -- a perpetrator to be caught in a timely manner. There's been situations inside the kitchen of a house during a violent domestic of a Hispanic -- Hispanic-speaking people, where an officer is lucky that he can speak Spanish. He gets the gist of the information and put out a broadcast to stop somebody. This is not gonna happen now in

the arrest phase if this becomes law.

Again, well-intentioned, but in practical application I can't support this because it's -- it's not gonna help victims. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Angelino.

Ms. Cruz, on the bill?

(Pause)

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this legislation, the Republican Conference will be generally in the negative. If there are any members who wish to vote in the affirmative, they may do so at their desks. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Fall.

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

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk will record the vote.

(The Clerk recorded the vote.)

And Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. I just want to make sure that the record is clear. This piece of legislation absolutely does not impact what happens during an arrest. We have a separate set of laws for that, a separate set of constitutional requirements for that. What this bill does is say if the information that goes into what's actually called an information or an accusatory document, contains statements by someone who does not speak English as their first language or who is not proficient, then we need to make sure that it is certified by someone as having been translated accurately. If we actually care about victims and about justice, we want to do that and need to do that in this State where continuously we have people who speak many other languages. What this does is ensure that whatever happens during that arrest, whatever happens during the process of putting the information into -- the information does not result in a piece of work that actually can be overturned. We all want accuracy, we all want justice for victims. We all want to make sure that whatever is given to the district attorney, to the police as part of the accusatory instrument does not result in overturning a case and actually taking justice away from a victim.

I'm going to urge my colleagues to vote yes, and I will be doing the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Cruz in the

affirmative.

Mr. Chang to explain his vote.

MR. CHANG: Thank you, Mr. Speaker. I thank the sponsor for this bill. It's very, very important I support this bill because in my community in Brooklyn, which is -- I represent -- 54 percent are Asian, many of them are -- have -- English is not their primary language and many of them do not have papers to stay in this country. And I have several constituents have issues dealing with the law enforcement side and language is a large barrier. Now, since I live in Brooklyn and New York City has a very large resources on translation support, especially over the phone that any city agency have, I'm also concern on some other Upstate agency may not have this kind of wealth or breadth of support for translator. I am more concerned about that, too. I wish that these agencies will -- will pay attention and fund translator. But in New York City, it's important for me, especially in my district. Many of them are immigrants. And I know even through my personal experience with my family that English is not their primary language. And I'm always afraid when they encounter law enforcement people and -- and any -- or any with uniform; it could be inspection, it could be meter reading, it could be traffic agents. They're afraid to -- to express their concern when confronted by them.

So in this bill, I support it, yes. Thank you.

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 9, Rules Report No. 451, the Clerk will read.

THE CLERK: Assembly No. A05221-A, Rules Report No. 451, Otis, Benedetto, Simon, Lee. An act to amend the Environmental Conservation Law, in relation to requiring the Department of Environmental Conservation to implement permit regulations and guidance regarding shoreline management.

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

An explanation is requested, Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker; thank you, Mr. Goodell. This bill would place into statute the policy preference in the Environmental Conservation Law that stabilizing tidal shorelines would be done via nature-based solutions. Wetland restorations, vegetation, oyster reefs, rather than hardening kinds of things that are bad for the environment, bad for flood control, bad for erosion. So, a simple bill is providing a preference in DEC's statute. But you should be aware that DEC already follows these policies. They put out a guidance document in 2017 that guides their work that already gives a preference to those kinds of values, and so this bill would put into statute something the DEC is already going in the right direction on.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would

the sponsor yield?

MR. OTIS: Certainly, Andy.

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

MR. OTIS: Of course.

ACTING SPEAKER AUBRY: Mr. Otis yields.

MR. GOODELL: Thank you, Mr. Otis. I -- I see this is an A-print, meaning it's been amended. What was the amendment from the original and why?

MR. OTIS: Surely. The amendments were to make it very clear, compared to the original language, that this is a preference and not a mandate or a requirement. In some settings, nature-based solutions may not work, and so this is -- clarifies that language that we'd prefer nature-based solutions, but if it's not appropriate, then there may be other solutions would be authorized.

MR. GOODELL: Thank you very much for that clarification; thank you, sir.

MR. OTIS: Thank you, Mr. Goodell.

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. Otis to explain his vote.

MR. OTIS: I just want to thank in terms of this

legislation, Riverkeeper, Nature Conservancy, Senator Shelley Mayer, her staff, other environmental groups and the Department of Environmental Conservation. Given the issue of sea level rise and -- and the flood damage we've had around the State, these are principles that will serve us all very well.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Otis 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, members have on their desks an A-Calendar. I'd like to move to advance that A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, sir.

ACTING SPEAKER AUBRY: Page 3, Rules Report No. 867 on the A-Calendar, the Clerk will read.

THE CLERK: Assembly No. A05286-A, Rules Report No. 867, Epstein, Burdick, Woerner, De Los Santos, Reyes. An act to amend the Financial Services Law, in relation to creating a private education debt registry.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall --

ACTING SPEAKER AUBRY: Oh. On a motion by Mr. Epstein, 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. A06538, Rules Report No. 868, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to a child care leave credit for New York City uniformed correction officers who are members of the New York City Uniformed Correction/Sanitation Revised Plan.

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. A06722-A, Rules Report No. 869, Barrett. An act to allow Benjamin Doty to be eligible to take the Civil Service exam for the position of Deputy Sheriff for the Columbia County Sheriff's Office.

ACTING SPEAKER AUBRY: On a motion by Ms. Barrett, 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. A07250, Rules Report No. 870, Pheffer Amato. An act to amend the General Municipal Law, in relation to disabilities of fire alarm dispatchers 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. A07675, Rules Report No. 871, Hunter. An act to amend Chapter 591 of the Laws of 2001, amending the Banking Law relating to limiting the check cashing exemption for national banks and other regulated entities, in relation to the effectiveness of such chapter.

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

Mr. Goodell.

A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill for reasons that we hope to explain shortly. Those who support it are certainly encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you very much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally gonna be in favor of this piece of legislation; however, there may be a few of us that would

decide to be an exception. We should feel free to do so at our seats.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. What this bill does is extends a provision in the Banking Law that prohibits other types of check cashing institutions, those namely owned by banks, from locating within three-tenths of a mile of a licensed check cashing facility. Now, these are two different entities that are regulated and licensed differently. This has been extended a number of times in the past, and this is an extender for another two years. And -- and basically what it does is it prohibits potential competitors, those being owned by banks, from locating within three-tenths of a mile of a licensed check cashing facility, and -- and that's the reason why there is many no votes on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ra in the negative. Thank you.

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 turn our attention back to -- to the debate calendar, we're going to

go on to Rules Report No. 700 by Ms. Joynter -- Ms. Joyner, and Rules Report No. 788 by Mrs. Cook which will be debated by Ms. Lunsford.

ACTING SPEAKER AUBRY: Thank you very much.

Page 13, Rules Report No. 700, the Clerk will read.

THE CLERK: Senate No. S06720, Rules Report No. 700, Senator Brisport (A05394, Joyner, Alvarez, Hevesi, Hyndman, Reyes, Jackson, Walker, Raga, Tapia, Kelles, Clark). An act to amend the Family Court Act and the Social Services Law, in relation to establishing procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent.

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

MS. JOYNER: Yes. This bill grants family court judges the discretion to order continued visitation and contact between children and their birth parents after a parent's rights have been terminated. The judge may grant post-termination contact at a disposition hearing and a parental rights termination proceeding when it would be in the child's best interest.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: Thank you. This bill has been debated a couple times. For those members who are in the Chamber that weren't here for prior debates, I'm gonna start from -- kind of start from the beginning so that you understand where I'm coming from and why I have such serious concerns about this particular bill.

This legislation was vetoed in both 2019 and 2020 after facing bipartisan opposition. The bill has not been amended in any significant way since then. So, the term that you're gonna hear is TPR, which stands for Termination of Parental Rights, and the question then is why are a biological parent's rights terminated, or TPR'd. It's due to abandonment, permanent neglect, repeated or severe abuse of a child, or an inability to parent due to mental illness or intellectual ability. And it is -- I think it's fair to say that in the years that I've practiced in family court, these are the saddest cases that come in -- into family court. They are -- it can be really heartbreaking. And they can go on for a really long time.

So very often how it comes up is there is an abuse or a neglect matter that is brought in front of family court, and there has been a finding of abuse or neglect against a particular parent, biological parent. At that point, the child may, is often, removed to family -- to foster care. And there is a -- a process that's set up in order to try and even prior to the abuse and neglect finding there would be services that would be provided through the local Department of Social Services in order to try to correct the underlying deficiency in parenting that led to the abuse or neglect hotline being

made and finding being made. So the -- those interventions could be, you need to -- you need to stop your addiction to drugs, to alcohol, you need to go to mental health counseling, you need to avoid contact with your significant other who has been or is feared to have sexually abused your children. Any number of things like that, Social Services will work with that individual for a very, very long period of time and extend a lot of effort to try again to correct the underlying causes and reasons for the abuse or the -- or the neglect.

After the child is removed to foster care and has foster parents, there are things called permanency hearings that happen periodically where the court brings the parties back in, and if the child is 14 or over, the child will come, too. Before that time, the child will be -- or children will be appointed with attorneys for the children who will appear in their stead, and that's the work that I do in family court, I represent kids in family court. So I've attended a number of these permanency hearings. I also prosecuted abuse and neglect cases as an Assistant County Attorney in my county. So, you know, I've got a lot of familiarity with this process. At these permanency hearings, there is a goal that is established for that child. At the beginning of the permanency hearing process, the goal is almost invariably returned to parent. That is what we are trying to accomplish in family court, we are trying to essentially repair through counseling and in other services and supports, we're trying to repair that family unit so that it will be safe and in the child's best interest to return to that parent. Over time, as multiple permanency hearings are

held, and I believe, I might be mistaken, but I believe that they're held every six months, might be eight months, but I think it's six months.

These permanency hearings are held after you have the return to parent, return to parent goal established and reestablished, at some point in an interest to have a permanency for that -- for that child, the goal changes and the goal changes to free for adoption. That becomes the new goal.

Now, sometimes you have foster parents who are simply acting as foster parents temporarily and have no interest in permanently adopting the child, but what I've seen is that in a -- in a number of cases that I've worked on, foster parents really fall in love with the kids that are placed with them very often, and open their hearts, and God bless them, and they -- and they want to adopt these children and make them full and complete members of their household and they want to be their parents. They want to be their parents and provide for them the remainder of their lives. You know, that is rare right now. Unfortunately New York State is 48th out of 50 states in terms of placement of children for adoption who have been in foster care for two years or more. It's really tough to find special adoptive parents to step up and raise their hand and say, I not only want to temporarily provide for these children as foster parents, but I want to adopt.

So one of the reasons why this bill really concerns me is that after a parent, a biological parent, has gone through that long, long path and has been found to be so deficient in terms of parenting,

that you need to terminate that parent's parental rights, and the phrase that I would use is that they have shown through their choices and continued actions that they were unable to prioritize or meet their child's basic needs. And that's sad. And, you know, we had a lot of debate earlier, the last couple weeks about the need for -- to understand that there can be redemption and second chances, and I believe in those. But I also think that after we've gone down this long, long road where we're looking at a termination of parental rights, that many, many things have been tried in order to reverse the trajectory of this parent with this child, in this family. And we've hit a place where we really have to, in order to establish the permanency for this child, we need to terminate the parental rights.

What this bill says, and let's talk about what this bill specifically does, once you get to the point where the goal changes and you're looking to terminate parental rights, there are a couple of different paths for getting there. One way is by consent. When the biological parent to some extent comes to an acceptance that -- that the child deserves to be in a permanent setting that they cannot provide for whatever reason, and they consent to having their parental rights terminated, that happens very, very frequently and what happens in those instances is that there is, there's usually some type of post-TPR contact that is allowed. It could be school pictures, it could be report cards, it could be, in some instances it could be meeting with the child at the discretion of the adoptive parents, or pre-adoptive parents. The second way is after a trial or hearing in the matter, a

judge terminates the parental rights of that biological parent. And I have been through those, as well, and that -- and those are tough. But they do -- they do happen and sometimes that's necessary.

After there's a court-ordered surrender following a trial, what this bill would say is that there -- there is a right for that biological parent, despite the fact that their rights have been terminated as to that child, to continue to be able to see or have contact of -- of some level, and to be able to get a court to order some continued contact at that point. They get one try under this bill. They have to -- they have to show that the contact has been denied and they have to show that they deserve it and that it's in the best interest of the child to get it. If the court grants even just a little bit of contact, a little bit, then that perpetually opens the door for repeated and repeated and repeated petitions to expand that contact. And that, my friends, does not achieve any permanency for that child. That child is going to have, say, his adoptive parents and his biological parent or parents constantly embroiled in the family court system looking for greater and greater contact. And as the child becomes older, they understand that this is a process that they're getting dragged through, as well.

So it's -- it's I believe really unfair to that child who, I admit, will be curious about their biological parent, depending upon how aware they were before they were removed to foster care and ultimately adopted, they're going to be curious about their parent. And when they become 18, I have seen 18-year-olds, 18, 19, 20-year

-olds try to reconnect with their biological parent, and I'm okay with that, because I feel that at that point, they have reached the level of maturity to be able to make -- make that contact and that decision on their own.

But what this bill does is it basically says that instead of looking out for the child's best interest, I believe what it's doing is it's saying we feel sorry for the biological parent. That biological parent has made mistakes but they should still have contact with their child, and I don't -- I just don't -- I don't agree with that.

I want to -- I want to share with you some of the opposition to this bill, in addition to the opposition that we've had in this Chamber before in the times that we've had votes on it. I want to read from the veto message from Governor Hochul where she said, "Fundamentally, however, we must protect the rights and interests of children in the family court system. It is essential to achieve permanency for children in foster care, and once parental rights are terminated, it is of paramount importance to support the adoptive families in providing a loving and permanent home for their children. Children deserve to have parents with full rights, and the law should offer finality to these parents after the lengthy and carefully contemplated adoptive process. As written, this bill does not provide adoptive parents with this critical parens patriae authority to decide what is in the best interest of their child. Instead, the bill would allow the court to substitute its judgment for that of the adoptive parents on the issue of visitation and contact with the birth parents. This could

make the process for adoption of children from foster care even more difficult. For these reasons, I am constrained to veto this bill." And I think that that really does say an awful lot.

The second thing I'd like to share with you is from the New York Public Welfare Association. And they also are in strong opposition to this bill. They say that this bill would permit a parent who has been found after a full family court hearing to have either abandoned, permanently neglected, repeated or severely abused the child, or is unable to parent due to mental illness or intellectual ability to demand continued contact with the children post-termination proceeding. They talk about, as I mentioned earlier, that if the court after this hearing orders some visits or some contact, this memo says if the initial request for visitation or contact is granted, parents may perpetually file requests for modification resulting in years of litigation during which the child would simply languish with no stability. Birth parents and their attorneys would have no incentive to settle a TPR, Termination of Parental Rights with a surrender and could litigate the TPR and then litigate the visitation and contact request.

Last, I'd like to read to you a little bit from a memo that was previously provided by a group called - let me get it right - the Adoptive and Foster Family Coalition. This really struck me, as well. Finally, it says, the Coalition is troubled by the implicit message of this proposed legislation, that adoptive parents are little more than babysitters who park and house a child until their 18th birthday.

Parents who adopt traumatized, neglected children from foster care deserve our State's full support. While the Coalition does not believe this is the sponsor's intention, adoptive parents do not deserve the disrespect that this bill conveys. Remember, please, that once a child is adopted, the adoptive parents are the parents of that child, and those adoptive parents can make arrangements with birth parents as they see fit for continued contact. But for this bill to allow for a hearing process to allow a judge to override an adoptive parent's determination about what is in their child's - their child's - best interest is, is I think, really significantly misplaced. And it really looks at the biological parents as the victims when, in fact, it is these children who have been neglected, traumatized and abused and left without permanency sometimes for years, they are the victims, it is their best interest that must be preserved. And it's for those reasons that I think that this bill is a very, very bad idea, that has been vetoed twice, that has been opposed in this Body with bipartisan opposition several years, and I believe that this bill should be also voted in the negative strongly and vetoed again by the Governor. Thank you very much, Mr. Speaker.

**ACTING SPEAKER EACHUS:** Read the last section.

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

**ACTING SPEAKER EACHUS:** A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will generally be opposed to this bill. Those who support it can certainly vote yes on the floor. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Ramos.

MR. RAMOS: Mr. Speaker, this will be a Party vote in the affirmative. If you want to vote in the negative, you can do so at their desk.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. Thank God for our foster parents who are willing to open their hearts and their homes and their lives to young children who are sometimes the most difficult and challenging kids to raise because of the trauma they've gone through. Thank God we have families in New York State that have that level of compassion. We need to respect that. We do not need to pass legislation in this House that subjects those compassionate, thoughtful, caring people to the potential of endless litigation as they try to raise an adoptive child that they've accepted into their household as their own. Thank God they're there, and we should do everything we can to support them and not subject them to this type of endless litigation and questioning of their parental decisions on how best to raise their adoptive child. And for that

reason, I cannot support this, and I hope that my colleagues recognize the incredible commitment that's made by these adoptive parents after an exhausted court process and respect their rights and their need to raise their adoptive child as their own. Thank you.

ACTING SPEAKER EACHUS: Mr. Goodell in the negative.

Mr. Hevesi to explain your vote.

MR. HEVESI: Thank you, Mr. Speaker. I rise to commend the sponsor, and I respectfully disagree with my colleagues and the Governor. It seems that this is the one time where this Body or some of our colleagues in this Body don't believe in judicial discretion. We don't want the judge to have the right to make the decision about the best interest of the kid? Why not? We believe in judicial discretion across the board in other circumstances, and we believe it here. We also believe in the redemption. So while I respect the foster parents and, by the way, we in the Assembly Majority fight consistently for more money for foster parents, for more assistance to those parents, but it is crucially important that we allow for those parents to have their parental rights terminated. If a judge decides that contact with that parent is in the best interest of the child, why not? How does that hurt the adoptive parent?

The answer is, we believe in judicial discretion in this matter, and we should respect the courts and their decision-making as opposed to saying this kid has only either the choice of his adoptive -- his birth parents or the adoptive parents. The judge may find out for

whatever the circumstance is that the parents has turned their life around, and they're now able to participate in a productive way with their kid's life, why don't we believe in judicial discretion now? I am here to tell you that I believe that the sponsor is correct and I am a little disappointed in the Governor's veto. I think it is misplaced. I do respect all of our colleagues here, I know some of them have great experience in this area, but I respectfully disagree and I will be voting in the affirmative. Thank you.

ACTING SPEAKER EACHUS: Mr. Hevesi in the affirmative.

Ms. Joyner to explain your vote.

MS. JOYNER: Thank you, Mr. Speaker. I wasn't planning on speaking on this bill because we have at length debated this bill over a couple of years. I also agree that the Governor's decision on this bill has been misplaced. I could speak -- I've been hearing people speaking from their professional experience, speaking about adoptive parents, but this bill truly just focuses on the best interest of the child, not the adoptive parent, not the biological parent, what is in the best interest of the child. In these cases, we already have two out of the four departments in New York State that already allow this process to happen. The Court of Appeals said for the State Legislature to take action on this, which is what we have been doing, but we have people that are coming from their own personal experience, and at the end of the day, we need to recognize that a family does not fit a one-size-fits-all model or approach. And that's

what this bill does. We are talking about children who knew who their biological parent was. These are not children that are adopted that had no connection or contact with their previous biological parent, so we are allowing courts and families to craft new family structures that best suit their situations. We have children that are not being adopted but who know who their birth parents are, but lose that right to contact if their biological parent decides to go to court and --and proceed with a TPR. This creates parity because otherwise, what is happening is that a lot of these biological parents are surrendering their rights and foregoing a child because they want to continue have that contact with their child. This bill is going to create parity, there's already standing within the law that allows this to happen, families are still staying together, we are having blended families, and families that look totally different. So I'm a huge proponent in support of this bill and I urge my colleagues to continue to support this bill because we need to give families the opportunity to survive. Thank you.

ACTING SPEAKER EACHUS: Ms. Joyner in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

The Clerk will read.

THE CLERK: Senate S05591-A, Rules Report No. 788, Senator Comrie (Cook, Peoples-Stokes, Hyndman, Dickens,

Simon -- A5646A). An act to amend the Insurance Law, in relation to the collateral estoppel effect of issues decided by certain arbitrators.

ACTING SPEAKER EACHUS: An explanation has been requested.

MS. LUNSFORD: Thank you, Mr. Speaker. This bill simply provides that a decision in a no-fault arbitration either by an arbitrator or master arbitrator will not be subject to collateral estoppel in the underlying serious injury relating to the personal injury action.

ACTING SPEAKER EACHUS: Mr. Goodell.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. LUNSFORD: Of course.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. GOODELL: Thank you, Ms. Lunsford. For our colleagues who may not be familiar with the concept of collateral estoppel, will you explain what that means?

MS. LUNSFORD: Absolutely. So collateral estoppel is simply the idea that you're precluded from raising an issue in a subsequent matter that has been given some sort of final judgment either through a plea or through a decision in an underlying matter. The most common example might be if there's a criminal and a civil matter arising out of the same incident, if there's a criminal conviction

you're precluded in the civil action from claiming that you did not commit the underlying crime.

MR. GOODELL: Now, for collateral estoppel to apply, am I correct it has to have the same issues, the parties have to have full opportunity to fully address all the issues, and there has to be a decision by an impartial arbitrator or court, correct?

MS. LUNSFORD: Yes. And the issues have to be materially the same.

MR. GOODELL: Materially the same. And what is the rationale behind collateral estoppel? Why do we have that concept in the courts?

MS. LUNSFORD: I think to some extent it's to eliminate the opportunity to get a second bite of the apple, to make the determination for judicial efficiency as well, if particularly a complex issue that's already been decided in one venue to get ample opportunity in another, I think particularly in the criminal and civil circumstance where the standard is higher in the criminal matter.

MR. GOODELL: Now, this bill would eliminate collateral estoppel in the context of an insurance claim that may have been fully litigated and indeed may involve a court decision, correct?

MS. LUNSFORD: Potentially.

MR. GOODELL: And why is it that we would want parties to be able to go to court twice on the same issues involving the same facts and the same parties? Why would we want to ignore collateral estoppel when we already have a court decision that

addresses it and meets all the other criteria for collateral estoppel?

MS. LUNSFORD: Well, in this circumstance, we're not really talking about court decision as much as an arbitration. When you --

MR. GOODELL: If I may interrupt you, look on page 1, line 7, that says, "or is court rendered," right?

MS. LUNSFORD: Yes.

MR. GOODELL: So let's just focus on the court rendered.

MS. LUNSFORD: Sure.

MR. GOODELL: Why shouldn't a court decision involving the same parties, the same issues, have been fully litigated and in this case a court decision following an arbitration and maybe even a master arbitration, why would we open it up to what would appear to be a fourth bite at the apple; arbitrator, master arbitrator, court decision? Why would we throw all that out and allow the parties to relitigate it from scratch?

MS. LUNSFORD: No-fault is a particularly unique circumstance. When you're dealing with an adverse decision in a no-fault decision, it's generally a bill. If my independent medical examiner says that there is a no causal nexus between my car accident and my rotator cuff tear, the only way to appeal that decision is through the arbitration of a bill. And that bill could be \$100 for physical therapy. What happens in many circumstances is you actually have the doctor who has the assignment of benefits, bundling

bills together, handing them off to an attorney, and that attorney without the claimant being involved at all, then goes and negotiates a deal to get the bills paid. The standard is somewhat different and in many cases you may have a claimant that has their rights in their personal injury action completely taken away without them even understanding what's happening because the doctor wanted to be paid their \$250.

