

FRIDAY, JUNE 9, 2023

11:35 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 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 Thursday, June 8th.

Mrs. Peoples-Stokes.

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

8th and 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 want to start today with a quote from Nas. Many of you probably know him, he was born in Brooklyn and he was raised in Queens, but he's a legendary American rapper. His words for us today, *Everything will eventually come to an end* --

(Laughter)

-- *so try to savor the moment 'cause time flies, don't it? The beauty of life, you're going [sic] to make it last for the better 'cause nothing lasts forever.* Again, Mr. Speaker, these words are from Nas and I assure you that this Session will not last forever, either. But we have a lot of work to do today.

So members have on their desk a main Calendar and a debate list. So after we have done any housekeeping and/or introductions, we'll be calling for the following committees: Ways and Means and Rules. These committees are going to produce an A-Calendar which we will take up today. Following that, we will begin our work by taking up Rules Report No. 673 by Ms. Cruz. I'm going to ask for members' patience today because it is gonna be a long day, but it's not going to last forever. There may be a need to announce additional floor activity as we proceed, Mr. Speaker, but

right now that's a general outline of where we're going, and if you have housekeeping or introductions now would be a great time, sir.

Thank you so much.

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

For the purposes of a introduction, Ms. Darling.

MS. DARLING: Thank you, Mr. Speaker, for allowing me to introduce my daughter.

(Applause)

Thank you guys so much. My sweet, little eight-year-old daughter, Monroe-Day, affectionately known as MD against her own will. She is so excited to be here, she is my biggest, biggest fan, my most favorite constituent; not that we choose favorites. And she is here from third grade because her teacher thought it would be a great experience to experience government rather than just read and learn about it. So she's here seeing us through to the bitter end and she's been a huge help with her little brother, as well. So I'm very, very happy to have her here, especially because she is the person that misses me the most when I'm up here six months out of the year. We started this journey when she was four years old, so she'll be turning nine soon and we just love her so much.

Mr. Speaker, will you please give her the cordialities of the floor? Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of your mother, the Speaker and all the members, we welcome you

here to the New York State Assembly. Because you're family, you are always given the privileges of the floor and, quite frankly, from my perspective, after being here a very long time, the fact that we see children here so often really expands the experience and makes us understand why we do the work that we do. So, congratulations on being here today, congratulations on finishing your school year, and we look forward to seeing you many, many more times in the future. Thank you so much, enjoy the day. God bless.

(Applause)

Mrs. Peoples-Stokes for an announcement.

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

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room immediately, please.

Page 19, Rules Report No. 673, there is an -- the Clerk will read.

THE CLERK: Assembly No. A01029-C, Rules Report No. 673, Cruz, Pretlow, González-Rojas, Meeks, Burgos, Mamdani, Walker, Jackson, Seawright, Simon, Dickens, Hyndman, Epstein, Anderson, Kelles, Burdick, Gallagher, Carroll, Septimo, L. Rosenthal, Zinerman, Reyes, Hevesi, Darling, Aubry, Mitaynes, Weprin, Lavine, Joyner, Bichotte Hermelyn, Jean-Pierre, Kim, Hunter, Clark, Rivera, Bronson, Gibbs, De Los Santos, Davila, Taylor, Cook, Vanel, Fahy, Tapia, Cunningham, Glick, Lucas, Chandler-

Waterman, Dinowitz, Otis, Ardila, Bores, O'Donnell, Raga, Shrestha, Shimsky, Simone, Alvarez, Levenberg, Forrest, Zaccaro, McDonald, Lee, Solages, Stirpe, Lupardo, Dilan. An act to amend the Criminal Procedure Law, the Executive Law, the Correction Law, the Judiciary Law and the Civil Rights Law, in relation to automatic sealing of certain convictions.

ACTING SPEAKER AUBRY: There is an amendment at the desk. Mr. Reilly to briefly explain the amendment while we examine it.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move for its immediate adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Proceed.

MR. REILLY: So this amendment I offer will apply the same principles as the bill-in-chief to the records of police officers, firefighters and members of the Department of Corrections. It will seal their disciplinary records, their civil lawsuits and any other civilian complaints that they may have occurred. If they do not -- or incurred, I should say. If they do not have a repeat offense, whether it's a CCRB, whether it's a civilian lawsuit or whether it's a department charge, within three years, on the third anniversary of the disposition, that record will be sealed and, therefore, it would provide them the opportunity to improve in their employment. And the reason why I offer that is because -- I'll give you for instance. In the year 2020,

we'll take the NYPD records of disciplinary incidents.

ACTING SPEAKER AUBRY: So in a minute, Mr. Reilly. I know you want to go on and explain the bill --

MR. REILLY: Oops. Sorry.

ACTING SPEAKER AUBRY: -- however, we have examined the amendment and found it not germane to the bill before the House. You may, of course, appeal the ruling of the Chair and speak to the issue of germaneness.

Mr. Reilly.

MR. REILLY: Mr. Speaker, I respectfully appeal the decision of the Chair and request an opportunity to explain its germaneness.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. REILLY: So as I was saying, in the bill-in-chief it provides the opportunity to improve those who have been disadvantaged due to a conviction, and it expands their ability to have gainful employment and for housing. The reason why my amendment would improve the employment of members in the NYPD, members of law enforcement throughout the State, members in the corrections occu -- occupation and the firefighter service is because many a times they'll receive civilian complaints and they're deemed unsubstantiated, or maybe they've been exonerated, or maybe they have had one that has been substantiated. Maybe they made a mistake of the mind, not of the heart. Maybe they did make a mistake and deserve the complaint, but after three years, they received no more. And sealing

that will help them maybe advance because, unfortunately, those records remain throughout their careers and even accessible after they retire. I had four civilian complaints on the Police Department, I'm retired 17 years, you can still look mine up. They appear. That's just an example. I was fortunate enough, two were exonerated because I did nothing wrong, but they still appear and it always will raise a question.

Now, the reason why this is specifically germane to this bill-in-chief is because I know that the real intention, and I understand the intent, is disproportionately, people of color have been disproportionately impacted by having a conviction and they can't get employment or it affects their housing. Well, let's take, for instance, in the year 2020, NYPD disciplinary records. Fifty-two percent of the NYPD officers disciplined identified as non-White; 47 percent were White, 18 percent identified as female; 66 percent were of the rank of Police Officer. So the reason why I give you those numbers -- and 14 percent were in the rank of Detective. Now, Detective is a discretionary promotion. Anything Police -- above Police Officer, Sergeant, Lieutenant, Captain, are by exam, but you can also get passed over if you have pending cases or prior cases that happened over three years ago.

The reason why it's germane is because if those records exist past three years and you've never had, as an officer, another impact, another incident, that could prevent you from getting promoted to Detective, it can also hinder your promotion to Sergeant

or Lieutenant or Captain. Or, in the corrections services, Correction Captain, Warden, above. In the fire service, Lieutenant, Captain, above. When you look at those numbers, and if we don't provide those members in uniform, those numbers, 52 percent just in the NYPD who do not identify -- or identify, I should say, as non-White, they're disproportionately impacted in the opportunities in their employment.

So if we are going to address the impact of having a conviction on those who do not identify as White, people of color, who have been disproportionately impacted by -- it also applies in those uniform services. Because why would we hinder the ability for them to achieve an advance in their careers for something that happened potentially 17 years ago? Those that stay on in the force or in the department or in the fire department or in corrections, more than 20 years. Maybe they got in trouble in their second year. It's now year 22 and they may be impacted by getting a discretionary promotion, all because they may have had unsubstantiated CCRBs or lawsuits filed that were filed against them.

Now, to put that into perspective, civil lawsuits in New York City, the -- the common practice is regardless of whether the officer, correction officer or firefighter committed an incident, the City Law Department and the Corporation Council, their policy is to settle their cases. I was sued twice. Not once did a City lawyer talk to me about the case. They settled because they have a slush fund. Those are the challenges faced by members in those services. And

should that impact the opportunity for them to improve and advance in their careers? If we do not adopt this amendment or move forward to help them, what message are we sending as a State? *We don't care about your employment, we don't care about you advancing and being the best you can be.*

Our motto is *Ever Upward*. This is a chance for us to do that. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I just want to remind my colleagues that the question before us now is procedural, that's it. So I'm gonna urge you to do like I'm going to do and we all should be doing as a Conference, I'm urging you to vote yes to support -- to sustain this, exactly what the Chair has said, that it was not germane to this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly appeals the decision of the Chair. The question before the House is shall the decision of the Chair stand as the judgment of the House? Those voting yes to sustain the ruling of the Chair; those voting no vote to override the decision of the Chair.

A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. With all due respect, I hate to start off the new Session this way, but we disagree, respectfully, with your decision. And so the Republican Conference will generally be no.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We often have opportunities to agree to disagree. We're going to disagree on this one as well and agree with you, sir, that we should be voting yes to sustain your ruling.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

(The Clerk announced the results.)

The ruling of the Chair is sustained.

On the bill.

An explanation is requested, Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. This is an act to amend the Criminal Procedure Law, the Executive Law, the Correction Law, the Judiciary Law and the Civil Rights Law in relation to the automatic sealing of certain convictions. This legislation will address some of the collateral consequences that follow a criminal conviction past the time a person has completed their sentence by requiring the automatic sealing of records that pertain to specified offenses once certain requirements are met.

ACTING SPEAKER AUBRY: Mr. Morinello.

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

ACTING SPEAKER RIVERA: Does the sponsor

yield?

MS. CRUZ: Absolutely, Judge.

ACTING SPEAKER RIVERA: The sponsor yields.

MR. MORINELLO: Thank you very much, I appreciate that. Currently, my understanding that we do have processes and procedures to remove impediments to those who have been previously incarcerated or on probation that have a conviction. There currently -- we do have two areas of expungement; one is the marijuana which we've already passed, and then the second is for the prostitution issues that we had discussed prior -- prior. We also have Certificates of Good Conduct. Can you tell me, please, what would become the net effect of a Certificate of Good Conduct should this go into effect?

MS. CRUZ: Give me one second.

MR. MORINELLO: Sure.

(Pause)

MS. CRUZ: It doesn't impact them.

MR. MORINELLO: So there would -- there would still be the need to apply for a Certificate of Good Conduct under the Clean Slate?

MS. CRUZ: Perhaps I misunderstood your question, I want to make sure that -- are you asking does it, I guess...

MR. MORINELLO: Does it -- let me be a little clearer, and I apologize, okay? Does it now put someone in the -- put someone in a position where there would be no necessity to utilize this

tool that's already in the law?

(Pause)

MS. CRUZ: In -- it depends. You know, there are some of those crimes that you've described where that information may still be available for certain criminal background checks, and they may still need those applications.

MR. MORINELLO: Okay. Now, let's go to -- to a Certificate of Relief from Disability. Will that still be a necessary procedure? It is already in the law, it's already been granted in many cases. Will this alleviate the necessity for an application for that relief?

MS. CRUZ: No, for the same reasons.

MR. MORINELLO: For the same reason. Now, we also have ability to seal records, currently, okay? Will this overtake the ability or the need to apply for a sealing order?

(Pause)

MS. CRUZ: It's a different process. It's more limited and it's a more stringent process.

MR. MORINELLO: Okay. So what, then, will the so-called relief that you are requesting have in the future for those that would have to utilize it?

MS. CRUZ: So I -- I want to make sure that I understand your question clearly. I believe what you're asking me is if someone qualifies, what exactly does this do for them, right?

MR. MORINELLO: Correct.

MS. CRUZ: So if someone qualifies, it would seal and after three or eight years after meeting their requirements, whether it's a misdemeanor or a qualifying felony, it would seal their record for most purposes, except a few, including some licensing, law enforcement, courts, some civil actions, et cetera.

MR. MORINELLO: Okay. So currently if someone wants to take advantage of those procedures already in the law which would help remove impediments for them moving forward, whether -- whether it's housing and whether it's employment, they would still have to possibly go through the processes that are still there?

MS. CRUZ: Well, the problem is that the current procedures are -- are a little difficult for the majority of folks, many times they require an attorney, there's often a long wait list if you want to get a free attorney. And so this would make it more accessible, as well, to -- to the folks that you are speaking about.

MR. MORINELLO: So if I understand it correctly, then, what we are doing is removing the obligation of an individual to move forward in a positive manner, acting on their own behalf, and the State would then -- the State would then take over that responsibility for them.

(Pause)

MS. CRUZ: Yeah, I think it's a little bit different. The application-based sealings would not be turned over to most employers. We actually have some exceptions, so it's a little bit different.

MR. MORINELLO: Okay.

MS. CRUZ: Assuming, again, that I understood where you were going.

MR. MORINELLO: You -- you did understand it. But in -- in simplest terms, okay, what we're doing with this is taking an obligation of an individual to work towards their own future and take a positive step, and the State is just blanketly doing it for them.

MS. CRUZ: I would frame it differently. I think having -- once someone has paid their dues to society, has actually gone through three or eight years of not having recommitted any crimes, I think they are doing their duty as members of society and we, as government, should be removing any roadblocks to them accessing the possible sealing.

MR. MORINELLO: Okay. But under the circumstances, they still have, at this point, the ability to act on their own behalf to remove those roadblocks.

MS. CRUZ: I would argue the majority do not. The instances that you mentioned are very limited, they're not easily accessible and they're not a -- they're not a sure shot, if you will.

MR. MORINELLO: Was there ever any conversation or discussion regarding making that system a little bit easier, allowing them when removed from probation or from incarceration the application, the instructions and the assistance so that they have some personal stake in moving forward in their lives?

MS. CRUZ: I -- arguably, I would say Clean Slate is

the product of many years of that conversation to make sure that we are providing people with that.

MR. MORINELLO: Okay. But you're just wholesale giving that blanket rather than teaching them how to go forward and help themselves, correct?

MS. CRUZ: Again, I think spending three years not recommitting any crimes it's a misdemeanor, and eight years if it's a felony is these individuals actually doing things for themselves and proving that they deserve it.

MR. MORINELLO: Well, they've paid their debt to society, but once they get out they still have an obligation to assist themselves going forward; would you agree with that?

MS. CRUZ: Again, three and eight years of not recommitting crimes actually demonstrates exactly your point.

MR. MORINELLO: Well, those three or seven years is paying their debt to --

MS. CRUZ: Eight years, actually.

MR. MORINELLO: Eight years, is paying their debt to society and --

MS. CRUZ: No, I -- I -- I -- actually paying their debt to society is the time that they spent in prison and on probation, et cetera. These are three years on top of their debt to society.

MR. MORINELLO: Correct. But where I'm getting at is, what I see is a state and a nation moving towards no one has to be responsible for the consequences of their actions, and there's

positive consequences and negative consequences. And to be a little more clear, when they -- they are convicted, not when they commit or there's allegation, but they've actually been convicted, whether it's by trial or by plea, okay, that is the negative consequence. The positive consequence of them taking responsibility is being able to move forward in their life, but have you ever discussed or has there been any thoughts about to assist them in coming to that realization to allow them the ability to do it themselves?

MS. CRUZ: I actually think you're helping me prove my point. They have paid their dues to society and they have -- they have been found guilty of a crime, not when they've been arrested.

MR. MORINELLO: Right.

MS. CRUZ: And so I think you are absolutely on point with everything we're trying to do. We perhaps are looking at it from two different angles, but it's someone who committed crime, paid their time, paid their fines, did everything that was ordered by a court for them to do, then came out and attempted to reintegrate into society. And what we have seen is that the majority of this -- these folks can't find work, can't find housing. And study after study demonstrates that when someone can't find work and someone can't find housing, it's -- it's when the State should step in to make sure that we're giving them that opportunity because otherwise, that's when we see the rates of recidivism actually increase. But I think you're actually helping me prove my point with that argument.

MR. MORINELLO: Well, I really am not for this

particular reason.

MS. CRUZ: Yeah, I would argue otherwise.

MR. MORINELLO: See, I still feel that individuals that have become responsible for the consequences of their actions, there's two parts to that. The first part is you pay your debt to society. The second part is what are you going to do with the rest of your life, okay? And I'm -- what I'm saying is, was there any discussion on to give them a little bit more feeling of they are in control of themselves, to have them make this particular move, but making it easier for them. Because I think we all realize we know -- I'm sorry, I apologize.

MS. CRUZ: Yeah, go ahead. No, no; go ahead, finish.

MR. MORINELLO: Okay. We all know that we have a friend who took that step, okay, and has took responsibility for their own life and they've moved up. But that person appreciates the fact that they had a procedure to follow, okay? Can we agree with that?

MS. CRUZ: I'm not sure what friend you're talking about, are you talking about --

MR. MORINELLO: Someone within this Chamber.

MS. CRUZ: Yes.

MR. MORINELLO: Yes. That person actually --

MS. CRUZ: But if I may --

MR. MORINELLO: Yes, sure.

MS. CRUZ: If we're going to talk about that person

in this Chamber, I'm sure he's going to be able to tell you how absolutely difficult and excruciating it was probably for him to get that chance. So what we're trying to do is, if that person has committed a crime, if that person has paid their dues, if that person has come out and demonstrated that they are a contributing member of society but they have these set of roadblocks that doesn't allow them to get a job to provide for their family, to get dignified housing, to actually move on and finish contributing to society, then we, as a government, have a responsibility to create the kind of system that would allow it to happen.

MR. MORINELLO: Okay. But that was exactly the point, create a system to help them, not do it for them. And -- and once you start giving handouts rather than hand-ups, okay, you start losing that person's self-awareness. That person then becomes so reliant on government that they find it difficult to move on their own.

MS. CRUZ: I think that's where we disagree because when government is able to do this, if we're going to talk about reliance on government, a lot of these folks have to go on public assistance, on government support because they can't work, because they can't find that support. So we, as government, we are looking at the same picture and saying exactly the same thing from two different angles. We are -- I actually see this as the system that's set up not to give them a handout, but to ensure that government is doing what we're supposed to do.

MR. MORINELLO: Getting back to the employment

issue, is there any prohibition right now, other than certain licensing, to a -- for an employer not to hire somebody on a legal basis?

MS. CRUZ: You mean not to hire somebody in general?

MR. MORINELLO: In other words, somebody applies for a position. Is there any legal impediment for that employer to not hire someone?

MS. CRUZ: I assume you mean to hire somebody with a criminal record?

MR. MORINELLO: Yes.

MS. CRUZ: Okay.

MR. MORINELLO: That's what we're dealing with, so...

MS. CRUZ: It depends. There are certain employers who are not able to.

MR. MORINELLO: Well, those that are not prohibited, whether -- because it might be a licensing issue, okay? So at this point can we agree that there is really no prohibition?

MS. CRUZ: I am going to disagree with you. There is clearly a problem when we have 2.3 million New Yorkers who have been trying to find work or move up within their workplace. And later, I'm gonna talk about a few of them. If it was so easy, you and I wouldn't be here having this debate.

MR. MORINELLO: Okay. How does this affect out-of-State convictions?

MS. CRUZ: It does not. We're not sealing out-of-State convictions.

MR. MORINELLO: Okay. Also, there's a portion of the law that has a penalty if someone who -- an exception to the information being given out, okay, whereas if that information is given it would open the door to some type of a civil action; am I correct?

MS. CRUZ: There is a section that more or less says if someone who was authorized to have access to this information is misusing that information, there will be some -- there will be consequences.

MR. MORINELLO: Okay. So does that -- how does that apply to a victim who knows what happened and -- and does reveal that information?

MS. CRUZ: This is in reference to someone who's not responsible for sealing or accessing that information.

MR. MORINELLO: Okay. So that -- that section only applies to one who has an exception. It would not apply to a victim, a witness, a newspaper, a magazine that has prior knowledge?

MS. CRUZ: No, it doesn't apply to them unless somehow they have a duty to seal, which I'm sure we can, you know, some weird *Law & Order: Special Victims Unit* type of scenario where, I'm sure you can think of it, but for the most part, these folks wouldn't have a duty to seal, so it would not apply to them.

MR. MORINELLO: Okay. Thank you.

On the bill.

Thank you for the courtesy.

MS. CRUZ: Thank you.

MR. MORINELLO: I appreciate it. It's going to be a long day, so I'll move on the bill.

On the bill.

I just want to make it very clear that neither I nor any of my colleagues have any objection to removing impediments from someone who has paid their debt to society from going forward. It is just that as someone who has grown up with responsibility for consequences of your actions, designing your own future, that we feel that there should be more of a over -- overview. The processes that we already have in place in the State to assist these individuals are processes that they have to move forward on. These processes agreeably could be a little confusing, but we could also give them, as we have stated, the rules, give them the assistance and give them the application. The processes in place are an additional review to make sure that that particular individual --

ACTING SPEAKER RIVERA: Mr. Morinello, your time is up.

MR. MORINELLO: Thank you.

ACTING SPEAKER RIVERA: Thank you.

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

MR. MORINELLO: Yeah, I'm going to -- excuse

me. I'm going to reserve my next -- thank you.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Mr. Morinello, just one second. If I could just ask the Speaker to call the Rules Committee to the Speaker's Conference Room, please. Thank you.