So here we're trying to protect a meritorious serious injury claim that a claimant may have in a personal injury action from being precluded because of what's effectively an administrative action by a doctor.

MR. GOODELL: Well, but just to be clear, if we're dealing with a court decision, that court decision would only be rendered after there is an original arbitration, then a master arbitrator reviewed it and approved it, then it goes to court and by statute, that court decision must involve a dispute exceeding 5,000, correct?

MS. LUNSFORD: So, there are circumstances where if a claim exceeds \$5,000 the court is the de novo decision-maker. So with that it may actually be the first level decision that's made.

MR. GOODELL: Okay. So in that case, you not only have two arbitrations, you have a de novo court decision and for our colleagues that don't specialize in Latin, we use Latin by the way in the legal profession whenever we're charging you more but today it's free, de novo means new.

MS. LUNSFORD: Yes.

MR. GOODELL: Right?

MS. LUNSFORD: Yes.

MR. GOODELL: Thank you very much for those clarifying comments.

Sir, on the bill.

MS. LUNSFORD: Thank you.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: We have collateral estoppel and it's well-defined by the court system to apply only where you have the same issues, the same parties, full and fair opportunity to hear all the facts and we don't want to have somebody repeatedly litigate an issue over and over and over. And here's what's ironic. Under the Insurance Law you already get three bites at the apple, already. You start out with arbitration. If you don't like that decision you can take it to a master arbitrator. And if you don't like that, you can take it to an independent court if the amount exceeds 5,000, and that independent court has a de novo review, meaning from scratch. What this bill says is on all those issues that have been decided by a court, you can start out and do it all over again in court. And nothing that was decided after those exhaustive hearings are binding. It just doesn't really make sense, unless of course you're a litigator, which is why this is supported by the trial lawyers, surprise. But as noted by the New York Insurance Association, this legislation will result in dramatically expanded civil litigation all across New York together with skyrocketing insurance rates that reflect the fact that you'll now have

not three, but four opportunities to sue your insurance company.

Likewise, the American Transit Insurance Company says this will have a dramatic impact on your insurance.

Now, I am very lucky that I have a phenomenal insurance agent who quickly settled my claim when my car was stolen last year, but it's still painful every time I write the check to pay that, even though it's a great price. We don't need to have higher insurance rates in New York and that's what this bill will do. For that reason I can't support it.

Thank you, Mr. Speaker, and again, thank you for my colleague for those comments.

ACTING SPEAKER AUBRY: Ms. Lunsford.

MS. LUNSFORD: Thank you, Mr. Speaker.

On the bill.

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

MS. LUNSFORD: Just in a brief response. I think, you know, when we pay our No-Fault premiums, which all of us pay. We're required to carry No-Fault insurance. We are expecting to receive a certain benefit and I don't think in this circumstance that anyone is getting anything more than they've already paid for. The circumstance we're dealing with here is very unlikely to be one where someone has been to court many times. In fact, it's going to be a circumstance where that claimant was never hurt at all. Where that claimant did not get an opportunity to have their bill determined, and in many cases the collateral estoppel issue, which thank you to all of

my colleagues who are bearing with this very technical, very lengthy argument, is one that prevents them from arbitrating their bills to begin with. So people are paying out-of-pocket on bills that would otherwise be recoupable through their No-Fault provider. We're paying for something we're not receiving in many circumstances. As someone who has both been in No-Fault arbitrations and in, you know, conference rooms and hotels all across Upstate New York and also in court dealing with motor vehicle claims, I can tell you the chilling effect this has on seeking reimbursement for No-Fault arbitration claims.

So I want to commend the sponsor of this bill and thank her very much for bringing this, I think it will provide claimants the opportunity to seek compensation for actions on injuries that were no fault of their own, and for which they can seek compensation due to the negligence of others. So thank you very much and I will be voting in the affirmative.

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. Certainly those who wish to be an exception can vote here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation. There may be a few who would like to be an exception, they should feel free to cast their vote at the seat. Thank you.

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

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: Thank you, Mr. Speaker. If we could now bring our attention to Rules Report No. 225 by Mr. Ramos, followed by Rules Report No. 580 by Mr. Magnarelli. Following that would be Rules Report No. 568 by Ms. Walker. In that order, Mr. Speaker. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Page 6, Rules Report No. 225, the Clerk will read.

THE CLERK: Assembly No. A04487, Rules Report No. 225, Ramos, Weprin, Taylor, L. Rosenthal, Thiele, Colton, Reyes, Carroll, Jacobson, Glick, Sayegh, Simon. An act to amend the Civil Service Law and Rules, in relation to time limitations for filing claims for certain injuries.

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

And Mr. Ramos, an explanation is requested, sir.

MR. RAMOS: Certainly, Mr. Speaker. This bill will require the Civil Service Commission to collect data and publish annual reports on the ethnicity and race of people who take civil service examinations in New York State. This legislation will allow for the collection and publication of empirical data in order to assess whether attempts by the Legislature and Civil Service Commission to make civil service examinations more accessible to minority communities if that has been effective or not.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. RAMOS: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Ramos. I note from the memorandum in support of this legislation that there was a concern raised about decreasing number of Hispanic and Black employees in the State Civil Service, but the report was done in 2005. Do we have any more recent reports other than the one that was done 18 years ago in 2005?

MR. RAMOS: No, we don't. And that pretty much is one of the justification for needing this empirical data.

MR. GOODELL: Now I see that this has been pending in front of this legislative Body in one form or another for the last 18 years. Any idea why it hasn't been considered yet?

MR. RAMOS: Well, I mean we try to push it every year and as -- as happened with much legislation, it becomes ripe at some point and this is the year.

MR. GOODELL: This report only requires data on ethnicity and race.

MR. RAMOS: Yes.

MR. GOODELL: But we've had a number of legislative initiatives that focus on other things as well. LGBTQ+ status, for example, which would include sexual orientation, gender, identity. A number of other criteria. Why are we only dealing with ethnicity and race and not all of those other categories that we periodically pass legislation on?

MR. RAMOS: Well, the -- this deals with the issue of race. And certainly any legislation that deals with LGBT or other reporting on -- on behalf of Civil Service or any department of the State is -- is laudable. This particular one deals with the issue of race and ethnicity.

MR. GOODELL: I see. Are there other reports that are currently issued by the Civil Service Commission that relate to other demographics?

MR. RAMOS: Not on an annual basis. This would be the first one that requires annual reporting. And the reason for this data is to -- to be able to identify where the problems are. If -- if we agree that diversity is a good thing for the State workforce, it takes people out of poverty, gives them jobs, puts them in a career path. It helps the public to have diverse people serving them. There's all sorts of -- of benefits to it and by having this -- by having this reporting we can see where we're lacking and what we need to do.

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

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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 10, Rules Report No. 580, the Clerk will read.

THE CLERK: Senate No. S05775, Rules Report No. 580, Senator Kennedy (Magnarelli, Wallace, Conrad, Stirpe, McMahon -- A05639). An act to amend the Railroad Law, in relation to requiring certain trains and locomotives to have a crew size of not less than two persons; and providing for the repeal of such provisions

upon expiration thereof.

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

MR. MAGNARELLI: Absolutely. This bill would prohibit the operation of freight trains or freight locomotives by railroad carriers having annual operating revenues of more than \$20 million unless the train or locomotive has on board a minimum two-person crew.

ACTING SPEAKER AUBRY: Mr. Goodell?

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

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

MR. MAGNARELLI: Yes.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields, sir.

MR. GOODELL: Thank you, Mr. Magnarelli. I note that in 2019 the Federal Railroad Administration concluded after studying this issue that there was quote, "insufficient empirical data to prove that trains operating with at least two people were safer than one person crews." Are you aware of any other empirical analyses that have been done since 2019 other than the one that was done by the Federal Railroad Administration?

MR. MAGNARELLI: No, but I do know that there have been cases on that matter that the FRA in 2016 first authorized

the national minimum two-person crew. Then in 2019, as you say, they reversed themselves. Then in 2020, a court basically upheld that, and, but then referred to a Ninth Circuit case in -- that was being held in -- was -- was taking place in Washington, Seattle, Washington. And said that if that case -- it said the case that if the Ninth Circuit holds, that the FRA withdraw order is invalid, then the Illinois' Commerce Commission may move to vacate the original judgment. And in fact, the U.S. Court of Appeals for the Ninth Circuit in Seattle, Washington did issue a ruling vacating the FRA's 2019 order. The Court ruled that the FRA's order was arbitrary and capricious, that means something to me, and the FRA's order did not implicitly preempt State safety rules. So that leads us to where we are today.

There is some conflict between the FRA and its different opinions over the years and also within the courts.

MR. GOODELL: Now I note that in July of 2022 the Federal Railroad Commission initiated yet another review of this issue. What is the status of that most recent review?

MR. MAGNARELLI: We're not aware of that.

MR. GOODELL: I see. And so just to be clear, I understand that there's been litigation over the Federal preemption issue with the Ninth Circuit ruling that the Federal Railroad Administration didn't clearly preempt it. But am I also clear, though, that there have been no other broad analyses over whether or not this actually results in more safe crews other than a few instances that you referenced?

MR. MAGNARELLI: Well, the only thing I could say is what we've been seeing over the past year, what happened in Ohio. I think there is reason to think that a two-person crew may be of some advantage to the freight trains that are crossing our states and that's why we're bringing this bill back again, okay?

MR. GOODELL: Is there any indication that the derailment that occurred in the middle of that freight train in Ohio would've been prevented if they had two people in the cab?

MR. MAGNARELLI: I don't know.

MR. GOODELL: I see.

MR. MAGNARELLI: I'm just saying it's a reasonable thing to suggest that it might've.

MR. GOODELL: Thank you. I see the Governor vetoed this last year, siting concerns with preemption. Has there been any change in the language of this bill compared to last year's?

MR. MAGNARELLI: There's no change in the language.

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

MR. MAGNARELLI: Thank you.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: There's two concerns that have been raised in the past. The first one is a Federal preemption issue

and as my colleague noted, that's an issue that's being litigated even now. And it was sited by the Governor in vetoing this. The second is whether or not there's actually any data that supports the need to double the crew size on interstate railroads. We have seen of course railroad accidents that has happened with the derailment in Ohio, but as far as I've been able to tell there's been no connection between having two people in a cab, whether that would in any conceivable way impact the derailment of a car that's a half-mile away in the middle of a train. There have been substantial technological advances over the years, which have made a single person crew safe included -- including automated control systems so that if something happens to the operator of the train it automatically stops. They have also automated speed controls in certain areas, all of which make it less expensive and more efficient for rail transport.

So before this Legislature gets involved in changing the rules for interstate rail transportation and doubling the cost and dictating staffing levels, I think we should, as a matter of both policy and law, defer to the expertise of the Federal Railroad Administration, which under Federal Law has exclusive jurisdiction. And for that reason, I will not be supporting this. Thank you, sir. And thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Thank you.

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 10, Rules Report No. 568, the Clerk will read.

THE CLERK: Senate No. 00587, Rules Report No. 568, Senator Comrie (Walker, Bronson, Carroll, Colton, Cook, Dickens, Glick, Hunter, Hyndman, Jean-Pierre, Lupardo, Paulin, Pretlow, L. Rosenthal, Simon, Steck, Weprin, Zebrowski, Zinerman, Mamdani -- A00568). An act to amend the Election Law, in relation

to mandatory training curriculum for poll workers.

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

MS. WALKER: Thank you, Mr. Speaker. And thank you, Mr. Goodell. This law amends the Election Law -- sorry, this bill amends the Election Law to require the State Board of Elections to establish a training institute to develop a curriculum for certified poll worker training and train the trainer programs. The curriculum shall include curriculum lending to a diverse electorate, professional delivery of services, providing assistance to voters with disabilities and limited English proficiency, use of all voting systems and shall utilize industry-proven training techniques. County Boards shall enroll at least two trainers in the program to become and maintain certified poll worker instructors and that status will be required and adequate for the trainers to meet the needs of our counties.

ACTING SPEAKER AUBRY: Mr. Norris.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields, sir.

MR. NORRIS: Thank you. Is this going to be a

brand-new program created at the Board of Elections or does it currently exist?

MS. WALKER: Well, there is already extensive support and training that the Board of Election provides. However, this provides a certain level of professionalism to that training as well as a certain level of continuity so that no matter where you're going there will be poll workers who have undergone the same level of training throughout the State so that, you know, you can go to a poll site in my district in the 55th and there will be met with the same level of professionalism, service and efficiency as they can be met in your district, sir.

MR. NORRIS: Have you had conversations with the Board of Elections if they're able to maintain this program?

MS. WALKER: We believe that they will be able to maintain this program, yes.

MR. NORRIS: And do you know if there's any funding within the State budget to -- for the State Board of Elections to provide this program?

MS. WALKER: Well, based on the fact that there's already a certain level of training and support that the Board of Elections already provides, based on resources that have already been provided many years in our State budget, that there will be little to no additional costs. The State Board of Elections will conduct training sessions with their existing staff. The local Boards already have people to conduct poll worker training and they will now have to

attend training by the State Board of Elections, but this would not require additional staff at local Board of Elections. Poll worker training is already required in statute, and also there are a number of Election Law bills that we know and additional cost-savings. And so as we are saving on the one end, we are providing more opportunities for this level of training in this (inaudible).

MR. NORRIS: Okay. And at the local level, I see in the bill that the County Board of Elections would require to send at least two people every year to the institute for training. Is there any funding for the County Boards for that?

MS. WALKER: There will be no additional resources according -- in this bill --

MR. NORRIS: Okay.

MS. WALKER: -- for that. However, as you know, every year we conduct our budget deliberations and perhaps this is something that we can discuss during our budgetary conversations.

MR. NORRIS: Thank you, Madam Chair, for answering my questions. I appreciate the opportunity.

MS. WALKER: Thank you, Mr. Norris.

MR. NORRIS: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Thank you, Mr. Speaker. You know, as a former Elections Commissioner, I do believe in the importance of making sure that we have training for our Election inspectors and we currently have that mandated in the statute. I do have concerns,

however, that by creating this brand-new institute with additional costs and burdens on the State Board of Elections and even on our local county taxpayers to send individuals to this special institute without knowing that the funding is actually in place in the budget has concerns of mine on that aspect. And for that reason I will be opposing this measure this year, but hopefully maybe next year in the budget we can talk about funding this institute properly. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Norris.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I had a quick question if I may, to the sponsor.

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

MS. WALKER: I will yield, sir.

ACTING SPEAKER AUBRY: Ms. Walker yields, sir.

MR. GOODELL: Thank you, Ms. Walker. Many of us attorneys, accountants, doctors take continuing education courses. As an attorney we're required to take 12 hours, I think every year. Those are typically done on line. Is there any reason why this training has to be done in person?

MS. WALKER: Well, Mr. Goodell, I would like to -- I just saw that, direct you to page 1 of the bill, on line number 13 --

actually beginning at line number 12.

MR. GOODELL: I apologize. I --

MS. WALKER: Actually, we can go up to line number 8. Such instruction may be given in person or online at various times throughout the year.

MR. GOODELL: And is the online at the option of the County Board of Elections or at the option of the State Board of Elections?

MS. WALKER: The option will -- can be elected. I'm not sure if we actually went so far as to determine the administration of the law, perhaps this could be up to the Board of Election, but there's nothing prohibiting the local Board of Elections or the individuals who they will be sending to be certified from electing to utilize the online option.

MR. GOODELL: Let me be -- I apologize. My question wasn't very artful. Does this require the State Board of Elections to make this training available on line?

MS. WALKER: Well, it does indicate that each Board of Elections shall at least once every year conduct a mandatory school for the instruction of certain Election inspectors, poll workers, poll clerks and Election coordinators. Such instruction may be given in person or on line.

MR. GOODELL: I understand. My question perhaps I wasn't clear is, does this --

MS. WALKER: What it may mean?

MR. GOODELL: Does this -- does this require the State Board of Elections to provide this training online?

MS. WALKER: Yes. It's the State Board of Elections who is providing the training.

MR. GOODELL: Thank you.

MS. WALKER: Yes.

ACTING SPEAKER AUBRY: Mr. Norris for a second 15.

MR. NORRIS: Thank you, Mr. Speaker. I would like to just follow up with that question.

ACTING SPEAKER AUBRY: And you are asking Ms. Walker to yield.

MR. NORRIS: Yes. I will be --

ACTING SPEAKER AUBRY: Because there was an interruption. Ms. Walker has the right to yield or not.

Ms. Walker, will you yield?

MS. WALKER: I will yield; however, I did see there was like some double effort research and analysis that was going on and so I don't know who I'm yielding to at this point but --

ACTING SPEAKER AUBRY: I think you're going to yield to Mr. Norris who conferred with learned counsel Mr. Goodell. How about that? Proceed.

MR. NORRIS: Okay. Would you mind yielding?

MS. WALKER: I do not mind.

MR. NORRIS: Okay. I think for clarification

purposes, election inspectors, the ones who are actually at the polling site, they can have their annual instruction both in person or online; would that be correct?

MS. WALKER: Correct.

MR. NORRIS: Okay. So now the trainers who actually will train those individuals, train the Election inspectors, do they have to attend the actual Institute or can they do that by an option of remote, the actual train -- going to the Institute?

MS. WALKER: Okay. So I'll answer that question in two parts.

MR. NORRIS: Thank you.

MS. WALKER: Whomever the local Board of Elections chooses to be the trained, the trainer, representative, if you will, whether if that person is already a clerk or has some other, you know, has some other role is up to the local Board. Now the training portion of the bill, which we are amending, already provides that training can be done either online or in person. So the changes that we've made which creates this trained to trainer institute, does not prohibit an online option for the trained, the trainer institute.

MR. NORRIS: Okay.

MS. WALKER: And so we did not specify to the State Board of Elections how to administer the program sort of on its own day-to-day basis, but we are align on the expertise of the -- of the folk who are -- who are very capable of handling this in order to provide this online option which may be chosen as an option of the

trained, the trainer designee.

MR. NORRIS: Okay. So it says shall establish and host an education training institute that could include -- hosting would be potentially an online for the trainer of -- of the election workers if the State Board of Elections chose to do that by regulation.

MS. WALKER: Correct.

MR. NORRIS: Thank you very much. I have no further questions.

MS. WALKER: Thank you.

MR. NORRIS: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Norris.

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.)

Mr. Norris to explain your vote.

MR. NORRIS: Thank you, Mr. Speaker. I would like to just take this opportunity to say I reverse my decision after further clarification with Mr. Goodell and with the sponsor that now this option of training the trainer would actually potentially be able to be done online as an option. I still have concerns regarding the cost and the burdens on the State Board of Elections; however, I'm hopeful

that we can deal with this in the State budget and therefore, I will be voting yes on this bill after further consideration and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Norris in the affirmative and a profile in courage.

Mr. Chang to explain his vote.

MR. CHANG: Thank you, Mr. Speaker. And thank you Chairman Walker, I truly support this bill.

Before I became Assemblyman, for over 30 years I was a Poll Worker Coordinator for over 30 years, plus a certified trainer. And it's a perishable skill-set if you don't do this all the time and most of the trainers and poll workers are part-timers, so they don't do this for a living. And -- and definitely a lot of knowledge is important because this type of skill-set (inaudible). Rules and regulations have changed. Every time there's a poll -- every time there's an election there's always change in procedures. And if you give out wrong information to poll workers, it trickles down to bad information. Yes, I agree with it. I agree with you. It could be either online or brick and mortar in person but brick and mortar and in person is a -- is a far better way to learn things than -- than on line. But I hope next year budget, we need to do something about increasing the budget itself and also quality of pay for the poll workers because they really need it.

And so in this -- in this bill I would support this. Thank you very much, Mr. Speaker.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could now call our attention to Rules Report No. 817 by Mr. Zebrowski.

ACTING SPEAKER AUBRY: Page 15, Rules Report No. 817, the Clerk will read.

THE CLERK: Senate No. S04859-A, Rules Report No. 817, Senator Krueger (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 -- A05682A). 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: An explanation is requested, Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. It's a lengthy bill but in general it does two things. It updates provisions of

law which prevent tropical deforestation, updates the list of woods and such. It also, the second part of the bill sets up a process to ensure that folks that are contracting with the State of New York do not contribute to tropical deforestation and that to the extent possible, exercise due diligence through the supply chain to ensure that the products that New York State is purchasing with taxpayer funding, taxpayer dollars are not derived from deforestation which has been a global environmental crisis.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. ZEBROWSKI: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you, and thank you for the explanation. As you said it's a lengthy bill including a quite long list of hardwoods, some of which I'm not sure I would be able to pronounce. But the general purpose, as I understand it, would be that, you know, any type of procurement the State's doing would be avoiding sourcing lumber that is coming from -- that is contributing to deforestation, correct? So, in terms of where this burden will now lie, it's with the contractor who is -- who is contracting with the State, correct?

MR. ZEBROWSKI: Correct. There is provisions

towards the end of the bill where we task the State agencies with making it a little bit easier setting up a task force to -- as they develop the regulations and also hopefully identifying best practices to make it a little bit easier for those contractors.

MR. RA: Okay. As I'm sure you're aware, one of the concerns that has come up is with regard to whether that is the appropriate place for -- for this burden as opposed to higher up the supply chain, you know, manufacturers, suppliers, because it might not always be possible for the contractor to fully know where they're sourcing the products. So, what -- what happens in the instance that a contractor just didn't know they were sourcing from -- from, you know, a source that was in conflict with this bill?

MR. ZEBROWSKI: Well, they're expected to use due diligence under the provisions of the bill. But certainly if they did not know and that's directly in the language of the bill, there would be no liability under the penalties of the bill.

Just to your first point, Mr. Ra. You know, this deals with contracting in New York State. So going up the lines say to the manufacturers and stuff, would have been a far more broad bill in one I don't know that we could necessarily implement and that would be to prevent even the import of any of these products in and around New York State. So, I don't know that that would be possible. So in order to, you know, make this is a doable bill, one that we're, you know, we're attempting to -- we have large purchasing power, right, so we want to be part of the solution and hopefully this combined with

efforts of, you know, folks in Europe and other countries will lead towards more knowledge in the supply chain and our combined efforts will help out this, you know, will help prevent the deforestation. But to go further on into the manufacturers, I don't know that we really could do under the provisions of what we're trying to regulate here.

MR. RA: Okay. Now my understanding is is that there is, you know, Federal regulation currently. The U.S. Government has rules regarding the importation of wood products, which would I think obviously apply to any products that were being used by a manufacturer or -- I'm sorry, by a contractor in New York State, correct?

MR. ZEBROWSKI: There are some Federal regulations out there but we don't believe that they go far enough to achieve the goals that we're attempting to achieve.

MR. RA: Okay. Now I -- I would note, you know, USDA does require permits for the importation of logs, lumber and other unmanufactured wood products which includes a permit for endangered species, which has to be granted by the government before importation, and there are also restrictions on where the wood can come from and the USDA is currently working on requiring tracking of even more products to protect against illegal harvesting. So there is it seems like a wide range of Federal action in this area. So I guess what additional information are we making sure we have here that -- that doesn't get covered already by the Federal statutes and regulation?

MR. ZEBROWSKI: So it seems like you were

reading from some of the regulations, could you just read them again?

MR. RA: So it's USDA has -- there's a permit process. There are restrictions on where the wood can come from and -- and my understanding is there's also currently a -- a proposal or work ongoing regarding tracking of additional types of products.

MR. ZEBROWSKI: So, you know, the work ongoing, I'm not going to address because I don't know that we can identify or really guarantee that any of that will pass, but, you know, we've had this law on the books for a long time but we had certain exceptions to it. So we believe with our definitions that are used in taking out some of these exceptions, which after all these years are -- are no longer applicable, in some cases there's alternative woods and alternative products that can be used, that we go further than any of those Federal regulations and in many ways we are marrying what is being done I think internationally that is best practices for protecting these forests.

MR. RA: Okay. Now are there any exceptions to this requirement for contractors say, you know, an emergency situation where they're trying to procure a product? As I'm sure you're aware, you know, at the height of COVID, all of a sudden wood became very, very difficult to get a hold of and, you know, if somebody was dealing with an -- you know, an ongoing -- perhaps they have a contract or were brought in an emergency situation and had to source a product, you know, quickly and as a result maybe they can't get something that isn't in compliance with this. Are there any

exceptions?

MR. ZEBROWSKI: Just a few exceptions and we're talking about, you know, the tropical hardwoods here. And you will find those on page 7. Just let me find it for you here because we take some out. So you find that on page 7 starting on lines 34. And some of them have to do with bids received or entered to prior to certain dates, the renewal of certain contracts and also where there would be a violation or inconsistent with terms of certain grants, or dealing with a contract with an agency of -- of the United States. You know, and as we've debated on this floor in the past, you know, the Governor has certain executive powers that would enable her to suspend certain laws, should that be necessary.

MR. RA: Thank you. I want to get into the -- that second piece of it, the supply chain transparency assistant [sic] program. My understanding is this would be done under Empire State Development and their division of MWBE's; is that correct?

MR. ZEBROWSKI: Yes, it's under ESD. There is a provision here for small and medium contractors and MWBEs having a -- 10 percent contract -- what's the word...

MR. RA: Set-aside.

MR. ZEBROWSKI....set-aside, right, but it's not that often because it would be (inaudible).

MR. RA: Okay. And with -- within ESD, though, one of the concerns that I have heard is that, you know, there have been some funding cuts in that division over the years, and this I think

is going to be an undertaking for them to do all this work. So are we confident that they have the appropriate resources to do so, because I know the bill does say to establish development and maintain within available appropriations the supply chain transparency assistance program.

MR. ZEBROWSKI: Certainly everything that we ask the State agency to do is subject to money and personnel constraints. We do believe they have the ability and certainly are willing to work with the Executive who would have to sign this bill for it to come into law on any necessary allocations or any concerns she would have as the Governor, in that respect.

MR. RA: I would note for my colleagues, last -- last year's budget had \$11 million in State-ops funding for the MWBE office or division. This year had only 7, so there was a cut of \$4 million on there.

One second. I think those are all my questions for the -- for the sponsor.

Mr. Speaker, on the bill.

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

MR. RA: So I think certainly the issue, the underlying issue is an important one, but I -- I have concerns about how we're going about it in -- in this bill. Number one, it may be difficult for a contractor to have this information and in some instances they may not have it. And really what we're trying to get at is the State saying hey, we don't want to bring in products that are

contributing to deforestation, great, but we're not really putting the burden on the State. What we're doing is putting the burden on -- on the contractors. And despite this assistance program, which I hope will be successful in -- in helping small businesses and MWBEs be in compliance and get State contracts, without adequate funding in the Department, they may not be able to do that and this will really end up contributing to making it more difficult for those smaller entities to get these types of contracts, because if they're smaller and don't have an easy time with procurement of the materials and -- and having the information to be in compliance with this bill, they may just decide not to apply for those contracts. And I -- I think we've talked about many times this Session and in the past making it easier for those entities. I -- I fear that this may make it harder for those entities. So I'm going to be casting my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MR. ZEBROWSKI: Gladly.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GOODELL: Thank you, Mr. Zebrowski. I note that this bill changes the exemptions that were in the prior bill. For

example, under prior law you -- you could buy hardwoods that were raised in tropical forests as part of a sustained-managed forest. Why wouldn't we want to continue to allow the purchase of -- of hardwoods from a sustained-managed forest that's consistent with forest management practices?

MR. ZEBROWSKI: I think that after all these years it doesn't really exist. The -- the degradation of tropical forests is such and is happening at -- at such a rapid rate that that doesn't exist and is no longer really an exemption. This bill has gone through a couple different iterations. And at one point the boreal forests were in this bill. Had extensive meetings with Canada and their forest techniques is no longer in this bill. So we did make an attempt to look at where there is this sustainable forestering, but it's not just really, it doesn't really exist in the tropical regions anymore.

MR. GOODELL: And I understand and I appreciate your -- your comments that it's a very limited exception, but even if it's a limited exception doesn't it make policy to encourage that type of managed forest development consistent with forest management practices? I mean the exception may be small, but doesn't it make public policy to encourage that type of forest management practice?

MR. ZEBROWSKI: It did, but given the crisis that is existing in tropical regions, I think we need to move with as much alacrity as possible in that exception. We don't think it -- we don't think it's encouraging good practices like it was meant to.

MR. GOODELL: Now one of the woods that's

specifically listed of course is mahogany. There's multiple variations of mahogany. I will note that the Minority, we have leftover wood desks, but I think the Majority all enjoy beautiful mahogany desks. Would this then prevent the Majority from replacing the mahogany desks? I mean maybe --

MR. ZEBROWSKI: These desks?

MR. GOODELL: -- we can go back to the routine oak desks that the Minority enjoy.

MR. ZEBROWSKI: These desks are we talking about?

MR. GOODELL: No, no, in your office.

MR. ZEBROWSKI: Oh, in my office.

MR. GOODELL: You may have noticed that beautiful reddish color on all that beautiful mahogany in your office.

MR. ZEBROWSKI: I think we need to do a little office visit you and I because I think my desk and furniture have the same decades-old antique, very nice, serviceable look as everybody else's, but that -- that being -- that being put aside --

MR. GOODELL: Most assuredly you're -- you're always welcome.

MR. ZEBROWSKI: I do think -- I do think in the conference room they refinished some of the old seems to be 1970s wood.

MR. GOODELL: But this would prohibit the replacement of mahogany furniture in -- in the State office complex,

correct?

MR. ZEBROWSKI: Mahogany from tropical forests.

MR. GOODELL: Okay. Now as you know, some of the buildings that we own as part of the State have great historic value. Many of those buildings also use mahogany or tropical forest woods in part of the mouldings and woodwork. The existing law exempts the purchase of matching mahogany when used in the context of historic buildings. Is there a reason why we're eliminating that exception?

MR. ZEBROWSKI: Again, to -- because we felt like the exemptions were no longer applicable given the crisis there, but I do think that under the provisions of the bill, any historic restoration they could use recycled wood products. I know I have at times paid more than I thought I would pay for certain recycled barnwood for certain projects I never really got around to doing, but I thought I was at one point. I think that does exist as a -- as a product out there.

MR. GOODELL: And indeed I see that one of the other exceptions that has been eliminated is the exception that provide where there would be a substantial cost increase to the State. So I assume those go hand in hand. We're eliminating the exception to use mahogany, for example, to repair historic structures and recognizing that the cost may now be much, much higher, we're eliminating the exception that relates to unusually high cost, correct?

MR. ZEBROWSKI: We are because we don't believe that these tropical woods are necessary anymore. There are certainly other hardwoods that are available and there is - what is it -

wood plastic that's available when you talk about things like park benches and the like that are readily available and in many cases are better or in some cases if they're more expensive, have less upkeep necessary. So we don't think the exemptions are necessary anymore.

MR. GOODELL: Now, of course, the great advance we have on these forests is that the -- the trees themselves capture carbon, right, and convert it into wood. But am I correct that the carbon capture of these forests are the same whether it's a tropical forest or a northern hardwood, right? Pound for pound it's the same carbon capture, correct?

MR. ZEBROWSKI: I do think scientists have debated about that. There's more to deforestation I think than just the carbon capture. And so I -- I would hang my hat on all the rest of the things, you know, in terms of species extinction, where we can count on, you know, countries doing responsible forestry practices and where they can't.

MR. GOODELL: I guess my question is - and I appreciate the -- let me address -- the species extinction is already addressed under Federal law, correct?

MR. ZEBROWSKI: What do you mean by that?

MR. GOODELL: Well, as noted by my colleague we already have Federal provisions that deals specifically with species extinction and restrictions on importation. But --

MR. ZEBROWSKI: Well --

MR. GOODELL: -- here's my real question. I mean

you're welcome to comment on it.

MR. ZEBROWSKI: I would just say, if the deforestation is accelerating the species extinction and our definition is broader than the Feds and would restrict that, then no. But I do think the Feds have some provisions dealing with species extinction. I'm sorry. Go ahead.

MR. GOODELL: So my question is, let's assume the -- the State is buying some quantity of hardwood. I mean, I don't know what the number might be but let's say, you know, half-a-million of board bead [sic]. What difference does it make from an environmental perspective if that half-a-million of board bead [sic] comes from South America or that half-a-million square feet of lumber comes from New York or -- or North America? I mean it has the exact same environmental impact, doesn't it, in terms of deforestation.

MR. ZEBROWSKI: Well, I would say no because there's so few of these tropical forests and they have such a significant effect on sort of our global ecosystem that we really run the risk in a generation or less of having virtually none of these forests left. Whereas, other forests we also want to prevent degradation. Like I said, we had many conversations with our friends to the North. They are much more plentiful. Those countries are taking much more successful and -- and distinctive, measurable steps to prevent deforestation there. But these tropical forests, they're being reduced at an alarming rate and there are not many left given their importance to

the global ecosystem.

MR. GOODELL: As you might appreciate a little bit closer to home, starting in the '30s and '40s, New York State had a fairly aggressive program for reforestation Upstate for farmland. We have literally hundreds of acres in my county of reforested land, which was great. They have their own unique ecosystem, which has been very helpful, no doubt. But what's happening in my county now is a new type of deforestation where massive amounts of timber are cut, clearcut to make room for solar panels and wind farms with really no regard for the environmental impact of that deforestation. Why is that deforestation in New York State good and cutting a comparable number of trees somewhere else is bad?

MR. ZEBROWSKI: I certainly heard my colleagues talk about this issue. Obviously, it's not addressed by this bill. I'm happy to engage with you on that issue, try to understand the amount of forest we have lost and whether there are alternatives that we could put in regulation or statute to encourage the production of renewable energy systems without cutting down trees.

MR. GOODELL: Now you mentioned one option in particular, you mentioned plastic that resembles wood.

MR. ZEBROWSKI: Yeah.

MR. GOODELL: But all of that requires fossil fuel of natural gas, primarily and to make plastic or oil-based products. Is that an environmentally-beneficial or harmful alternative?

MR. ZEBROWSKI: We'd have to probably engage

in a -- a lengthy analysis of balancing those things. I would say that we have a distinctive crisis here that we don't want to be a part of in New York, which is the deforestation of these tropical forests. If somehow a park bench can be made in these recyclable wood, plastic materials, I think decking is made in this, they tend to be a little bit more expensive, you see folks make this choice sometimes when they're putting a new deck on their home or on a condo or something like that, you know, this might be cheaper. I get ten years out of it, this is more expensive, I might get 30 or 40 years out of it. So there is certainly an entire environmental analysis that we are always attempting here and across the State to engage in and know more about. But I think this is a distinctive thing that we can have an effect on and that's why we put forth the bill but, you know, there's always a give and take.

MR. GOODELL: Thank you very much, Mr. Zebrowski. I always appreciate your comments.

MR. ZEBROWSKI: Thank you, Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: There's no doubt that the deforestation that we've seen in South America has been done in a manner that's not environmentally-sensitive in many situations. And it should be a significant concern to all of us because the rain forests are a huge carbon-absorbing natural mechanism, and that's very, very important. At the same token I might add, that hardwood forests in

North America also have a unique and valuable diversity and serve the same function of taking carbon out of the air and converting it into wood. So sometimes I'm a little concerned that we pass legislation that appears environmentally-sensitive when all it does is transfer the environmental impact from one area to another. So in this case we ban the use of mahogany in New York State basically, including mahogany that may be raised and grown in a very environmentally-responsible manner as part of a sustained management forest that meets all of our environmental prospectives. So we eliminate the purchase of mahogany that's raised in an environmentally-responsible manner and ultimately we replace it with deforestation of Canadian forests or North American forests that aren't using those forest management practices. I -- I hardly consider that to be much more than just shifting the environmental issues out of New York, patting ourselves on the back and declaring an environmental success.

For that reason I think the existing exceptions should be continued rather than move in this direction. Thank you, sir. And again, thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ari Brown.

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

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

MR. ZEBROWSKI: Sure, I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. A. BROWN: Thank you, Mr. Sponsor. You know, many times in these Chambers we talk about different type of technologies, especially electrification of New York. So I have to ask, what are we going to do about our telephone poles? It's true fir is used very commonly, but the most common wood used for telephones and we're going to have -- our -- our electrical poles are cedar, red cedar. And the reason for that is because they don't rot, they stay straight and when we use fir they deform. As a matter of fact, hundreds of years before the Jews left Egypt, Joseph planted cedar trees in the event that they ever left the slaves from Egypt, they planted cedar trees because they knew they would stay straight. That's why cedar is used for this purpose. Cedar is - you can look, it's on the list, all different types of cedar are on the list. What are we going to do when we electrify New York to carry this power across? Certainly we can't always go underground, certainly not in Upstate, New York. What would we use?

MR. ZEBROWSKI: Is cedar only grown in tropical forests?

MR. A. BROWN: Well, if you look at the definition of the tropical forest it doesn't say specifically an area. It's a very, very broad statement. It could be a problem. The reason why I ask this is as a carpenter myself, almost every wood species that's used by the carpentry industry and the kitchen and bath industry has been made null and void. Actually, every single one. The most basic

wood; Zebrano wood, mahogany, walnut. These are the basics of the basic industry. Have we gotten any endorsements from any of those industries? Carpenter unions, carpenter industries, kitchen and bath industries? We've literally decimated that industry in the State of New York. There's nothing left.

MR. ZEBROWSKI: So a couple things. One, I don't know if cedar, in particular, falls -- is automatically grown in the tropical forest as defined on -- on page 6. Two, carpenters and folks to the extent that they specialize in a certain wood and private homes aren't included in the bill. Three, I think in terms of telephone poles, I hadn't heard of that objection, nobody has come forth to put forth that objection, possibly because they're many times purchased by the utilities, this deals with New York State contracting. So unless it's us as a State contracting for these poles, and maybe there are some minor issues with that, I think in general it would be the utilities and it wouldn't be covered by the bill. But, you know, I'm actually interested to know what type of wood they use so maybe in the future I'll look, but I don't think they'd be covered by the bill.

MR. A. BROWN: Thank you, Mr. Sponsor. The reason why I ask and I ask this question again, the cedar has to be going into some type of tropical forest, they can't grow it in arid sections so it does fall under your bill. We will be electrifying New York in a big way. Someone's going to be buying it. It could be the utilities, they could be subcontracting it out, as my colleague Mr. Goodell said. You know, I think at certain points we have good

intentions, but at certain points we can't drive all of our business to out-of-state contractors to do our work in New York, whether purchasing or contracting out to someone else who's going to buy the work to be done in New York from an out-of-state worker. We have to sometimes take measures that don't crush the State and drive everybody out in every industry, which this probably does.

MR. ZEBROWSKI: Well, I --

MR. A. BROWN: If you can look into cedar wood, I think you'll find that --

MR. ZEBROWSKI: Yeah, I'm happy -- I'm happy to look into the issue. Like I said, utilities wouldn't be covered by this.

The issues you bring up, I certainly do try to take into consideration but it's not like a New York contractor would have to comply with this but an out-of-state contractor would not. No matter where the contractor is from, they would have to comply in order to do the work in order to contract with New York State. This has nothing to do with private contracting, with buildings, homeowners, or anything like that. And actually, there is a provision in the bill that would incentivize small and medium and MWBE businesses to purchase products from New York State businesses. So we did attempt to even have a provision in the bill that would benefit New York State businesses to the extent that we could. I agree with your concerns, do think we need to evaluate them with every bill. I don't know that I agree that this bill drives business out of New York State because you could be a business in Hawaii if you want to -- if you

wanted to do work with New York State you've got to comply with the bill.

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

MR. ZEBROWSKI: Thank you.

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. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As mentioned during the debate, I have concerns that some of the exceptions that allowed the purchase of tropical wood were removed from the current law. Those exceptions included allowing the purchase of that tropical wood when there was no reasonable alternative or where the cost of the alternative was unusually high or where that tropical wood was needed as part of a historic renovation. Those were concerns of mine. At the same token, I'm also concerned that there's apparently no consideration to North American hardwoods, which serve the same environmental protection that a tropical hardwood does. And so we as a State appear to be endorsing the deforestation of New York State property when it comes to installing windmills and solar panels, while professing our environmental sensitivity to the deforestation in other countries. As I mentioned before, we repeatedly seem to think that we are solving the world's environmental problems by shifting the

environmental impact from somewhere else. And so in New York State we impose high air emission standards and refuse to permit any natural gas plants, but freely import natural gas electricity from all of our neighboring states, or we proudly drive an all-electric vehicle knowing that the battery was manufactured in China using coal, often charged with fossil fuels here in New York State. And of course, mine in horrific conditions in other foreign countries.

So I appreciate the sponsor's sensitivity to deforestation, and I would support this bill if we had kept in the exception that allowed for the purchase of these products from properly-managed subtropical forests, which was an exception that was removed. For that reason I won't be supporting it. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Goodell in the negative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. Briefly to explain my vote. The tropical rainforests are in fact the lungs of the world and this is an important measure. A company in my district reached out to me, they are a chocolate company. They actually work in these areas where they're growing the cocoa and, you know, a world without chocolate is pretty scary. So I think that it's not just that these are the lungs of our Earth but it's also that there are other products that are grown in the shade of these trees and are necessary for the livelihood of the people who live there, but also for products that we

use here. Ancillary products that we may not think of as being an important part of our food supply. So I withdraw my request and thank the sponsor and vote in the affirmative.

ACTING SPEAKER ZACCARO: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

Mrs. Peoples-Stokes for the purpose of an announcement.

MRS. PEOPLES-STOKES: Thank you, sir. Would you please call the Ways and Means Committee to the Speaker's Conference Room? And by the way, colleagues, that's going to be immediately followed by the Rules Committee, immediately.

ACTING SPEAKER ZACCARO: Ways and Means Committee, Speaker's Conference Room.

Mrs. Peoples-Stokes.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, while our colleagues move towards the committee meetings we're going to take up this bill that is Rules Report No. 231 by Ms. Kelles.

ACTING SPEAKER ZACCARO: Page 6, Rules Report No. 231, the Clerk will read.

THE CLERK: Assembly No. A04903, Rules Report No. 231, Kelles, Burdick. An act to amend the Mental Hygiene Law,

in relation to accessing substance use disorder services based on the individual's gender identity, gender expression and/or sexual orientation.

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

An explanation has been requested.

Ms. Kelles.

MS. KELLES: Certainly. This bill is very simple and straightforward. All it does is require that substance use treatment services in New York State are provided in the context of an individual's gender preference.

ACTING SPEAKER ZACCARO: Ms. Walsh.

MS. WALSH: Thank you very much. Will the sponsor yield for just a couple of questions?

ACTING SPEAKER ZACCARO: Ms. Kelles, will you yield?

MS. KELLES: Of course.

ACTING SPEAKER ZACCARO: She yields.

MS. WALSH: I -- I agree with you, there aren't very many lines and yet I still have a couple of questions.

MS. KELLES: Sure. No worries.

MS. WALSH: So what -- what is actually going to be the responsibility of the addiction services and supports? Will they need to develop new programming or is it more the sense of a

sensitivity of individuals seeking treatment to respect and, you know, understand the -- the gender preference issue of the individual seeking treatment?

MS. KELLES: So the -- the latter is foundational to this piece of legislation. It is up to, of course, the State to determine whether or not we're effectively meeting that. Are there -- is there additional continuing education that we need to provide, is there any additional education that we would want to ensure or require, cultural competence, of course. I would hope that to provide treatment there would be an awareness that to do it effectively you would certainly need to have that cultural competence and education and continuing education.

MS. WALSH: Okay, okay. I appreciate that. So it's not that -- because I did read in your sponsor's memo, you talked about how individuals who identified as LGBTQ+ can have higher incidences of substance abuse issues. But is there -- the -- the method of treatment for substance abuse issues is not different, it's more of -- of kind of meeting the patient where they are in all respects, correct?

MS. KELLES: Well, for the most part, yes, but let me give you an example.

MS. WALSH: Okay.

MS. KELLES: So say someone really needed to go into a treatment facility. They're a trans individual, female, but they're being forced to be in -- separated out with only men in the facility or a male part of the facility because biologically a doctor identifies them

as male and refuses to acknowledge that they themselves, see themselves, know themselves to be a female. That would be counter to this piece of legislation. And that would be a reason why someone who is transgender might not seek help because they are -- that is a form of abuse and aggression against them. So those are some of the things that this is addressing.

MS. WALSH: Okay, that's great. That's good to know. That's a good example for me to understand, you know, what the rationale was for it and I -- I appreciate that. Thank you very much. Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Goodell.

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

ACTING SPEAKER ZACCARO: Ms. Kelles, will you yield?

MS. KELLES: Of course.

ACTING SPEAKER ZACCARO: The sponsor yields.

MR. GOODELL: Thank you, Ms. Kelles. The current law requires that all these addiction services be quote, "of high-quality and effectiveness and that the personal and civil rights of persons seeking and receiving addiction services, care, treatment and rehabilitation are adequately protected." That's the current law. Is it your view that that directive that the services be of high quality and effectiveness and that the personal and civil rights be respected is not

being followed or that that standard is too low or inadequate?

MS. KELLES: I'm saying it's inadequate. That being explicit in this way. So, for example, you may have a health care practitioner. They don't see themselves as being discriminatory, they feel very strongly and clearly that their responsibility is to treat someone based on their biology in their mind --

MR. GOODELL: Based on what?

MS. KELLES: Biology, exclusively. In their mind they may feel that that's accurate.

MR. GOODELL: Are addiction services based on biology?

MS. KELLES: So in the example that I gave specifically, just as one example, in person or in a treatment facility, right, that is a place where your physical person is actually part of the treatment. Your existing in that facility is part of that treatment. So yes, that refers to your biology. If you are put into a treatment facility in a part of the facility based on your biology and not your gender preference, that is a feeling of discrimination and abuse for the individual. That may not be the intent. So to be explicit is to acknowledge that we must actually take into consideration whether the emotional intent of an individual or the education of an individual is -- is -- is there or lacking, that we must be explicit in the recognition of the gender preference and that we treat them and the service we provide is relevant to their gender preference.

MR. GOODELL: So --

MS. KELLES: And they're also -- just to add, there are experiences of micro-aggression that can profoundly and significantly impact a population's seeking of treatment, which the research shows is in fact the case, quite significantly with the LGBTQIA population.

MR. GOODELL: So is it your view that the statutory change will eliminate micro-aggression?

MS. KELLES: I am saying that it can, and that is the intent, is to go in that direction. Will it eliminate the imperfections of humanity? No. Is there certainly examples where we will find we're individuals, but are we creating an intent in the law to move in that direction, a hundred percent.

MR. GOODELL: Now, of course -- well, my first -- my follow-up question, are these addiction services currently being provided on a gender basis? Because I was not aware that they were even provided on a gender basis.

MS. KELLES: Provided --

MR. GOODELL: -- or perhaps how often and to what extent?

MS. KELLES: Right. So do you mean gender or do you mean sex, because they're not the same thing.

MR. GOODELL: Well, let's use the language of your bill based on gender identity, gender expression or sexual orientation. So how prevalent are services divided or distinguished on those grounds currently, because I wasn't aware that there was any

distinction currently.

MS. KELLES: So here's an example --

MR. GOODELL: -- but neither a practitioner nor a patient.

MS. KELLES: Yeah, yeah. So in the research what has been found is that there is a significant increased discomfort of treating the LGBTQ community verses the non-LGBTQIA community, and that there are instances sufficient enough where even the gender preferred by the individual is not what's being used. So if you -- you're a he, right, I'm assuming? I don't want to be too presumptive but yes, you like to be referred to as he/him.

MR. GOODELL: You can call me Andy or...