ACTING SPEAKER RIVERA: Rules Committee in the Speaker's Conference Room.

MR. MORINELLO: Just -- I'm going to save my 15 as the Ranker for later, but thank you, it was a pleasure.

ACTING SPEAKER RIVERA: Mr. Reilly.

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

ACTING SPEAKER RIVERA: Does the sponsor yield?

MS. CRUZ: Will do.

ACTING SPEAKER RIVERA: The sponsor yields.

MR. REILLY: Thank you, Ms. Cruz. So one specific thing, well, just to clarify, right, a misdemeanor under this bill will be sealed after three years?

MS. CRUZ: That's correct.

MR. REILLY: And felonies --

MS. CRUZ: If there's been no recommitting of a crime, if you will.

MR. REILLY: Okay. And felonies will be eight years?

MS. CRUZ: That's correct.

MR. REILLY: Okay. So laying --

MS. CRUZ: With some exceptions.

MR. REILLY: I'm sorry?

MS. CRUZ: With some exceptions.

MR. REILLY: Thank you. So laying that foundation, the question I have is there are several crimes in the Penal Law that if a prior conviction was committed, if a prior conviction for a crime that was committed, a second or another crime could elevate the charge to a fine -- to --to a felony. Would that be allowed after it's sealed?

MS. CRUZ: It -- it will -- it would be. We are creating an exception to ensure that law enforcement, and that includes police officers, district attorneys, in conducting their job can access that information.

MR. REILLY: Okay. So -- so just to lay it out in a scenario, so if you have someone who's convicted of a DWI, a misdemeanor, all right, and they get six months, say, probation. And now...

MS. CRUZ: Go ahead.

MR. REILLY: Okay. So they -- they get -- they get convicted and they're sentenced to six months probation, say. All right? And now after that six months is served, three years go by and the DWI conviction is sealed. On year eight, they commit another DWI. That -- with the prior conviction it would be raised to a felony.

I know that you said that law enforcement, so police -- police agencies and the district attorneys' offices will have access to those. Now, they may charge it. Is there anything in the law that prevents it from being admissible in court without judicial review?

MS. CRUZ: No, there isn't.

MR. REILLY: So it would automatically, the -- the charge of a felony that -- would raise to a felony, would automatically be presented in court at arraignment without a judge ruling?

MS. CRUZ: Without a judge ruling if the district attorney so wishes to proceed that way.

MR. REILLY: Okay. So the same -- would the same apply -- the same apply would be for any other crime, right, that would raise it to a felony?

MS. CRUZ: So just to give you some clarity, I want to read you from -- from the section.

MR. REILLY: Okay.

MS. CRUZ: A conviction which is sealed pursuant to this section is included within the definition of a conviction for the purposes of any criminal proceeding in which the fact of a prior conviction would enhance a penalty or is the element of the offense charged.

MR. REILLY: Okay. Thank you so much.

MS. CRUZ: You're welcome.

MR. REILLY: Thank you, Mr. Speaker.

ACTING SPEAKER RIVERA: Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. I would ask the sponsor if she would yield for a few questions?

ACTING SPEAKER RIVERA: Does the sponsor yield?

MS. CRUZ: Absolutely.

ACTING SPEAKER RIVERA: The sponsor yields.

MS. SIMON: Thank you. Thank you. I would like to just make sure that I have a few things very clear on this bill. So this bill covers people with Class A felony convictions for which life imprisonment is the maximum sentence. They're precluded from being sealed under this bill; is that correct?

MS. CRUZ: That's correct. You know, someone with a life sentence, even if the person gets parole, are usually on parole for life and they would be excluded from accessing the sealing.

MS. SIMON: Okay. And what about for out-of-State and Federal convictions? This information is not included in the records that we would be sealing under this bill; is that correct?

MS. CRUZ: We have no authority to seal Federal or out-of-State records. And so this wouldn't impact the information that an employer who performs perhaps a public record search versus, say, a fingerprint search would be able to get.

MS. SIMON: Great, I'm glad you raised -- mentioned that, because I understand that any employer can request -- well, actually, here's my question. The better question is can any employer request that an applicant get a fingerprint-based background

check that shows that there are in- or out-of-State convictions?

MS. CRUZ: Um, no. Labor Law Section 201(a) largely prohibits employers from requesting fingerprint-based background checks except where otherwise authorized by the law.

MS. SIMON: But employers like daycare centers, for example, OPWDD residential providers, nursing homes all still receive information that's sealed under this bill because they are already entities that require background checks; is that correct?

MS. CRUZ: Yes. And we've also made a concerted effort to ensure that entities like these that work with what we would deem vulnerable populations, young people, children, folks with special needs, et cetera, would have access to that information.

MS. SIMON: And is that because the State or Federal Government has determined that there are some criminal convictions where that conduct should foreclose work with certain populations?

MS. CRUZ: Hold that thought.

(Pause)

Yes.

MS. SIMON: Great. And it seems to me that even in those circumstances, an employer still cannot decline to hire an otherwise qualified candidate solely because they have a criminal conviction, that they have to address the factors that are in Article 23(a) of the New York State Correction Law. And I'd like to list some of those and find out whether or not you agree. So those factors, as I

understand it, are a public policy of the State to encourage the employment of persons previously convicted of one or more criminal offenses; the specific responsibilities of employment sought, that particular employment sought; the bearing, if any, that the criminal offense or offenses for which the person was previously convicted will have on the person's fitness to perform those responsibilities; the time that's passed since the occurrence of the criminal offense; the age of the person at the time of the offense; the seriousness of the offense; the information produced by the person regarding their rehabilitation; as well as any legitimate interests of the employer in protecting property and the safety and welfare of specific individuals or of the general public; and that absent a determination that there's a direct relationship between the prior offense and the specific employment sought, or the employment of the person would involve an unreasonable risk to property or to the safety or welfare of specific individuals, an employer would be engaging in discrimination if they denied that employment; is that correct?

MS. CRUZ: That's correct; I -- I fully agree with that.

MS. SIMON: So we're not precluding criminal conviction reviews for anyone within the time frame between the conviction and the sealing, and we're not precluding criminal conviction information from being shared where the employers are performing fingerprint background checks, which is a more official record than the otherwise publicly-available information. But we're

also not changing the fact that employers cannot discriminate solely on the basis of a criminal conviction, which is a prohibition that has existed in New York State since 1977; is that correct?

MS. CRUZ: That's correct.

MS. SIMON: Thank you, I appreciate it.

On the bill, Mr. Speaker.

MS. CRUZ: Thank you.

ACTING SPEAKER RIVERA: On the bill.

MS. SIMON: Thank you. Whoops, gotta get my notes here, sorry. So I'd like to speak about this bill. You know, I was raised in the Roman Catholic faith, and one of the things that I have likened the consequences of a conviction subsequent to the person serving their time and doing everything that they needed to do to rejoin society and the barriers that exist is somewhat akin to ex-communication. And as you know, throughout history ex-communication was a very, very severe penalty and people would be shunned and unable to participate in society. And an example of somebody like that is Gregory Pierce, who's 71 years old and has been calling for the passage of the Clean Slate legislation to remove what he calls "the paper handcuffs" of the barriers that have placed him in perpetual punishment. And he has written that his entire life was changed because of a conviction history, even though it's not representative of the person he is today. *Despite everything that I've done for my community, I've been repeatedly denied housing and jobs, and all I want to do is contribute, but our system won't let me.*

And so for Gregory and the 2.3 million people who would be affected by the passage of this legislation, I will be voting in the affirmative. Thank you.

ACTING SPEAKER RIVERA: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker. Does the sponsor yield?

ACTING SPEAKER RIVERA: Does the sponsor yield?

The sponsor yields.

MR. TANNOUSIS: Okay. Ms. Cruz, I -- I don't want to be repetitive, so I'm gonna to try to be as short as possible because I know a lot of my other --

MS. CRUZ: Highly appreciate it.

MR. TANNOUSIS: -- colleagues have spoken. My pleasure. Ms. Cruz, I just wanted to clarify certain things, okay? When an individual that perhaps has a felony or misdemeanor conviction and the proper time has elapsed where this law would apply, is there anything proactive that they would have to do on their part to have their conviction sealed?

MS. CRUZ: No, it would be automatic. We've set up the system, we've had many conversations with OCA, with DCJS to ensure that a system has been set up where there are checks several times a year to these records so that it becomes an automatic process.

MR. TANNOUSIS: Okay. And obviously -- and I know you had a discussion with Assemblymember Morinello, you are

obviously aware that there are certain mechanisms already in place, for example, the Certificate of Civil Relief, correct?

MS. CRUZ: Yes.

MR. TANNOUSIS: Okay. And that basically -- and you would acknowledge that that would seal somebody's criminal record as well, correct?

MS. CRUZ: It doesn't seal your record, it just tells someone that you've been behaving.

MR. TANNOUSIS: Well, there -- there is a mechanism that would seal --

MS. CRUZ: That's a different one. He did speak of the sealing piece.

MR. TANNOUSIS: Yes, there are mechanisms in place --

MS. CRUZ: That's an application process, yes.

MR. TANNOUSIS: Correct. So in actuality, nothing really prevented this Body from perhaps either passing legislation or making it easier for someone to apply through that process in order to have that done, correct?

MS. CRUZ: Well, we are all about effectiveness. I'm sure that that's the one thing that both of our sides can agree on, and the current law has not been as effective in helping people actually access this process. It is a costly, time-consuming process, you need an attorney. There are only a handful of non-profits that actually do it for free, and it's not a guarantee. And I just want to

check one fact to --

(Pause)

And it's not just time-consuming for the person applying, but also for the State because it has to go in front of the DA, in front of the court, and what we're trying to create here is a system that ensures that -- and -- and since I mentioned the DAs, I will say we've had extensive conversations with them to ensure that the process that we've set up is something that the majority of them were also comfortable with. And so the system that is set up now is -- is time-consuming for the person, it's time-consuming for the State, and we're trying to make sure everybody is in a system that -- that actually works.

MR. TANNOUSIS: I'm happy you brought up the district attorneys' office. Did you -- have you been in touch with any police departments, whether it's the NYPD or police departments throughout the State in regards to this legislation?

MS. CRUZ: We have. I actually had a very productive meeting with the NYPD last year, and we included some of their recommendations as well.

MR. TANNOUSIS: Okay. Did you have any type of contact with crime victims groups?

MS. CRUZ: We have. In the over 200 groups that support Clean Slate there are several victim groups. And there was actually a op-ed that came out, I want to say last week or the week before, from the leader of one of those groups where they talk about

how -- how this kind of legislation is something that they support.

MR. TANNOUSIS: Okay. And I know that you mentioned that it's a cumbersome process, it could be cumbersome perhaps for the court system or for different various maybe not-for-profits. But you would concede and you would agree that it is possible to make it easier to have a situation where somebody could apply for this, perhaps speak to the District Attorney's Office, go before a court and have it reviewed on case-by-case basis, correct?

MS. CRUZ: So, you having worked for the District Attorney's Office know how difficult it is to get anything done within government. I would say that this is how we're making it easier for all sides involved.

MR. TANNOUSIS: But you would agree this is a blanket law, correct?

MS. CRUZ: No, I wouldn't. As you are probably aware, there are a few exceptions and people do have to maintain a life free of recommitting crime, so it's not a blanket.

MR. TANNOUSIS: You mentioned free of committing crime, but in actuality it's not free of committing crime. In actuality --

MS. CRUZ: No, I said recommitting, r-e.

MR. TANNOUSIS: Recommitting, correct. But I think what you mean, Assemblymember Cruz, is that it's free of being convicted of a crime, correct?

MS. CRUZ: Well, we are lawyers and we believe in

the Constitution, so everybody is innocent until proven guilty.

MR. TANNOUSIS: But you would agree that in the City of New York and the State of New York there are -- there are situations where people commit crimes but perhaps are not convicted of committing a crime, correct?

MS. CRUZ: I would also agree that there are situations where people take pleas even though they're innocent.

MR. TANNOUSIS: And you would also agree that in courtrooms throughout the State -- you're an attorney, I'm an attorney, we've seen this happen whether it's in the Bronx, Queens, the City or the State of New York -- there is plea bargaining that occurs between the District Attorney's Office and defense counsels every day, correct?

MS. CRUZ: Hold that thought.

(Pause)

Is your -- so your question was are there plea agreements happening every day?

MR. TANNOUSIS: Obviously --

MS. CRUZ: Or -- or is your question are these plea agreements fair?

MR. TANNOUSIS: No, no, no, no, no.

MS. CRUZ: Okay.

MR. TANNOUSIS: My question is, are you aware that there are plea agreements that occur between prosecutors, defense attorneys in consultation --

MS. CRUZ: Yes, it's part of the process; yes.

MR. TANNOUSIS: -- with the defendants every day.

Okay. Thank you so much for your time.

MS. CRUZ: Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir

MR. TANNOUSIS: Thank you. As many know, I was a prosecutor for eight years, five years in the Bronx, three years on Staten Island. Every single day I went to -- to the courtroom where we plea bargained cases. Defendants either took pleas to lesser charges or they decided to take their cases to trial. Each and every time an individual did that, they did that with the understanding that the charge would appear on their criminal record. Now, obviously, obviously, what we want is for people to have a second chance. Obviously, what we want is for people to become productive members of society, to get a piece of that American Dream. For that reason, there are mechanisms in place, and as a prosecutor I saw a lot of these, where people would come in with these certificates, talk to the DA's Office, go before a judge. And I would have to tell you that very rarely were these certificates, were these applications denied because we have every incentive for people to become productive members of society and live that American Dream.

The reason why I cannot support this law is that it is a blanket law. It's not for the -- it's not in regards to the people that want to change their lives, it's for the people that don't want to change

their lives. And the problem is that this law will affect everyone. You cannot -- and I've said this multiple times -- you cannot have blanket laws in the criminal justice system. Everything is a case-by-case basis. Once you start implementing blanket laws, there is a higher chance that things are gonna slip through the cracks.

I cannot support this legislation and I also advise all my colleagues not to support it as well. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Flood.

MR. FLOOD: Thank you, Speaker. Would the sponsor yield for just a few questions, please?

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

MS. CRUZ: Sure thing.

MR. FLOOD: And I'll do my best not --

ACTING SPEAKER AUBRY: Ms. Cruz yields, sir.

MR. FLOOD: -- to be repetitive. I know that you just spoke with my colleague about, you know, after eight years it's going to be automatically convicted -- or I'm sorry, it going to be automatically sealed records. Is there any avenue for maybe law enforcement if there's a individual who's close to that time frame of having them automatic sealed, but are under investigation with probable cause that they probably did commit another violation? Is there some way to stop this process before that's sealed and before the conviction's automatically sealed?

MS. CRUZ: Is this a person who's under investigation or has a charge pending?

MR. FLOOD: No, under investigation.

MS. CRUZ: I mean, as you know, under investigation is not necessarily someone who either has a charge pending or even an accusation. Under investigation, there would be no opportunity for them to do that. If the person has a pending charge or the person has been found guilty of another crime, there -- they wouldn't qualify for -- for this.

MR. FLOOD: Okay, I understand that. But like -- like you just said, oftentimes, especially with complex crimes, whether they're on the financial aspects, something like that, these -- these investigations sometimes take years. So do you -- is it fair to say that we could end up -- law enforcement could end up bringing charges prematurely because they want to be able keep that conviction as a part of their record going forward?

MS. CRUZ: That -- no -- well, I -- I want to make sure something is clear: That conviction that is about to be sealed would still be accessible to law enforcement as a part of their investigation. So because they've already paid for that crime here and this crime is about to be sealed, if they're not under investigation for a new crime, nothing stops them from actually charging this person, even if it's past the eight years, even if it's past the three years, or using that information because it's through law enforcement. But I think you would agree that if someone is simply under investigation, they

haven't been found guilty, probable cause is -- has been litigated over and over, and holding someone presumably hostage to not having their record sealed simply because we may or may not charge them at a later point is unfair.

MR. FLOOD: Potentially, but it's also potentially unfair, say -- say I was convicted of a Ponzi scheme where I, you know, I stole thousands of seniors', you know, retirement funds, and now I'm under investigation for doing arguably the same thing and my conviction's about to be sealed, and I'm going to go apply to a private equities firm managing millions of dollars of seniors' books. Do -- do you not think it's not fair to the private equities firm to be able to access those records, specifically if they were under investigation?

MS. CRUZ: Well, FINRA requires -- FINRA requires that fingerprint-based access and we are not stopping them from accessing that information.

MR. FLOOD: Okay. All right. So there's no -- so essentially what you're telling me, and I'm sorry, I'm not trying to be repetitive, is that there's -- short of being charged with another crime, there's no way to slow that process up or delay it while potentially other investigations are ongoing?

MS. CRUZ: Can I ask you a question to clarify?

MR. FLOOD: Sure.

MS. CRUZ: Is the purpose that you would want to slow it down or not seal it so that you, as a law enforcement or prosecutor, could use that conviction as part of your case?

MR. FLOOD: That -- that's definitely possible, one of them.

MS. CRUZ: Well, if that's the -- if that's the -- one possibility in that instance even if the case is sealed for other purposes, law enforcement would still be able to access that information. And as I explained earlier to your colleague Mr. Reilly, if it is one of those crimes that could then be used to enhance your sentence, they would still be able to access it.

MR. FLOOD: Okay, great. But that -- that was only just one part of it. The other aspect of it is to, you know, for the general public welfare, as in are we saying -- now saying that someone who is looking employment in a field where there was, you know, there was a level of deceit in their misconduct and that the employer now, though I -- I do know that there are some protections in there for the employers if they should be sued because something had happened, I understand that. But there's really no protections there for the victims of those crimes then. So that -- that's what I'm saying, before you put it --

MS. CRUZ: But those are, we're conflating two because one is for law enforcement purposes --

MR. FLOOD: Yeah.

MS. CRUZ: -- the other one is for employment purposes.

MR. FLOOD: Yeah.

MS. CRUZ: If we're going to use the same example

that you used of someone who's in -- in the financial industry, they have their own set of regulations, and if they happen to be the kind of financial institution that already has access to that, we've created certain exemptions for them to be able to access that information. We're not stopping that from happening.

MR. FLOOD: Okay. Could you point to me where that is?

MS. CRUZ: Hold that thought.

MR. FLOOD: Thank you.

(Pause)

MS. CRUZ: Generally, that exemption comes as -- pursuant to Federal law and we've created an exemption where we're not sealing -- well, because don't have the power to seal Federal convictions.

MR. FLOOD: Okay.

MS. CRUZ: And if you'd like, I can read the specific section for you, if that helps.

MR. FLOOD: I'll take you on your word for that, but thank you.

MS. CRUZ: Sounds good.

MR. FLOOD: I'm not -- there's just a couple of other questions, and -- and just, so -- actually, you know what? That's all I have. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. McGowan.

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

ACTING SPEAKER AUBRY: Ms. Cruz?

MS. CRUZ: Sure thing.

ACTING SPEAKER AUBRY: She yields.

MR. MCGOWAN: Thank you, Ms. Cruz. I want to start, and -- and I just want to clarify the point that you made. So, evidence of a prior conviction, even if sealed, can still be used by law enforcement or prosecutors if an element of a crime to elevate it from, let's say, a misdemeanor to a felony, or as part of the legal proceedings for a new crime, correct?

MS. CRUZ: Yeah, if it's for law enforcement purposes, it's not just limited to -- if it's for law enforcement purposes, it's not just limited to the two instances in which you mentioned. You can use it as -- through -- as part of your investigation. We have made -- yeah, as part of sentencing --

MR. MCGOWAN: Okay.

MS. CRUZ: -- as part of charging.

MR. MCGOWAN: Understood. So no issues with sentencing or as an element to a crime that would elevate a lower-level offense to a higher- level offense --

MS. CRUZ: That's correct.

MR. MCGOWAN: -- based upon a prior conviction, correct?

MS. CRUZ: That's correct.

MR. MCGOWAN: Okay. What about a new charge, right? The defendant is on trial, the defendant has been previously convicted, that prior conviction is subject to automatic sealing and that defendant elects to testify in his or her own defense at that new trial. Can the prosecution cross-examine the defendant on a prior conviction that has been sealed?

MS. CRUZ: Yeah.

MR. MCGOWAN: Okay. So there's no prohibition, assuming a Sandoval hearing is done, a Ventimiglia hearing is done, no issue with examination of --

MS. CRUZ: No issue.

MR. MCGOWAN: -- of a criminal defendant. What about someone testifying as a witness in a proceeding where their prior record was sealed? They're not a defendant, but they're a witness, and the prosecutor has information about that prior --

MS. CRUZ: They would still be able to access it as well.

MR. MCGOWAN: Okay. And -- and there's no prohibition on examining the witness who has a prior conviction that was sealed and testifying in open court, correct?

MS. CRUZ: If it's being used for the purposes of law enforcement. In this case, it would be in the court for a case, then they would have access to it. There's no prohibition.