MS. KELLES: But every time you went to see a doctor -- I -- I love calling you Andy as well. But if you went to a doctor and consistently they referred to you as she or her, you would feel that you were not being seen or identified and it would probably bother you in some way.

MR. GOODELL: Only once, by the way.

MS. KELLES: So if your true identity --

MR. GOODELL: That would only bother me once --

MS. KELLES: I am so sorry that happened.

MR. GOODELL: -- because I'd then quote, then find a doctor that wasn't visually impaired.

MS. KELLES: But you sought other treatment because you didn't want to continue with them, that's exactly my

point. It's the experience of not being seen, not being referred to and it's one thing if it's in public.

MR. GOODELL: So my question then is --

MS. KELLES: -- the experience is if it's with your healthcare practitioner.

MR. GOODELL: Now I understand that on an individual basis - and I fully understand what you're saying. My question is, is this a structural issue that can be addressed by legislation? In other words, are our current addiction services in its supports in any way structurally-oriented around gender expression or sexual orientation?

MS. KELLES: Are they structured? Can you explain what you mean by are they structured around gender?

MR. GOODELL: I recognize that there's a concern that you have practitioners who may not be sensitive. I understand that. How will this statute, statutory change affect that?

MS. KELLES: Right. This would require that the treatment be specific with their gender preference and their sexual orientation. It would require that. So if -- let's take that a step further. If someone experiences the opposite from them, but this was explicit and protects them, that would give them recourse.

MR. GOODELL: And then what would the recourse be? Would it be a censorship, a suspension of license, withdraw of funding, a fine, what -- how is this going to be enforced?

MS. KELLES: So that will be designed by -- and all

the details of that, and I was very intentional in not having the how laid out in this, because that is left up to the OASIS Department on how they will enforce or apply this. The requirement that it exists, that they be treated as such is our responsibility. It was very intentional and I did work with the Department to make sure that we were aligned.

MR. GOODELL: Now we've heard a lot of comments, particularly during COVID, that there are other groups of people that seem to be underrepresented in terms of their ability to obtain high-quality treatment. In particular Blacks, minorities, sometimes immigrants or those with different ethnicity. Why doesn't this language say that it includes everyone regardless of age, race, color, national origin, ethnicity and a full range of services that are protected by our Human Rights Law?

MS. KELLES: So you have them all outlined as you just described in the Human Rights Law already. We are finding that specifically treatment is not aligned to the level that it should be. We are seeing that LGBTQIA population is significantly more likely, particularly trans populations, to have substance use disorder partly in response to their consistent treatments, abuse and discrimination, and we are seeing a decrease or significant lower level of attaining or seeking treatment from this particular population. So I would pose back to you. If we are seeing an increase in prevalence of SUDs and we are seeing a specific disproportionate significant lower level of usage of that treatment by the exact same population, that would

require of us an intervention, and that's what this is, to address that disparity.

MR. GOODELL: Well, I understand that -- that there may be disparities but a few years ago we passed a Gender Equality and Nondiscrimination Act, and we amended the Human Rights Law to cover specifically these factors, right? Gender identity, gender expression, sexual orientation. Is this an issue of a failure to enforce existing law?

MS. KELLES: I do not believe that it is necessarily a failure. I think this is a lack of awareness and cultural sensitivity that we are requiring the implemented and included in this particular type of treatment because of the existing problems that we have. I will note, though, of -- of interest to me. Very recently there was a bill that was debated. This was S1783, I can't remember what the Assembly number was, that is -- it was almost identical to this piece of legislation, and this was in long-term care. And that bill was unanimous of bipartisan support. So there's -- there's not a lack of precedent of this effort to make the best practices within our healthcare arena explicit, and that's what this is. This is best practice. This is required, best practice, that is explicit because of what we are seeing, which is that we are currently not sufficiently or successfully addressing the needs of this population.

MR. GOODELL: Thank you very much. I appreciate your comments.

Mr. Speaker, on the bill.

ACTING SPEAKER ZACCARO: Mr. Goodell on the bill.

MR. GOODELL: Thank you, sir. The current law, when it applies to addiction services, requires those services to be quote, "of high-quality and effectiveness." And furthermore, the current law requires that the personal and civil rights of persons seeking and receiving addiction services are protected. The concern I have is that when we start listing certain classifications of people, the list invariably doesn't include someone else. And so we start out with a very general statement that says everyone in New York State is entitled to have high-quality and effective addiction services. We start out with the current law that says everyone in New York State should have services that are adequately protecting of their civil rights, and then we start adding. Including, those with sexual -- gender identity or gender expression or sexual orientation. And the obvious question is, well, why don't we include everyone else, including your nationality. Including your ethnicity, including your race or your color. Why do we take one group and say *and we mean you*, when the law already covers everyone. The current standard is the correct standard. Everyone is entitled to high-quality and effective service. Everyone is entitled to have care, services, treatment, rehabilitation that adequately protect them. Everyone. We don't now need to amend the law to list everyone. It's already covered. And so the real question is, why are we going down this path? And I don't -- still don't fully understand why we need to list some people when the

original law already applies to everyone, including them. Thank you, sir, and thank you to my colleague.

ACTING SPEAKER ZACCARO: Mrs. Peoples-Stokes for the purpose of an announcement.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a reminder. Those folks who are members of the Rules Committee need to head to the Speaker's Conference Room, immediately. Thank you.

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

Read the last section.

THE CLERK: This act shall take effect in 30 days.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Kelles to explain her vote.

MS. KELLES: So I wanted to acknowledge that our responsibility, I believe, in this -- in this room is to protect the health and well-being of New Yorkers. And that is the intention of this bill. And I want everyone to remember as well, that every single person in this room has a gender identity. Every single person in this room has a sexual orientation. There is nothing exclusionary or narrowing about this bill. To require, at a baseline, that we include in treatment that people be treated based on their gender identity, gender preference and sexual orientation does not include -- disclude anyone.

But if our responsibility is to help the health and well-being of our people, we have to acknowledge the reality. And the reality is, in all the scientific articles, spotlight on LGBTQIA substance abuse treatment, significantly on the rise in the LGBTQIA population. We need to note that. We also have evidence that they are significantly less likely to seek treatment. If we have a population that we know has a problem and we know we can help them, then it is our responsibility to make sure that we do. And that is what we are doing today with this vote. I obviously stand in the affirmative. I hope everyone will hear the humanity of this, the inclusivity of this and join me in supporting this piece of legislation. Thank you so much.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members have on their desks a B-Calendar. I'd like to advance that B-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, sir. If we can now bring our attention directly to Rules Report No. 897 by Ms. Mitaynes.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07764, Rules Report

897, Mitaynes, González-Rojas. An act to amend the Public Authorities Law, in relation to enacting "the planned offshore wind transmission act."

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. Do you have a Home Rule request.

ACTING SPEAKER AUBRY: There is no Home Rule message at the desk.

MR. GOODELL: Then, sir, consistent with our own rules and the New York State Constitution, since this deals specifically with the alienation of local parkland and purports to authorize the local government to act, I believe we need a Home Rule request before we can proceed.

ACTING SPEAKER AUBRY: In discussion with our counsel, no Home Rule request was required in this case and I believe the sponsor will speak to that.

MR. GOODELL: But, sir, earlier versions of this bill required a Home Rule request. Can I ask for an explanation as to why our Home Rule counsel has reversed itself on this particular bill?

ACTING SPEAKER AUBRY: And hold on one minute.

(Pause)

The counsel that this bill now has larger issues of Statewide concern, more than just a parkland alienation and as such, they ruled that it will not require a Home Rule request.

MR. GOODELL: So is it the opinion of counsel that if you take a bill, which has absolutely unequivocal impact on local government and add something additional, that we then circumvent the New York State Constitution and require the Home Rule?

ACTING SPEAKER AUBRY: As I've said previous to that, the issues is not just a minor issues. It's a longer, bigger issue impacting the entire State, and it's under those circumstance that the Home Rule request is not required in this instance.

MR. GOODELL: I would note that Article IX, Section 2, subparagraph b(2) of the New York State Constitution says that, we, the State Legislature, shall have the power to act in relation to the property, affairs or government of any local government only by general law or by special law only at the request of the membership of the local legislative body. There is no quantification as to whether it has larger implications. So how is it that we can take the position that if it's a larger implication that somehow the constitutional requirement no longer applies?

ACTING SPEAKER AUBRY: Well, we are standing on that ruling and will by the vote of the Body determine that this is a -- a bill that we will carry and pass, if that is the will of the Body.

MR. GOODELL: Do we have an Emergency

Message from the Governor or a Certificate of Necessity?

ACTING SPEAKER AUBRY: No. This is a bill that obviously has a Senate sponsor, passed by the Senate and sent over to us.

MR. GOODELL: Well, then with all due respect, how are we in compliance with Rule III, Section 2 of our own rules which says that where a Home Rule request or a Certificate of Necessity or an Emergency Message from the Governor is provided, then it has to be filed with you and we can proceed. I'd also referenced by the way Rule III, Section 2, subparagraph I.

ACTING SPEAKER AUBRY: Well, we have, Mr. Goodell, ruled that it's not required and we'll proceed to deal with the bill as is presented.

MR. GOODELL: And, Mr. Speaker, who is the "we" that's made that ruling because I don't think there's been any vote of this Legislature; am I correct?

ACTING SPEAKER AUBRY: Well, we are bringing the bill in the same manner we bring all bills through the committee process.

MR. GOODELL: Although, this is the only bill that's coming up this year where there was a Home Rule request, a Home Rule request was provided, the Home Rule counsel rejected it on a technicality and there's been no subsequent Home Rule request; is that correct?

ACTING SPEAKER AUBRY: There's no Home

Rule request on this bill.

MR. GOODELL: Well, there was a Home Rule request submitted on almost identical legislation that was received by the Assembly on June 5th and was rejected by the Home Rule counsel on the ground that there was a problem with a date. It was rejected on June 20th.

(Pause)

ACTING SPEAKER AUBRY: My counsel tells me that it amends the Public Authorities Law and does not require a Home Rule.

MR. GOODELL: But we also have alienation of parkland included in this bill, correct?

ACTING SPEAKER AUBRY: And as I said in the beginning, because it has now taken on this era of larger impact to the entire State, that that is not required, and that is the ruling.

MR. GOODELL: Then with all due respect, sir, I appeal the ruling of the Chair and ask that the whole Body rule on whether or not the alienation of local parkland that requires a local law also requires a Home Rule request as we have done in this Body for as many years as I have been here. And I ask for an opportunity to explain the appeal.

(Pause)

ACTING SPEAKER AUBRY: Mr. Goodell has appealed the ruling of the Chair and has the opportunity to explain that and we will explain his appeal upon which we will vote on this

ruling.

Proceed, Mr. Goodell.

MR. GOODELL: Thank you, sir. The bill starting in Section VI which is on page 3, specifically deals with the alienation of parklands that are contained within the City of Long Beach in Nassau County in the State of New York. And it's not just a hypothetical reference or a passing reference. The bill then goes on to provide a description based on tax lot, block and a full description, including a legal description. This Legislature always requires a Home Rule request when we are considering authorizing a local government to alienate parkland. It's always been a requirement. I dare say there's not a single member in this Chamber today, amongst all 150, who haven't had to get a Home Rule request to authorize local government to alienate local parkland. It's never happened. But it's not just a courtesy to local government. It is a requirement in our New York State Constitution and in our own law, our own rules. So Article IX, Section 2, paragraph b of the New York State Constitution, which talks about the Bill of Rights of local government states, that the Legislature and I quote, "Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership." In other words, if we are acting in relationship to the property of a local government, such as a park owned by local government, we can only

do it with a Home Rule request. The word "only" is used not once, but twice, just in case you missed it the first time.

This Session alone we have passed other local laws. This Session alone we've passed laws dealing with parklands here in this Chamber and every time we've done it this year we required a Home Rule request. Now why don't we have a Home Rule request here? Probably because the local government hasn't filled out the forms or asked for it. They did once, by the way. Because earlier this year, the Home Rule counsel correctly ruled that they needed a Home Rule request and they submitted one and it was defective, they sent it back. And as the Speaker has told us, we don't have one. Ladies and gentlemen, we don't get to pick and choose what sections of the constitution we follow. We don't get to say what one project, it has larger significance than parkland and therefore we let a Home Rule request it. We ignore it. This deals with the alienation of parkland. Without a Home Rule request we do not have the constitutional authority to proceed.

And so, I would recommend that we vote to follow the same procedure we've used for decades requiring a Home Rule request, that we vote to follow the same procedure we've used all year this year and require a Home Rule request, and that we vote to follow the same procedure that was insisted upon earlier this year by the Home Rule counsel that said we had to have a Home Rule request. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. The

question before the House is shall the decision of the Chair stand as the judgment of the House. Voting yes is a vote to sustain the ruling of the Chair. Voting no, a vote to override the decision of the Chair.

A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you. With all due respect to the Chair who is sometimes put in an awkward position of explaining why the Home Rule counsel reversed himself, I think the first decision was correct and I would note that the Republican Conference is generally opposed to the ruling of the Chair. Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome, Mr. Goodell, but I'm not in an awkward position.

(Laughter)

MR. GOODELL: (Inaudible), sir.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, and I concur with you, you are not in an awkward position. So the Democratic Conference is going to be in a position of sustaining your decision. Your ruling is the ruling we will follow. There is no question that Rules Report No. 897 should move forward. It does not require a Home Rule as it did in the past. The past piece of legislation was written by a different legislator who was just talking to his district alone. The current piece of legislation is being written by a legislator who represents a different part of the State that will be impacted by the work of this legislation. And so I would encourage

my colleagues to join me and the rest of us in making sure that you're decision is sustained with a yes vote.

ACTING SPEAKER AUBRY: Thank you both.

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 ruling of the Chair is sustained.

On the bill.

MR. GOODELL: Mr. Speaker, pursuant to Rule 2, Section V of our rules, I hereby move that we amend this bill by striking Section VI, which deals solely with the alienation of parkland for which we have no Home Rule request. So my motion is to simply strike Section VI of the bill.

ACTING SPEAKER AUBRY: Have you presented it to the desk?

MR. GOODELL: No, I haven't. I'm making the motion from the floor, sir.

ACTING SPEAKER AUBRY: Amendments must be provided in writing to the desk.

MR. GOODELL: And where is that in our rules, sir?

ACTING SPEAKER AUBRY: It has been the ruling of this Body as long as I've been here and we've had similar circumstances where such was brought forward but were ruled inappropriate because they weren't provided in form and that of that is

required.

MR. GOODELL: Well, with all due respect, sir, can you point me to the language in our rules that condition a motion made under Section V of Rule 2 on any prior written notice?

ACTING SPEAKER AUBRY: Well, it's more than just a motion. It is an amendment to a bill on the board.

MR. GOODELL: Indeed. It's Rule 2, Section V, subparagraph a, Section VII which authorizes Motions to Amend.

ACTING SPEAKER AUBRY: And as I said, it's the custom and practice of the House that such amendments have to be brought forward in writing in a form approved, as most amendments as you well know are provided.

MR. GOODELL: So there's no written requirement in our rules? Is that what you're saying?

ACTING SPEAKER AUBRY: I think custom and practice are self-explaining.

MR. GOODELL: So you're ruling my motion out of order even though there's no provision in the rules that require advanced written notice; is that correct, sir?

ACTING SPEAKER AUBRY: Following custom and practice I am, yes.

MR. GOODELL: Is this the same custom and practice that requires Home Rule for all park alienation land?

ACTING SPEAKER AUBRY: As I said, Mr. Goodell, I always smile when you get to the mic.

MR. GOODELL: I'm just reading the rules, sir, and I just don't see any advanced written requirement for any motion that's set forth in Rule 2, Section V, (a)7, but I haven't memorized the entire section of rules. So other than custom and practice which we're throwing out the window in the earlier ruling, is there anything in writing that requires advanced written notice?

ACTING SPEAKER AUBRY: One minute while I --

MR. GOODELL: Thank you, sir.

(Pause)

Sir, while you're looking that up, I would point out that we have now provided you with a written copy of the suggested amendment.

(Pause)

ACTING SPEAKER AUBRY: Again, Mr. Goodell -- Mr. Goodell?

MR. GOODELL: Yes, sir.

ACTING SPEAKER AUBRY: On page 8 of the Rules of the Assembly, Section VI(a), amendments to a bill shall be made by the member proposing the amendment in the form prescribed by the Clerk of the Assembly and delivered to the index clerk.

MR. GOODELL: Thank you, sir, for that clarification. I withdraw the motion to amend. And now make a motion that we table this bill for half an hour to allow the amendment to be presented to the Clerk on the form prescribed by the Clerk so that you now will have it in writing on the proper form. So my motion

is to table this bill for half an hour so that we can get you that simple amendment in the format you request.

(Pause)

ACTING SPEAKER AUBRY: Again, by past practice, Mr. Goodell, an amendment must be taken up before we have a bill on the board. The bill is on the board and in process. And so your request for that half hour adjournment is not taken favorably.

MR. GOODELL: Fine. I withdraw that motion and hereby make a motion to strike this bill from the Calendar so that we can give you a amendment on the form the Clerk would like and it can then be put back on the calendar.

(Pause)

ACTING SPEAKER AUBRY: That motion at this moment is out of order, Mr. Goodell.

MR. GOODELL: And why is that, sir?

ACTING SPEAKER AUBRY: Because we have a bill on the board, which we are in the process of debating. And it is our judgment that we should proceed with that bill.

MR. GOODELL: But as, you know, Rule 2, Section V dealing with motions says, when a question is before the Assembly, only the following motion shall be received and such motion shall have precedence in the order stated. So a motion to strike from the calendar has precedence over everything else, sir.

(Pause)

ACTING SPEAKER AUBRY: So reading from this

section, when a question is before the Assembly, only the following motion shall be received and such motion shall have precedent in the order stated. One, adjournment of the House or call of the House for previous question to lay on the table to postpone to a day certain to commit to amend to postpone indefinitely and to strike from the calendar; however, it does not say that those motions have precedent over everything else, such as the ruling that we have provided. So I think your interpretation of the rules are incorrect as provided by counsel.

MR. GOODELL: As you correctly noted having read the rules, that the first phrase under Rule 3, Section V, subparagraph (a) is when a question is before the Assembly, when a question is before the Assembly, the following motions can be made. The only time a question is before the Assembly is when a bill is called up. We don't have a question before us if the bill is not on the agenda and is not called up. And so since this question is now before us, pursuant to Rule 2, Section V, paragraph a, when this question is now before us, as it is now, pursuant to subparagraph (a)9, I make a motion to strike this question that's in front of us from the calendar.

The motion can't be made unless the question is before the House under our own rules. So I can't make the motion before the bill is called. I can only make the motion after the bill is called. And the motion is one of the motions that's listed in our rules. So I hereby make the motion to strike from the calendar.

(Pause)

ACTING SPEAKER AUBRY: We have still find your motion out of order, Mr. Goodell, and if you choose, you can challenge the ruling of the Chair and we will...

MR. GOODELL: Thank you very much for that opportunity. I would challenge the ruling of the Chair and ask for a moment to speak on the appeal.

ACTING SPEAKER AUBRY: Certainly. Mr. Goodell has challenged the ruling of the Chair as to the motion he made, which we ruled out of order and we will have Mr. Goodell explain.

MR. GOODELL: Thank you, sir. So we have our own rules of procedure that we are supposed to follow here in the Assembly. And they're all laid out in our rules, which you can see online, any one of you can pick up your tablet and read them yourself. In Rule 2, Section V, starts out and says, when a question is before the Assembly, and it goes on to say certain motions can be made. But it starts out, when a question is before the Assembly. Well, a question is only before us in the Assembly when the bill is called up. We all know there are bills that sometimes are submitted, sometimes you pull it out of committee that never hit the calendar, right? We know that. The only time we're called upon to vote is when the bill is called up for a vote, which is right now. And our rules say that when that question is before the Assembly, we can make various motions. We can adjourn, call the House, previous question lay on the table, postpone to a certain day, commit, amend, postpone indefinitely or

strike from the calendar. Now let me ask each of you, I just listed the nine, you may have recalled number 4 was lay on the table. Have we ever in this Chamber laid a bill aside before it was called? Ever! As a Minority Leader I lay aside hundreds of bills. Never, ever do we lay aside a bill before it's called. Well, that's number 4, lay aside a bill. Number 9 is remove from the calendar. Now we are being told that you can't make any of these nine rulings or motions, you can't make any of these nine motions once the bill has been called. Really? So once the bill is called we can't lay it aside? Is that the ruling? Once the bill is called you can't postpone it, you can't adjourn, you can't amend. Once the bill is called you can't call the previous question. Is this what we're doing, just taking these out, tossing them in the trash? Aren't we a body of rules and laws? Aren't we required to follow our own rules? Or do we think that if you have a Majority, you don't have to follow the rules.

Now look. I made a motion to take it off the table. The Democrat Party has a majority, they don't like the motion they can turn it down. But to say I can't make the motion under the same section of law that gives me the right to lay aside a bill is simply wrong.

So I would recommend, that with great respect to the Speaker, whom I have great respect for, that we override that ruling, that we allow the motion to take it off the calendar to be heard by this Body, and the Majority, if they want to keep it on the calendar, can vote to keep it on the calendar, but let's not shred our rules. Thank

you, sir.

ACTING SPEAKER AUBRY: Thank you. The question before the House is shall the judgment of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair, those voting no vote to override the decision of the Chair and I presume a Party vote is requested.

Mr. Goodell.

MR. GOODELL: On that issue you are very astute.

ACTING SPEAKER AUBRY: I didn't just get here by accident.

(Laughter)

MR. GOODELL: The Republican Conference, with due respect, disagrees with your prior ruling and will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference would not override your ruling. Your ruling will be sustained and the mere suggestion that somehow we don't want to follow rules, I think is not true. I think we've -- we've heard three times Mr. Goodell on the other side of the aisle have tried to change the decision that we've already put on the floor. And if it calls for us continuing to move forward with sustaining your ruling until we get to the point where we can debate the bill that's on the floor, then I would say let's do that, Mr. Speaker, and I'm encouraging

my colleagues to make sure that we do not override, but we sustain [sic] your ruling and that we vote to support that.

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

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 ruling of the Chair is sustained.

On the bill.

An explanation is requested, Ms. Mitaynes.

MS. MITAYNES: Thank you, Mr. Speaker. In recent days where we have seen orange skies, where planes were grounded because of low visibility from smoke, where many individuals of moderate, long-term chronic health conditions were forced to seek medical attention at their local clinics, and where communities across the State faced the challenge of record lows in our air quality, the Planned Offshore Wind Transmission Act is critical to ensuring that the State of New York can meet its climate and renewable energy mandate under the CLCPA. It will establish a process of improved transmission planning and coordination system for an offshore grid. The State's planned offshore wind projects are essential to meeting its mandate of reducing economy-wide greenhouse emissions by 40 percent from 1990 levels by year 2030, and by no less 85 percent by year 2050, and producing nine gigawatts

by the year 2035.

The creation of offshore wind and the nature of our renewable energy infrastructure is a matter of Statewide importance. A delay in this project would negatively impact workforce development and economic development associated with offshore wind energy development and interconnection, and risk further adverse climate impacts to communities across the State. Addressing climate change is a matter of substantial State concern, and immediate passage of this bill is the only way to ensure that critical offshore wind projects proceed, that the State climate mandate is met, and that thousands of good-paying union jobs are not at risk.

In environmental justice communities like mine and those across the State of New York, ensuring the continued success of this project guarantees responsible retirement of aging fossil fuel power plants in our communities. A key part of the CLCPA mandates will take place at the South Brooklyn Marine Terminal in my district, and part of the projects that will be advanced by this bill. The South Brooklyn Marine Terminal is located in an environmental justice community, the 51st Assembly District in South Brooklyn, in the neighborhood of Sunset Park. Sunset Park has gone through years of government disinvestment, divided by a highway, in a flood zone, with some of the highest asthma rates. We must move away from the extraction economy and move toward climate solutions that put frontline communities like Sunset Park in positions of leadership, who have borne the brunt of environmental injustice for so many years.

The community has fought to revitalize the Port in a way that would offer the kind of highly-trained, career-sustaining jobs, all while preserving the last working waterfront in New York City from luxury developments, now making Sunset Park essential in helping New York achieve the CPA -- the CLCPA goals. The South Brooklyn Marine Terminal stands to be the cornerstone in enabling New York State to achieve its climate goals, transforming the region into a renewable energy hub. Through the redevelopment of the South Brooklyn Marine Terminal as an offshore wind hub, it maintained the industrial area, offered workforce opportunities that pay living wages, accessible to the community and New York as a whole. The South Brooklyn Marine Terminal stands to become the leading offshore wind hub worldwide. It will be home to staging and assembly for offshore wind components. The facility will create fabrication and assembly careers for decades to come, supporting offshore wind projects to be built five, ten and 20 years from now. Creating an operations and maintenance base with capabilities to support wind farms. Supporting Empire Wind 1 and 2 will produce 2.1 gigabytes of renewable energy and power more than one million New York homes. South Brooklyn Marine Terminal will also provide support to Beacon Wind, another major offshore wind farm that will connect into Astoria, Queens, at the Astoria Gateway from Asthma Alley to Renewable Row. The South Brooklyn Marine Terminal will support thousands of jobs annually in the region, and is being redeveloped through locally-based suppliers, creating local

opportunity.

Together, the projects that will be supported through the South Brooklyn Marine Term -- Terminal, Empire Wind and Beacon Wind will deliver 3.3 gigawatts of the renewable energy, enough to power two million New York homes.

ACTING SPEAKER AUBRY: Mr. Brown.

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

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

MS. MITAYNES: Yes.

ACTING SPEAKER AUBRY: Ms. Mitaynes yields, sir.

MR. A. BROWN: Thank you, Madam Sponsor. I heard a lot about Brooklyn and Sunset Park. I didn't hear anything about Long Island because, after all, the entire bill has only to do with digging up the streets of Long Beach and putting up facilities in Island Park, and not word -- one -- one word about what's happening to those communities. I'm glad your community is going to benefit, so I'll ask you the following questions. How many miles of boardwalk are there in the City of Long Beach, six or nine miles? I'll give you a choice. You don't have to look at your staff, you can look at me; I'm sure you were there.

MS. MITAYNES: I don't see what this has to do with the bill.

MR. A. BROWN: It exactly has to do with it because we have an exceptional situation right now where we have a sponsor who has no idea about a particular community is asking to grossly impact a community with her bill, a bill that she's taking on that is a very, very, very local bill. And I say that with great respect to the Speaker, but he is absolutely incorrect. This is completely and only to do with the City of Long Beach and Island Park and nothing else. New York can -- if it was a New York bill, they could run it right in the water, but as a fact, the person that you're working for that he said you were working for, their lobbyist specifically said he told you that he just didn't want to go to the DEC. That was a fact and the guards were there at the door hearing it.

So let's get -- let's get to the point. How many miles do we have of -- of the City of Long -- let me give you a different question. Who is the Mayor of Island Park? You certainly have met with him because this is a big issue. You don't have to whisper into her ear, she must know that. She met with him. Come on, what's -- what's the name of the Mayor?

ACTING SPEAKER AUBRY: Mr. -- Mr. Brown.

MS. MITAYNES: I don't see this as a local issue. While it's true that it involves municipal parkland alienation, it is only for temporary construction, authorization and a permanent subsurface easement which once completed, will include a full surface restoration. This means that the parkland will continue to be usable as parkland. In addition, we have a letter from the City Council

expressing their support for this legislation.

MR. A. BROWN: Thank you, Madam Sponsor. So the answer is you have no idea who -- well, let me ask you, Madam Sponsor. You have the letter. May I ask, who is the City Manager, the person that runs the City of Long Beach who you're quoting right now? Who's the city manager? Come on, you have the letter in front of you.

MS. MITAYNES: The letter is from the Long Beach City Council.

MR. A. BROWN: Okay. Who is the City Manager? The Mayor, the Chief of Long Beach, who is that, please? You must have spoken to him. It's that important, you read me the letter.

MS. MITAYNES: I don't believe that is the subject of this bill.

MR. A. BROWN: I'm sorry?

MS. MITAYNES: I don't believe that that is the subject of this bill.

MR. A. BROWN: Thank you, Madam Sponsor. You quoted a letter that you received of such importance that they wanted this, you must have spoken to him or have it in the bill, who's the City Manager, the person that instructed to write this great letter that you just read to me?

MS. MITAYNES: The letter is from the Long Beach City Council.

MR. A. BROWN: Okay. And when you spoke to

them - I -- I respect that, Madam Sponsor. When you -- when you spoke to them of this great piece of literature that you're reading to me, who is the City Manager that asked you to do this? We can go on from there. Let me ask you another question. Have you been to Long Beach or Island Park? Those are the areas that are going to be vastly, vastly impacted by digging 80 feet into the ground, running high-power transmission cables past their homes. How many times have you been there?

MS. MITAYNES: That's not the subject of this bill.

MR. A. BROWN: Well, it is the subject right now, so I'd like an answer, please.

MS. MITAYNES: I don't see that this is a local issue.

MR. A. BROWN: And, Madam Sponsor, and that's exactly why you shouldn't be sponsoring the bill because as we all know, this entire Body knows, we take on local bills because we care about our communities. People come to us, they have problems and questions and concerns and we take it to heart. It's not business, we take it personal because we care about our communities. The fact that you can't answer means you simply don't care about the community that you're looking to push this exclusively Long Island bill. This has almost completely nothing to do, Mr. Speaker, with the State because they could have just bypassed the Long Island community. But as the lobbyist that said -- the sponsor is working for said that they understand that the DEC would not allow it and they'll have to run

through Long Island.

Let's go to the next --

ACTING SPEAKER AUBRY: Mr. Lavine, why do you rise?

MR. LAVINE: I rise to inquire as to whether Mr. Brown will yield for some questions?

MR. A. BROWN: I won't, Mr. Lavine, but I respect you for asking the questions. Thank you.

ACTING SPEAKER AUBRY: Mr. Brown will not yield.

MR. A. BROWN: So Madam Sponsor --

MS. MITAYNES: Mm-hmm.

MR. A. BROWN: -- this is big -- this is a \$3.2 billion project. What private or local forums have you created in -- in your local outreach to each of the communities to see if this is something that the community actually wants?

MS. MITAYNES: We have a letter from the City Council. It's signed by John Bendo, Elizabeth Treston, Karen McInnis and Tina Posterli.

MR. A. BROWN: I respect what you're saying, but guess what? Their boss, the City Manager, didn't sign that, that's Ron Walsh.

Let's go -- let me rephrase my question again in a different way. What local forums or forums have you created in your local outreach to these communities to see if they actually want this?

Their streets dug up, high-powered lines, seven-story buildings going up in front of them. What forums did you do to come into these communities to do this? Madam Sponsor, there's a reason why someone from a different district 20-something miles away who has no idea what this community is about doesn't sponsor a bill in someone else's communities for this exact reason. It's unprecedented.

Let's go on. I'll ask you some simple -- simpler questions. How many residents are there in the Village of Island Park? That's a simple one because we're talking about helping New York State residents. How many residents do we have in Island Park? That's an easy one.

MS. MITAYNES: This bill is about Statewide --

MR. A. BROWN: You don't know, but okay.

MS. MITAYNES: -- offshore wind projects.

MR. A. BROWN: Let's get into the technical aspects, because I know you read so many things. What body of water will the transfer station sit on in Long Beach? Without turning to them because you read it to me already.

(Pause)

MS. MITAYNES: Again, this bill is not on local issues, this bill is about renewable energy.

MR. A. BROWN: Madam Sponsor, I respect what you're saying, but you actually read it to me and you don't know what you even read to me? I can't hear you through the mask, but maybe I just couldn't hear it. You don't know the answer to that question?

Really? Well, let me tell you. It's --

MS. MITAYNES: It sounds like I already answered it.

MR. A. BROWN: What -- what is then answer, then? Where in Long Beach -- what body of water does the transfer station sit in? That's a simple question. It's -- it's a project that's going to affect all of New York State and I can't get an answer where the transfer station that's going to make the entire project happen, you can't give me an answer on that? Where's it going to sit? That is the most basic question of this whole project.

MS. MITAYNES: Reynolds Channel.

MR. A. BROWN: And where is that?

MS. MITAYNES: In between Long Beach and the mainland.

MR. A. BROWN: Yeah, well, I've got news for you Madam Sponsor, it's actually not, it's actually in Island Park. This is a shameful, shameful situation going on here. Do you have the vaguest idea about where Island Park or Long Beach is and how the communities are impacted?

MS. MITAYNES: Again, this bill is not about a local issue, this is about the bigger picture, what the State of New York stands to gain.

MR. A. BROWN: So Madam Sponsor, let me do it in your venue, then. We'll do this in the more socialist way. Assemblywoman, can you explain to us why at least 39 whales and 37

dolphins --

ACTING SPEAKER AUBRY: Mr. Lavine? Wait a minute, hold up. Everybody stand at the same time, we don't go anywhere, all right? So everybody, we're gonna take it down a minute. I understand the anxiety that you have, we got it; however, this is a process by we talk to each other, we don't --

MR. A. BROWN: Mr. Aubry --

ACTING SPEAKER AUBRY: -- we don't -- we don't attack each other, even in our opposition to the position, right?

MR. A. BROWN: Mr. Speaker, I think you'll -- you'll -- I think I have the reputation of being a gentleman. I don't think any lady or man can say differently. I --

ACTING SPEAKER AUBRY: And we want you to retain that reputation, sir.

MR. A. BROWN: And our Majority Leader will tell you who the gentleman in this room always is, but we have extenuating -- with respect, Mr. Speaker, we have extenuating circumstances where rules are being breached, and I say that respectfully to you. Common law of this House are not being followed, so things are going to be a bit exaggerated, so you'll forgive me for any animated remarks.

ACTING SPEAKER AUBRY: Well, if -- if you have anxiety relative to what happened then you should direct it to me, but not at the sponsor because the sponsor didn't create the ruling that got you here.

MR. A. BROWN: That's true, but I do ask and require a sponsor that brings up a bill, Mr. Speaker, to be able to answer one question --

ACTING SPEAKER AUBRY: Right.

MR. A. BROWN: -- just one.

ACTING SPEAKER AUBRY: The sponsor answers the questions as she answers them, not as you want her to answer, right?

MR. A. BROWN: In life, as we know, I raised seven good kids; there's the truth and there's not the truth. So all I ask for, Mr. Speaker, is the truth. We can go on if that's okay, Mr. Speaker.

ACTING SPEAKER AUBRY: As long as you maintain some decorum, sir.

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

Assemblywoman, I'll rephrase the question. Can you explain to us why at least 39 whales and 37 dolphins have recently been found dead or stranded on the East Coast beaches?

MS. MITAYNES: If you can address me as Assemblymember.

MR. A. BROWN: Oh. I thought Madam Sponsor -- that's fine. Madam Assemblyperson, could you please answer me why -- explain why at least 39 whales and 37 dolphins have recently been found dead or stranded on the East Coast of -- of the beaches? I was there and I saw many of them.

MS. MITAYNES: So I can't speak to those

specifically, but I can speak to in general. There's been a huge push to try and preserve these species, so they have actually grown in population. And the ones that have appeared on shore that have been examined afterwards, it seems that the issues are impacts with vessels and not with windmills. And I'm getting this from the NOAA, and the Bureau of Ocean Management has stated there are no ties between recent whale death and offshore wind development.

MR. A. BROWN: Thank you, Madam Assemblyperson. In fact, the studies have actually shown that the energy developers, these energy developers, have been conducting offshore wind mapping surveys and those sonar effects with this mapping has been throwing off the dolphins and they've been coming ashore. That is a fact, but we can go on from there.

One last question, Madam Sponsor -- Madam Assemblyperson, I'm sorry.

MS. MITAYNES: Assemblymember.

MR. A. BROWN: Have you ever been to either one of the communities, Long Beach or Island Park, and discussed this project with anybody? Just to see --

MS. MITAYNES: That's not what this bill is about.

MR. A. BROWN: I hear that, and I respect that; I still would like an answer to the question, please. Just for the record.

MS. MITAYNES: That's your answer.

MR. A. BROWN: That's my answer? Okay. Thank you, Madam Sponsor.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. A. BROWN: Mr. Speaker, I have great concerns over the backdoor channeling to undermine residents of the 20th Assembly District. It's happened, it continues to happen in the most corrupt ways, right up to this very moment. Money is being spread around. They even enlisted Mark Ruffalo, the actor, to do their bidding in our small town communities, Island Park and Long Beach.

Let me give you a little background. Under the banner of the Empire Wind Project, a Norway-based company, Equinor seeks to impose a \$3.2 billion two-part project on two small residential local communities. Stations housing the wires that will transmit energy from the wind turbines to land will be built 15 to 20 miles offshore, a total of 147 turbines, each 900 feet tall, which much of the turbine components are not made in America, will be visually apparent for all to see at the shoreline. This electrified cable would actually make landfall at Long Beach and transverse 3.3 miles on land, in the heart of the neighborhood, through a substation in Island Park. This is one of the three Equinor projects. All the others, including Beacon Wind, Equinor's third project, have the high -- high-powered electrified transmission cable going underwater. This one span -- one of them even spanning from Montauk all the way to Astoria. So obviously the shortest distance of this route is inconsequential and it didn't have to go on land.

The fact is that Equinor does not want to deal with

red tape going through the State wetlands, and so they feel it's easier to trample on the residents of Long Beach and Island Park, and as Equinor said, the cheaper option. Equinor is dismissive, aggressive, and not listening to the residents of Island Park and Long Beach. Actually, to no one except the investors. How's that for being a good neighbor? As mentioned moments ago, there will be a seven-story structure - that's just two stories lower than the LOB - in a residential neighborhood that has structures no taller than 30 feet. Despite strong community opposition, Equinor ignored the community's wishes and went to an out-of-town Brooklyn Senator and Assemblyman to get this done to impose their will by introducing Bill A.7764, ignoring Home Rule. And you can't get more home than this bill.

Equinor has not been upfront or honest, by and large. The community is in favor of renewable energy products in a big way. It's not that they don't like this project, they just don't like the approach. They just want answers. They just want to give it a little time to digest this project. It's the methodology. Congressman D'Esposito, Senator Canzoneri-Fitzpatrick on the other side and I have been working together to talk with the people most affected by this. We live and breathe these communities. My Brooklyn colleagues don't even have a clue of where these two communities are.

*You're asking yourself, Well, what does the community think of this -- this project? Well, the following message was sent to me yesterday morning from Mayor Mike McGinty of Island Park; yeah, that's his name. Someone I actually know well,*

someone that I communicate with each and every day. "Dear Assemblyman Brown, on behalf of the Incorporated Village of Island Park, its residents and the Village Board, I'm writing as it relates to the Empire Wind Project." I won't read word for word because no one wants to hear that. "The ongoing settlement negotiates hearings before the New York State Public Service Commission and the public outreach attempts have failed to address fundamental issues and the questions and answers necessary for the Village of Island Park to make informed decisions as to the efficacy of this proposal."

You know, we talked about Long Beach, but here's a letter from John Bendo, June 9th. That's his third switch, you know, and there's a fourth and I understand there's a fifth coming up the road, but, "Ari," -- he knows me, wow -- "I'm requesting that you read the below message regarding," -- this is from Long Beach -- "message regarding the Empire Wind Project to the State Assembly. If you have any questions, don't hesitate to call me, John." It's personal. We deal with our communities. "Dear Assemblyman Brown, I write with urgent concern over the Empire Wind 1 and 2 projects which are slated to be sited off the coast of Long Beach, and for which leases have been granted to Equinor. As a city that has been impacted by dramatic effects of climate change" -- he talks about all that -- "how many -- however, many of our constituents raise legitimate questions about the project's potential impact on public health, the environment, marine life, the economy, home values, national security, since the transmission lines for this project are proposed to come ashore in the

city and transverse underground along the densely-populated residential streets", and he asked me to pull the bill. The next day he switched it and any minute now, you'll get the one pulling it once again. Again, the message keeps magically changing.

Mr. Speaker, there are a lot of questions about the cost benefits. Huge claims of a \$642 million benefit, but none of that is materialized in any discussions. On May 15th, several Congress people penned a letter to the GAO, the Government Accountability Office, asking for an investigation into the impacts of offshore -- offshore wind across the Eastern coastline amid calls for a moratorium on development and an uptick in marine life deaths. The Congress people authored a bill mandating a GAO probe that was passed and amended to the Lower Energy Cost Act which the House approved on March 30th. It's amazing, Congress can get something approved and set aside and we can't do that in 30 minutes in our own Assembly. These members of Congress requested the investigation to examine the impact that offshore wind development has on marine life, including whales, commercial and recreational fishing, tourism and military use and vessel craft. They also asked (inaudible) examine how severe weather events may impact wind turbines. We're always talking about climate change and climate control, let's listen to Congress for at least something.

With so much at stake, with so much reason for caution and concern, these offshore wind projects must be at a minimum paused until the Government Accountability Office

concludes its study. In fact, many other lawmakers and environmental groups have called for a moratorium on offshore wind development and an investigation into the wildlife deaths. Then there's the community benefit. A \$7.5 million payment to Long Beach and Island Park, an absolute joke and slap in the face to the community. More to the insanity, when Senator Canzoneri-Fitzpatrick and I questioned Molly Morris, the President of Equinor, last Tuesday right here in the LOB in a meeting about the financial aspects of the project, she politely said to us, *Just trust me*, echoed by that young man sitting next to us who claimed he's a big lobbyist and we should just trust him because he's a steward of the environment. She also stated - and everybody should listen to this - that they were here in Albany, last Tuesday, to renegotiate the State contract on this project because they were financially underwater, pun intended, due to the construction and related labor cost escalation. In other words, this is all a show, window dressing. They can't even do the project.

But let's get to the issue at hand. If the project was so well-received, if Equinor was so transparent, why the need to sit down with me and the Senator last week, all the while scheming with Brooklyn politicians? Two individuals, as we just realized, haven't the vaguest idea or familiarity with the Long Island communities. They've literally never even stepped foot into either community. I'm just reading past the stuff that gets very personal, I apologize. You know, this would be no different than if I went into Brooklyn and said, You know what? I'm going to put a 20-story tower in Ditmas Park, in

a residential area. And the only difference is I would, out of respect for Brooklyn and the community, I wouldn't dare do something like that.

This bill is so local, Mr. Speaker, that it has metes and bounds descriptions. It doesn't get more local than that, Mr. Speaker, and we can't pretend it's not. Metes and bounds descriptions of Long Beach right there in the text; how much more local can we get? This is a shameful act by legislators that are obviously greatly benefitting -- as the lobbyist said to me right outside the door -- from this project on the backs of my constituents and my fellow Assemblypeople's constituents that don't have the vaguest notion of whom our constituents are.

I respectfully ask all of my fellow legislators to condemn this unprecedeted and unhanded move and allow local determination by the residents who -- and the purposely elected public servants that actually serve the communities. If you don't vote this piece of legislation down, you're opening up a big Pandora's Box and I think we all know that. I promise you, you will see that your fellow lady and fellow legislators will be proposing legislation in your own communities, and if you think, *Well, we'll just vote the Republican bills down*, I gotta tell you, I've seen you guys eat your own. They're coming after you guys. Don't forget, it was just a week ago, a few weeks ago today that I gave a speech right at the Million Dollar Staircase, and I said, by the same legislator that's proposing the Not on My Dime bill, they're just using Jews as the opening salvo. They're

going after you guys. Where do you think this is coming from?

ACTING SPEAKER AUBRY: Mr. Lavine, why do you rise?

MR. LAVINE: This bill has absolutely nothing to do with any other pieces of legislation, nor is this bill in any way anti-Jewish. And I would urge you to caution this -- the person who is speaking now to keep that in mind and to pay attention to the actual bill itself.

ACTING SPEAKER AUBRY: Thank you, Mr. Lavine.

MR. A. BROWN: I respect my colleague and I like him very much --

ACTING SPEAKER AUBRY: Thank you very much.

MR. A. BROWN: -- but he happens to once again be incorrect, but I'll heed his advice as much as it's worth. Thank you, Mr. Lavine.

ACTING SPEAKER AUBRY: Thank you, both.

MR. A. BROWN: How ironic that I stand before you asking my colleagues to allow this community involvement. I'll remind each and every one of you that we all just passed last week Assembly Bill A.2888 by my -- my esteemed colleague, Assemblywoman Barrett. It reads, "In addition to the authority's procurement programs and improved State permitting process, renewable energy projects require collaboration between host

communities and renewable energy developers in order to be successfully and appropriately sited and constructed." At least let's abide by the rules. We don't want to do what's historic, I get it, Mr. Speaker. But how about the stuff we did last week? We just approved 2 -- 2888, we just did that bill last week. So let's at least abide by the bill we just passed?

Again, we are all conceptually in favor of this project, but we must -- questions must be answered. This project cannot be hijacked by an outside sponsor. For this reason, Mr. Speaker, I will be voting in the negative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

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

MS. MITAYNES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So just with regard to the parkland alienation provisions in this bill. So you say it's a Statewide bill, but let's start there. Are there any other parkland alienation provisions other than the one specific to -- to Long Beach and -- and this specific wind project?

MS. MITAYNES: The bill does not change the permitting process. The community will have the same rights before

this bill as they do after. The bill does contain a parkland alienation, but that simply authorizes the City of Long Beach to alienate the land. It does not require them to do so.

MR. RA: Okay, but my question is, there is only one parkland alienation, correct? There's not ones in other parts of the State or other districts or anywhere else, there's just the one.

MS. MITAYNES: The rest of the bill has to do with offshore wind.

MR. RA: Agreed. I'm asking, are there -- is there more than one parkland alienation in this bill?

MS. MITAYNES: No.

MR. RA: Okay. With regard to that parkland alienation, if any of my colleagues have ever had to carry a bill for parkland alienation, we have a pretty comprehensive process we have to go through, including, I would note, and I know that this -- this issue was dealt with earlier, but including Home Rule. And -- and I would note that I did a quick search earlier and I found we've passed at least eight bills this Session for parkland alienation; each one carried a Home Rule request, this one does not. But regarding the process of Home Rule, one of the things that is done for parkland alienation is consulting the New York Parks Department. There's a handbook, actually, on alienation. So has any consultation been done with State Parks as required in that handbook regarding this bill?

MS. MITAYNES: This isn't a parkland alienation, it's a Statewide bill.

MR. RA: Okay, but there's a parkland alienation in this bill where -- we agree on that point, correct?

MS. MITAYNES: Yes.

MR. RA: So has any consultation been done with State Parks related to that parkland alienation?

MS. MITAYNES: This is conforming to a parkland alienation.

MR. RA: So is that a no or a yes? Has any consultation been done with State Parks?

MS. MITAYNES: There's no requirement to check with Parks.

MR. RA: We can agree to disagree on that point, but I'm asking has any consultation been done with Parks, regardless of whether it's required or not? I think we do a lot of things on bills that aren't necessarily legally required.

(Pause)

MS. MITAYNES: This is a Statewide bill.

MR. RA: So you -- you can't tell me whether or not there has been consultation with State Parks?

MS. MITAYNES: There's no requirement to do so.

MR. RA: My question isn't if there is a requirement, my question is has any consultation been done? That is very directly related to this bill. It's, I think, a pretty simple question.

MS. MITAYNES: This is treated in the same manner as other parkland.

MR. RA: I'm sorry, can you repeat that?

MS. MITAYNES: Consultation is not required.