MR. MCGOWAN: Okay. If the examination and -- and inquiry of the witness who is -- who has a prior conviction that

was sealed is for credibility purposes, it's not an element of a crime, it's being asked to undermine the witness' credibility before the finder of fact. Is there any prohibition on the examination and asking about a prior previously-sealed conviction?

MS. CRUZ: There isn't. And to make sure that we have it on the record, I'd like to read that specific section for you.

MR. MCGOWAN: Please do.

MS. CRUZ: The court, the prosecutor, the defense counsel, if the defendant becomes a witness in a criminal proceeding are the folks where -- that would be able to access that information.

MR. MCGOWAN: Okay. Even if that, again, for -- just so we're clear, is for credibility purposes of that witness.

MS. CRUZ: That's correct. You still have to stick to the rules of evidence, et cetera, et cetera --

MR. MCGOWAN: Understood.

MS. CRUZ: -- but yes, that's correct.

MR. MCGOWAN: What about in a civil case?

MS. CRUZ: The court and the parties, if the defendant becomes a witness or a party in a civil proceeding, would have access to that information.

MR. MCGOWAN: Again, my same -- same question, access to it, but can that person who is either a party or a witness in a civil proceeding who has a previously-sealed conviction can be examined and that -- that evidence can come into the record for credibility purposes or any other purposes --

MS. CRUZ: That is correct.

MR. MCGOWAN: -- as long as it's germane to that proceeding, correct?

MS. CRUZ: That is correct.

MR. MCGOWAN: Okay. Just again, to clarify, not only perhaps on an element of a crime, but generally, as you know, in New York, prior convictions are generally not -- cannot be used as an element or to prove guilt in a new case. But under the Molineux exception there are times when prosecution can examine a witness and actually introduce evidence of a prior criminal act. Under a Molineux exception, not as an element to elevate a crime. Under the Molineux exception in New York, can prosecution use a defendant's previously-sealed conviction in that instance?

MS. CRUZ: They can.

MR. MCGOWAN: Okay. I want to ask you now about the offenses, right? It's -- the only violation that is subject to this automatic sealing is Vehicle and Traffic Law Section 1192.1, Driving While Ability Impaired, correct?

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

MR. MCGOWAN: The only violation-level offense that is subject to automatic sealing would be DWAI under Vehicle and Traffic Law Section 1192.1.

MS. CRUZ: That's correct, yes.

MR. MCGOWAN: Okay. And then misdemeanors and certain felonies, correct?

MS. CRUZ: That's correct.

MR. MCGOWAN: But among those misdemeanors and felonies, certain of those offenses are excluded. For instance, any A Felony, right?

MS. CRUZ: Any A non-drug felonies.

MR. MCGOWAN: Any A non-drug felonies. Okay.

MS. CRUZ: That's correct.

MR. MCGOWAN: As well as crimes under Article 130 of the Penal Law, sex offenses that are also -- I know in the bill it cross-references to Correction Law Section 168, correct?

MS. CRUZ: Yes. The ones that are required sex offender registry, yes.

MR. MCGOWAN: Right. So any SORA-eligible offense, right, the Sex Offender Registration Act, would not be subject -- or a defendant with a prior conviction under a SORA-eligible offense could not receive this automatic sealing, correct?

MS. CRUZ: That's correct.

MR. MCGOWAN: And that are both felonies and misdemeanors, right?

MS. CRUZ: Say that -- that --

MR. MCGOWAN: Those SORA-eligible offenses include both felony --

MS. CRUZ: That's correct.

MR. MCGOWAN: -- as well as misdemeanors.

MS. CRUZ: That's correct.

MR. MCGOWAN: Including B Felonies, correct?

MS. CRUZ: That's correct.

MR. MCGOWAN: Okay. But aside from those there, everything else is essentially fair game. If you have a conviction that does not fall within that limited scope of excluded offenses, you are -- could benefit from automatic sealing upon the passage of time, correct?

MS. CRUZ: Upon the passage of time where you have not recommitted a crime or have a pending charge, that's correct.

MR. MCGOWAN: Okay. So Attempted Murder in the 2nd Degree, right, intentional murder, that is a Class A Felony, correct?

MS. CRUZ: That's correct.

MR. MCGOWAN: But Attempted Murder, right, gets reduced. Any attempt comes down one degree, so that would be a Class B Felony, correct?

MS. CRUZ: Hold that thought.

We're gonna double-check to make sure that it's an -- it's not an A.

MR. MCGOWAN: Okay. So I'll move on to another one that I know is a B, Manslaughter, right? That's causing the death of another person, but not with intent. That's a Class B Felony, correct?

MS. CRUZ: That is, yes.

MR. MCGOWAN: And that would be subject to

automatic sealing upon the passage of time and the other conditions that must be met, correct?

MS. CRUZ: Yes, including -- yes, sorry.

MR. MCGOWAN: Okay.

MS. CRUZ: My brain blanked for a second there.

MR. MCGOWAN: In addition to Manslaughter in the 1st Degree, there's Aggravated Manslaughter where somebody causes the death of a police officer, which is also a Class B Felony. That would be subject to automatic sealing, correct?

MS. CRUZ: After they've gotten out of jail, after they've done probation and demonstrated all of the other requirements, that is correct.

MR. MCGOWAN: So just to make our discussion a little bit more streamlined, I'm going to assume all those things, right, but I have a couple of other offenses I want to confirm with you. So again, assuming the defendant does all the other things that he or she is supposed to do, like not commit another offense and be released from prison or serve their sentence, a person who's convicted of Aggravated Manslaughter in the 1st Degree, killing a police officer, although non-intentionally, would be subject to automatic sealing, correct?

MS. CRUZ: That's correct.

MR. MCGOWAN: What about Strangulation in the 1st Degree, a Class C Felony? That would be subject to automatic sealing?

MS. CRUZ: That is correct.

MR. MCGOWAN: Criminal Obstruction of Breathing or Blood Circulation, an A Misdemeanor. That would be subject --

MS. CRUZ: Hold that thought.

MR. MCGOWAN: -- to automatic sealing, correct?

MS. CRUZ: Yes.

MR. MCGOWAN: Robbery in the 1st Degree, 2nd Degree, 3rd Degree, any robbery offense. Subject to automatic sealing?

MS. CRUZ: Yes. If you'd like to go through every single one, I'm happy to do so.

MR. MCGOWAN: Well, we'd be here awhile and I don't need to do that, I just have a few more. What about Endangering the Welfare of a Child, a Class A misdemeanor. That would also be subject to automatic sealing, correct?

MS. CRUZ: Yes.

MR. MCGOWAN: Okay. If a defendant is not sentenced to appear (inaudible) incarceration or probation but merely sentenced to a conditional discharge, so let's say for a period of one year, when does the time begin? Is it upon sentence or upon completion of that one-year conditional discharge, assuming the defendant remains arrest-free and otherwise complies with any orders of the court required to do under that conditional discharge period?

MS. CRUZ: Let me make sure I give you the correct

answer.

MR. MCGOWAN: Thank you, ma'am.

MS. CRUZ: So can you repeat your question?

MR. MCGOWAN: Sure. If a defendant is sentenced to a -- a sentence of a conditional discharge, let's say for one year, when does the -- the -- I guess the period begin, upon sentencing or upon the expiration of that one-year conditional discharge?

MS. CRUZ: Upon sentencing.

MR. MCGOWAN: Okay. So as the sponsor of this bill there was obviously a decision, right, to exclude certain offenses but not others for the automatic sealing provision, right?

MS. CRUZ: It was -- I would call it a group effort, but yes.

MR. MCGOWAN: Okay. But ultimately there was a decision to say, all right, anything that's SORA-eligible, not subject to automatic sealing, any A Felony except for drug offenses, not subject to automatic sealing, correct?

MS. CRUZ: Yes, arguably.

MR. MCGOWAN: But you would agree with me, some of these offenses -- offenses that I've mentioned, including offenses where a defendant can be convicted of causing the death of another person, including a police officer, you, or you said collectively, the decision was made to not have that be an exception to allow for automatic sealing when somebody causes the death of another person and is rightfully convicted, correct?

MS. CRUZ: I will say the -- the point where I think you're going is not one that, incredibly, was brought up during our conversations with the NYPD itself or even with the district attorneys.

MR. MCGOWAN: Okay. Well, I wasn't asked and I'm not a member of -- of the NYPD, and I'm a former prosecutor, no longer current prosecutor, obviously. But that's my -- that's where I'm trying to get at. There was a conscious decision to exclude certain offenses but not others, and those that are actually included in the automatic sealing include acts of violence, correct?

MS. CRUZ: There was a conversation with many stakeholders that led us to the bill that we have today.

MR. MCGOWAN: I'm glad to hear that, and I'm glad to hear there was a process and I assume there would be for legislation like this. But ultimately, the decision was made to allow offenses where a defendant is legally convicted of causing the death of another person to be subject to automatic sealing, correct?

MS. CRUZ: Again, there was a conversation. I believe I've already answered this question in the way that I feel it's appropriate to answer this question.

MR. MCGOWAN: Okay. So that's not really answering my question, but no problem. I'll move on.

MS. CRUZ: We can agree to disagree.

MR. MCGOWAN: Okay. I don't have any further questions for the sponsor. Thank you, Ms. Cruz, I appreciate it.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCGOWAN: I -- I really -- I -- I want to support the idea that -- and I do support the idea that someone shouldn't be necessarily defined by a mistake, by an indiscretion, and should have the opportunity to have a full and free life and be a productive and contributing member of our society. That is as foundational in our criminal justice system as anything else. But I feel that once again here in this Chamber, this Body is presented with legislation that doesn't do that. It goes way beyond giving someone a chance to move forward from a past mistake. We have before us legislation that calls for an automatic sealing, automatic sealing requiring that the defendant who was legally convicted do a few things; one, complete his or her sentence. As we've heard this morning, pay their debt to society. But upon completing whatever sentence that person received, the person merely has to not commit other crimes, not have a pending charge, not get convicted. In other words, the defendant has to do what we all should be doing, which is not committing crimes. You can literally cause the death of another person, including a police officer, serve your sentence and then sit back and wait and your case, your conviction will be sealed, not available for public view, except in very limited situations.

There is no application required by the defendant. There's no onus put on the person. I heard this morning that well, it's the -- the State's gonna do that, now it's the duty of the State. We are going to do that for the person. Violent felonies including domestic

violence offenses, Endangering the Welfare of a Child. As a former Special Victims prosecutor, I really can't get past that. Endangering the Welfare of a Child is a Class A misdemeanor. A person knowingly acts in a manner likely to be injurious to the physical, moral or mental well-being of a child less than 17 years old. That covers a lot of bad things and that protects kids, but we're going to seal it. That's a Class A misdemeanor, wait your three years, it's like it never happened.

Again, there are things about this conceptually I wanted to support. I do support second chances, but this goes way too far. Because our victims, our crime victims, our kids who are abused, who are sexually assaulted. Because while this legislation excludes SORA-eligible offenses, it is possible that somebody could act in a sexually-inappropriate manner and be charged with a crime that does not result in a SORA-eligible offense; for instance, Endangering the Welfare of a Child. I know because I've prosecuted those cases. But what we're saying, the message that we're sending is, *Well, we don't really care. The passage of time, that's enough, that's all we need.* Our victims don't get a second chance. Someone who's a robbery victim, a burglary victim, will live with that for the rest of their lives. There is no clean slate for our victims. But our criminals? Sure, just don't do it again. Time goes by, don't do it again and we're gonna seal your record. What message are we sending in this State? It's the wrong message is the answer. This could have been done differently. This could have been fashioned in a way that allows somebody who is

earnest, who is honest, who wants to get their life back on track, to do it. We could find other ways. If the process is too difficult, let's work on that, let's ease their burden, let's look for different opportunities, let's collaborate. But that didn't happen here. This is a lot easier, probably. Just automatically seal. Automatically seal, but not for our victims. We continue, again, to put the interests of criminals above residents, above safety, above our victims.

I'm honestly disgusted by this bill and I will be voting in the negative and I encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lavine.

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

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

MS. CRUZ: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LAVINE: Thank you. So Ms. Cruz, I know you've put a tremendous amount of work, collaborative work, into -- into this bill, and you've consulted with everyone to make it a much, much better bill than it was originally. So, you know that I was once a public defender in -- in New York City a long time ago?

MS. CRUZ: Yes, we've commensurated stories.

MR. LAVINE: Yes. And for many years I

represented people, innocent people and guilty people, in connection with -- with criminal cases. And you know that I have listened to my colleagues who are former prosecutors, and I have a lot of admiration for what they do for our community. But you know as well that over the years, I had more convictions than all of them put together. So I have a rather unique take on this -- the experience of this bill.

Now, would you agree with me that no one is treated who has a conviction differently. In fact, everyone who has got convictions except for those that are excluded is subject to the same set of regulations and rules here.

MS. CRUZ: That's correct. We haven't made some sort of special exceptions for them.

MR. LAVINE: And if I understand, anyone convicted of a misdemeanor has to complete whatever sentence they get and then wait -- and then it's a three-year period of time before they are eligible to have their record sealed, which -- which I think is reasonable and -- and rational. And on a felony it would be eight years. And to be sure, many of the felonies and even some of the misdemeanors are -- are -- are troubling, they are. But would you agree with me that redemption is not only an important theological concept, but it is an important concept for us as a community to be able to bring everyone in the community together, whether they were victims or whether they committed crimes? Redemption is important, is it not?

MS. CRUZ: I couldn't agree more.

MR. LAVINE: And at the heart and soul of this particular proposition that we're debating today is the proposition of redemption.

MS. CRUZ: It -- it absolutely is. And -- and if I may add, I think one of the important things to note is, you know, many of these more troubling, for lack of a better word, crimes that folks who oppose it have chosen to enumerate, they carry very, very long sentences. We're not talking about someone who goes away for three years, comes out and eight years later they could actually access this. We are talking people who go in for perhaps 20 years, come out, maybe have another five, eight years of probation, and then they can access the sealing. And so we believe in people. We believe that people have the power to change. We believe that government should recognize that power to change.

MR. LAVINE: Thank you, Ms. Cruz.

MS. CRUZ: Thank you.

ACTING SPEAKER AUBRY: Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker.

Through you, will you ask the speaker to yield?

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

MS. CRUZ: Thank you. You've been spending a lot of time in the Senate, I see.

(Laughter)

MR. ANGELINO: I was there yesterday; they're -- they're very fast. Also, speaking of very fast, in the spirit of efficiency, some of these questions are collaborative from the row just to save some time. I understand we're in a C-print on this particular bill, and when I was looking at it in past versions, I noticed the most thing that sticks out to me is the -- the years going from eight -- to eight from seven. Was there some sort of metric that caused that?

MS. CRUZ: So originally it had been seven because research actually, and science, there's been plenty of research that shows that past seven years someone who's committed a felony is as likely to recommit a felony as any of us who haven't committed a crime. As you know, there are concessions that sometimes have to be made when creating legislation, so we ended up at eight instead of seven.

MR. ANGELINO: So -- so seven was the -- the magic spot and then you just --

MS. CRUZ: No. Well, seven was the original.

MR. ANGELINO: Right.

MS. CRUZ: Eight is the magic spot.

MR. ANGELINO: Yeah, so you went from seven thinking that was the metric so we'll go to eight just to ensure.

MS. CRUZ: Yeah.

MR. ANGELINO: Can the sealing records - and I listened intently but I may have been distracted - but if this was asked I apologize, but can a Probation Department still use past convictions

in a presentence report to a judge in a court?

MS. CRUZ: Yes, they can. They can access the information and use it as -- as they would for the purposes of their law enforcement related job.

MR. ANGELINO: Okay, because I was keying in on law enforcement and I thought they might have been more Judiciary than -- than Executive Branch but thank you.

And, you know, a long time ago in the Clinton era there was a 1994 Public Housing Act. I don't know if that still exists, but that precluded a lot of people from getting -- being able to live in public housing if they had a past conviction. Do we know if that still exists and is that going to impact this?

MS. CRUZ: Unfortunately it still exists and unfortunately this will have no impact on that because that is Federal regulation.

MR. ANGELINO: So and how does -- how does a landlord go about, you know, in a -- public housing? How do they go about? Can they ask that if you have a Federal conviction?

MS. CRUZ: If I knew how NYCHA did what it does, we probably would have a better system, but I venture to say there's an application process and if you hold that thought I have a colleague who actually represents NYCHA, I just want to make sure I put it on the record and give you the correct answer.

MR. ANGELINO: I'll wait.

(Pause)

MS. CRUZ: So there is an application process and they do ask you if -- if you have a past conviction.

MR. ANGELINO: And that's not going to get anybody into trouble for asking for public housing --

MS. CRUZ: Well, (inaudible) the Federal Government. We have created in the language actually specific section that says who's exempted and the Federal Government is part of that.

MR. ANGELINO: Thank you. But employers are not allowed to ask.

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

MS. WALKER: Thank you, Mr. Speaker. Will Mr. Angelino pause for a point of clarification with respect to his questions on NYCHA?

ACTING SPEAKER AUBRY: Mr. Angelino?

MR. ANGELINO: Certainly.

ACTING SPEAKER AUBRY: Mr. Angelino yields.

MS. WALKER: Well, I just want to also congratulate the sponsor on doing a great job. But Mr. Angelino the restriction with respect to NYCHA are only with respect to crimes which are committed on NYCHA grounds; however, since maybe about 2014 or '15, are you aware that NYCHA has been piloting a project where they have been allowing people who have previous convictions on NYCHA grounds to be able to obtain an apartment and

tenancy within NYCHA developments?

MR. ANGELINO: I do not. But NYCHA is one city and I have public housing in the City of Norwich and also all over my district. So I don't know how that -- I'm trying to find out if the 1994 prohibition on public housing still exists and --

MS. WALKER: Well, in addition to that, Mr. Angelino, NYCHA did not sort of come up with the idea with respect to this pilot project. Are you aware that also in the City of Syracuse there are also similar tenancy pilot projects for people who were previously convicted of a crime on public housing grounds which are now allowed to be tenants within the public housing corporation in the area by which they live?

MR. ANGELINO: Thank you. I'm going to move on from public housing.

MS WALKER: Thank you.

ACTING SPEAKER AUBRY: Proceed, Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. So I was getting ready to say, after we finished that conversation, employers are not allowed to ask about previous convictions.

MS. CRUZ: That's correct.

MR. ANGELINO: But there are some exceptions.

MS. CRUZ: Let me just make sure that I put it as clear.

(Pause)

So they -- there's a difference in -- in I guess in how you ask, their ability to ask for fingerprint versus public records, for example. They can't ask for fingerprint, they can ask for public records when it comes to have you been convicted of a crime in all, but the City of New York, I think you can ask that question, but I -- I -- I would -- I would argue that if it is a job that is within the exemptions we've created, they'd still have access to that information.

MR. ANGELINO: Right. But an employer can - on an application - it can still say if you're going to a fast food restaurant, have you been convicted of a crime, because that's still allowed.

MS. CRUZ: Yes, except in the City of New York.

MR. ANGELINO: Okay. And how does -- if somebody has taken advantage of this, three years or eight years down the road, how do they answer? Do they decline to answer, do they lie or do they say yes? What would you -- how do -- how do we do this?

MS. CRUZ: They're allowed to say no for all sealed records.

MR. ANGELINO: Okay, thank you. The --

MS. CRUZ: Can -- can I say something, though --

MR. ANGELINO: You may, please.

MS. CRUZ: -- in response to that? I mean, you know, when I was a teenager I worked in -- in a fast food restaurant. We still have a lot of people whose -- who have no other choice but to do that because of their criminal records. I get where you're going with it, but I also think it's important to know that, you know, if folks

are -- are -- are -- if all they have left is the possibility of working in a fast food even though for many of these folks they might have other careers, they might have degrees, they might have licenses, but think about the fact that that's the only place that they can work. We would not want to perclose [sic] them from being able to move from that to improving their lives.

MR. ANGELINO: I know Ban the Box was big a few years ago and I thought that had taken off and I'm surprised --

MS. CRUZ: I wish it did.

MR. ANGELINO: Okay. So there's some employers that are -- like, I will say for healthcare, for instance. Those -- a lot of those employees are licensed and they're going to go through the background process. But there's also people who work for healthcare facilities that are in close contact with patients and narcotics who might be custodial services. Are those people going to be asked if they have any past convictions?

MS. CRUZ: The standard we've set up is regular and substantial contact with those vulnerable populations.

MR. ANGELINO: Okay, because there are sections of Penal Law that deal with endangering the welfare of incompetent or elderly and things like that.

MS. CRUZ: Yes. We want to make sure that those folks are still able to access.

MR. ANGELINO: A lot of these questions are coming from constituents who have heard about this over the last

week.

MS. CRUZ: And I appreciate answering them.

MR. ANGELINO: Here's an interesting one, schools. We all know schoolteachers, bus drivers, people like that go through a background check, but that's only for public schools. What about private schools that are usually Catholic, Baptist, things like that?

MS. CRUZ: I will tell you we worked even with the Catholic Conference when they raised this concern to make sure that we were creating the exclusions so that private schools could have that information.