MR. RA: Okay, but I'm not saying whether a consultation is required or not, I'm asking if there has been consultation?

MS. MITAYNES: And we are saying that we are doing the same thing for this component of the bill.

MR. RA: Okay. I -- I don't think I'm obviously going to get an answer to that question.

One of the other things in the handbook says that SEQR review should be conducted first. Has a SEQR review on this project been -- been done yet? Has that been completed?

(Pause)

MS. MITAYNES: This bill is not about that. This is about the larger picture of New York State being the leader in offshore wind.

MR. RA: But do you know if the SEQR process on this project has been done yet?

MS. MITAYNES: Yes. There's one associated with the larger project.

MR. RA: Is it completed or is it in process?

MS. MITAYNES: In process.

MR. RA: So it has not been completed.

MS. MITAYNES: It's in process.

MR. RA: Okay. One of the other things the

handbook says is to consult your local representative. Has that consultation taken place with local representatives of -- of the associated city and -- and villages?

MS. MITAYNES: The Long Beach City Council has -- has stated their support for this.

MR. RA: So regarding the parkland alienation, regardless of the scope of this bill in totality, it still does a parkland alienation and one of the things that normally is in a parkland alienation is some replacement of the lost parkland. Usually there's some type of swap when a municipality replaces it with, you know, a like-size piece of property. Is there any type of swap in this bill to replace the lost parkland?

MS. MITAYNES: Replacement is not required. This bill is conforming and -- and requires a payment of fair market value.

MR. RA: Okay. And who -- who will be paying that fair market value to the City of Long Beach?

(Pause)

MS. MITAYNES: The entity receiving the easement.

MR. RA: Okay, thank you. The other things I want to talk about is just the scope of this project itself. I know there are -- as any of us can imagine, this is a massive project, right? There a lot of approvals that they have to go through Federally and otherwise, and, you know, I think my colleague would -- would, I think, clearly agree that we're pushing this forward where there's a lot of things that

still need to be taken care of before something like this moves forward. Now, my understanding is that just days a couple days ago the entity who is going to be engaging this project filed a petition with the PSC saying they need more money to complete the project. So why the rush to do the parkland alienation now if we don't even know when they're going to have the capital to move forward with the project?

MS. MITAYNES: This is just simply to authorize a local municipality to make those decisions.

MR. RA: Okay. Do we know what the schedule is in terms of construction of this project?

(Pause)

MS. MITAYNES: They're in the permitting stages.

MR. RA: Okay. One of the reasons I ask is, if anybody has ever been to these communities, they are beautiful, really beach-front communities who obviously could be very impacted economically by disruptions, in particular in the summertime when a lot of people are going down there and -- and going on the boardwalks and visiting restaurants and -- and, you know, engaging in -- in all the activities that are available there. So I think that's something that is important for us to keep in mind.

Now, my understanding is that this overall project is still awaiting Federal environmental approval through the Bureau of Ocean Energy Management, and that approval could end up altering the route of the project, maybe significantly. So if that were to occur,

wouldn't the property, perhaps, change that we need to alienate?

MS. MITAYNES: So that's not what this bill is about.

MR. RA: Okay, but if we were to -- if they were to come back with an approval that in some way significantly alters this, I would assume this piece of property might not conform to what they need to do, in which case do you believe we would have to come back and do another parkland alienation?

MS. MITAYNES: This is an authorization, that's it.

MR. RA: Okay. As well, there's an Article VII process pending at the State level which could also change the route. So again, why are we doing the alienation now when there could be changes that materially would make this parkland alienation not able to make the project move forward?

(Pause)

MS. MITAYNES: Without the passage of this bill this Session, in particular, the Empire 1 and 2 project will not stay on its timeline, jeopardizing not only the critical initiative, but also creating a domino effect delaying and potentially derailing other crucial projects currently in the pipeline.

MR. RA: Okay. And with regard to the route of, you know, these cables and easements, the -- the route as currently contemplated causes disruption to multiple businesses. In coming up with this parkland alienation, have we considered any less intrusive alternatives to the route that this will utilize?

MS. MITAYNES: That's not the purpose of this bill.

MR. RA: Has an environmental study been conducted regarding the route? My understanding is one of the things they're going to go through is a Costco parking lot, which is a capped brownfield, which is a Superfund site. Which, again, gives -- I would think should give pause that opening that up could cause environmental impacts on the local community. So again, have you considered alternate routes for these cables to be laid?

MS. MITAYNES: That's a part of the permitting process, it's not part of this bill.

MR. RA: Thank -- thank you, Assemblymember.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So I -- I just want to really say, number one, back to where we started, the Home Rule issue. There was a prior version which had Home Rule, everything we've passed in this Session and any prior Session I can recall about a parkland alienation required Home Rule. And I'm sure any -- any of us who's ever had to get Home Rule for anything knows how technical that process is. If it's -- if it's printed on the wrong size piece of paper, it's no good. If a bill gets amended, you have to get a new one; yet, here we are doing a bill that has a parkland alienation, and we can call it a Statewide bill all we want. It has one parkland alienation. There's not three of them, there's not five of them, there's not ten of them, there's one. And if you could just append Statewide provisions to any bill with parkland

alienation and render the Home Rule process and those provisions of our Constitution moot, then they'd be irrelevant because you could do that -- you could do that for anything. You would never need -- you would never need Home Rule.

There are ten sections in this bill. One of them is -- is really just a title; one of them is legislative intent; the last one deals with the effective date. So really, there are seven sections that actually have substance to them; four of them deal solely with this parkland alienation in the City of Long Beach. So we can pretend that this is not a local bill, we can pretend that this isn't a parkland alienation bill, but I think we all know what this bill is.

The other thing that I think we all need to keep in mind is that any of us who have to carry bills relating to our local community, go out, we talk to our local government officials, we talk to the residents. We don't introduce bills, you know, on a whim. We have those discussions. It's just as easy -- and this is what I would caution everybody as you're voting on this -- it is just as easy for another bill to come forward that does something in your district as it does in this one. So we really need to think about how, I would say, unprecedented this is. I haven't seen anything like it in the time that I've been here, I've been here 13 years. And again, every single time I've seen a parkland alienation bill, it's been proposed by the representative of a community with the support of -- of -- of that community and with Home Rule from the local government who's going to be impacted by the parkland alienation.

Now, this bill, again, with regard to the parkland, all right, it says that the authorization in Section 5, just going back to just to clean up a little what we talked about earlier, the authorization contained in Section 4 of this act shall only be effective on the condition that the City of Long Beach dedicated an amount equal to or greater than fair market value of the parklands being alienated. We do this every time there's a parkland, you have to have like property. This contemplates some payment, but this is different than so many other bills that we have seen because it is coming from outside this district, outside this community that is going to be directly impacted. And I hope that we can all think about that as we're voting because again, there could be a bill tomorrow that alienates parkland in any one of our districts, and I would daresay we're not going to be happy if that happens to us.

So I would urge my colleagues to think about that as -- as they're voting on this bill and the unprecedented nature of this. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

On the bill, ma'am.

MS. SOLAGES: So everyone knows here I'm a native Long Islander, as you can see from the accent. Don't ask me to say water or coffee, it's terrible. I had many options to leave Long Island, but I've always stayed. It's my home. And if you go to my office right now in the LOB, you'll see a piece of the Long Beach

Boardwalk. I vividly remember that late October in 2012, standing on the shores, because I -- I do a little thing; whenever a hurricane comes, I go to Long Beach and I see the impacts that are happening to our community. And so when people stand here and they say this is a local bill, it's not, because we know that the effects of climate change impacts every single New Yorker that we see here. And so we talk about the domino effect, and I really -- I remember that day of Hurricane Sandy, that domino effect when the winds and the water came, when the electricity was out. I remember that domino effect. I remember going down to Long Beach and seeing my friends -- and a little tidbit, I actually was married in Long Beach, so to me, Long Beach is like a second home -- and helping people dig out of Long Beach. Because we know that the effects of climate change is real. And so when we stand here, we're talking about a bill of critical importance. We're talking about the transition from fossil fuels down to renewables. And this is not about a person's district. Even though I respect Home Rule and local control, this is about making sure that we have energy independence for New York State. And as we face the challenges of the 21st Century, it's evident that embracing renewable energy and particularly harnessing the power of wind, is not just an option, but it's imperative for sustainable and a prosperous future for our region. And I know, as I said, I'm from Long Island, I see it every day the impacts of a barrier island that we live on, especially in Long Beach and Island Park. Because I know very well, I know my colleague was mentioning, do you know about Long

Beach, do you know about Island Park? I was just there on Monday and Sunday. I drive through those areas and I see the flooding that happens even in light rain and light -- light wind.

And so we talk about how to combat that climate change, I vividly remember the working men and women struggling while they are going through this trial and tribulation of storm, but always saying that we need to do better in our society. So when we talk about this project, it's really, we -- when we talk about bill, we're just giving the local government an option to negotiate with Equinor. This is not an end-all, this is not us saying, you know, we're having the project today. This is just an opportunity for us to engage in a conversation about our future, our State. And moreover, when we're embracing wind energy, we are embracing the energy independence and security. Long Island, much like the United States, relies heavily on importing fossil fuels, leaving us vulnerable to price fluctuations and geopolitical tensions. By tapping into our vast resources of wind -- our wind resources, we're diversifying our energy sources and we're reducing our reliance on the unstable and finite resource of fossil fuels. Wind energy is going to empower us to be -- empower us to be self-reliant and provide us with a clean, sustainable domestic source of power. We can get into the politics that are happening in the locals -- in the local areas of Southwestern Nassau County, but we really need to put politics aside. We need to think about our country and our State and our future. And this bill does that. This transition to wind energy is not just a matter of environmental stewardship, but it's an

opportunity for economic growth and job creation. And we said before, who's supporting this? We have unions, CSEA, Long Beach Unit 7569 supporting it, we have the Building Trades Unit, the Building Construction Unit. We have a lot of local support. We have the Citizens Campaign for Environmental [sic] run by a Long Islander. We have a Long Island Association. We have so many entities and, you know, my time is limited, but I can go about how many Long Islanders are supporting this because it's about the future of Long Island. The development of wind farms will spur local investment, it will attract businesses. It will reduce our -- our energy costs, it will provide development, manufacturing and -- and so much more. This will create a magnitude of skilled workers and residents that will revitalize our economy. And furthermore, the wind energy product will provide income to landowners who lease land turbines.

So in conclusion, this bill does not end the conversation, this bill will empower the local governments to negotiate at the table. And I know I will now be watching what's going on. And even for Equinor, I really encourage them to come in good faith. If the community benefit package is not sufficient, we'll come back to the table because we're watching here in the State Legislature. But we cannot just delay, because as I said, the domino effect that will happen. Without passage of this bill, Empire Wind 2 project will not be on a timeline, which will jeopardize not only the critical infrastructure, but also create a domino effect that will delay other projects in the pipeline like Empire 1, like the South Brooklyn

Marine Terminal and Beacon 1, and even projects right here in Albany.

My colleagues, we have to put politics aside, especially for Long Island. And so I stand here asking my colleagues to support this initiative from a Long Islander. From someone who loves Long Beach, Island Park and the 22nd Assembly District. So we stand here with an opportunity to grow New York State. And I am really -- again, I encourage all people to come to the table and to look at the bigger picture. But we cannot let politics derail us.

So with that, I yield back my time. Thank you.

ACTING SPEAKER OTIS: Mr. Gray.

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

ACTING SPEAKER OTIS: Will the sponsor yield?

MS. MITAYNES: Yes.

MR. GRAY: Thank you, Madam Assemblywoman -- member, excuse me. So you claim this is -- this deals with the City of Long Beach but it's not a local bill; is that correct? Not a Home Rule bill?

MS. MITAYNES: I'm sorry, I can't hear you. If you can speak up, please?

MR. GRAY: Yes. So this deals with the City of Long Beach, but it -- but you claim it's not a Home Rule bill, it's not a local bill; is that correct?

MS. MITAYNES: This is a Statewide issue.

MR. GRAY: Okay. What makes it a Statewide bill?

(Pause)

MS. MITAYNES: The New York State Energy Research and Development Authority, NYSERDA, in consultation with the New York State Independent System Operator and the Public Service Commission, to establish a plan for improved transmissional planning and coordination systems for an offshore grid. Require NYSERDA to oversee procurement for independent transmission systems related to offshore wind projects, and include recommendations in the plan. Such recommendations shall consider community protection, impacts on the environment and local municipalities, and opportunities to streamline the process for transmission planning.

MR. GRAY: Okay.

MS. MITAYNES: Require NYSERDA, in consultation with other State agencies, to conduct a benefit cost-analysis and ratepayer impact study to determine the overall cost of implementing planned transmission for an offshore grid.

MR. GRAY: Okay.

MS. MITAYNES: That's why it's Statewide.

MR. GRAY: Okay. Thank you very much. So let me just go through some areas here, and you can tell me if they are in the plans for the offshore Statewide grid. Lake Champlain, yes or no?

MS. MITAYNES: That's not in the bill.

MR. GRAY: Yeah, but you're saying this is a

Statewide bill because it's the offshore grid. So I'm going to go through some offshore areas and I wanted you to tell me if they're a part of this -- if they're going to be in the forecast of this bill. Lake Champlain? Yes or no?

MS. MITAYNES: NYSERDA --

MR. GRAY: No, just -- all I need is a yes or no. Lake Champlain, please?

MS. MITAYNES: NYSERDA has certain Statewide requirements.

MR. GRAY: Okay. So -- so it's yes or no. Lake Champlain?

MS. MITAYNES: You don't get to tell me how to answer.

MR. GRAY: Okay. Lake Ontario?

MS. MITAYNES: NYSERDA has requirements.

MR. GRAY: Okay. Oneida Lake?

MS. MITAYNES: NYSERDA has requirements.

MR. GRAY: Lake George?

MS. MITAYNES: NYSERDA has requirements.

MR. GRAY: Seneca, Skaneateles, any of the Finger Lakes?

MS. MITAYNES: Any offshore wind.

MR. GRAY: Okay. How about inland? If we're taking parkland, how about inland? Let's go to the Catskills or the Adirondacks.

MS. MITAYNES: This is about offshore.

MR. GRAY: Okay, but it's taking of parkland, right, and -- and it's Statewide. So taking of parkland is just that; is that correct?

MS. MITAYNES: It's not taking parkland, it's authorizing local municipalities to decide.

MR. GRAY: Okay. So are we limiting just to this, the City of Long Beach, or is the plan to go out -- because earlier in the Budget this year we approved NYPA to own and operate throughout New York State, renewable projects beyond what they do right now in hydro, which would be solar, wind and things along that line, correct?

MS. MITAYNES: This establishes an offshore planning process.

MR. GRAY: Okay. So let's go back through some offshore besides Long Beach, because this is broader than Long Beach because it's not -- it is -- it is a Statewide bill, correct?

MS. MITAYNES: Any offshore wind.

MR. GRAY: Okay. So let me go back through the list again. Lake Champlain?

(Pause)

MS. MITAYNES: Any offshore winds.

MR. GRAY: Okay. Thank you very much. I appreciate your time.

ACTING SPEAKER OTIS: Mr. Gray, on the bill?

MR. GRAY: Yes. So it's definitely not clear whether this is a local bill or a Statewide bill. And I would ask any members that I've just read through some of those areas, if they're willing to sacrifice the tourism that goes along with all those areas that I listed, or the recreational opportunities, whether it's hunting or fishing or anything along that line, if we're going to truly treat this as a Statewide bill. So if we're willing to give that up and if we're willing to give up what makes New York beautiful, then I would encourage you to support that. But if you want to protect what's important in New York in terms of tourism and in terms of recreation, whether it's fishing or hunting, then I would strongly suggest that you would reject this bill. There's other ways -- renewable energy is an admirable goal, very noble, but there's other ways to do it with -- with siting that's more appropriate than what we're going to be doing with this bill.

I would contend this bill is still a local bill, but the sponsor cannot answer whether -- what the next areas are that we're going to impose ourselves on. So other than that, I would encourage you to vote no. Thank you.

ACTING SPEAKER OTIS: Thank you, Mr. Gray.  
Mr. Curran.

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

ACTING SPEAKER OTIS: Will the sponsor yield?  
MS. MITAYNES: Yes.

ACTING SPEAKER OTIS: The sponsor will yield.

MR. CURRAN: Thank you very much. It's only a couple, a few questions. You know, Empire Wind is divided into two sections; one is the part dealing with Brooklyn, two is the part dealing with -- with Long Island. And in your description of the bill, you talked about the benefits of mainly Empire 1 to your district, and -- and I can respect that and I can appreciate that. And you also spoke about how this is a Statewide issue. So my district is actually right above my colleague Ari Brown's district, and it is because of that I have a couple of questions about the project. And I understand what this bill is, it is giving authorization for a municipality to sell or to give parkland. I get that.

Let me ask you a couple of questions about the project itself. My understanding is that the transmission lines from the wind farm to Island Park is then going to go up as far as Garden City, which would then run straight through my district. Do you know if that's true or not?

MS. MITAYNES: That is the subject of the permitting process.

MR. CURRAN: And I apologize, something was behind me; I didn't hear you.

MS. MITAYNES: That is the subject of the permitting process --

MR. CURRAN: Okay.

MS. MITAYNES: -- which is not included in this bill.

MR. CURRAN: No, and I understand that. But since this is a Statewide issue and since this particularly deals with the people of my district and since we are saying that we are dealing with this bill tonight because it is a Statewide bill, I'm asking just specifically with regards to your knowledge as to whether or not a transmission line is going to run through my district, the 21st Assembly District, all the way up to Garden City.

(Pause)

MS. MITAYNES: Transmission is part of the permitting process.

MR. CURRAN: Okay. Is -- is that -- and I apologize, I'm just trying to understand you. Is that you don't know if it runs through the 21st Assembly District, or is that an issue that is going to be dealt with by this Legislature at another time when I can have another opportunity to ask this question? I'm trying to understand the answer.

MS. MITAYNES: That's not relevant because that's not what we're doing in this bill.

MR. CURRAN: And -- and I apologize. You know it's relevant to the 130,000 people in my district whether or not a transmission line that needs parkland, a project that needs parkland that's gonna be passed tonight is gonna run through their -- their homes and their district, it is relevant here tonight if we're going to give a municipality authorization to give away a land so that Empire Wind 2 can proceed forward, as you said on multiple occasions, and

as well as other people said, that if we don't do it, this project is in jeopardy of missing timelines. So I think it is very relevant. Can I ask you, there is major concerns that have been brought up, both in the City of Long Beach residents, Island Park, and now in my district about any health concerns regarding that very transmission line that is gonna run through residential housing and possible residential areas, all the way through my district, the 21st, up to Garden City. Has there been a health study done regarding any transmission lines' affect on health of anybody in those areas?

MS. MITAYNES: So this does not change the permitting process. You can ask those questions then, but that's not part of this bill.

MR. CURRAN: Okay. So let me -- but when you say "the permitting process," is there ever going to be another issue, whether it be the permitting process or any other issue that's gonna come before this legislative Body on Empire Wind 2 to your knowledge?

MS. MITAYNES: Right now we are authorizing the local municipality to enter into conversations, and that, I assume, will be part of those conversations.

MR. CURRAN: I understand that, but that was not an answer to my question. My question is, I understand what we're doing here tonight. My question is, respectfully, am I ever going to get another opportunity to ask the very questions that I'm asking here tonight and not getting answers to, for the health of my residents and

my constituents on the Empire Wind 2 later than tonight?

MS. MITAYNES: You and your constituents can ask those questions during the permitting process.

MR. CURRAN: Right, but the permitting process doesn't come before the Legislature, does it?

MS. MITAYNES: No.

MR. CURRAN: Right. And this is my only opportunity to get answers to these questions which you're telling me are not relevant to the bill.

MS. MITAYNES: No. There will be experts who will be able to answer those questions during the permitting process.

MR. CURRAN: Do you know whether or not there has been any marine environmental study with regards to the effects of this size wind farm on Long Beach?

(Pause)

MS. MITAYNES: There are a total of 17 permits that are gonna be required as part of this process.

MR. CURRAN: Okay.

MS. MITAYNES: And they are in various states.

MR. CURRAN: Okay. So you don't know whether or not there has been an environmental marine study?

MS. MITAYNES: These are the list of the 17 different permits: Commercial lease of submerged lands for renewable energy development, Bureau of Ocean Energy Management; approval for a site assessment plan; approval for --

approval for a construction and operations plan; consultations pertaining to Magna [sic]-Stevens Fishery Conservation and Management Act; Marine Mammal Protection Act; National Historic Prevention [sic] Act; Endangered Species Act; a permit for a subsidy cables under the Clean Water Act; permit for navigational lighting; consultations permitting to siting; permits for air quality and pollution prevention; authorization for incidental take or harassment under the Marine Mammal Protection Act; Endangered Species Act; Migratory Bird Treaty Act; the Bald and Eagle -- and Golden Eagle Protection Act; Magna [sic]-Stevens Fishery Conservation and Management Act; permit for the transmission system connecting to offshore wind farm to New York City's electricity grid; water quality certification; permit for surveying and sediment sampling; permits for coastal environmental impacts; easement for underwater cables; Federal consistency review under the New York State Coastal Management Program; and receive permit for work on State-owned roads.

MR. CURRAN: Thank you -- thank you for that list. In that list, is -- is a health study with regards to the transmission line included in any of those permits?

(Pause)

MS. MITAYNES: That should be part of the SEQR process, but this is not part of this bill.

MR. CURRAN: Thank you very much for -- for taking the questions. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER OTIS: Mr. Curran on the bill.

MR. CURRAN: Thank you, Mr. Speaker. You know, I get it. I -- I get everything about tonight, and -- and but here's the -- here's the problem -- putting all politics aside and everything about process, here's the thing: We're talking about legitimate concerns of residents who are directly going to be affected by the passage of this bill. And we can't get up here and say it's not a local bill, it's a Statewide bill, and then say, *Well, it's not part of the bill to talk about Statewide issues*, or at least the very issues that's gonna affect my district that is one district over from the very locality of where this parkland is going to be taken from. It is -- it's disappointing that this may be the only opportunity in which legislators from the very districts that are going to be affected have an opportunity to ask substantiative questions about the Empire Wind 2 project, and all we are receiving is the answer, "It's not part of this bill."

For that reason I'm going to be voting against it, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: I -- I just wanted to say that I agree with much of what Assemblymember Solages said. The benefits of this project are incalculable. In order for us to comply with the CLCPA, we really have to take very significant action in order to reduce our reliance on fossil fuels, and this project could, if everything they're saying is true, could help us in that respect. So I'm not

speaking for or against this, but I want to I guess remind people, because only about a dozen of you were here at the time, that 20 years ago yesterday the Assembly voted 78 to 68 - not that I have a long memory - to alienate 48 acres of parkland in my district. And the one part of this bill that does trouble me is the fact that it contains a provision to alienate land in a district other than that of the sponsor. When the 48 acres was alienated in my district, it said on the board - it didn't have my name - it said Rules, Mr. Rules. Maybe it was Ms. Rules, but I guess it was Mr. Rules at the time. It was Mr. Rules. And that was not the way to do things, I don't believe. So you could argue that this is a Statewide project. They certainly did 20 years ago, and it's ironic that it was exactly 20 years ago. But it's hard for me to believe that there wasn't a way to do this without alienating land in somebody else's district. And I'm not saying we shouldn't vote for this bill. I'm not saying that at all, because I think the benefits are immense. But I am saying that it really makes me uncomfortable that it's being done this way and it's being jammed down another member's throat who -- in whose district it's -- a part of this project is going to be in. And I stood here, actually I stood here that night and we voted on it at 3:00 in the morning, so we made a big improvement since then, we're voting on this during the daytime. It was also the last night of Session and there was 68 people in the room who voted no -- that's almost enough, but not quite -- and there were 78 people, many of whom were in the room, who voted yes so it -- it passed. But the point I'm trying to make is that we -- at least for me it's -- it's a bit of

dilemma because I know that this is something which I believe we need to do, and I certainly don't question the motives of anybody who's a sponsor of the bill. But this way we're going about doing it is troubling. And so I've waited 20 years to talk about that night because I've been here for a while now, and I could truly say that of all the votes I have taken over the years, and that's over 29-plus years, that was the biggest disgrace that I've ever seen. And the project that I voted against and that 78 people vote yes on turned out to be a -- a several-hundred-million-dollar project which cost \$4 billion. So among the other things I spoke about that night was the cost, which turned out not to be the case.