MR. ANGELINO: Did that exclude? Did that happen?

MS. CRUZ: Yes.

MR. ANGELINO: They're not happy, though, so I don't know.

MS. CRUZ: Well, can't make everybody happy. You know, just because you give me ten -- ten suggestions doesn't mean I gotta take all ten of them.

MR. ANGELINO: Okay. So this is very complex, so I've thought this through. I've been involved with sealing orders in the past and we're dealing with a three-year time and a eight-year time. I have pretty good confidence in county courts talking to DCJS because they do it often. I don't have such confidence with all the town and village courts and the turnover of judges and clerks and things like that. Is there -- I guess here's what I'd like to suggest or ask. Would it

be possible instead of doing the anniversary date of the individual's conviction to do it the year end of the individual's conviction so that they just wholesale go all the way through and seal all the records?

MS. CRUZ: So, I'll start off by saying we even spoke to some of those folks. Our -- our former colleague, Jamie Romeo, who's now with the County Clerks Association I believe it's called, raised some of these concerns because the way that many counties keep their records is through the County Clerks and it's a lot more convoluted, sometimes it's in some random basement in boxes, we want to make sure that we are not setting up our system for failure.

So one of the things that we have done is set up the time of effectiveness to January 2025 which will give us an opportunity for next year to put money in the budget for the folks who need it to be able to implement it.

MR. ANGELINO: Yeah. Would you agree that it'd be good to purge a whole year's worth instead of having the anniversary dates?

MS. CRUZ: I -- I would not. That is why we are setting up as a four times a year checkup for the agencies to be able to do it. And having said -- understanding your concern as well, it's one of the reasons why you'll see in the law that says within three years of the effective date we will begin -- we will have all of the records that so far need to be sealed, sealed. So to give you the map; January 2025 is when it'll be effective. And beginning January 2025, plus three years, is when you'll begin to slowly see these records sealed. And

after those three years, every four -- every three months, four times a year, you will see the agencies interact with each other for this purpose.

MR. ANGELINO: Thank you. And I'll finish up with somebody violates this and they give out information. We'll go with the worst case scenario, intentionally do it. What is the penalty and who enforces it?

MS. CRUZ: It depends on who's the person that would be giving out the information or violating this. If it's someone who has the duty to seal it and duty to keep it sealed, we have set up a -- a -- a section that would allow the individual aggrieve a private right of action, but this isn't just for anyone. It's for specific people who have a duty to seal and to keep the information sealed.

MR. ANGELINO: Okay. Thank you so much.

MS CRUZ: Thank you.

MR ANGELINO: Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

MS. CRUZ: Can I -- I --

ACTING SPEAKER AUBRY: Ms. --

MS. CRUZ: -- I misspoke on something, Mr. Speaker. I just want to make sure it's clear for the record. It's one year effective date on January 2025.

MR. ANGELINO: Thank you.

ACTING SPEAKER AUBRY: Mr. Burgos.

MR. BURGOS: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURGOS: So this is probably one of the more consequential bills we'll pass in this House this year, and I think it's important to clarify what this bill is and what it isn't. This bill is an economic bill. For years in this State we have prohibited and placed barriers on individuals who have served their time and have tried to reenter society, have tried to get gainful employment, have tried to access housing, have tried to further their education. This bill is also a racial injustice bill because it is not a secret nor a question that the majority of individuals who are incarcerated in this State are Black and Latino individuals, many from a community just like mine. This bill is also a public safety bill. Some of my colleagues may disagree, but when I mentioned before being an economic bill, when you give individuals a brand-new opportunity to access employment that they never had a chance to access, when you give them an ability to live in communities that they possibly grew up in or to live in some of the most affordable housing within the State, NYCHA being that affordable housing or when you give them an ability to access education, to get a GED, to get a undergraduate degree, to get a graduate degree, maybe even get a PhD, you give these individuals a brand-new opportunity never afforded to them until we pass this bill.

Let's talk about what this bill is not. This bill is not a soft-on-crime bill. Why is that? Because as the sponsor has

mentioned today, this bill does not change the penalty for crimes here in New York. If you commit manslaughter, if you commit a robbery, if you commit any felony or misdemeanor the charges are still applicable. You may still have to serve 15, 20, 25 years within our State prisons. It is not until you have finished your sentence and then the allotted time as the bill describes that you afforded the ability to seal that record. This bill does not prevent law enforcement, criminal courts and other relevant agencies from accessing these records.

Now it's been mentioned today that there is already an ability to seal records here in New York, as the law we passed here in 2017. But it's estimated over 600,000 people are eligible under that law. And do you know how many have taken advantage of it? Only about 2,500. Now what does that tell you? The law is ineffective. We are not giving people the opportunity we intended to and that is why a bill like this today is so necessary. I have to commend the co -- I have to commend the sponsor. In my time here in the Assembly I have rarely seen a bill go through so much deliberation, so many supporters, even unlikely supporters, from businesses to other kinds of employers, to education, to law enforcement itself who realize that this bill is so much more than just a sealing of records.

Now I want to share a story that pertains to this bill if you bear with me one second.

(Pause)

So when working with advocates and individuals, you know, to help move this bill forward, there was a story shared

with me and it was a gentleman named Charles who has been off probation for a decade. He's a graduate from Bryant & Stratton College with his Associate's Degree in Paralegal Studies holding a GPA of 3.82. He graduated with the highest distinguished summa cum laude. He then went on to finish at the University of Cincinnati to obtain his Bachelor's Degree in Paralegal Studies. Charles is currently working as an on-call bus driver while seeking to secure employment as a paralegal. Despite graduating summa cum laude, he's still finding difficulty securing employment simply because of his conviction history from nearly a decade ago despite not reoffending and despite his gainful education.

I have one more story to share, one a bit more personal to me. Seventeen years ago in the year 2006, my father was arrested. He was roughly the same age as I am today. Before even being convicted, my father was fired from his job. He worked for a telecommunication company. It was pretty good job, paid the bills well. We lived in a house, supported three kids and a wife. Now ultimately my father was convicted of his crime. I recall vividly visiting him on Rikers Island. I recall his hair getting longer, his weight going down, almost becoming unrecognizable to me. At that time I lived with my mother for obvious reasons. And I want to speak of the barriers he endured even post-conviction. Obviously, as I mentioned, he was fired from his job even before being convicted, but because my father only had a GED, coming out after his conviction, understandably, it was nearly impossible for him to gain employment

despite extensive experience in the telecommunication industry, despite a pretty solid network, despite being an incredible human being. He attempted to even open a business here in New York State. He reached another roadblock, why is that? Because many of our licenses will deny you based on a conviction record. Seventeen years later, never committing a crime again, thankfully the story ends with a happy ending. My father now owns a telecommunication business because he had no choice but to create one. He had to create employment for himself because there was no other opportunity for him. He now hires over 35 employees some of which are formally incarcerated. And as I mentioned, never reoffending. But because of that conviction, because of his experience here in New York State, because of those barriers he faced, he had to chart a path that is damn near impossible. And when you have hundreds of thousands of people here convicted and given the same obstacles, the same barriers, we cannot seriously expect every single one of them to come out on top. So this is why this bill, of all bills, of thousands of bills that we push through this House is probably most meaningful to me because I've seen the story of my father, I obviously lived it and experienced it firsthand. But I want to see that story happen for so many more New Yorkers. I want so many more individuals to have that opportunity given to them. I want it to be so much easier for them if they have truly reconciled, if they have truly paid their debt to society and they truly want to move on and be part of our neighborhoods and our communities and contribute to our economy and pay taxes and

employ other people then we have to create those opportunities for them. And that's why I'm so proud to be a cosponsor of this bill and looking forward to its passage. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Slater.

MR. SLATER: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Ms. Cruz.

MS. CRUZ: Sure thing.

ACTING SPEAKER AUBRY: Ms. Cruz yields.

MR. SLATER: Thank you, Assemblymember Cruz.

I appreciate it. I just wanted to go back and I think -- I don't mean to repeat some of the questions that may have been asked, but I just want to make sure that I'm clear on -- on a few items. I think we had acknowledged, correct me if I'm wrong, that there's currently a process in place for people to seal criminal records. Yes?

MS. CRUZ: Yes. We also acknowledged that it's not effective.

MR. SLATER: It's not effective. But we do acknowledge --

MS. CRUZ: Well, it's not as easily accessible is the word I would use.

MR. SLATER: But we do acknowledge that there are individuals and I've heard different stats. Do you know what the

number really is since 2017?

MS. CRUZ: I -- I heard something -- it's a small number, I think like 2 percent, maybe less than 2,000 people.

MR. SLATER: And you know that DCJS tracks those numbers?

MS. CRUZ: Yes.

MR SLATER: Great. And so according to DCJS, and, again, I understand that it may not be where we all may want it, but according to DCJS since 2017, 3,882 have successfully gone through that process.

MS. CRUZ: And there's 2.3 million waiting.

MR. SLATER: Understood. My question for you, though, comes to the language in the bill, because the current sealing provisions are found in Section 160.59 of the CPL. And one of the things that I'm trying to understand is that when it comes to your proposal of the automatic sealing of convictions, the bill adds Section 160.57 to various sections of the law where Section 160.59 already is referenced. And so I'm just curious, because it's unclear to me, how we can have two conflicting sections coexist. So are we removing one?

(Pause)

MS. CRUZ: So 160.59 seals more than the other and they're not conflicting.

MR. SLATER: So then can you explain to me how that process could work? If the current process -- is the current

process going to stand?

(Pause)

MS. CRUZ: So under 160.59 it does not show up in a civil search for work purposes. So it's a different kind of sealing as well.

MR. SLATER: But would somebody be able to access the current process? And if they are able to access that current process, how does that impact them should this legislation be passed?

MS. CRUZ: It -- it doesn't. They would eventually be able to do both.

MR. SLATER: So then you're -- you're able to simultaneously go through those --

MS. CRUZ: Not -- not simultaneously because one could take place before the other.

MR. SLATER: Based on the -- on the time frames that are in your legislation.

MS. CRUZ: And based on their requirements of the particular ones, yes.

MR. SLATER: Understood, understood. Well, I appreciate that. And that's all the questions that I have for the sponsor.

Mr. Speaker, on the bill if I may.

MS CRUZ: Thank you.

ACTING SPEAKER AUBRY: On the bill you may, sir.

MR. SLATER: I do want to thank Assemblymember Cruz for answering those questions. I think my colleagues have done a phenomenal job really explaining the concerns surrounding this piece of legislation. We've seen throughout the year public polling showing 9 out of 10 New Yorkers concerned about crime, concerned about public safety. And while I think we all recognize as been said time and again, the importance of -- of second chances. This bill, this proposal, I think as has been demonstrated just goes entirely too far. Again, just some of the specifics; endangering the welfare of a child, robbery, manslaughter. You know, we spent weeks jumping through hoops trying to restore judicial discretion to bail and yet here we are removing that same judicial discretion when it comes to sealing criminal records. I have a significant concern with the direction this brings this State. I don't think that it is going to put people at ease who are concerned about public safety, who are concerned about crime. Those 9 out of 10 New Yorkers that we've heard back from time and time again. And I do think that this is a very, very significant overreach on something that could be a very, very good idea. So for those reasons, Mr. Speaker, I'll be voting in the negative and I appreciate the time.

ACTING SPEAKER AUBRY: Mr. Gibbs.

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

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

MS. CRUZ: Anything for you, Eddie.

MR. GIBBS: Thank you, Catalina. Clean slate is an economic justice and poverty and racial bill that seeks to end the perpetual punishment and enable the 2.3 million New Yorkers with conviction records to access the employment, housing, education and other opportunities they need to successfully reenter and contribute to their communities. That one particular paragraph is self-explanatory.

On January 26th, 2022, I, along with former Assemblymember Keith Wright and New York County Chair arrived to this great Chamber. The Body was still on COVID protocol and the members were working via Zoom, no one's here to greet me. I was told that I couldn't bring my family to witness this historic feat because COVID protocol. The first person to greet me as I arrived to the footstep of the Chamber was Wayne Jackson. And as I stood in the entrance in awe, afraid but yet anxious, Wayne simply told me take your time. So I stood there at that entrance and I questioned myself, do I belong here? It seemed like an eternity, and then Wayne walked me over to the front and I was greeted by Speaker Heastie who simply asked me, *Are you sure you want to do this?*

(Laughter)

I replied yes, and was sworn in becoming the first formally-incarcerated New York State legislator in this Body.

(Applause)

Ladies and gentlemen, I created my own clean slate. But there are millions of other individuals out there who didn't have

the luxury to work for a Jewish criminal attorney like I did who showed me trust, showed me love. When a Jewish man give a man who spent five-and-a-half years in prison keys to his house, keys to his vehicles, keys to his office, that make that individual feel like a human again, that one trust. And I said if this Jewish man can give me the keys to his home, keys to his vehicle and keys to his office, I'm not going to let this man down. And I did not. And unbeknownst to me, ten years I worked for this attorney, in the third or fourth year his daughter Stacey Richmond saw the need to file an application on my behalf. Titled, Certificate of Good Conduct. Now if you asked me what was a Certificate of Good Conduct back than I would say, *I don't know, some piece of paper*. I was just happy to be home, working and trusted. Stacey Richmond told me about nine months later, *Mr. Gibbs, your rights have been restored*. This particular certificate lift all bars of licensing, all bars of employment, all rights and privileges are back. To test the validity of this said certificate, I immediately went to Valhalla Correctional Facility and filed an application to work there. They told me I needed \$75 to take the examination and of course Stacey Richmond gave me \$75. I passed the examination with 92.3 and they put me on the waiting list to be a correction officer. Now I knew I was never going to be a correction officer. I knew Valhalla was going to play this waiting game and -- and they did. And the question was, *well, is he entitled to a firearm license?* Can this young man who spent five-and-a-half years in prison on a manslaughter charge be entitled to posses a firearm again. Granted it

was self-defense, granted everybody knew the story, is he entitled to a firearm. And when that particular discussion started, I withdrew it. I didn't want to be a correction officer anymore. I didn't want the controversy, I didn't want the newspapers following me, I just wanted to do it quietly and be accepted.

Murray Richmond encouraged me to do something else. At that time particular time he was representing a former colleague in the Assembly, I won't say his name. But Murray said, *hey, the man living in your district, I want you go back and serve your community. Serve the seniors, serve the youth, show people that you're worthy. Show them that you're worthy to be back in this community* and I did just that. I became an advocate and did a lot of work in the community, years, and I still had the Certificate of Good Conduct. And though Murray hired me just fresh out of prison, I didn't have to interview. I didn't have to sit face-to-face with a potential employer and feel embarrassed knowing that in his hand possessed my record, and in the back of his mind possessed the decision already that he's not going to hire me because of that record. 2.3 million New Yorkers go through this. This is why we don't want to go jobs, we don't want to go to interviews, we take the easiest thing you guys give us. This particular job here, I didn't have to interview for it. See, as a servant, the folks in my community knew my heart. They knew my case. They knew the particulars of my case, so they voted 89 percent to send me here. Unfortunately, everybody don't have that path cut out for them. And that is why, Mr. Speaker, I stand

here in support of this bill.

Hearing the conversation this morning when you first started the debate, I told Member Meeks that I felt like a prop. Ever since I was elected and I got here, I felt like a prop because every non-profit organization that geared to or catered to helping formally-incarcerateds use me. Every organization that helps individuals incarcerated call me. And then there's the conversation throughout the Chambers and throughout outside the Chambers in regarding me, right, so I felt like a prop, but I'm proud to be a prop. If it's going to help these 2.3 million New Yorkers come home, reenter society and do something good in their communities, use me.

You know, when I first got elected Speaker Heastie encouraged me to visit prisons. This particular lapel (indicating), unbeknownst to me, gets me in any prison in New York State unannounced. I can just walk in like the boss, right. And so I did. Speaker Heastie was so gracious enough he said, *you don't gotta a lot of money, I know you can't afford the gas, we'll give you gas money back, just go visit them* and I did. I've been to every prison in New York State in each and every one of your counties, except the three I've been into, and that's for personal reasons. But I say that to say in these particular prisons, these particular individuals know what's going on in this Chamber. And they all have the ideas and they all have opinions. And in my office -- upstairs in my office in Manhattan, I have a total of 2,750 letters from incarcerated individuals in regards to bills, legislation and mostly *I didn't do it*, letters. I know

you guys live in the county or a district where your constituents may not be so happy with this legislation. And as a result for reelection efforts, you may have to vote against it. But I say this, if it was me on this side and my constituents would ask me to vote against a legislation that will help 2.3 million New Yorkers in order to get this job, I could tell them you can have this Chamber and you can kiss my ass. I apologize, Mr. Speaker, for the profanity. You see, because it's about helping people. It's not about the votes. And I get it, it's a job for you guys. I don't want to be a politician, I want to help people. I love each and every one of you guys. And since I got here, you guys thought I was crazy because I sit in everybody's seat. No, I'm not crazy. There's 149 personalities in this Chamber and each and every one of you guys are awesome. I know more about you all than the senior members who've been here. Me and Scott Bendett, we are going to start the second Woodstock in his community.

(Laughter)

Scott Bendett grows the thing, he got 300 acres. Now his constituents gonna be pissed off when I bring all the rappers there but hey.

(Laughter)

Smullen. Smullen's one of the four members who gave me a hard time here. He really don't open up yet. And this is why he didn't invite me to his barbecue last week.

(Laughter/Applause)

But it's okay. I was told the burgers were dry

anyway.

(Laughter)

That's what you get when you hang with Durso at night and drinking. Durso tell it all. Sorry, Smullen. I love you, man. The bottom line is guys, just have them laughing and we just get along, that's the great feeling. If you can't live, love and laugh then why bother. So I know when it's time to vote, you guys might press that red button, and I understand it's all about votes. But remember, at the other end of the vote is people lives on the other end. You got New Yorkers who want to come home and do right. In this particular bill the Governor said she want to exclude A-1 murderers. I get it. I know a few of them. I'm afraid of two of them. But if you look at it, murders are the ones who lease commit recidivism. These guys want to come home, get to their families, most spent 20 years in jail or more, don't want to go back. I've been there five years and I was tired of peanut butter and jelly and ramen noodle soup, so imagine these guys when they come home. They want to work, they want to see their families, some had kids when they went in, they're now seniors. This is why I supported the RAPP bill. We have a lot of older incarcerated individuals, men and women who just deserve to be home. Been there 20-25 years or more, served their time, they're tired. I didn't want to go back. I'm not going back.

So my colleagues on this side of the aisle - and I -- and I apologize for addressing you all personally - but you know in my heart, each and every one of you guys - this is a very important

legislation to me. It's not a get out of free jail card. Let's make commonsense common once again in Albany. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Thank you, Mr. Gibbs, for reminding me why I stayed 30-plus years.

Mr. Ra.

And I don't envy you.

(Laughter)

MR. RA: Really, really? And I -- and I have to say, the -- the group of us that traveled to Israel in February together will remember, this is the second time he's done this to me because the last night we were all making these emotional speeches at dinner and Eddie finished speaking and I was like I can't go after that. So thank you to my colleague. This is an emotional issue and my -- my good friend Eddie has made the last two days two of the most heartfelt and emotional speeches I have seen in my 13 years here, so love you, brother.

But yes, will the sponsor yield?

MS. CRUZ: Yes.

ACTING SPEAKER AUBRY: Ms. Cruz yields.

MR. RA: I just wanted somebody else speaking alongside me after that, you know.

MS. CRUZ: Sure,

MR. RA: So just a few questions just for

clarification, one of which I know, I think was addressed in particular to a specific crime, but this -- these exceptions regarding when or who can access these records in particular where it talks about prosecutors. And I know there are different sections of the Penal Law where there's, you know, an offense changes because of prior offenses within a certain period of time or what have you. So would it essentially be that that prosecutor if somebody -- if -- if they have charged somebody with a crime and there is some potential for related crime they could run the --

MS. CRUZ: The potential for what? I'm sorry?

MR. RA: If there's -- I know it was mentioned I think with misdemeanor DWI --

MS. CRUZ: Mm-hmm.

MR. RA: Any -- anything like that where if there's a second offense it could be -- it could trigger, you know, a higher charge, the prosecutor would be able to look at the record?

MS. CRUZ: Yes.

MR. RA: Okay, thank you. Thank you for that clarification. Now, another question I had, I know it came up earlier, the A felonies. But none -- none of the narcotics offense, right, all the 220 of the Penal Law --

MS. CRUZ: That is correct.

MR. RA: -- are not included in that.

MS. CRUZ: They are -- they are -- you mean they're not included in the exclusion or they're not included in --

MR. RA: They're not part of the -- they're not part of the exclusion.

MS. CRUZ: That's correct.

MR. RA: So they -- they will be subject to seal.

MS. CRUZ: That is correct.