So I hope we will continue to take the steps that we need to do to -- to reduce our reliance on fossil fuels and to carry out the mandates of the CLCPL [sic], but I think we should keep in mind that none of us would like to have a piece of legislation that affects our district done by somebody else.

ACTING SPEAKER AUBRY: Mr. Lavine.

MR. LAVINE: Thank you. So my friend and colleague from the 20th District asks is anyone in this room have -- does anyone in this room have familiarity with Long Beach, so let me share this with you. I was first on Long Beach -- in Long Beach in 1955 visiting relatives who lived on Park. My wife's grandparents lived on East Broadway. I, myself, am very familiar with the street system in Long Beach. I'm familiar with the outlines of where this cable will run. Yes, from Riverside to East Broadway to Lincoln to

Harrison, yes. I also had lunch at the great Lido Deli last week, which I recommend and I'm sure my colleague from District 20 would join me in that. This project is integral to the future of Long Island, New York, the Eastern seaboard and America. Because while some do not believe this, some in this room do not believe this, we must move away from fossil fuels. Now, this is not just my opinion. This bill is supported by the Long Beach City Council; the Buildings and Construction Trades Council of Nassau and Suffolk; Citizen's Campaign for the Environment; IBEW, including IBEW Local 3; the Long Island Association; SUNY Farmingdale, which -- which is leading the way in research into training young people, students, how to work in an environment that -- that includes wind power. It's also backed by the Albany Port District Commission; the Capital Region BOCES; Hudson Valley Community College; New York State Laborers PAC; New York League of Conservation Voters; Queens Together; the Red Hook Initiative; Southwest Brooklyn Industrial Development Agency, the Variety Boys and Girls Club of Queens; and the National Resources Defense Center. I am not entirely comfortable advocating for a bill that impacts the representative of District 20, but this is all a matter of balance. And as we move away from fossil fuels, we may see these conflicts arise again and again, but we must do this for the greater good. And finally, issues involving community benefits are best left to the City Council of Long Beach, which wants this bill. And in its most recent letter to us, the members of the City Council, four of the five members of the City Council

expressed concern because they did not believe -- they do not believe that this should now be a political football between those who favor fossil fuels and those who realize that we must move away from fossil fuels.

So while do I have some measure of hesitancy and would be happy to have lunch with my colleague from District 20 at the Lido -- at the Lido Deli, I am going to be voting in favor of this. This is about the future of not only us, but our children and our grandchildren. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MS. MITAYNES: I'm ready for my initiation, Mr. Goodell.

ACTING SPEAKER AUBRY: I think that's a yes.

MR. GOODELL: I think so, and I sincerely hope she enjoys it. Looking at the bill, the first section of the bill talks about legislative history and on line 8 starting at the end it says it's in anticipation that the State's mandated wind offshore wind goal will be -- will increase improved planning and coordination. So my -- my first question is, we've heard that there's been a lack of coordination and communication with certainly the City of Long Beach and its

residents. How will this bill improve planning and coordination?

(Pause)

MS. MITAYNES: It'll involve NYSERDA, NYISO and -- and PSC.

MR. GOODELL: Is there anything in this bill, though, that requires planning and coordination with the local community? I understand NYSERDA and those other organizations are all Statewide. Is there any improved planning and coordination with the local communities that are directly affected?

MS. MITAYNES: This bill states that it will balance impacts on local municipalities.

MR. GOODELL: Thank you. I see the next goal is to reduce costs. Am I correct that wind power is typically three times more expensive than shore-based wind power? Offshore is three times more expensive than even onshore wind power?

MS. MITAYNES: This bill will increase costs by encouraging larger participation. And greater cooperation.

MR. GOODELL: But the overall project, right, the -- the electricity generated by these offshore wind farms, am I correct, are typically run three times more expensive than onshore power; is that correct?

MS. MITAYNES: This bill doesn't cost about -- doesn't talk about individual projects for really the network that we're trying to create.

MR. GOODELL: I see. And the third objective is

that it's the intent of this legislation to minimize community and environmental impacts of offshore wind. How does this park alienation minimize community impacts?

(Pause)

MS. MITAYNES: That will be part of the permitting process with NYSERDA, NYISO and the PSC.

MR. GOODELL: So in other words, the --

MS. MITAYNES: It's in the front part of the bill.

MR. GOODELL: So in other words, the legislative intent to improve planning and coordination does not include any planning and coordination with the local government. The legislative intent to reduce costs is to promote projects that cost three times more per kilowatt to produce, and the legislative intent to minimize community and environmental impacts of offshore involve trampling the local rights and alienating local parkland. Is that -- am I missing something in this?

(Pause)

MS. MITAYNES: The legislative intent is for various State and Federal permitting process that could be jeopardized, causing potential project delays and even material -- materially increasing the project's risk of failure.

MR. GOODELL: Looking at page 2 on line 2, it says certain land use and alienation action -- actions are necessary procedural components on this project. That's an accurate statement, isn't it?

MS. MITAYNES: I'm sorry, say that again.

MR. GOODELL: Looking at line -- I'm shifting gears a little bit. I -- I kind of made fun of the entire legislative purpose which I think is absolutely violated by this law, but on the other hand I think that the line 2 on page 2 is accurate when it says certain land use and alienation actions are necessary. That statement is correct, isn't it?

MS. MITAYNES: Correct. There will be a temporary alienation and the construction of the land and then returned.

MR. GOODELL: Now, you mentioned that it's temporary alienation, but I would direct your attention to page 3, line 29 and 30. Am I correct that that talks about a, quote, "permanent -- it said that the parkland described in this bill will be, quote, "permanently discontinued" as parkland, right?

MS. MITAYNES: That part is subterranean, under water, under the land.

MR. GOODELL: Well, it's not under water because it describes the metes and bounds description of property that's on land, right?

MS. MITAYNES: Under the ground it will be restored.

MR. GOODELL: And so that part says --

MS. MITAYNES: It can continue to be used as parkland.

MR. GOODELL: So that part of the park is permanently discontinued, correct?

MS. MITAYNES: The underground portion will be.

MR. GOODELL: Okay. So the surface is temporarily appropriated and the subsurface of the park is permanently discontinued as a park, correct?

MS. MITAYNES: Yes. What we're trying -- what they're trying to do is create a substation. Once the windmills are actually produced and are built and they're creating energy, they're gonna need somewhere to plug into.

MR. GOODELL: Now, I note on page 4, looking at line 12 and 13, it says the provision of this action shall not occur until the City of Long Beach has complied with any Federal requirements pertaining to the alienation or conversion of parklands, and that would apply if they received any Federal funds for the development of those parks, correct?

MS. MITAYNES: That's standard.

MR. GOODELL: And has the City of Long Beach received Federal funding or other assistance that would require Federal approval?

MS. MITAYNES: That's standard language that's included.

MR. GOODELL: And I appreciate that it's standard language, my question is, have they complied with that language or -- or do we know whether they even need to?

MS. MITAYNES: They don't need to until it's alienated. This is just an authorization.

MR. GOODELL: I see. So other than reciting the legislative intent from 2019, which it appears that we're violating every provision of it, and other than a short section dealing with the authority -- the Public Authorities Law, the rest of this all deals with the alienation of -- of parkland in the City of Long Beach, correct?

MS. MITAYNES: This establishes requirements for NYSERDA --

MR. GOODELL: But -- so this --

MS. MITAYNES: -- the Public Service Commission and NYISO --

MR. GOODELL: Just to be -- just to be clear --

MS. MITAYNES: -- to establish an offshore wind farm.

MR. GOODELL: -- we're all understanding each other --

MS. MITAYNES: The planning process, I'm sorry.

MR. GOODELL: -- this bill has ten sections, and only Section 3 amends the Public Authorities Law, correct?

(Pause)

MS. MITAYNES: To establish a Statewide offshore wind planning process.

MR. GOODELL: Okay. So Section 4 deals with the alienation of parkland by the City of Long Beach; Section 5 talks

about a requirement for them to provide an offsetting dedication; Section 6 describes the parkland that is temporarily alienated; Section 7 describes the section that is permanently discontinued as parkland; Section 8 talks about how they're supposed to re -- rehabilitate the parkland once it's completed, the project is completed; and Section 9 talks about the obligation of the City of Long Beach to get Federal consent, correct?

MS. MITAYNES: I'm sorry, what's the question?

MR. GOODELL: So am I correct, then, that of the ten sections, the tenth being the effective date, all of them except Section 3, Section 4, 5, 6, 7, 8 and 9 all deal with the alienation of parkland in somebody else's district, correct?

MS. MITAYNES: This -- the bill establishes a Statewide planning process.

MR. GOODELL: Okay. Thank you again. I hope your initiation was pleasant.

On the bill, sir.

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

MR. GOODELL: I -- I think it's abundantly clear that this bill is about big money, helping big corporations make a big profit by building massive wind farms that create energy at three times the cost of energy created onshore, all in an effort to value a signal that we're concerned about the environment and not about taxpayers, ratepayers or local residents. Apparently, we had the belief that if we

create six gigawatts of power, that we somehow will save the taxpayers money when we know that we have to have six gigawatts of replacement power available for those cold, still nights when no power is being produced. So in addition to the billions of dollars that will be spent on this offshore wind farm, we have to spend a corresponding amount for onshore backup power or the lights will go out when the wind stops blowing.

So, sadly, this legislation, contrary to its legislative intent, does not improve planning and coordination at all. It dramatically increases costs because now we have to replicate the entire cost of the wind farms with the entire duplicate cost of backup power, and we know that offshore power costs so much more. Contrary to this legislation, this doesn't minimize community environmental damage, it actually authorizes it. And last, as all my colleagues have mentioned, the fundamental purpose of this bill is to alienate parkland in somebody else's district, over their objections, without consulting with the community or getting a Home Rule request as we have required multiple times this year and have required in every other situation that's comparable. So as we violate the State Constitution and our own rules in order to kneel at the altar of expensive offshore wind power, let us remember all the rules and liberties and procedures that we are tossing aside.

Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I'm not a fan

of park alienation, although I have supported it in some limited circumstances. The MTA, not necessarily my favorite agency, when they have had to build a substation in order to keep the trains running, I have, in fact, supported those measures. I have had in my own district an alienation of parkland in a City/State public benefit authority-controlled area alienated over my objections, so I understand the discomfiture that might arise in this situation.

I spent all of my childhood summers in Long Beach, very fond memories. I went back as a young adult when I actually was allowed to drive, and understand how important that community is and how important its beaches are, having grown up in Eastern Queens. But I also understand that fossil fuels are damaging the planet. We have had enumerable reminders from Mother Nature that some of our actions have consequences, and those consequences are felt by people in different parts of the State from different types of extreme weather circumstances. Future generations will not appreciate our twiddling our thumbs while we are subjected to Superstorm Sandy and the months and years-long recovery, floods in Upstate New York, and hopefully we will never see the kinds of forest fires that we saw in Quebec and from which not only we, but people across New York City and Long Island, felt the effects of that smoke. So, even though we cannot do what other -- we can't change the entire world, we can change what we do. And there are impacts from continuing with fossil fuels and they are variable. It's not a constant source of power for us, as the people on Long Island learned years ago

when they lined up on alternate days in order to get gas for their cars because we didn't control that market ourselves. So, the State has made a determination that we will take steps to add renewable energy. Wind power, unlike sun power, the sun does go down for part of the day. Wind power can blow at night and blow in the morning. T. Boone Pickens, who was a great Texas oil man, before he died invested heavily in wind power. Why? Because he was a tree hugger? No, because he saw the potential for that renewable energy at low cost to himself once he made the initial investment, to maintain a steady flow of power that he could sell.

So this is an appropriate step. It appears that there are serious organizations in support. And as much as it discomforts us to do it in this fashion, we still have to take steps forward to get off of fossil fuels, which we may not be able to do completely anywhere in the near term, but we have to take the steps that we can and start now. Because we know what the future holds if we don't, because we've had the intimations -- the intimations of the disasters that have affected every part of the State. I don't think anybody hasn't seen the floods, high winds that have come from more extreme storms. It's not just the global warming and the change of weather patterns in the oceans, which in part are driving some of our larger sea mammals closer to shore. We know that this is happening. And to sit back and act as if we are powerless or we don't have a clue or we don't want to take the hard decisions is a mistake. And I understand that this is a really uncomfortable circumstance, but we're gonna face a lot more

uncomfortable circumstances if we don't start to address the reality that fossil fuels need to be replaced by renewable energy, and that is gonna take a long time. But we can't just wait until we're all comfortable, because all of you see the young people in your communities concerned about their future and we should think about them, too. Everybody talks about, *Oh, the children, the children*. Well, the children and the children's children are going to pay the price for our inaction.

So I thank the sponsor for taking the heat, and I hope that we will understand that it is our obligation and responsibility to future generations to take the necessary and perhaps difficult steps now in order to address what we can see on the horizon. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I think that this is probably one of the more important bills that we've discussed this Session. And I say that because so many of us in many of our communities have experienced the impacts of climate change. I wasn't at Long Beach when Sandy -- Superstorm Sandy came through, but I was in Buffalo in December. And I've seen more snow and higher winds than I've ever seen in my life because the lake was still not frozen in December. There's something wrong with that. And, you know, I -- I look at the environment as if it's something that the Creator created in perfect condition, perfect. And everything

we've done as a society since we started capitalizing and industrializing and growing the American economy has had a negative impact on that environment. And here we are, decades later, but we still enjoy some of the benefits of that creation of that economy. But we also see some of the negatives of the damage that was done to the environment. And if we're not gonna be the ones to stand up and say it's time to fix it, I don't like the methods that we're using to fix it. I don't like it. I don't like that somebody who represents a district doesn't feel like they have a say in what's happening there. But I also know and understand that what impacts his district impacts mine. And so if there's a solution to be found in his district that impacts my district, then go look for it, find it. Let's do that. Let's make it happen. All of us have children and grandchildren and great-grandchildren, some of us have great-grandchildren, and we want to see this environment for them to be able to survive in this environment ten years from now, 20 years from now. I'm telling you people, we have to do something if we want that to be a reality. And we can't just sit here and find reasons to disagree with each other over political issues, this is about our livelihood. This is about how we survive in the future. Now, granted, New York can't fix this all by themselves, but we can start the process, somebody has to. And I'm proud to be a member of a House where we're choosing to make these kind of difficult decisions, even though it's ugly, it's not pretty, but it's the right thing to do.

And so I want to commend all of those who can stand

in support of our environment. In support of the environment that was given to us by the Divine Creator and the one that we have been in -- a part of ruining. Let's be a part of repairing it. This is a piece of that. Let's try and do it today.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A slow roll call has been requested. Members must come to the Chamber and cast your ballot. Members in the sound of my voice, please return to the Chamber immediately and cast your ballot.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Pirozzolo to explain his vote.

MR. PIROZZOLO: Thank you, Mr. Speaker. I'd like an opportunity to explain my vote.

ACTING SPEAKER AUBRY: Mr. Pirozzolo, go right ahead.

MR. PIROZZOLO: Thank you, sir. So, so much has said -- has been said here that it almost sounds like taking away the sovereign rights of Long Island for the rights of manufacturing in Brooklyn will solve climate change. I know we've said it before, but if you want an active role in solving climate change, we need to work with Russia, we need to work with China, we need to work with India. Because this wind farm will have zero impact on the climate that's being damaged by New York or by the United States. In fact, we

already are a leader in reducing our carbon impact. So I don't like the falsality [sic] that I'm hearing here that we are going to save the planet because Long Island is going to get some windmills.

There's a saying, you know, we may have all heard it, *May the odds ever be in your favor*. And that's from a movie called the *Hunger Games* where other areas dictate what happens to other areas, and that's exactly what's happening here. Long Island is being set upon by predators who this Body does not like. We have big business coming in here for big dollars and big profits. The Majority speaks out against that every single day, but when it appears to be in the falsality [sic] of the cause of saving the planet, how quickly we are to turn a blind eye and say this is a good thing. We have a company that I've been told from what I've heard here today does not even have the money to continue or finish the project, but to make us look good we are going to go ahead and do it.

So for that and one other reason, Mr. Speaker, that I'm not going to vote for this is that there have been so many legal issues created by the Legislature ourselves of not being able to withdraw the bill, amend the bill, that I don't even want to be associated with voting for anything that is sure to have tremendous legal challenges. That would be an embarrassment. So I vote no.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. When

I first looked at this legislation, and it comes from the eyes of a man who served as mayor for 13 years, I had some very grave concerns about local government control, about Home Rule. I don't condemn my colleague for fighting for his community, that's what we're here to do, in many aspects. And I want to commend the sponsor for debating a very difficult bill. It was not easy by any stretch of the imagination. However, at the same token, as you read the bill and listen to the debate, the local government still at the end of the day has a decision to make. And as was mentioned by some of my colleagues on the other side of the aisle, I surely hope that all parties come to the table in quick fashion to put a deal in place that satisfies the concerns of the local government. At the same token, we need to continue to build more offshore wind opportunities. We need to expand our renewable energy resources Statewide.

This legislation has impact here in the Capital Region as it supports plans for major investment and jobs in the Port of Albany, and therefore, I am supporting this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Ms. Solages to explain her vote.

MS. SOLAGES: To explain my vote. First, for the record, you know, Brooklyn is on Long Island. Sorry, you guys. Second, you know, this is a dangerous game that we're playing. You know, we need to make sure that we're building transmission lines and getting -- and strengthening the grid. Just yesterday the New York

ISO approved the Propel NY Energy project, which will be going through Long Island. And so creating a dynamic that would have communities look at these felonious, you know, excuses to approve some of these projects is really a dangerous political game that we're playing.

Look, I -- I support the local government and I really encourage all parties to come to the table and have a conversation. You know, I encourage the -- the sitting Assemblymember and Senator to really engage in the conversation, and the company to also talk to them. Because it's about giving back and it's about talking and communication. But again, we have ambitious goals here in New York State. You know, we have -- the State wants to achieve its 70 percent goal of energy by 2030, and delaying this bill would put us back. And so we need to come together and we really need to work together for the good of the State and for the good of this country, because right now we are not only down when it comes to the climate crisis, we are down when it comes to energy independence in -- in the United States.

So I encourage my colleagues to vote in the affirmative and I am also going to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Mr. Gray to explain his vote.

MR. GRAY: Thank you, Mr. Speaker, to explain my vote. So, you know, environmental issues cut both ways. Renewable

energies, renewable energy projects are noble and admirable to -- in order to achieve our environmentally [sic] decarbonization. But also, these projects have an impact on the environment as well. In 2009 NYPA came to Jefferson County and wanted to place projects in Lake Ontario. The residents at the time and our Board of Legislators was led by none other than Mr. Blankenbush, and our residents at the time overwhelmingly rejected them based on a number of issues, the least of which are site, recreation and the impacts on the environment. So -- so I would encourage everybody to consider that when they're voting for these. If they're willing to see them in the Adirondack Park, if they're willing to see them in the Catskills, then by all means, then go ahead and cast your vote in the affirmative. But other than that, you have to consider environmental issues on both the good and the bad. There's a give and take on these things, and siting is everything in these cases.

I don't pretend to impose my will on the City of Long Beach, nor do I want any other members to impose their will on Jefferson or St. Lawrence County, the areas I represent, whether it be Lake Ontario or the St. Lawrence River.

So, thank you very much. I'm in the negative.

ACTING SPEAKER AUBRY: Mr. Keith Brown.

MR. K. BROWN: To explain my vote, Mr. Speaker.

ACTING SPEAKER AUBRY: Yes, sir.

MR. K. BROWN: Mr. Speaker, I -- I'm troubled by this piece of legislation we have before us today. I want to vote for it,

I believe in alternative energy, I think it is the future. I think it's important for our kids because without alternative energy our planet's gonna overheat and we won't have any food, all the things that we talk about with farming and the rising ocean levels. But I have to tell you, Mr. Speaker, I heard my colleagues speak very clearly that there's technical inconsistencies with this bill from the fact that when the bill came up with the Home Rule message on June 9th, there was a technical error. It was sent back down, it was brought back up on the 20th, and miraculously it's here on the floor. We all have to adhere to the Rules of this Chamber. It is extremely difficult to get any bill to the floor. I understand that. But there's a reason why we have a Home Rule message requirement in this Body, and it's to reduce corruption. Because with a Home Rule message, you know that the communities that's being impacted the most has bought in to the measure that's being considered by this Body and the State law requires this Body to pass that measure. So it's another check and balance in our system that the brilliant people who designed our way of government came up with over 200 years ago.

So for that reason and for the fact that I don't believe we could just skirt around the Rules of this House, and I took an oath of office and so did 150 people that are surrounding me right now, to uphold the Constitution. This is in derogation of the Constitution, and for that reason I can't support this measure. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mr. Brown in the negative.

Ms. Mitaynes to explain her vote.

MS. MITAYNES: Thank you, Mr. Speaker. This bill will bring economic and environmental benefits to the State, my community and yours. Offshore wind is a matter of Statewide importance. The alienation authorization is in support of the Statewide goal. Communities in New York expect to see institutional and economic benefits including Albany, South Brooklyn, Queens, Port Jefferson, East Sautucker [sic] and other municipalities in Suffolk County, along with Stony -- with SUNNY [sic] Stony Brook and Farmingdale have already invested as much as \$730 million in combined private and public funds to aid our State and communities for a more green resilient future.

Thank you. I vote in the affirmative and I yield the rest of my time.

ACTING SPEAKER AUBRY: Ms. Mitaynes in the affirmative.

Ms. Fahy to support -- to explain her vote.

MS. FAHY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Your mic is not on. Try now.

MS. FAHY: It's on now. Okay, it's on now. Sorry. Thank you again to explain my vote. I, too, am rising in support of this legislation because of my concern and my care and interest in wind energy, particularly as it relates to the Albany Port, where myself and regional colleagues have worked for years and years to support

projects at the Albany Port, to grow that Port, and most recently to expand wind energy there which is tied to hundreds of future jobs. But I do share the concern raised by so many, the troubling part of the -- the precedent possibly being set here with regard to Home Rule messages. Just a couple of weeks ago we needed a Home Rule message on a school speed zone, and our Albany City Council had to go into special session in order to get a revised Home Rule message. So I agree with the comments said earlier today, we want to see all parties try to come together because this project has a long, long road ahead of it, many years worth of work that will impact many areas of this State. And I do hope that -- that we will be able to come together to work on this in the future, and that particularly in the areas directly impacted on Long Island that we will find some common ground as we move forward to address our climate goals.

And with that, again, I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Ari Brown.

MR. A. BROWN: Thank you, Mr. Speaker. You know, in many arguments people try to create a straw man to divert attention in a different way. I don't think anybody's here debating the benefits of renewable energy. All we were simply asking for was to delay this until next Session so that people can actually sit down. I've heard many times people say, we hope that the people can come

together. Well, I've personally tried for nearly six months to talk to Equinor and bypassed every single way. The community wants to talk to them. What process should I take to get this communication to happen? Mr. Speaker, again, the community is in favor of renewable energy. They're not opposed to this project. All they're asking for is put the cable in the water, as Equinor has done throughout the world. Why does it have to run through town? I heard one of my colleagues mention that she had this in Manhattan. I don't know if she lives in Upstate or Manhattan, I'm not sure which but I think it was Manhattan. We're talking about a small area. We're talking about 3.2 miles of roadway in a community that's barely 3.2 miles long. Put it in the water. It's not -- at a \$3.2 billion project, the little I know about construction, doing it for 50 years, I'll tell you it will be minuscule to do that. And let's have this conversation again the first week in January. I don't understand why we can't come together in this regard. We all like renewable energy, let's make it right for our communities, all of our communities. Not just Upstate, not just in Buffalo, but Long Island as well. And by the way, Brooklyn is not in Long Island even if it looks that way in the topography, with deference to my colleague.