MR. RA: Yes, okay. Thank you. And I just want to I guess point out, you know, these are -- well, I'll get into that later on the bill but -- when -- when a few years ago with regard to bail reform as well those were -- those were excluded so I always look for that language and I -- I'll be honest, I don't have the background that yourself or many of our colleagues have in terms of being a prosecutor. I prosecuted for a couple years but they were fences and -- and pools for my -- for my local town so I don't have anywhere near the volume of -- of -- of knowledge about the Penal Law that you all have so this has been helpful in this, but that was one that I've gotten to know very well over the last couple of years during the whole bail reform conversation and -- and -- and that.

So another question that has come up and my understanding was that there had been some changes with the most recent amendments that might address this and if you can go into that if that's the case, if somebody is on parole for an out-of-state crime.

MS. CRUZ: It would only be for pending charges that are out-of-state.

MR. RA: Pending so --

MS. CRUZ: Pending or access from the Federal

Government.

MR. RA: So if somebody is on parole, though, for an out-of-state crime, it would not trigger any exclusion from this.

MS. CRUZ: No.

MR. RA: Okay, thank -- thank you. With regard to, you know, the exceptions when it comes to employers. My understanding is it's only if there's a law requiring, you know, fingerprinting or that or is it just fingerprinting or fingerprinting background checks?

MS. CRUZ: Requiring or permitting access when working with the vulnerable populations that you mentioned before; children, seniors, youth, folks with diminishment capacity, et cetera, et cetera.

MR. RA: Okay. And I know it references, I guess, local laws that are previously in effect that might require that as well. Now, I assume that language is done -- the way that language is written reading it is so that, you know, all kinds of local laws don't come out of this trying to put in new fingerprint requirements.

MS. CRUZ: That's correct. But also recognizing that there are some in existence --

MR. RA: Yes.

MS. CRUZ: -- that we are not trying to take away the effect of whatever is already in existence.

MR. RA: Okay. And -- and I just -- I -- I would say -- well, I mean perhaps that's something that'll come up in the future if

there is, because they have to have been in effect a year prior?

MS. CRUZ: That is correct. But if any of our colleagues figure out that there is a local issue, I am sure we can come up with a bill.

MR. RA: Okay. That's -- that's what I was going to ask because there may be -- I'm not aware of one, you know, within -- within the district I represent but there may be somebody who has a recently enacted law that's, you know, has nothing to do with this, wasn't intended to say oh, we better get out, I had a clean slate or something like that.

MS. CRUZ: Give me one second.

(Pause)

It says one year prior to the effective date. So it would have to be in place now.

MR. RA: Okay. One year prior to the effective date, okay, thank you. So with that, you have other entities, other types of jobs that have expressed concerns with this that don't have that legal requirement. And in particular, you know, it's there for say public schools but may not be for a, you know, a private school, a parochial school.

MS. CRUZ: Well, I'm -- I'm going to stop you real quick --

MR. RA: Go ahead.

MS. CRUZ: -- because as I believe I mentioned to a colleague of yours earlier, we've created those exceptions as well to

ensure that a private school can have or a parochial school can have access to that information.

MR. RA: The school themselves can get access to the information?

MS. CRUZ: The State Education Department.

MR. RA: The State Education.

MS. CRUZ: Mm-hmm, which -- which runs the check for the school.

MR. RA: But there may be individuals, my understanding is that -- that may not be licensed teachers in some of those -- in some of those schools. Would they still -- I mean could it be somebody who's a teacher but doesn't necessarily possess a teaching license or any other, you know, support staff that works in a school -- in a private school, or would it just be people that are licensed through the Department of Education?

MS. CRUZ: It's for people who would have access to the kids. So if these are folks who are working within that -- that arena it would -- it would -- they would be able to access it for them.

MR. RA: But would -- would they have to be somebody that's licensed by the State Education Department?

MS. CRUZ: We're going to double-check that for you. If you want to -- we don't think so but we'll double-check for you. If you want to ask me another one while we check.

MR. RA: Okay, great. Well, I -- I -- I think it's probably gonna --

MS. CRUZ: All right. Give me one second.

MR. RA: Yeah.

MS. CRUZ: Criminal history, record checks and conditional appointments non-public and private schools. An employee shall mean any prospective employee of a public -- of a non-public or private elementary or secondary school which requires the fingerprinting of prospective employees pursuant to the section for employee of a contract the service provider or worker placed within such school under the Public Assistance Employment Program. I won't read you the whole thing but yes. That answers that they would be covered as well.

MR. RA: Okay. Now what about those same organizations if they're running, you know, a camp in the summer or -- or, you know, extracurricular activities, you know, for maybe -- maybe a -- a -- a coach that they need to hire or a trainer or something like that?

(Pause)

MS. CRUZ: So right now summer camps are completely different from schools, they're not required to do those checks.

MR. RA: So -- so a summer camp would -- would not be able to access.

MS. CRUZ: They're not currently required to and they don't -- they can get the public background check.

MR. RA: They can get the public background but

they -- anything under seal they wouldn't be able to access, correct?

MS. CRUZ: They don't get it now because the sealed records is for fingerprint-based background checks. They don't get fingerprint -- fingerprint-based background -- background checks now.

MR. RA: All right, thank you. Give me one second. There it is, okay. So I guess my -- my one other question I wanted to ask, you know, we know that there's been a lot of talk relative to this, you know, from voters. This has -- we've -- we've all seen in the last few weeks there's been a lot of people around talking about this and certainly I -- I can appreciate the effort that you've made over -- over the past weeks with regard to trying to figure out how to get this -- this bill to this point. But have -- part of that conversation has -- have victim groups, advocacy groups been part of that conversation?

MS. CRUZ: Thank you for asking that, Mr. Ra. As I mentioned to one of your colleagues earlier, we have a -- I think it's almost half a dozen, maybe even more, victim center groups as part of our 200 organization coalition. And actually, I'm going to correct that. It hasn't been just a couple of weeks, for about three or four years we've been working to make sure that we're hearing and -- and listening to people.

MR. RA: Okay, thank you.

Mr. Speaker, on the bill.

MS. CRUZ: Thank you, Mr. Ra.

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

MR. RA: Thank you. So, you know, I've been listening to this debate and -- and again, I'm always thankful in this Chamber that we have members of all different professional backgrounds and especially on something like this. You know, hearing the conversation between people on both sides who have practiced in the -- in the area of criminal law or been part of law enforcement because they have a very important perspective on -- on this. I look at this like a lot of the other criminal justice reforms that we have seen the last few years. There's a lot of good intention, but we seem to take it too far. I -- I -- I think there's great opportunity here to give people second chances, make sure they can get jobs and -- and get on with their lives. But then I look at some of the, you know, exclusions that aren't there and -- and -- and that's what gives me pause. There's groups that have weighed in in opposition to this because they're very concerned about whether they're going to be able to protect children in a -- in a workplace setting if -- if they can't access certain information beforehand.

I -- I am going to point out, since I mentioned earlier, those Penal Law 220 narcotics offenses. So what happened when -- when we did bail reform was A felonies were -- were bail eligible except for those narcotics offenses. There -- there was one which was the top one which was operating as a major trafficker. Now those are all excluded here. And maybe individuals that have traffic in very, very large sum of narcotics. You know, we've seen the fentanyl problem on our -- on our street. These are not people that are -- you

know, people that have a problem that we just need to get help. They're people that are moving some serious amounts of deadly substances. That concerns me. We've seen too much of that on our -- on our streets, the fentanyl problem. So we really need to think about that. And -- and I do wonder whether we're going to see a situation here like we have seen with these other reforms that something's going to happen and we're going to say oh, we gotta -- we have to continue to talk about it so -- and I hope we do continue to talk about it. And I hope we continue to find ways to do this in a -- in a measured manner that helps people get on with their lives but also makes sure that we treat seriously the gravity of -- of crimes that have been committed when -- when it's an individual that may be, you know, has committed a crime that makes them not suitable to work in a certain setting or -- or something of that nature. So I'm going to be voting in the negative and I appreciate the debate. I appreciate the emotion of the issue, but to me this takes this too far. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Zaccaro.

MR. ZACCARO: Thank you, Mr. Speaker. You know, as a parent I teach my children that everyone makes mistakes and when they do we accept responsibility. And we figure out how best not to repeat those mistakes. And our criminal justice system -- our criminal justice system holds those accountable who have committed crimes and they should. After all, accepting the consequences of our actions is important. But if we also empower the

system to release people once their debt to society has been fulfilled, shouldn't we also foster a reentry process that empowers these same individuals to live a productive life in society?

Under current law being convicted of a crime in New York can mean a lifetime of blocked opportunities with the damage of a conviction record permanently barring far too many individuals access to housing, to jobs and to resources to live life thereon. You know, stories like my colleague who just shared, Mr. Gibbs, is not one that's common. A man whose turned his pain into purpose. And, you know, Mr. Speaker, I come from the streets in the Bronx where many kids who grew up like me under a single parent don't have the opportunities to stand in the People's House in the State Assembly. And while I was able to live a life just short of making a determination that could have literally sent my life in the catastrophic way, there are many people who I grew up with that I know that didn't get that opportunity. And I grew up and there was an opportunity that I was afforded at the age of 17 to work and take on an internship in government for the first time. And I recall moments, Mr. Speaker, week after week, months after months, year after year, running into the same individuals on my block who I grew up with who many of us see on the street corners in front of the local bodegas and many of the other areas in our streets. And I'd walk around in a suit and tie, proud of the opportunity that I was being given to do something with my life. And one of the painful things, Mr. Speaker, that I had to deal with and come to the conclusion in conversating with many of those individuals

was that when I was looked at, I was looked at as someone who was given an opportunity and was actually doing something with it. And I would hear questions from those individuals that would say man, I wish I can be like you, put on a suit and go to work. I wish that I had the opportunity that you had but we see what you're doing, don't forget the hood. Don't forget some of us as you go along in your journey. And there were times I would respond to those individuals and I would look at them and say, man, you can do the same thing, you can make something of yourself. You can get off the street corner, put on a shirt and tie and do something. Until I was rocked with the response of many of those individuals that followed that would say, I can't do what you do, because I got a criminal record. I can't go to places you're going because there's a decision I made that far too long has followed me. And so I look at you as an opportunity of hope that one day we can do something about this. And, Mr. Speaker, today I stand before you as a man raised by a single mother who grew up in the streets of the Bronx, who suffered some of those issues in life that many of our young men and women deal with today and walk the life that many of them walk. And thank God that I didn't turn to some of those areas and directions in which some of those individuals turned. But you know something, Mr. Speaker, I stand here today all the more encouraged, because even though I didn't go down that path, I still stand here today as an example, but more in courage as a sign of hope that I get to go back to my block. I get to go back to those individuals who I grew up with. And this summer I look forward to handing them

a blank piece of paper. And I'm going to say here's your canvas, I didn't forget. I get to go back home and look those people in the eye and say I remembered where I came from and it was your story, it was your struggle, that lifted me to the halls of the New York State Assembly. Here's your canvas, paint your picture. Dream. Because today we're creating that opportunity for so many people.

I want to thank the sponsor for this important legislation. I want to thank her for her determination, for her -- for her gut to do what was right. Despite all the opposition, despite all the comments and all the critics, I want to thank her for doing something that often too many people in our position don't do. Listen to their convictions and follow through with them. Mr. Speaker, I proudly vote for this bill and I look forward to its passage. Thank you so much.

(Applause)

ACTING SPEAKER AUBRY: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for some questions, please?

MS. CRUZ: Absolutely.

ACTING SPEAKER AUBRY: Ms. Cruz.

Ms. Cruz yields, sir.

MR. DURSO: Thank you, Ms. Cruz. And thank you for taking everybody's questions. I know so far --

MS. CRUZ: Just make sure they're not the same questions.

MR. DURSO: I can't guarantee that.

(Laughter)

So actually I want to start with the employment aspect of this. We were speaking about and others that brought it up that, you know, it's -- it's going to open up the opportunity for more jobs for people, right, and -- and people be able to be employed. So in your estimation in creating this bill, what jobs would these -- these individuals that now fall under this be able to get now that they couldn't get prior?

MS. CRUZ: Well, you know, you've been looking at the ones that -- that will discriminate against someone with a criminal record, because even though you're not supposed to doesn't mean that you don't. It's one of the reasons why we have so many labor unions including Local 338 that I believe you're familiar with supporting our bill.

MR. DURSO: I -- I understood that and I've obviously been -- been in opposition to the bill the whole time which makes it interesting at home.

MS. CRUZ: I can only imagine.

MR. DURSO: But we'll have that conversation another time. But, again, I mean you said that there are obviously labor unions in favor of this. I'm just wondering which one of those -- whether it's a union, whether it's a private employer, couldn't hire these individuals before but can now, because that would obviously be the genesis of it.

MS. CRUZ: And look it. I think in an ideal world the scenario you're painting is how it should be. Just because someone has a criminal record and the background check comes back saying even if it has nothing to do with a job that someone has a criminal record, you should give them the job. But the reality lived by these 2.3 million people is that it's not like that.

MR. DURSO: So -- so okay.

MS. CRUZ: It could be any job.

MR. DURSO: Right, so any job. So really it's the employer wasn't allowed to not hire them prior. It's just now because their records will be sealed, essentially, they cannot either ask if they've been convicted of those crimes or it doesn't come up in some type of conversation check or whatever it is. Again, they could've hired them prior, just now it's taking the liability away from the employer hiring them, correct?

MS. CRUZ: Well, currently they could ask, they're just not suppose to use it as the sole basis for not hiring them. But in practice what we've seen is that they do.

MR. DURSO: Okay. So with that being said, they could still essentially be hired at the same jobs, except obviously you were talking about some of those jobs that have certain type of licensing --

MS. CRUZ: Yes, except the exclusions, yes.

MR. DURSO: Okay. So I wanted to get into that.

MS. CRUZ: I would -- I would actually change that

and say now they have a real chance at being hired at that job because you could apply for it but you're not going to get it right now.

MR. DURSO: Well, they could be legally hired at those jobs.

MS. CRUZ: They could be, they're just not.

MR. DURSO: Understood. But there was nothing in the legal system preventing them from being hired. It was the --

MS. CRUZ: Yeah, other than human action, yes.

MR. DURSO: Right. It was the employer deciding not to hire them.

MS. CRUZ: That's correct.

MR. DURSO: So actually just going back to that, so now with that, if I'm an employer of a small business, whatever the case may be, you had said it earlier you cannot ask, right, on an application, right, am I -- am I correct with that? I just want to make sure I have that right.

MS. CRUZ: You can ask except in New York City.

MR. DURSO: Except in New York City.

MS. CRUZ: Because they have the Ban the Box law.

MR. DURSO: Okay. So now if I'm an employer and I ask and your records have already been sealed, correct, do you have to give me that information?

MS. CRUZ: No. And as they say in court, this has been asked and answered previously.

MR. DURSO: Well, I figured that was going to

happen. So I apologize.

MS. CRUZ: It's okay.

MR. DURSO: It's a lot of questions back and forth.

MS. CRUZ: I'll indulge it a little bit more.

MR. DURSO: Well, okay, thank you. So now me as a private employer --

MS. CRUZ: Yes.

MR. DURSO: -- again the records are not sealed. I don't have access to the same records I used to have before with fingerprints records, stuff like that. But if I was to say search the internet, which obviously everybody can do and found the case on line with your name in it, and I'm the employer and you come in for an interview and I said, oh, well, I actually looked you up. I saw that you were involved in this crime, is there any penalty of that employer if I decide not to hire you because of the crimes you committed prior?

MS. CRUZ: If they use a sealed record for an adverse determination, then it's a violation of the Human Rights Law. And -- and before you -- you move on if I may --

MR. DURSO: Sure.

MS. CRUZ: I think one of the reasons - and I know you're talking about small businesses and, you know, what they'd be liable for or not - but I do want to point out that we have -- in these 200 supporters group we have Chambers of Commerce, the Partnership for New York City that represents small and large businesses, the Business Council and we've had several small business

owners actually write op-eds in support of Clean Slate because what they want is to help people get back to work.

MR. DURSO: Okay. And that may be the opinion of certain ones, obviously and I -- I respect that, just like I respect everybody's opinion here. There may be other employers that don't feel the same way. So I'm just asking on behalf of everybody.

MS. CRUZ: If those employers that don't feel the same way you sealed records for -- to make an adverse determination, they would be in violation of Human Rights Law.

MR. DURSO: Okay. So you're saying sealed records. So, again, if I'm a small business owner, I looked on line and see in a newspaper article that you were convicted of one of the crimes. And I say in the interview, *listen, I saw you were convicted of this crime, you did jail time, I'm not comfortable with hiring you.* Is that the same thing? Is that looking into sealed records or is it literally having to access the sealed records from the State?

MS. CRUZ: So earlier our colleague Ms. Simon laid out in Article 23 of -- A -- of the Human Rights Law, I'm sorry, of Corrections Law. There's a test that would have to -- that the employer would have to go through in order to make a determination that is not then determined to be adverse and in violation of the law.

MR. DURSO: Okay. And if it's found in violation of law after they go through this whole thing and again, I'm not an attorney so a lot of these words get lost on me so I'm trying to ask it from the --

MS. CRUZ: The layperson.

MR. DURSO: -- the everyday person trying to understand this. Who then enforces that and what the penalties would be?

MS. CRUZ: The Division of Human Rights.

MR. DURSO: Okay. And -- and is there monetary penalties involved with it? What -- what are the penalties or at least some of them?

MS. CRUZ: Yes, there are. We believe it may be around \$50,000, but don't quote me on that. But there are monetary.

MR. DURSO: Around 50,000.

MS. CRUZ: Yeah.

MR. DURSO: Okay.

MS. CRUZ: I think it's up to.

MR. DURSO: Up to, okay. So now moving on to -- and I know Mr. Angelino specifically brought it up but I just wanted to get a little bit more into it.

When we talked about someone being hired essentially in a school or whether it was private or public. And you had said that -- I believe you had said that the -- excuse me, the regular and substantial contact, right?

MS. CRUZ: Yes.

MR. DURSO: What constitutes regular and substantial contact and who determines that depending upon the industry or job?

MS. CRUZ: The employer would determine who has regular and substantial contact.

MR. DURSO: Okay. So if I'm a school and I want to hire someone as a custodian or a hall monitor or whatever the job is and they're not a licensed teacher or teacher's aide, I then as the employer decide what is considered regular and substantial contact for that person? So again, if I'm the school, I could say I'm not hiring you because you're going to have what I feel is regular substantial contact?

MS. CRUZ: Well, let me change that. It would be, I would like to hire you and because you have regular and substantial contact with children, we are going to do a background check that then would give us the information and that would actually not seal the person's record period because of the -- of the regular and substantial contact and it's an exception. That information then comes back and the employer can make the determination that they need to.

MR. DURSO: Okay. So that would trigger that so that they can get those records.

MS. CRUZ: Yes.

MR. DURSO: And then they could make that determination on their own.

MS. CRUZ: Yes. In accordance with the test that our colleague Jo Anne Simon set out earlier.

MR. DURSO: Okay. And again, most of that got lost on me. I lose track of that but --

MS. CRUZ: We'd be happy to give you the -- the

link later.

MR. DURSO: Okay, perfect. I appreciate that. Hold on. I have more. So, and then Mr. Ra actually had brought up camp counselors, right, or at a camp, right? A camp counselor's not licensed. A lot of them whether they volunteer, whether they're minimum wage, whether they're just some working a second job for the summer. Again, you said that that is something that could not be -- they couldn't request those records in those industries?

MS. CRUZ: Well, right now they request -- they can do SORA (inaudible) checks which is the sexual -- the registry, the sex crime registry.

MR. DURSO: So only -- so only if you're on a -- on a -- on a registry for a sex offense.

MS. CRUZ: That's the requirement that they have right now.

MR. DURSO: That's the requirement. So anything under that, and -- and one of them being the endangerment of a child, right, that could be sealed and you could technically work at a camp, correct?

(Pause)

MS. CRUZ: So right now they don't do any checks except for SORA. So they're not required to do any checks.

MR. DURSO: Right.

MS. CRUZ: They can get the public records and if the record is sealed pursuant to those public records, then that's what

they would get. I would suggest that this possibly sounds like something we may want to take up on a -- on a different bill.

MR. DURSO: Okay. You mean an amendment?

MS. CRUZ: Not on mine.

MR. DURSO: Okay. So -- so let me get that straight. So just using that specific example, working as a camp counselor in a private camp, unless you are on a sex registry, right, but your record has been sealed from something like the endangerment of a child, that record -- and if it's sealed, you cannot request those records.

(Pause)

MS. CRUZ: Can you repeat your question for me?

MR. DURSO: I'm sorry. You had said if you're working in -- this -- this bill does not cover if you are on a sex registry, correct? If you are on a --

MS. CRUZ: Well, yeah. We don't seal those records, we don't touch them.

MR. DURSO: Right, exactly. But, using the example of working at a camp with children, if one of the provisions that this does cover is the endangerment of a child, correct?

MS. CRUZ: That is correct.

MR. DURSO: So now if I'm running a camp, I own a camp, I'm -- I'm the manager at a camp. Someone comes in, I want to request a background check on them, their record would be sealed from the endangerment of a child, correct? Not -- I -- I understand --

MS. CRUZ: If the time had passed.

MR. DURSO: If the time has past. So, again, if I own a camp I can end up hiring somebody that has been convicted and actually gone to prison for the endangerment of a child.

MS. CRUZ: They could now.

MR. DURSO: They could now.

MS. CRUZ: Yeah.

MR. DURSO: Right, but I could also do a background check now, it wouldn't be sealed.

MS. CRUZ: If you're willing to pay the \$95 which --

MR. DURSO: Well, I'm also not willing to send my kid to a camp where --

MS. CRUZ: No, but I mean you as the employer.

MR. DURSO: No, no, I understand.

MS. CRUZ: And that's your prerogative as a parent. I'm -- I'm not sure how many parents actually know that that check is not currently done for a lot of places.

MR. DURSO: See, you just gave me another idea for something because I feel like that should.

Just -- I believe I have one more question. So discussing it with my colleague, again, he went through a whole laundry list of crimes that are, again, can have your records sealed. One of them specifically was endangering a child. The other obviously was manslaughter. But my question is why -- and again, it's obviously very -- I'm being very specific when it talks about children,

right? Why was that provision left in there?

MS. CRUZ: I'm sorry. Go ahead.

MR. DURSO: No, I apologize.

MS. CRUZ: Say that again.

MR. DURSO: Okay. So, again, when you speak of my colleague about a list of crimes that could be sealed, right, and he had asked and specifically brought up a whole bunch that are -- get sealed. I'm being very specific when it talks about endangering children. Why was that felt that that was left to be in there that that record could be sealed on that?

(Pause)

MS. CRUZ: The crime based distinctions are only for the lifetime parole crimes.

MR. DURSO: I understand that but, again, with the bill being drafted, you could have said that that was one of the things that could not have its record sealed --

MS. CRUZ: As I mentioned to many of your colleagues before, we've consulted with law enforcement, we've consulted with District Attorneys, we've consulted with children and victim specialists and this is where we've landed.

MR. DURSO: Okay, thank you. And one last question. Housing. When we talked about so, I just wanted more specifically for suburban areas, let's just say. If you have a rental in your home and, again, you cannot ask for sealed records, correct? Anything that falls under this. If you're a landlord, right, and you want

to be able to have some, you know, rent a portion of your house whether you're a senior citizen and you need a second income, whatever the case may be. You can't have any of these crimes that fall under this, they will be sealed and as a landlord you cannot get them, correct?

MS. CRUZ: I apologize for this but can you repeat your question?

MR. DURSO: Sure.

MS. CRUZ: So I -- I caught up to the part of you may be a senior citizen, you want to be able to rent.

MR. DURSO: I have no problem asking the question again. I probably asked you ten questions that you've already answered. So if I'm a landlord, I'm a senior citizen, I am someone that needs a little extra income and I go to rent out a portion of my home, second floor, whatever the case may be. I'm not talking about a building, I'm not talking about a -- obviously when stuff came up about NYCHA, I'm talking about a single-family home or a two-family home that I specifically own. As the landlord, any of these crimes that fall under that they could be sealed, correct? I could not ask for those records.

(Pause)

MS. CRUZ: The type of housing that you described is not covered by the definition of housing accommodation where they would have access to that -- that kind of information.

MR. DURSO: So a private residence, single-family

home is -- is not within the scope of this bill. In other words, I own my home, I have a second floor, I want to rent it out, I can ask you and/or try and receive records. Again, sealed records don't matter on this.

MS. CRUZ: I'm just trying to make sure I understand your question.

MR. DURSO: I'm trying to make sure I'm asking this the right way, it's okay.

MS. CRUZ: So, look at that. Mr. Speaker, may I try to answer the question? I know we -- I want to make sure that we get it on the record. So your question is you rent to me, you own a two-family home. Can you do a background check on me and what information would come up, right?

MR. DURSO: Correct, yes. Thank you, Ms. Cruz. I appreciate it.

MS. CRUZ: So because it is a two-family home you can choose who comes into your home. You'd be able to do the background check and make the choice that you need.

MR. DURSO: Thank you, Ms. Cruz. I appreciate you answering my questions, thank you.

MS. CRUZ: Thank you.

ACTING SPEAKER GIBBS: Mr. Rivera.

MR. RIVERA: Thank you, Mr. Speaker. Does the sponsor yield for a question?

MS. CRUZ: Oh, yeah, sorry.

ACTING SPEAKER GIBBS: Will the sponsor yield?

MS. CRUZ: I do, Mr. Rivera.

MR. RIVERA: Thank you. I'll get into a bit more why I'm asking this question, but in researching the bill I'm finding a pretty interesting group of supporters that you have from it. Historically bills that are perceived to be Criminal Justice bills are not supported by entities like the Rochester Chamber of Commerce, the Business Council of Westchester, the Business Council of New York State, J.P. Morgan Chase, Microsoft, Verizon, Con Edison, National Grid. Can you speak to why this group of people have supported this bill?

MS. CRUZ: Jobs. It's the main reason. I think a lot of these folks in -- in -- in the private sector have seen that there are jobs to be filled and people who want to work and they understand, I think at the very core of what we're trying to do is give people a chance to go work.

MR. RIVERA: Thank you very much.

On the bill.

ACTING SPEAKER GIBBS: On the bill.

MR. RIVERA: Thank you, Mr. Speaker. You know, prior to coming to the State Assembly I had really two jobs. One was working in Local Government and one right out of college was in finance. I decided when I graduated that I want to pursue public service and my father said you're crazy, go make some real money.

So I went into finance. Ironically almost 20 years later he and I are both elected officials and my mother is supremely discontent. I -- I got into finance and I quickly became a -- a (inaudible) registered LSP and I became a branch manager. I say all this because in my day-to-day what I worked with was small businesses. There's been a lot said today about small businesses, about what they might be held up on or what they might be confused about or what they might not be able to do, but the truth of the matter is if there's anything that small business are concerned about is a workforce. Workforce often is their biggest expense. Workforce is often their biggest issue when they want to progress. And what we're doing here today is really that we're addressing the need of businesses. The reason that entities as big as J.P. Morgan Chase or small businesses in my district have called me about this bill is because they have a real problem. And if there's anything that we're supposed to do here in Albany is address problems. We can approach the issue of employment and wages a dozen different ways, but at the end of the day this is just another way we're doing it. There's a reason why they're supportive of this. There's a reason why we do this. Recently I read out of pure coincidence an op-ed in the *Buffalo News* and it was penned by a local business owner that I've never heard of before, who owned a business that I'd never heard of before called Asset Recovery Company of America, a company that does business all over the country, growing, three separate facilities, almost 100 employees and I'll read you what the business owner said. He said by providing individuals with a path

to record sealing, we can help break down barriers associated with criminal record and gain access to a wider pool of talent, promote economic growth, reduce recidivism and most importantly strengthen our communities, you know, to gain access to a wider pool of talent, promote economic growth and reduce recidivism and most importantly strengthen our communities. Earlier a question was asked, well, what's the difference, if we do this employers will still be able to employ people or not employ people or what's preventing employers from -- from hiring people. The question really isn't what is -- what's preventing employers from hiring people with records, the question is or the realization is that people with records are reluctant to apply for jobs to begin with. What this does is not remove a barrier wherein which an employer can now hire somebody. What this does is it removes the stigma and allows employees or potential employees to actually seek employment. What Assemblymember Gibbs said in his beautiful story was that he was reluctant to pursue employment because of a record. And the reality is is that is the same story that hundreds of thousands of people go through. You know, there's a lot of lenses we bring to this work and this is just mine today, but -- but at the end of it, I'd say that what I'm taking away from the entire discussion is that the answer for addressing recidivism simply put in one word is employment. People will not pursue crime if they have a living wage to come and bring home. Families will be restored with this. Houses will be bought with this. Businesses will thrive with this and the American Dream is going to flourish with this. So, thank you

very much, Mr. Speaker.

ACTING SPEAKER GIBBS: Ms. Byrnes.

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

MS. CRUZ: Certainly.

MS. BYRNES: Thank you. Just a couple of things to follow up on. You had mentioned just a few minutes ago to Mr. Durso that in the scenario of a two-family -- one home, but it's a two-family home, elderly person's just renting out the other half that that person would be allowed to get sealed records to do a record check. And my question is, I'm a little confused --

MS. CRUZ: I want to -- I want to make sure that we are correct. It's not that they are allowed to get those records. It's that they're allowed to pick and choose. So they would get -- if they get the record and they choose to not rent it to a person that has a record, there's nothing in the law prohibiting them from doing that. Versus in different kind of housing as defined by the law I believe it's six or more units, you would have certain limitations. You can't just deny someone from -- from renting to them.

MS. BYRNES: But they -- they would have a right to see the sealed records.

MS. CRUZ: No.

MS. BYRNES: Well, how else would they know if they did or didn't want to? I thought you just told -- said to Mr. Durso that --

MS. CRUZ: You can -- you can ask for the public

records, but you don't get access to the sealed records. So there's two kinds of records that exist. There's fingerprint-based --

MS. BYRNES: Okay.

MS. CRUZ: -- and there's public record-based.

MS. BYRNES: All right. So then for clarification, which was going to be my question until you kind of had a version of it, if an elderly person who just wants to rent a room in their own home, because obviously, you know, they're trying to make up a little bit of money, they're only living on Social Security. We actually had these same conversations before when landlords were having trouble getting rent during the pandemic. But there's a lot of people in my neighborhood, in my area that do this. They would not be allowed to see the sealed records. So they would have no --

MS. CRUZ: After the records were sealed, they would only get the information that comes through the public records.

MS. BYRNES: All right, which is going to be obviously very -- probably more limited. So they're not going to be able to make a intelligent decision whether or not having a stranger come into their -- literally come into their home is safe or not because they will -- they'll be a void, for lack of a better expression, a void of information that they're being supplied.

MS. CRUZ: Well, I think I would argue that they could get other type of information to help them make the decision that they need to make, like a credit check, which I'm not a great fan of, but if the person's working, if the person has a good rental history

with the prior landlord, et cetera.

MS. BYRNES: I thought we were allowed to ask those things prior to landlords. But anyway, moving on --

MS. CRUZ: Well, you can ask for references.

MS. BYRNES: All right. So the elderly person is -- is -- there's going to be a void and they're not going to know. How -- my -- my question though is, is this going to create even more of a housing shortage when people knowing that they're being potentially denied information are going to instead not rent rooms in their homes or in smaller units because they're concerned that they don't know who's coming in?

MS. CRUZ: I can't tell the future.

MS. BYRNES: And -- but in Federal housing Federal housing will be allowed to know but other forms of housing won't, landlords won't.

MS. CRUZ: Not all of them.

MS. BYRNES: So I think you said Federal housing operated under a different standard.

MS. CRUZ: Yeah, that's correct.

MS. BYRNES: All right. So for -- if you're going to live in Federal or Federally-subsidized housing, that landlord would know that information, but yet you're going to deny that same information base to other landlords.

(Pause)

MS. CRUZ: We already have some of those -- those

bars that -- that you're describing in the application base sealing that's currently in the law. You know, there's already information that people can't get when -- when they're a small landlord and choose to check the public records.

MS. BYRNES: Yeah. Well, I mean that -- I don't know if they still do it but years ago people would just come up right to the Rochester Police Department and City Court and literally ask for record checks right then and there. Probably it's gotten a little more computerized since times have gone by.

Let's talk for a minute about employers. We were talking before about school bus drivers and you indicated public -- public schools had access to records, private schools there was an avenue to allow them to have access?

MS. CRUZ: It's the same.

MS. BYRNES: All right.

MS. CRUZ: The -- the avenue that I believe you're speaking of is for anyone who's not -- when we think of a school we're all thinking teachers. And I think the question from an earlier colleague was, you know, what about a custodian --

MS. BYRNES: Bus drivers.

MS. CRUZ: Yeah. So it's not --

MS. BYRNES: Let's talk about bus drivers.

MS. CRUZ: Yeah, so it's not -- it's not about the institution itself because schools are schools, either they're going to be treated the same. It's -- it's if the school determines that this is

someone who has consistent contact --

MS. BYRNES: With children --

MS. CRUZ: -- consistent and regular contact they'd be able to get it. They'd be able to request it if they so choose.

MS. BYRNES: In my area some of the schools own their own school buses, but many of them rent buses and drivers from a private company. So they just have a contract with a private company that then supplies school buses. Is that company going to be denied the same information that would have been allowed to the school?

MS. CRUZ: Usually it's employees and contractors with the school so they wouldn't be.

MS. BYRNES: Would or would not?

MS. CRUZ: They would not be denied access.

MS. BYRNES: All right. Rather than using double negatives they would -- they would have access to --

MS. CRUZ: Yes, they would not be -- they would have access. They would not be denied access because they are contracting with the school.

MS. BYRNES: All right. Now you indicated the records like DWAI's as well as DWI's and other V&T misdemeanors would be sealed. Would that same private bus company have a right to know that the person that they were considering hiring had a DWAI or DWI conviction?

MS. CRUZ: Yes.

MS. BYRNES: But those records are sealed.

MS. CRUZ: Yeah, but not for that purpose.

MS. BYRNES: So for what purpose would they have a right to records?

MS. CRUZ: So we are imagining, because I want to give you clarity, a universe where we have a bus driver who is from a private contracting company --

MS. BYRNES: Yes.

MS. CRUZ: -- and that company is contracted out by a school. Because that driver or that company is contracted out by the school, they fall within the exceptions of entities we would allow access to because they are working with children and vulnerable populations and through a school.

MS. BYRNES: Okay. Let's take the school out of it, because a lot of these buses are also rented other times for tours, Finger Lakes Tours are a real big business and -- or weddings and stuff like that or -- or even things like limos, like limo companies. We recently had a very, very tragic situation where there were some very multiple deaths that were just sentencing on recently. But would a private company be able to have -- that was not associated with a school, also have a right to have the DWAI and V&T history of -- or -- or any other sealed records of any --

MS. CRUZ: I assume in your -- I assume in your scenario these drivers would have what is called a CDL license.

MS. BYRNES: Correct.

MS. CRUZ: And therefore the company that's hiring them or the agency that's moving the process through, if you will, would have access to that information.

MS. BYRNES: Just because of a CDL license?

MS. CRUZ: Federal law requires that.

MS. BYRNES: All right. So again, the differentiation between what's Federal, allowed by Federal law, and State. How is and how are -- 'cause there's a lot of times where Federal can go one way, so the State has to go along with it and others may be precluded. How is the authority that's actually holding all of these records --

MS. CRUZ: I'm -- I'm sorry, Mr. Speaker. I can't hear very well. Can we let our colleagues know. Thank you. Sorry. Go ahead.

MS. BYRNES: No, thank you, because it is important to me. Thank you. When we have some rules for some organizations and different rules for others, how is the authority that is controlling all of these records, how are they possibly going to know when it's okay to release them to one but not to release them to another, or what all of the different nuances are?

MS. CRUZ: DCJS has a specific identifier that links to -- to their validity to access to that record. And DCJS is going to be part of the equation of -- of -- of entities, if you will, that make a decision about the automatic sealing and process that -- that makes that practice happen.

MS. BYRNES: Okay, all right.

MS. CRUZ: And I also -- I also had a feeling that I think I know where you're going with the Federal piece, we have made sure that we're not interfering with the Federal Government's request, requirement, regulation and they are part, even though we technically don't have to carve them out because their the Federal Government and they supercede us, we have done so in the legislation to make it absolutely clear that we are not going beyond what they require us to do.

MS. BYRNES: All right. Thank you very much. If I -- if I could be heard on the bill?

ACTING SPEAKER GIBBS: On the bill.

MS. BYRNES: You know, I'm just very concerned that, you know, we're creating a scenario where if you live in Federal housing, just as an example, if you live in Federal housing there's been record checks, they do or don't know who they're allowing in, presumably are doing it in a way to ensure the safety not just of -- of the individual who wants to move into and live at a various apartment or apartment project or home, but also for the -- the safety of the other residents, many of whom may be elderly, older, vulnerable in any number of different ways or degrees from age of youth to -- to being elderly, but yet we're saying that other -- other landlords who just have -- are smaller landlords or who are not falling under this Federal umbrella don't have a right to this information, don't have access to know who they do or don't feel comfortable living in their home, or

the person who -- elderly person who's renting a (inaudible) room has no idea who may be moving into the apartment next door because there's a void of information. It's two-tiered and it just seems very unfortunate that the -- the carve-out for Federal Government, I understand the priorities of the Federal law, but there's a carving out so that one segment of society has access to information and hopefully some assurance that the situation will be beneficial for all concerned, and another group of individuals is void of that information. And I'm just very concerned that when we, as a Body and as a State keep talking about the lack of affordable housing, that when we make it harder to have a comfort level with who we rent to and how we do it, we may cause people even in those homes and renting out the other half that will not do it. And even in our small communities, just a small one, or two, or three apartments, in a neighborhood or in a village can make the difference between if someone can live there or if they've got to go to the next village over and then try to figure out how to get back to work when in our communities we also don't have public transportation. So it really is incredibly important to have fair housing, appropriate housing, and I am concerned and that's why I wanted to raise these issues. Thank you, Mr. Sponsor -- or Mr. Speaker.

ACTING SPEAKER GIBBS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield for a question, please?

ACTING SPEAKER GIBBS: Will the sponsor

yield?

MRS. PEOPLES-STOKES: Thank you so much, Madam Sponsor. You're doing a fabulous job. You're doing a fabulous job with this debate. I couldn't think of a better person to be doing it, but I have one particular question. I am fortunate enough to live very close to Canada, I can be there in 15 minutes, but generally when I go through Canada I'm going a little further than that. And in fact, sometimes when I go I'm going all the way to Detroit. And if you go by taking 90 West, I can go to Detroit, but it's going to take me seven or eight hours. But if I go through Canada, it's going to take me four, maybe three-and-a-half. And so I do know people who have had previous felonies, probably more -- a lot more than eight years ago, who have had no troubles, no other issues with law, law-abiding working citizens paying taxes, sending kids to college, et cetera, et cetera who would love to be able to go through Canada as well. But, you know, you can't go through Canada with a felony record. So is this going to be visible if you want to go through Canada?

MS. CRUZ: That -- it is, that's Canadian law, we can't change that. Thank you.

MS. PEOPLES-STOKES: Thank you.

MS. CRUZ: Thank you.

ACTING SPEAKER GIBBS: Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker. So first of all -- on the bill, sir.

ACTING SPEAKER GIBBS: On the bill.

MR. NOVAKHOV: So although I have an incredible appreciation for the personal stories that we have heard today - and Eddie, I love you -- Mr. Speaker, I love you - it is my belief that the bills and votes should have their foundation on the studies, in the studies. Um, the Clean Slate bill currently under consideration, so while -- while the proponents of this bill argue that it is a step towards justice and (inaudible), I firmly believe that it undermines the very principles of our legal system and poses significant risks to public safety. First and foremost, let us acknowledge the importance of accountability. This bill proposes to automatically seal the criminal records of individuals who have been convicted of certain non-violent offenses after a specified period of time. While the intention may be to give these individuals a fresh start, we must not forget that accountability is a fundamental aspect of a fair and just society.

Criminal records serve as an essential tool for employers, landlords and law enforcement agencies to assess an individual's character and make informed decisions. By wiping the slate clean, we run the risk of erasing crucial information and denying the public their right to know about someone's past actions. Furthermore, public safety should be our utmost priority. This bill fails to consider the potential dangers associated with automatically sealing criminal records. By expunging a person's history, we eliminate vital information that law enforcement agencies rely upon to identify patterns of behavior and make informed decisions when it comes to public safety. This bill could inadvertently lead to the

release of individuals with a history of repeat offenses putting innocent lives at risk. We cannot afford to ignore the potential consequences of this (inaudible) legislation.

Moreover, this bill overlooks the important principle of individual responsibility. We live in a society that values personal growth, redemption and second chances; however, it is crucial to recognize that true rehabilitation is a process that requires effort and commitment from the individual seeking it. Simply erasing criminal records without any consideration of an individual's actions, efforts and restitution or genuine remorse undermines the value of personal responsibility. It sends a message that accountability can be easily evaded, diminishing the significance of one's actions and the consequences they should bear.

Lastly, we must consider the potential for abuse and exploitation of this bill. By automatically sealing criminal records, this legislation could be exploited by individuals who seek to hide their past offenses for a number of purposes. It could provide cover for those with a history of fraudulent activities putting vulnerable communities at risk and enabling recidivism. We cannot allow our justice system to be manipulated in such a manner.

In conclusion, while this bill might be well-intentioned, its potential consequences far outweigh any perceived benefits. We must uphold the principles of accountability, personal responsibility, and public safety. Instead of erasing criminal records, let us focus on implementing effective and comprehensive

rehabilitation programs that genuinely address the root causes of criminal behavior. Only then can we foster a society that promotes true justice and fairness for all.

I would also like to mention that I'm a small business owner and my company hired two individuals that just were released from prison and were in a halfway house. For one of them, I signed a personal guarantee when he was renting an apartment. I'm aware of the issue, I'm aware of -- of this problem, but sealing the records will not solve the problem.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Jackson.