For those reasons, Mr. Speaker, I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Brown in the negative.

Ms. Forrest to explain her vote.

MS. FORREST: Thank you, Speaker. Mr. Speaker. As a native Long Islander, because Brooklyn is on Long Island, I

support this passage of this legislation. It has Statewide implications, there is not a place in New York that has not felt the -- the effects of climate change. So thus, no place should be exempt from adding to a wholesome solution. And so when you think about what this bill is actually saying, it is authorizing an option. It is authorizing the conversation to include the community, to include all person. And this authorization has been approved by people on Long Island, fellow Long Islanders like myself, right? The City Council approves it. Labor approves this conversation to -- to begin. And so any other arguments that say that this is a blockage to con -- conversation is quite disingenuous.

Thank you so much to the sponsor, congratulations on your bill. I am so excited to vote yes in the affirmative.

ACTING SPEAKER AUBRY: Ms. Forrest in the affirmative.

Mr. Brook-Krasny to explain his vote.

MR. BROOK-KRASNY: Thank you, Mr. Speaker, for the opportunity to explain my vote. Mr. Speaker, once upon a time there was a country up north called the Soviet Union. It was very complicated history. The -- the country was very well-known for huge industrial projects like space program, huge railroad from Moscow to Vladivostok, through the whole country. A lot of big projects. And every time the government was saying, *This is all for the country, this is all for the state, this is all for the people*. In the process, the country was losing millions of people, but for the

government of Soviet Union it was a collateral damage. And the most important thing for the governor -- for the government of Soviet Union was to have that space program, to have that huge railroad. Forget about people. And that government never spoke to the people. Never. They'd be doing whatever they want. This is a wonderful project, wonderful project. But I hope that State of New York is not a Soviet Union still, so the people in the 20th district can have an opportunity to speak to the proponents of this project. An opportunity not to become a collateral damage in the process of creating a renewable energy for the State, for the country.

Let's not forget about people. And because I see a situation where government is forgetting people again, in particular in the 20th Assembly District, I'm voting in the negative. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker, for the opportunity to explain my vote. You know, I listened intently to the debate. I listened to whether it was a local bill, whether it was a Statewide bill. But one thing that I heard over and over again is that the local control was the issue and the constituents there weren't being heard and the local representatives weren't being hold -- being heard. Now, the issue becomes there's 150 of us in this Body and 63 next door. If it comes to your district, what are you gonna do when it impacts traffic, when it impacts everything, and they're calling your

office complaining? Who are we gonna refer them to? Because this is an example of our hands being tied when you represent that area. Am I gonna tell them to call the sponsor of the bill? I am gonna tell them to call NYSERDA? Am I gonna tell them to call the Speaker and maybe the Leader of the Senate? Because obviously, if you're the member that had that area, your hands are tied behind your back. You can't do anything because we're just going to say it's a Statewide bill. When does it end? Just remember, next year it could be you.

I'm a no.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. While we're just kind of killing time waiting for those few extra folks to come on in and cast their ballot, I thought I'd just explain my vote.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: I was really happy earlier this year when some of the housing proposals fell down largely over issues of, you know, the -- the government saying, *We're going to set this ambitious housing goal in your community and if you don't do it on your own, we're gonna do it for you.* Siting of solar on farmland has been an issue. I heard a lot of conversation tonight about -- or today, earlier today, about coyotes but we don't seem to care as much about the whales. I think that everyone's talking about the Home Rule issue, and I get that. I think that's a real concern. I think really what it

comes down to for me is, you know, I don't know, 50 years ago or so they plowed down a whole bunch of housing here to create this Empire Plaza that we come to work every day and -- and come to visit. And, you know, it was for the greater good. And how -- I think what it comes down to for me is when it comes to these climate goals or housing goals or how we want the Capitol to look, you know, how do we define the greater good and what -- who are we willing to kind of step on to make that happen?

So I think that the Home Rule piece for me, everyone has expressed discomfort with it. I'm gonna put my no vote behind it. I think that as we start to try to take a look at our climate goals and move forward, I think we have to be really careful. We -- we've set extremely ambitious goals, and some of us have said and have argued that they're not really attainable. I think that in order to try to start to attain them, I think that we need to work together and not be so willing to come into somebody else's district to make it happen and then just chalk it up to the greater good.

So I'll be a no. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I -- I understand that inclusive in this bill is an opportunity to begin real intense education and planning for the people who live and around communities not just that are impacted or have been

impacted by environmental changes, but people who have never been impacted but are gonna have to change their lifestyles. And so I -- I think that's a huge piece of how we begin working on climate change is everybody has to be engaged. All communities, all income levels, all education levels. And there must be a way to get that started. In some ways we've already started that with this past budget that we just went through, but I think there's a lot more to do and I think this bill can be very helpful to helping make that happen.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mrs. Peoples-Stokes in the affirmative.

MRS. PEOPLES-STOKES: Madam Clerk, will you please recognize our colleagues that are on Zoom for their votes, please?

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

Mr. Alvarez, will you please turn on your mic?

MR. ALVAREZ: Yeah, it -- it's on now.

THE CLERK: Please state --

MR. ALVAREZ: Can you hear me?

THE CLERK: Yes. Please state your name and how you wish to vote.

MR. ALVAREZ: George Alvarez, and I vote affirmative.

THE CLERK: Mr. Alvarez in the affirmative.

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

MS. BICHOTTE HERMELYN: Rodneyse Bichotte Hermelyn, and I will vote in the affirmative.

THE CLERK: Ms. Bichotte Hermelyn in the affirmative.

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

MR. DIPIETRO: Professional liars. Are we on?

THE CLERK: Yes, sir.

(Laughter)

MR. DIPIETRO: Okay. David DiPietro. This is a travesty. God bless Ari Brown. I vote no.

THE CLERK: Mr. DiPietro in the negative.

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

MR. FRIEND: Christopher Friend, I vote no.

THE CLERK: Mr. Friend in the negative.

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

MS. HYNDMAN: Alicia Hyndman, I vote in the affirmative.

THE CLERK: Ms. Hyndman in the affirmative.

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

MS. JEAN-PIERRE: Kimberly Jean-Pierre, I vote in the affirmative.

THE CLERK: Ms. Jean-Pierre in the affirmative.

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

MR. KIM: Ron Kim, I vote yes.

THE CLERK: Mr. Kim in the affirmative.

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

MS. LUCAS: Nikki Lucas, I vote 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.

(Pause)

Mr. McDonough, please turn your mic on.

MR. MCDONOUGH: Dave McDonough, and I vote in the negative.

THE CLERK: Mr. McDonough in the negative.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. I rise to a point of order.

ACTING SPEAKER AUBRY: State your point of order, please.

MR. GOODELL: I have two. First, Article III, Section 15 says that no private or local bill which might be passed by

the Legislature shall embrace more than one subject, and that subject has to be expressed in the title. And it goes on to describe what a local bill is in Section 17 which includes, and I quote, "granting any corporation, association or individual to write -- well, I apologize -- "any exclusive privilege, immunity or franchise." And it is clear that the very purpose of this bill is to grant a specific private company the ability to use a public park for private use. So I believe that this bill should be considered a private bill and, accordingly, the provisions that incorporate references to NYSERDA and other entities is improper and the bill should be stricken, split into and re-presented.

ACTING SPEAKER AUBRY: On your point of order, one minute.

(Pause)

Mr. Goodell, on your point of order my counsel tells me that the two sections so cited are not applicable to this bill since this is still a Statewide bill.

MR. GOODELL: I see, sir. And isn't the alienation provisions of this bill intended to benefit a particular private company?

(Pause)

ACTING SPEAKER AUBRY: This bill does not accomplish what you indicated that it does. The alienation that allows the locality to negotiate with a group of entities over the -- and it's still a Statewide bill, so...

MR. GOODELL: Indeed. Mr. Speaker, I would be

delighted if it didn't do what I was afraid it would do. But let me raise one other question, if I may. Article III, Section 20 says the assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating property for local or private purposes. And I know we have used this in the past when we dealt with the sale or transfer of property. It seems to me that the authorization for the alienation of this property for the benefit of a private group or individual would trigger this two-thirds vote.

ACTING SPEAKER AUBRY: So, it would appear that this applies -- the articles you state applies when State money is appropriated for local or private purpose, but doesn't -- we don't have State property or funds subject to an appropriation in this bill, and it is...

MR. GOODELL: Sir, isn't the entire purpose of this legislation to open the door for a massive State subsidy for this very project? And the legislation and the explanation that we have heard today is that this legislation is needed specifically to enable this project to proceed with the financial support of the State.

ACTING SPEAKER AUBRY: We -- we have a -- actually, that's right.

MS. GLICK: Mr. Speaker, there's a vote on the floor.

ACTING SPEAKER AUBRY: We are reminded there is a vote on the -- on the floor. We -- we have discussed this bill, we understand its purpose is to initiate the process for the local discussion as well as a Statewide purpose. And so we find your point

of order not well-taken. Thank you.

MR. GOODELL: Thank you, sir, for addressing those issues.

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

(The Clerk announced the results.)

The bill is passed.

(Applause)

I believe that's the call for ice cream.

(Laughter)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to the Rules -- resolutions on page 3 on the B-Calendar.

ACTING SPEAKER AUBRY: Resolutions on page 3 --

MRS. PEOPLES-STOKES: And Mr. Speaker, we're going to consent these in order, if you will, please. Thank you.

ACTING SPEAKER AUBRY: Thank you. There will be a vote on these resolutions.

Resolution No. 714, the Clerk will read.

THE CLERK: Assembly Resolution No. 714, Mr. Heastie.

Establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-2024 State fiscal year for grants in aid for services and expenses of the Education

Department, human services organizations, criminal justice organizations and municipal entities, health and mental health programs and providers, public parks and recreational programs, veterans' organizations services, older adults programs, various not-for-profit entities, and Edward Byrne Memorial Grants, as required by a plan setting forth an itemized list of grantees with the amount to be received by each, or the methodology for allocating such appropriation. Such plan shall be subject to the approval of the Speaker of the Assembly and the Director of the Budget and thereafter shall be included in a resolution calling for the expenditure of such monies, which resolution must be approved by a majority vote of all members elected to the Assembly upon a roll call vote.

**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 resolution is adopted.

**THE CLERK:** Assembly Resolution No. 715, Mr. Heastie.

Assembly Resolution amending Assembly Resolution R 2002 of 2008 establishing a plan setting forth an itemized list of grantees for the New York State Capital Assistance Program established pursuant to an appropriation in the 2008-2009 State fiscal year and in Part QQ of Chapter 57 of the Laws of 2008.

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 resolution is adopted.

THE CLERK: Assembly No. A01715, Rules Report No. 872, Goodell. An act to amend the Criminal Procedure Law, in relation to designating uniformed court officers in the Town of Busti, County of Chautauqua, as peace officers.

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 -- Assembly No. A01971, Rules Report No. 873, Goodell. An act to amend the Uniform City Court Act, in relation to the selection of certain city court judges in the City of Jamestown.

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. A04250, Rules Report No. 874, Ra, Blumencranz, Lavine. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Trooper Theodore A. Dobbs Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker, to explain my vote. Trooper Theodore Dobbs died almost 100 years ago. It was September 29, 1924. He was 24 years old, from complications of injuries on a motorcycle accident on Long Island. He was riding on his motorcycle, was struck by a truck on Jericho Turnpike and -- and later died from his injuries. And he was actually the first member of Troop K to lose his life in the performance of his duties.

So I'm proud to have the opportunity to carry this

piece of legislation. I want to thank my colleagues who have cosponsored it, as well as my colleague Ms. Giglio, who has been involved in trying to facilitate recognizing so many of these troopers who lost their lives in the past. So this is an appropriate tribute, and I thank everybody for voting in the affirmative on it.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04606-B, Rules -- Rules Report No. 875, McGowan. An act to amend the Town Law, in relation to authorizing the Town of Orangetown, County of Rockland, to establish community preservation funds; to amend the Tax Law, in relation to authorizing the Town of Orangetown to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. McGowan, 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. A05349-A, Rules

Report No. 876, Tague. An act to amend Chapter 333 of the Laws of 2006 amending the Tax Law relating to authorizing the County of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Tague, 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.)

Mr. Tague to explain his vote.

MR. TAGUE: Mr. Speaker, just to explain my vote, sir. Through you I just want to say that this bill has a Home Rule on it, sir. Thank you.

(Applause/Laughter)

ACTING SPEAKER AUBRY: Mr. Tague in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05361, Rules Report No. 877, Goodell, DeStefano, E. Brown. An act to amend the Not-for-Profit Corporate Law, in relation to exempting the East Dunkirk Volunteer Fire Company, Inc. from the requirement that the percentage of nonresident fire department members not exceed 45 percent of the membership.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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. A05439, Rules Report No. 878, Barclay, Hawley, Norris, Morinello, Lemondes, DeStefano, J.M. Giglio, Blankenbush, Jensen, Brabenec. An act to amend the Insurance Law, in relation to flood insurance notice in communities bordering Lake Ontario.

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. A05930-B, Rules Report No. 879, Morinello. An act to repeal Section 926-o of the General Municipal Law relating to the Town of Niagara Industrial Development Agency.

ACTING SPEAKER AUBRY: On a motion by Mr. Morinello, 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. A05941, Rules Report No. 880, Goodell. An act to authorize the towns of Harmony and North Harmony in Chautauqua County to elect a single town justice to preside in the town courts of such towns.

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. A06387, Rules Report No. 881, J.M. Giglio. An act to amend Chapter 98 of the Laws of 2009 amending the Tax Law relating to authorizing the County of Cattaraugus to impose an additional mortgage recording tax, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. [sic] Giglio, 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. A06426-B, Rules Report No. 882, Ra. An act in relation to authorizing the County of Nassau assessor to accept an application for a real property tax exemption from New York Jesus Baptist Church.

ACTING SPEAKER AUBRY: On a motion by Mr.

Ra, 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. A06498, Rules Report No. 883, Barclay. An act to amend the Tax Law, in relation to extending the authorization of the County of Oswego to impose an additional 1 percent of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Barclay, 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. A06519, Rules Report No. 884, Barclay. An act to amend the Tax Law, in relation to

extending the authorization of the City of Oswego to impose an additional 1 percent of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Barclay, 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. A06581-A, Rules Report No. 885, Goodell. An act to amend the Tax Law, in relation to allocation of revenue from the hotel and motel taxes in Chautauqua County; to amend Chapter 405 of the Laws of 2007, amending the Tax Law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the Tax Law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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. A06692-A, Rules

Report No. 886, Goodell. An act to amend the Tax Law, in relation to extending the authorization for Chautauqua County to impose an additional 1 percent rate of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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.)

Ms. Byrnes to explain her vote.

Sorry about that.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06920, Rules Report No. 887, Gunther. An act to amend the Public Authorities Law, in relation to establishing the Middletown Parking Authority and

providing for its powers, duties and obligations; to repeal certain provisions of the Public Authorities Law relating thereto; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Gunther, 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. A07026, Rules Report No. 888, Barclay, Gallahan. An act to amend the Tax Law, in relation to extending the authorization of the County of Cayuga to impose an additional 1 percent of sales and compensating use taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Barclay, 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. A07080, Rules Report No. 889, Ra. An act to amend the Nassau County Civil Divisions Act, in relation to the Volunteer and Exempt Firemen's Benevolent Association of Williston Park.

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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. A07082, Rules Report No. 890, Walsh. An act to amend Chapter 203 of the Laws of 1957 authorizing the Town of Ballston, Saratoga County, to establish a public library for that part of the Town located outside of the incorporated Village of Ballston Spa, in relation to providing for the election of trustees and voter approval of the tax levy of such library district; and to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law relating to the construction and financing of facilities for certain public libraries, in relation to including the

Ballston Community Public Library.

ACTING SPEAKER AUBRY: On a motion by Ms. Walsh, 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. A07132, Rules Report No. 891, Tague. An act extending the time within which certain elected officers may file their oaths of office.

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. A07220, Rules Report

No. 892, Pheffer Amato, Colton, Sayegh. An act to amend the Retirement and Social Security Law, in relation to the calculation of past service credit for police officers employed by the Division of Law Enforcement in the Department of Environmental Protection in the City of New York transferring between the New York City Employees' Retirement System to 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 on the 60th day.

**ACTING SPEAKER AUBRY:** The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

**THE CLERK:** Assembly No. A07272, Rules Report No. 893, Anderson, Meeks. An act to amend the Banking Law, in relation to permitting the submission of applications for banking development district designations regardless of the date the applicant opened.

**ACTING SPEAKER LEE:** On a motion by Mr.

Anderson, 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 LEE: 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. A07285-B, Rules Report No. 894, Mikulin. An act authorizing the County of Nassau assessor to accept an application for a real property tax exemption from the East Meadow Fire District.

ACTING SPEAKER LEE: On a motion by Mr. Mikulin, 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 LEE: 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. A07413, Rules Report

No. 895, Lemondes. An act to amend the General Municipal Law, in relation to permitting the Auburn Enlarged City School District to establish an Insurance Reserve Fund.

ACTING SPEAKER AUBRY: On a motion by Mr. Lemondes, 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. A07724, Rules Report No. 896, Clark. An act to amend the Education Law, in relation to restricted clinical laboratory licenses.

ACTING SPEAKER AUBRY: On a motion by Ms. Clark, 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.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if I could just thank colleagues from both sides of the aisle for their cooperation in these last couple of days.

ACTING SPEAKER AUBRY: One minute, Mrs. Peoples-Stokes. Ladies and gentlemen, would you please come in and have a seat? A little bit of time, come back in the Chamber, sit down, please. Everybody settle down for a minute.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome.

MRS. PEOPLES-STOKES: I wanted to take this moment before we close our last Session for this year, we think, just to really thank members for their cooperation. And I will tell you that our Chamber looks a lot better when people are sitting in their seat. It really does.

(Applause)

And so although I know it's a lot more comfortable in your offices, because my office is pretty comfortable, too, but the Chamber does look better with you in your seat. You look good, I thank you. I'm glad you're here. And I will also say this: Did you all -- in these last couple of days have sent the Speaker so many texts about bills that you wanted to get in and he tried to do his best. You

have literally worn him out, he's not coming out here to say goodbye and all those grand speeches that he used to make. But we have to applaud Speaker Heastie for the work that he has done (inaudible).

(Applause/Cheers)

And Speaker Aubry, I would be remiss if I do not really thank you for the gracious manner in which you handle managing this Chamber. I love your candor, I love your straightforward frankness, and I really love your sense of humor. You do a marvelous job, sir, and thank you so much.

(Applause/Cheers)

Now, I -- I cannot forget the person who helped the Speaker get most of what he gets done, that's Jen Best and her team with Julia. They do an amazing job. And certainly --

(Applause)

-- standing very close to Jen is Deb Miller, (inaudible) she walks in and out on a regular basis.

(Applause)

And Chrissy, who is always reading those law books, thank you, Chrissy, for the work that you do.

(Applause)

And last, but certainly not least, I have to, you know, really give a lot of credit to this young man for keeping me in order because I'm telling you, sometimes I want to pop off.

(Applause)

Yes, he does a phenomenal job.

With that, Mr. Speaker, I'm really grateful to have this opportunity. I thank you, and now I would like you to give your attention to my colleague on the other side of the aisle, Mr. Goodell.

ACTING SPEAKER AUBRY: For the last time, I hope, for a while, Mr. Goodell.

(Applause/Laughter)

MR. GOODELL: Thank you, Mr. Speaker. I hope I say that for the last time, too.

(Laughter)

What an honor it is to be with all of you here on the floor of the New York State Assembly. So many people aspire to have the opportunity to shape the future of our great State, and each of you have played a special role. And so I am extraordinarily thankful that I have had the opportunity to work with all of you. And of course as you know, while I may raise points of order, may even ask you a few questions, I am thankful that all of you have shown all of us respect and thoughtfulness and have done your best to answer our questions. And I will share with you that when we ask a thoughtful question, it's often because we're backed by thoughtful, thorough, capable people who are giving us that research. And so behind each one of us is a whole team of experts, and we are so indebted to their knowledge and their capabilities. And leading us on the Minority side is Will Barclay.

(Applause)

It's no accident that I have two phones next to my

desk so that Will can always get through and give me good advice. Will, you and your staff have been incredible. Thank you, thank you, thank you.

(Applause)

And of course all of you know and look forward to the time when I step off the floor and Mary Beth takes over.

(Applause/Laughter)

And no one appreciates Mary Beth more than I do when I step off the floor and she takes over. Mary Beth, thank you for a phenomenal job.

(Applause)

And just as John Knight does his very best to keep Crystal heading in the right direction -- thank you, John -- Michelle Pellegrini does the same for me.

(Applause)

And on your side, on the Democratic side, you have Helene Weinstein heading up Ways and Means. What an incredible lady.

(Applause)

And all of you know on our side we have Ed Ra and a phenomenal team.

(Applause)

A special thanks to my colleague and friend Crystal Peoples-Stokes. What a great (inaudible).

(Applause)

And Mr. Aubry, even though you occasionally call me out of order incorrectly --

(Laughter)

-- you do a phenomenal job and are such a credit to the State of New York and the New York State Assembly. You are our face in so many ways, and thank you for that incredible work.

(Applause/Cheers)

ACTING SPEAKER AUBRY: You make me get up.

(Applause)

MR. GOODELL: And last of course, but certainly not least, the guys that protect us day in and day out, tell us to be quiet and sit down, Wayne Jackson and his team.

(Applause)

MR. GOODELL: Thank you very much, everybody. It has been a great honor and pleasure to work with each and every one of you.

(Applause)

ACTING SPEAKER AUBRY: Thank you.

And before we turn it back over to Mrs. Peoples-Stokes, let me say a few things myself. First, to Blake Washington and his incredible crew.

(Applause)

Blake always keeps the money under one sleeve or another, right? That's why he never tells you an exact figure. *Well, maybe it's around that.* We want to thank them, obviously. We're

also here to say goodbye to a colleague from Queens, a young man that came to us very young and now has matured and moving on and will leave us this year, Danny Rosenthal.

(Applause)

And the Chair will recognize Mr. Rosenthal for some words because he doesn't give it to us often, you know.

MR. ROSENTHAL: I'll be consistent the way I have been here the entire time and keep my words brief. It has truly been an honor of a lifetime to serve with all of you. It has been humbling to my constituents to allow me to represent them over the past six years. I got here when I was 26 years old and it truly has been an amazing experience, the work that we are able to do here. Representing our local communities, representing our local schools, our seniors, and things that we were able to bring home to our district to make their lives a little easier has been a truly an amazing honor and experience. I want to thank Speaker Heastie for always giving us the time and the respect and the courtesy and keeping your door open for us. It is truly grateful for your leadership and it has been an honor to serve in your -- in this Chamber with all of you and we will -- I'll miss all of you, and it's really --, I thank you.

(Applause)

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: I have not a

resolution and no housekeeping.

MRS. PEOPLES-STOKES: Beautiful, beautiful. I now move that the Assembly stand adjourned until Thursday, June the 22nd, tomorrow being a legislative day and that we reconvene at the Speaker, Carl Heastie.

(Applause)

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 8:23 p.m., the House stood adjourned until Thursday, June 22nd, that being a legislative day, and to reconvene at the call of the Speaker.)