MS. JACKSON: Will the sponsor yield?

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

MS. CRUZ: Anything for TJ's mom.

MS. JACKSON: How many people will be affected once or if this bill becomes law by sealing of records?

MS. CRUZ: Well, we have the number of 2.3 million. I would argue it's probably three times that because we're talking about the spouses, the children, the grandparents and everybody else who will benefit from this person having a job and a home.

MS. JACKSON: Okay. And what, if any, financial gains projected for the State of New York if we get these individuals into the workforce?

MS. CRUZ: Oh, I have that number for you. Give me a second.

MS. JACKSON: All right now.

(Pause)

MS. CRUZ: We are looking at 7.1 billion in earnings boost to New York State.

MS. JACKSON: You said billion with a 'b'?

MS. CRUZ: Yes, billion with a 'b'.

MS. JACKSON: All right. Billion with a 'b', 7. --
7.1?

MS. CRUZ: Seven point 1 billion, yes.

MS. JACKSON: One billion. All right.

Mr. Speaker, on the bill.

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

MS. JACKSON: Thank you, Mr. Speaker. I want to thank the sponsor and thank the Speaker for bringing this piece of legislation to the floor. I want to thank the advocates who worked tirelessly on this bill, and for my own sake, I am grateful to see this bill come to the floor because I can't do another press conference, rally, interview saying, "Clean Slate Can't Wait."

But on a more serious note, this bill will support the most vulnerable people here in our State. We want people to be employed, but we don't want to employ them; we want people to be housed, but we don't want to house them. We don't want people to

mooch off the system, but we don't want them to get professional licenses to create gainful employment. In my 'hood, we say pick a struggle.' My question to the people who oppose this bill, is where do you want these people to work? Where do you want these people to live? How do you want them to be productive members of society? How long should you pay for your wrongdoings? These people have been convicted of their crime, they have served their time. And, honestly three years makes no sense to me for a misdemeanor, eight years makes no sense for a felony. If you have served your time, why are we sill waiting to allow people into the workforce? Why are we still waiting to allow people into housing? What more do you want them to do?

This piece of legislation is supported by unions, by businesses, by labor and we're still here debating it. It just does not make sense to me. This is what we call perpetual punishment. And so at some point, at some point, we have to do what is right here in the State Assembly. We're talking about \$7.1 billion that we can be generating here in our State. We're talking about 2.3 million people and then some because we're talking about their families that will benefit from this piece of legislation being passed.

So again, I want to say thank you to the sponsor for taking her time and explaining, and doing the research. I want to thank the staff for also taking their time and doing the research and making sure we do what is right here in this State. I know in my community if I want young people, if I want people in general to not

be involved in crime, I make sure we create employment for them, and that's what this bill is doing. You cannot continue to say we want to decrease crime but not increase employment. We have to do something, we can't keep complaining. So we all are not guaranteed just because we were born in a certain neighborhood to become legislatures [sic]. I'm fortunate to come out of Harlem and fortunate to be in a system of living on Medicaid and Food Stamps and public housing, fortunate because a lot of people in my same situation did not become a legislature [sic], they did not become a licensed social worker. The same -- the same person I grew up in a household with serves time on Rikers because of all of the things that happened in our impoverished neighborhoods. It is hard to -- to beat, it really is hard to beat, it's hard to come out of those situations. But what we're saying is once you have committed the crime and you served your time, we are saying it is at some point our duty to say you can go back to work, you should be employed somewhere, you should be housed somewhere, you should be able to get a license to be a truck driver, or a license to be a social worker. You should be able to do those things. You should be able to be educated in a college environment. That should be allowed.

So again, it is time for us to do right by these 2.3 million people. I'm looking forward to this \$7.1 billion so that we can put more money into mental health and education here in our State. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: Thank you. I've been listening very attentively over the last few hours and it is really remarkable, it makes me proud to be a member of a Chamber where we can have such, you know, really diverse points of view and -- and really great comments that are coming, even though we don't agree, we don't agree. And we're really not going to agree on this particular -- on this particular bill. I was hoping in the little bit of time that I have to talk a little bit about the real reasons why I don't support the bill, and some of them might be a little bit surprising because I've heard from some other comments that have been made kind of assuming and maybe making some assumptions about why we would be opposed to it. So I -- I wanted to just talk about that a little bit.

First of all, just at the outset, I've heard some previous speakers say that this bill is better than it was, and that the sponsor talked to a lot of stakeholders. And for that, I want to say thank you. Although I don't agree with the bill in the form it's in, I think that talking to stakeholders and bringing people to the table and figuring out how to make a piece of legislation better is -- is a good thing. And a lot of the arguments that we've had over the last couple of years regarding bail reform really came from a feeling that --that

those stakeholders weren't brought in early enough or often enough, and what we ended up with was something we couldn't live with. So I -- I appreciate that the sponsor was taking the time and effort to do that. I think that that's part of our responsibility as legislators and I appreciate that.

I just think that we have to gauge the final work product as it is, as it is and what it does, and I think that the extensive questioning that the sponsor's received during this debate really shows the -- the level of concern, really into the minutia of the bill and what the bill covers, what it doesn't cover, and I won't repeat that, I'm not going to repeat that, I think that that's been -- that's been done.

I want to talk a little bit about, though, the things about this bill that bother me the most in no particular order. The first is the retroactivity. To go all the way back, to have three years to go all the way back and wipe this slate clean for the millions of people that are -- are to be likely affected by this bill, 2.3 million has been said, that -- that's a big concern of mine. The fact that it's automatic I have -- I have a big problem with. I think that our current system where we allow these CRDs or Certificate of Relief from Disabilities, or Certificates of Good Conduct, is that -- is that a perfect system that really helps everybody? No, I -- I don't. I -- I think it could probably use some reform, but I would rather reform that than throw -- basically throw it all out and do this instead. I know it's not getting thrown out by this legislation, but it won't be really utilized, and I think it's been probably underutilized. Talking to attorneys that I

know who have done criminal defense work, they say that one of the biggest problems with the CRDs and the Certificates of Good Conduct is that their clients, the defendants don't want to wait long enough. They -- they don't -- they keep, kind of keep themselves clean for like nine months or so, they -- they want to just get that CRD and get it done. They don't understand maybe or appreciate the fact that it takes a judge or anybody looking at their case and at their record to be able to -- to be able to decide whether that individual really is deserving of getting a CRD or Certificate of Good Conduct.

The previous speaker, my colleague who has such an amazing personal story is the reason we need a process. And I think it's remarkable that he -- he used that process and he was very honest in saying, I don't -- I used this process, I received my Certificate of Good Conduct, but not everybody could follow my path. So why couldn't everybody follow his path? What are the barriers? I would say let's look at those. Is the barrier that, is it money? Is it -- is it money and being able to hire your own attorney, is that a barrier that needs to be addressed? I would be willing to take a look at that. I would be willing to carve out money and resources through maybe Legal Aid to be able to give people the ability to avail themselves of counsel when they go in to look for a CRD or a Certificate of -- of Good Conduct. You know, I think that is it that they don't know about it? That they don't know that this is an option for them? If that's the case, when individuals are leaving our jails and prisons, I think we passed a bill not so very long ago that says that they're to be given

voter registration information, they're to be given their original documents so that they can go and immediately apply for benefits to help them as they transition back into -- into the world and into -- into New York State. Why not provide them with information about receiving CRDs or Certificates of Good Conduct? You know, they can ask at the time that they're sentenced, they could ask at sentencing, after sentencing or after their incarceration period is done about this process, but if they don't know to affirmatively ask, I think that we could do a better job making sure that they do find out and they're aware of it. I think those are things I think that would have broad support in this Chamber.

I may sound like a broken record, but I think it bears repeating that I think one of the biggest problems that I have with this piece of legislation is it completely eliminates judicial discretion. I really, in my heart, I believe that from all of the debates that I've sat through having to do with criminal justice reforms, that with underlying -- when I listen to my colleagues on the other side of the aisle, what underlies is a real weariness and a distrust and a feeling that judges are all just racist and are not going to give the person appearing in front of them any real justice or real consideration. And I -- I just don't think we're ever going to agree on that issue. I don't -- I don't believe that to be the case. I don't believe that to be a blanket statement that could be made about the judiciary, and I don't agree with that. I think that judges are in the best position to consider the background and the path forward that individuals have taken after

they've served their sentence to go down a different path, to turn their lives around, to -- to show that they care about having their lives turned around because, you know, I think it's been mentioned earlier but let's face it, not everybody that's come out of jail or prison really -- really cares about turning their lives around, they don't all care. And if they don't, then why would we want to give this to them automatically? I don't -- I just don't agree with that.

It was said earlier about helping people and our role in the Assembly is being -- is helping people. And I completely agree with that and I certainly, I think all of us are in public service and we're trying to do that. It's not all about the votes, it is for me about representing the people that are in my district, the people as best I can understand what they want and to reflect that in the votes that I take. I'm in a -- you know, I'm in a beautiful position in the Minority because I can press either button. Nobody's telling me to press a green button. I can press whichever button I think is the right thing to do on a particular bill based on what I heard from my constituents when I go out in the community, what the people in my community are telling me, and based on my -- my background and my experience and all the years that I've spent representing my district, and I can just vote that way. So it's not about -- it's not about the votes in the sense that I feel like the people -- I think the people in my district would be very unhappy if I voted for this, yes, but that's not the only consideration that I bring to it but I always believe, I really do believe in the advice that I received when I first came into office which is if you vote the

way that the majority of people in your district would want you to vote, that's -- that's what you need to do, you'll always be on the right side of things if you do that. Listen to the people who put you there. So that's part of the reason why I'm voting no.

I think that one of the previous speakers just said that she was excited about the 2.3 million people that are going to be helped through this Clean Slate legislation because they are the most vulnerable people in our State, and I could not -- I could not disagree more. I've spent the last few decades representing children in the family court system, and I have prosecuted abuse and neglect cases, and some of the most horrendous sexual harassment, sexual abuse and physical and emotional abuse, and I know who the most vulnerable people are in our society. I -- I am a parent of an individual with disabilities and I've worked a lot with the disabilities community, those who are intellectually and developmentally disabled. They are vulnerable people in our society. I have a parent who is 97 years old and I'm surrounded by people who are quite elderly and frail. They are the most vulnerable people in our society. They are the people that I think are deserving most of the protection that we can offer them.

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

MS. WALKER: (Inaudible/mic off)

ACTING SPEAKER AUBRY: Ms. --

MS. WALSH: I really -- only because I don't think I

have enough time really to cover my -- my remaining points, I'm going to decline, with respect.

ACTING SPEAKER AUBRY: Ms. Walsh does not yield. Thank you.

MS. WALSH: Thank you. So I believe that we have record low unemployment right now. We -- we have employers that are really -- really wanting to hire. As I travel through my district, there are people that I meet from different businesses that are crying out for people to apply for jobs for them and want to hire them. I understand the reasons for the Business Council and other groups to support this legislation, I happen to disagree with it, but I understand the rationale that they put forward for it. I think that, as has been said earlier, there is really no -- there's no reason under our current law why employers who are open-minded, who are willing to listen to applicants won't hire them. And I believe that for under the issue of transparency, this Body has spoken so often about transparency and yet, I believe that this legislation is setting transparency back who will no longer know about the backgrounds of the people in their own community. The people that I represent want to feel safe and secure in their homes, their places of work and their community for themselves, for their children, for their families. Businesses should want to know who it is that they're -- that they're bringing on board. And I think that public safety and security has been such a key issue over the last few years as we've been doing our work. I think that the -- the election last year was in some ways a real referendum on the

public's unease and feeling of not feeling safe, and I don't believe that this piece of legislation helps in that regard. I can see why, frankly, there would be a desire to pass Clean Slate in a non-election year, but I do think that there will be repercussions next year for those who have supported it.

I believe that it's too broad. I understand the need to have second chances. My -- my point, just in conclusion, is that we have -- we have an existing program with CRDs and Certificates of Good Conduct to allow individuals who really want to turn their lives around, and I would be very willing to look at ways to improve that program, to expand it, to better inform people and to fund it, but I believe that the current legislation is overbroad and I think it's extremely ill-advised and I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAYLOR: Thank you. As I said yesterday, much of what I would like to say has already been said, except for not by me. So I -- I really think that we have an important piece of legislation, an opportunity for 2.3 million people in New York State to finally get some relief. Again, it's not a check that we're giving, it's an opportunity to bring seven-something billion dollars to the State of New York if we allow these people to go to work. What I find

interesting is I think I may be a candidate for something that's happening in this legislation. So am I understanding correctly, if I'm understanding correctly, that someone with a misdemeanor can have their case sealed automatically. That's important to me.

As we celebrate the era of hip-hop, 50 years of hip-hop. At the same era, I had a couple of incidents here and there crossing what they call the MTA without having adequate fare and being charged in (inaudible) which is still open in this day right now. A few years back, my wife and I were in Bronx Family Court and we were going to -- to help someone that was going to be in our care as foster parents, if you would. And so I'm sitting in the room with the judge, it was great, I was excited because we're doing the right thing, and she said, tell me about yourself, and you know, I like to talk about me, it was no problem at all. So I began to talk about myself and then she paused, and I paused and she said, well, tell me about your incidents with the criminal justice system. I said, all right, no problem, I've never been -- well, what about this fare evasion? And I was like, what? Get out of here. It sits right there in the public today. All we're saying is close that down, give us an opportunity. The guy that's standing here today, you guys wouldn't have allowed me into this space 50 years ago. I wasn't the same individual. We evolve, we change, we grow, we're different.

My colleague spoke so eloquently in here about why it's so important to have Clean Slate. It's like fresh water. The ability to step up. Joining the military. I -- I just knew for the moment when

I was sitting in Fort Hamilton and the guy says, Mr. Taylor, we want to tell you -- he said well, he called me my government name, Alfred Taylor, he said, we want to tell you that you passed. You can be a mechanic, you can be an electric engineer, you can be an MP or you can be a chef. And I said, well, what's an MP? They said, military police officer, and I'm like surely they don't mean that. This thing is going to go south real quick when they find out who I am and what I've done and what I think about police officers at 18 years of age. And I figured I'd just ride this on out.

Two weeks later, I'm in Fort Dix, I'm in boot camp, I go through, I do my several weeks of boot camp and then I find myself with a bus ticket to go to Fort McClellan, Alabama. I said, the gig's going to be up pretty soon, they're going to find out I've made a mistake and I'm done. What? I go through military police training, like nine weeks, I said surely the gig's going to be up by the time I get to Arizona and they're getting ready to give me a weapon. Listen, I obtained a driver's license, I had no high school diploma. But if you looked at my jacket at that point, I was not the person you wanted to give a gun and badge and patrol car and said, we want you to protect and serve.

I'm saying that people can change, we need an opportunity and I'm standing and I'm so doggone proud that this piece of legislation is going forward because 2.3 million that we can count need this, and I am one of those people. Fifty years later, my record is still open. I think automatically sealing that would be a good thing,

what the heck's wrong with that, America? I'll be voting in the affirmative.

(Applause)

ACTING SPEAKER AUBRY: Ms. Giglio.

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

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

MS. CRUZ: Yes.

ACTING SPEAKER AUBRY: Ms. Cruz yields.

MS. GIGLIO: Thank you to my colleague, I know we're not supposed to say names, I'm sorry. So is operating as a major drug trafficker a sealable offense?

MS. CRUZ: Only if they don't get the maximum judge -- allowable sentence by the judge.

MS. GIGLIO: Okay. So according to my records and what I've read on that it's a minimum of five years, a maximum of 25 years, and a lot of those crimes are pleaded down to the minimum sentence and if they get good behavior they're out sooner, so...

MS. CRUZ: That -- that's not the drug sentencing statute.

MS. GIGLIO: Okay. So can you tell me what the definition of a drug trafficker is, as a major trafficker is?

MS. CRUZ: I don't have that, but we can pull it up, so...

MS. GIGLIO: Okay. It's a profiteer who knowingly and unlawfully possess on one or more occasions --

MS. CRUZ: I'm sorry. Mr. Speaker, can you ask -- thank you.

ACTING SPEAKER AUBRY: Certainly. Members, we need the doors closed behind me. Members will take their seats, cease conversations, staff, clear the aisles and let the debate continue, please.

MS. GIGLIO: Okay. So it's unlawfully possess on one or more occasions within six months or less a narcotic drug or intent to sell the same and such narcotic drugs having a total aggregate value of \$75,000 or more. Do you know how many people we lost in the United States last year due to fentanyl deaths?

MS. CRUZ: No, but I'm sure you're going to tell me.

MS. GIGLIO: A hundred and ten thousand. And \$75,000 worth of fentanyl is approximately 62,000 pills; that's 62,000 lives, in my opinion, because I'm told and we hear on the news that one pill can kill somebody, I'm sure you agree. Okay. Do you know, is criminal sale of a controlled substance in the first degree a sealable offense?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. So do you know the definition of a criminal sale of controlled substance in the first degree?

MS. CRUZ: I don't know off the top of my head, but I'm sure you're going to tell me.

MS. GIGLIO: It means you would have committed a Class A Felony if you sell a large amount of narcotics, specifically to be prosecuted under this section in the amount of drugs involved must be two ounces or more of narcotics, or 2,880 milligrams or more of methadone. Now, that's a -- that's a lot of drugs and we have many deaths, but we'll get in to that later.

MS. CRUZ: Ms. Giglio, if I may, I think we both can agree that we have a drug problem in this country, but I think we can also both agree that once these folks have been sentenced, we're not looking at people being sentenced, you know, to two months, three months. These are -- these are heavy traffickers that will probably spend a really long time in jail and I think even they deserve a second chance when -- if they come out, if they meet all the requirements and they meet their sentence, they do their probation, which they probably will have, and then eight years later if they have not re-offended, they can then access this legislation.

MS. GIGLIO: Do you know how many drug arrests there are in the State of New York from law enforcement to drug dealers that are out on bail and that go out and recommit while they're out on bail that don't get caught but are still trapped in the same society of drug sales?

MS. CRUZ: I'm not sure what that has to do with this bill.

MS. GIGLIO: Well, it -- it has a lot to do with everything because -- but -- but we'll get back to that later on. There

are a lot of people that are arrested every single day that law enforcement spends hours on with stings and operations and (inaudible) law enforcement vehicles all over the place, watching someone, getting approved to lock the person up and only have them get back out on the street and kill people with drugs.

MS. CRUZ: Well, it's because we have the Constitution. You have to be able to prove that someone is guilty and have them found guilty no matter how much time you spent investigating.

MS. GIGLIO: Understood. And I believe that we're not doing a great job with speedy trials, and I think that's the problem with our law today and --

MS. CRUZ: That's not germane to this bill.

MS. GIGLIO: Right. Is gang assault in the 1st Degree a sealable offense?

MS. CRUZ: Let me double-check.

MS. GIGLIO: Okay. Do you know what the definition of gang assault is?

MS. CRUZ: Can you let me double-check first, because otherwise it's not germane to this, so hold on.

(Pause)

Is it an A or B, can -- can you double-check?

MS. GIGLIO: Gang assault in the 1st Degree is, I believe it's an A-1, nope. It's a B violent felony.

MS. CRUZ: Then it would be.

MS. GIGLIO: Okay. So do you know the definition of a gang assault in the 1st Degree?

MS. CRUZ: I am sure you would -- you're going to read it to me, and -- go ahead.

MS. GIGLIO: Okay. Intent to cause serious physical injury to another person and when aided by two or more other persons actually --

MS. CRUZ: I'm sorry. I can't hear you because our colleagues are being really loud. Thank you.

MS. GIGLIO: And this is really important because gang and drugs are very important so I agree with you.

MS. CRUZ: Yes, I grew up in Colombia. I'm very much in favor of -- of ending --

MS. GIGLIO: Well, we're glad you're here and you're safe. So intent to cause serious physical injury to another person and when aided by two or more other persons actually present, he or she causes serious physical injury to such person. Serious physical injury means impairment of a person's physical condition which creates a substantial risk of death, or which causes death or seriously and protracted disfigurement or protracted impairment of health or protracted loss of impairment of the function of any bodily organ. And the minimum sentence of that is five years with a maximum of 25 years. Is Assault in the 1st Degree a sealable offense?

MS. CRUZ: No. It's an A-1, I believe. I'm sorry, that's an A -- it's a B? It's a B, but it's not.

MS. GIGLIO: It's a B felony but you're saying it's not?

MS. CRUZ: It's not sealable. Wait. Hold on. There seems to be some confusion. I believe it is. It is.

MS. GIGLIO: Okay. So Assault in --

MS. CRUZ: Yes.

MS. GIGLIO: -- the 1st Degree is a sealable offense. Do you know the definition of Assault in the 1st Degree?

MS. CRUZ: Why don't I read it for you this time?

MS. GIGLIO: That'd be great.

MS. CRUZ: Assault in the 1st --

MS. GIGLIO: And if you miss anything, I'll let you know.

MS. CRUZ: -- Degree. A person is guilty of assault in the 1st Degree when with intent to cause serious physical injury to another person, he causes such injury to such person or third person by means of a deadly weapon or dangerous instrument, or with intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or third person or under the circumstances of evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk to death -- of death to another person and thereby causes serious physical injury to another person, or in the course of and in furtherance of commission or attempted commission of a felony, or immediate flight therefore --

therefrom he or another participant if there be any causes serious physical injury to a person other than the one -- the one of the participants. Assault in the 1st Degree is a Class B felony --

MS. GIGLIO: Okay. And that is a sealable offense.

MS. CRUZ: We can -- we can go through the entire list if you'd like.

MS. GIGLIO: No, I'm going to add on to what you --

MS. CRUZ: Okay.

MS. GIGLIO: -- but I'd like to finish up.

MS. CRUZ: Go ahead.

MS. GIGLIO: So -- but it is a sealable offense for everything that you just mentioned.

MS. CRUZ: With the exceptions of who -- of law enforcement, educational entities, et cetera, et cetera who can access them for various purposes.

MS. GIGLIO: (Inaudible). So...

MS. CRUZ: I'm sorry, what did you say? I didn't hear you.

MS. GIGLIO: So we're protecting law enforcement. So if they --

MS. CRUZ: No, no, no. We are ensuring -- we are protecting the community by ensuring that law enforcement can have access to this information.

MS. GIGLIO: Okay. But they're already incarcerated and released and their -- their record is sealed.

MS. CRUZ: No. They've been incarcerated, released, paid their dues to society, a little bit of extra time has transpired and then their record is sealed.

MS. GIGLIO: Okay. Yes, thank you for correcting --
(Inaudible/cross-talk)

MS. CRUZ: Well, I wouldn't call eight years a lot of time, but yes.

MS. GIGLIO: So it also says another critical element of the statute is that the actions can't be -- merely be borne from fists, elbows and feet but by neither a weapon or dangerous instrument. So, you know, a dangerous instrument, readily capable of causing death or serious physical injury. So that is Assault in the 1st Degree, which is sealable. Is Aggravated Assault upon a Police Officer or Peace Officer sealable?

MS. CRUZ: That question's already been asked and answered to one of your colleagues earlier.

MS. GIGLIO: Okay. So the answer is?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. And do you know the definition of Aggravated Assault upon a Police Officer or Peace Officer?

MS. CRUZ: I don't.

MS. GIGLIO: Okay. Intentionally seriously injure a police officer who is attempting to perform his official duties. You must had used a deadly weapon or dangerous instrument to commit

the assault. Is Kidnapping in the 1st Degree a sealable offense?

MS. CRUZ: It is not.

MS. GIGLIO: Okay. What about the 2nd Degree?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. Kidnapping in the 2nd Degree is defined as abducting another person. An abduction will be raised to the level of kidnapping in the 1st Degree if any of the following factors are involved: Ransom is demanded, the victim dies, the victim is restrained for more than 12 hours so that you can physically injure or sexually assault the victim, commit another felony, terrorize a third person or interfere with the performance of a government political function. So I know that we said that sex crimes are not sealable offenses. So if -- that was a felony, too, but it raises to a Felony 1, but we'll get in to more of the sexual offenses that are in some of these other crimes that are sealable. Is Burglary in the 1st Degree a sealable crime?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. And in Burglary in the 1st Degree, it says burglary is defined as the unlawful entering of someone's property with intent to commit a crime, the crime can be larceny; however, it could also be assault, rape, kidnapping or any other type of criminal offense. So if Burglary in the 1st Degree involves rape, are -- is the -- are they -- when they're released, is their file sealable?

MS. CRUZ: I'm sorry, if they're convicted of what?

MS. GIGLIO: So Burglary in the 1st Degree is described as assault, it could be assault, rape, kidnapping or any other type of criminal offense. So if somebody raped somebody in a burglary --

MS. CRUZ: If they're found -- if someone rapes someone and they're found guilty of rape, that is likely a registrable offense and that would not be sealed.

MS. GIGLIO: Even if it was in part of a Burglary in the 1st Degree and that was the charge.

MS. CRUZ: Well, the burglary, it would be one thing, the sex offense would be another.

MS. GIGLIO: Okay. And I think I'm running out of time so I'm going to get through those, but these are some really disturbing things to me. With all the gun laws that we adopt and what's going on in New York State and what we're trying to do and stop gun violence and we see the orange shirts and we see everybody walking around the Capitol and we all agree that gun violence is bad and we need to stop it because people are dying. Is criminal possession of a firearm a sealable offense?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. So it's the least serious felony, possession of a firearm, and if you're charged with this crime, you're serving a maximum of four years. So you have criminal possession of a firearm, you're serving a maximum of four years, you're out, your record's sealed and hopefully they won't get their hands on another

gun. Criminal Use of a Firearm in the 1st Degree. Is that a sealable offense?

MS. CRUZ: What was the second --

MS. GIGLIO: Criminal Use of a Firearm in the 1st Degree.

MS. CRUZ: Yes.

MS. GIGLIO: That is -- that is a sealable offense?

MS. CRUZ: Yes.

MS. GIGLIO: Yes you said?

MS. CRUZ: Yes I said.

MS. GIGLIO: Okay. So it -- it requires that the defendant possess a weapon while in the process of committing a violent felony, that you possessed a loaded deadly weapon or that you displayed what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. How about Criminal Sale of a Firearm in the 3rd Degree? Is that a sealable offense?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. So you can sell a firearm and you sell it, give it, exchange the firearm, or you have the intent to sell it and it's a sealable offense. How about if you have a sale of a firearm or criminal possession of a weapon on a school ground? Is that a sealable offense?

MS. CRUZ: Yes.

MS. GIGLIO: It is. Okay. So you can carry --

MS. CRUZ: And I believe that one -- was that -- was

that the buzzer? Oh, sorry. I thought -- I thought I heard the buzzing. It was someone's chair.

MS. GIGLIO: Can I have my 30 seconds back?

(Laughter)

MS. CRUZ: Yes, it is.

MS. GIGLIO: Okay. So criminal possession of a weapon on a school ground is a sealable offense. For the very minimal --

MS. CRUZ: Yes, because I believe it's a misdemeanor.

MS. GIGLIO: Okay. So are you familiar with the Attorney General from the State of New York's Crime Victims Bill of Rights?

MS. CRUZ: Yes.

MS. GIGLIO: Okay. So --

MS. CRUZ: By the way, we also worked with the Attorney General of the State of New York on this bill.

MS. GIGLIO: Okay. So then you know that notice of discharge, release or escape of offender from a correctional facility is a victim's right to be notified.

MS. CRUZ: I'm -- I'm not sure what that has to do with this.

MS. GIGLIO: I'm just asking you if you know what the Victims Bill of Rights is because my question is --

MS. CRUZ: Well, and -- and I'm -- I'm willing to

answer questions that are germane to the bill.

MS. GIGLIO: Sure, sure.

MS. CRUZ: I'm not sure what that has to do with this.

MS. GIGLIO: So is there a notice when the people -- when their time is served, they've been released, they're doing everything they're supposed to be doing and automatically their records are sealed --

MS. CRUZ: And that's your buzzer.

MS. GIGLIO: Okay.

MS. CRUZ: I will -- I will answer it super shortly. That has nothing to do with this bill.

MS. GIGLIO: Well, I mean, we did take some time also to quiet everybody down a few times, so, but --

MS. CRUZ: So that -- that has nothing to do with this bill. That Bill of Rights is a completely separate piece of law.

MS. GIGLIO: Okay. Mr. Speaker, on the bill, please. And thank you, Ms. Cruz, for answering my questions.

ACTING SPEAKER AUBRY: I'm afraid you've exercised all your time with the questions.

MS. GIGLIO: Well, thank you.

ACTING SPEAKER AUBRY: You're welcome.

MS. GIGLIO: So thank you for yielding again.

MS. CRUZ: Thank you.

MS. GIGLIO: So --

MS. CRUZ: No, no.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Okay. So on the bill.

ACTING SPEAKER AUBRY: No, you have no time left.

MS. GIGLIO: I have no time left.

ACTING SPEAKER AUBRY: You used all your time.

MS. GIGLIO: But I can explain my vote later.

ACTING SPEAKER AUBRY: Later.

MS. GIGLIO: Thank you.

ACTING SPEAKER AUBRY: There we go.

MS. GIGLIO: That's okay, that's all I'll need.

ACTING SPEAKER AUBRY: So we have expended the amount of time on this bill other than Ms. Cruz to close. Anyone after that must explain their bill -- explain their vote in the two-minute time allocated.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. Today, we begin to change the lives of more than two million New Yorkers. I want to thank my colleagues for helping us give people a second chance at life. This legislation isn't about criminal justice only, it isn't just about public safety, it isn't just about economic justice, it isn't just about equity and fairness. It's about redemption. People can change. People can get better. People can repent, people can be forgiven. Our

society should not be judged of the behavior of one member at its worst moment, but on our ability to forgive them and to grant them the ability to move forward and heal and to become productive members of our society.

At the heart of all the opposition I keep hearing, it's only the belief that people cannot change, but that they're sorely defined by the worst thing that they've ever done in their life. Mr. Speaker, there are more than two million New Yorkers who made a mistake, two million New Yorkers who perhaps got caught up in the system or even pled to something they were not even guilty of because they wanted to move on with their lives. They may have been at the wrong place at the wrong time and they paid their penance by going to prison, by serving their probation, by attending programs, by paying fines. But a record remains that haunts them now and upon attempting to return home integrating back into our community, finding a job that could provide for their family and obtaining a home for them. Repeatedly, their worst mistake was held over their head. And for 2.3 million New Yorkers and their families, it is as if that sentence never ended. This is perpetual punishment.

I want to tell you a quick story about one of the people who is going to benefit, because we often talk about the worst cases. And this is the kind of worst cases. There's Maryanne, she lives in the Hudson Valley, and she's a survivor of domestic violence. She was fleeing an abusive relationship and as part of that process, she used the husband's credit card. She was arrested, she got a

misdemeanor and even though she moved on with her life, and she even got a master's degree, it still haunts her to this day.

The opposition argues that we are jeopardizing public safety by passing Clean Slate and that we're not thinking about victims. But science, that's verified research, has -- tell us a very different story. That when we make our -- that we can make our communities safer by giving people a second chance. Stability reduces recidivism. Stability comes into form of a job that can provide for your family and a roof over their head. Clean Slate will address the systematic barriers at getting a job and getting housing. In Michigan where this law has already been implemented, we saw an 11 percent increase within two years of people being able to get a job and 25 percent of people were able to increase their living.

I want to thank our Assembly team, current and past, for their support over the years to get this bill on the floor today. Marty, LouAnn, Michelina, Jen, Sarah, but especially superstar Becca who worked with us to ensure that we can truly give people hope. I also want to take this opportunity to thank our Speaker who not only entrusted me with this incredible opportunity, but also remained fully committed and supportive to the passage from the very beginning. Never doubt that. I know a lot people questioned it, but I didn't question it for a single day. I want to thank my team and our families, and our families, who become so -- such a big part of this process and this journey. And I also want to thank my Chief-of-Staff, Robyn who is a true believer in redemption. She spent a decade in the trenches as

a criminal defense attorney and is committed just like I am to building an economic development and social justice so that our communities can live to their full potential. I want to thank the Clean Slate Coalition for bringing this life-changing bill to our doorsteps, and for pushing us to change the lives of so many people, including the Center for Community Alternatives, Hudson-Catskill Housing Coalition, Legal Action, Legal Aid Society, Bronx Defenders, and there's like 200 of them, I'm not naming all. I also want to thank labor and the private sector from DC 37 to HTC to the laborers, to the Mason Tenders. Everyone came together to help us. National Grid, NAACP, the Children's Law Center, even localities for passing legislation in support of our bill. Schenectady, Beacon, Catskill all passed local -- local bills in support of us. And I want to thank my Senate sponsor for helping me lead this fight as well as the Assembly colleagues who stood by me at every rally screaming "Clean Slate Can't Wait."

And before I finish, I want to dedicate my vote to the great Marvin Mayfield who recently transitioned from this Earth.

(Applause)

Marvin was a force of nature leading our press conferences, living every single one of us here, telling his own story as the formally-incarcerated individual who had the opportunity to do something amazing with his life. He served our country in the Air Force and was active in his church and worked to organize at the Center for Community Alternatives where I met him. He did not let his entanglement with the criminal justice system define him, even

though society tried to repeatedly. He's with us in spirit today. A year ago I called him pretty defeated after we could not pass Clean Slate, and I apologized to him, apologized for failing him and so many other families. He asked me to continue to fight and I will never forget the words he said to me. He said, You can't give up because we cannot afford for you to give up. Marvin, I didn't give up and we're about to vote yes because of you.

When the advocates brought me this bill four years ago, I wasn't sure about carrying it, and this is a story a lot of people don't know. I've spoken openly about being a victim of a crime myself on this floor, and I truly didn't know if I could relate to people who have committed crimes in the same way. And then I began sitting down with families, with the grandchildren, with the children, with the businesses who wanted to support them in what I saw was a completely different world. I saw people who deserved an opportunity. I saw people who were fighting for an opportunity and a society that consistently told them, you are not worth that opportunity. And I changed my mind and I have been fighting every single day since then to make sure that they get the chance, because it should not be about luck. It should not be about a good person doing a good thing for you. It should be that our society is set up to ensure that the minute you come out, you pay your penance to society and you then paid some extra time, you get that clean slate and that second chance at life.

And I want to say one extra thank you, I know I've

already thanked him, but this was really hard-fought. The Speaker encouraged me to meet with everyone, from law enforcement to community groups to even our own colleagues, and we listened. And we built the kind of legislation that we can be proud of and that we know will change the lives of people, and for that I am internally grateful to our Speaker and I will be voting in the affirmative. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Quiet. Thank you, thank you.

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Of course, those who support it are encouraged to vote yes here on the floor.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. I believe in this bill because I believe in second chances. I chaired the Correction Committee in this House for six years up until this January. I visited many, many correctional facilities throughout the State, both State and Local, and I am constantly running into formally-incarcerated individuals who tell me had they known now what they knew when they committed their crime, they would -- they would not have been incarcerated. If they had the educational opportunity that are often offered in our correctional system, they would not have done that. The nature of the crime will never change, but the individual can and does, and that's why the committee is called Correction and not punishment. I feel the same way about the two elder -- the elder parole bill and the fair and timely parole. They believe -- it's about second chances and giving people hope and opportunity. And that's why I'm a proud cosponsor of this bill and also, you know, why I think it's so important. I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Ms. Solages.

MS. SOLAGES: To explain my vote. Perpetual punishment. When we keep punishing people endlessly, we take

away their dignity and do not allow New Yorkers to integrate back into society. By not offering a way for them to redeem themselves, we unequivocally support a system that causes harm, including helping people -- not helping people heal and make amends. We must end this cycle of perpetual punishment, especially for the 2.3 [sic] New Yorkers, a majority of them from communities of color. Mr. Speaker, I'm voting in the affirmative and I invite all my colleagues to join me because Clean Slate is an economic justice bill. This legislation is supported by a broad coalition, one of the biggest I've seen made up of faith leaders, civil rights activists, major unions, business community members, and it shows you that all together, united, we can make New York State better, but we just gotta believe in each other. We gotta believe in second chances. So I thank you and I thank the sponsor of this legislation. She fought -- she fought very hard for this and I congratulate her on this wonderful day.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Ms. Levenberg.

MS. LEVENBERG: Thank you, Mr. Speaker. I rise to explain my vote. If community safety is our real goal, we need to focus on preventing crime. Clean Slate is an evidence-based approach to preventing crime and keeping communities safe. Just last weekend Albany's former Chief of Police and a former Federal prosecutor published an op-ed calling for the passage of Clean Slate to bolster public safety, explaining, and I quote, "The best way to keep

communities safe is to prevent crime in the first place. The Clean Slate Act would remove some of the roadblocks between people who have served their time and real opportunities to get back on their feet and fully participate in society. When they can't find jobs or housing, people with past criminal convictions often end up back in jail, and the Clean Slate Act would remove a huge obstacle for people who have served their time and are trying to become productive New Yorkers. It would also help reduce crime and grow our economy. It makes sense for public safety for second chances and for the future of our neighborhoods and our State", end quote. Tough on crime rhetoric may play well in the media, but in reality this rhetoric makes us all less safe. Making it harder for people to get what they need through legal means pushes people toward crime. Enabling people who have served their time and then some to earn a livelihood through legal means will make us all safer. We have seen this in other states -- states which have implemented similar legislation. Crime goes down and employment rates go up. This bill, by default, only applies to people who have been deemed safe for unconditional release into the community. It does not eliminate discretion. The discretion happens at the time the person is sentenced and again when the person is paroled. It excludes people who have been convicted of the most serious crimes, particularly sex offenses, where the risk is of -- of reoffense is too high to be considered. This legislation also contains exceptions so that law enforcement and employers who need to conduct criminal background checks --

ACTING SPEAKER AUBRY: Ms. Levenberg, how do you vote?

MS. LEVENBERG: I am very happy to be voting in the affirmative and I thank the sponsor for all her work (inaudible) advocates. Thank you.

ACTING SPEAKER AUBRY: Ms. Levenberg votes in the affirmative.

Ms. Tapia. Two minutes, folks. We are time (inaudible).

MS. TAPIA: Thank you, Mr. Speaker, for allowing me to explain my vote. For years we have handicapped and perpetually punished 2.3 millions New Yorkers, majority Black and Brown New Yorkers, taking away from them the opportunities to get an education, to get a good job, to raise their family with dignity. This bill is the key to redemption, rehabilitation and boosting our economy. Thank you to the sponsor for this fight. Thank you to all my colleagues that put out the -- all their -- their -- their life experiences. This bill, Clean Slate, is a win-win and I vote in the affirmative.

ACTING SPEAKER JONES: Mr. Meeks.

MR. MEEKS: Thank you, Mr. Speaker, for an opportunity to explain my vote. I am -- I'm gonna just start off, I vote in the affirmative so y'all know that part. But I'm just absolutely elated to stand here. We -- we rallied, we advocated, we truly believe that Clean Slate cannot wait. This is not something that just is beneficial to formally-incarcerated individuals. This is beneficial to

the families, to our community as a whole. You know, talking to the numerous families that had challenges as it related to housing security, dealing with housing insecurity from one city to the next, from one state to the next based upon a mistake or a decision that they made 15, 20-some-odd years ago, being locked out. Locking individuals out hurt that individual, but it also hurt our communities. As was stated earlier, this is also an opportunity to generate billions of dollars for the State of New York. We need to be intentional in putting these resources into different community programs that will help our youth grow and help us grow as communities. It was interesting to hear someone speak earlier to the fact they tend to vote the way their communities expect them to vote. Well, thank God for a diverse State Assembly, a State Legislature unlike we've ever seen before. And when you have that, to the voters, when you send people to Albany that reflect you, reflect your community, the issues that you have in your community that can relate to those challenges, that can relate to those historic struggles, they come here and they vote with their hearts and they make the right decisions, and they're committed to effect the needed change not just for today, but for generations to come.

Clean Slate Act could not wait. Today is the day, let's get it done.

(Applause)

ACTING SPEAKER LUNSFORD: Mr. Ardila.

MR. ARDILA: Thank you, Madam Speaker. Clean Slate is a multi-layered piece of legislation that I'm so proud to

support. It entails racial justice and criminal justice reform across the State of New York. And as someone who comes from an immigrant background, born and raised in Queens, someone who is still in my 20s, you know, you will be able -- we're exposed to a lot. And when we -- when you come from Queens -- and people who know me know how much I love my borough. I love being from Queens, I love home. Being from Queens means that if you're a Latino, you are more likely to serve time than to be in this Legislative Chamber serving the people. If you're born and raised in Queens, you're more likely to be exposed to the most corrupt criminal justice system in the entire country. So that's why I'm here to support, because I wanted to be part of this Chamber to help people across our State to truly change lives and to make sure that our criminal justice reform really is serving the people and uplifting Black and Brown communities. It's an honor to be here. It's an honor to support the sponsor of this piece of legislation. And, you know, the sponsor and I are both one of the only members here of Columbian descent, so we have the saying back home (speaking Spanish), to be able to pass this piece of legislation to support the people.

I vote in the affirmative and I can't wait to get this done. Thank you so much.

ACTING SPEAKER AUBRY: Mr. Ardila in the affirmative.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker, to

explain my vote.

ACTING SPEAKER AUBRY: Sir.

MR. ANDERSON: Thank you, sir. So, this is a really important step, a pivotal step in the right direction, Mr. Speaker, where we can, as this legislative Body, decide whether or not we are a society of perpetual punishment or a society of second chances. If we're a society of making sure individuals can move on with their lives after they have served their time, after they've waited a three-year to eight-year period as stated in this bill to ensure that they can get their families back on track so that they can continue to contribute to our societies. If we say that we support labor, then we will support this bill. If we say that we are Christians, we are Catholics, then we would support this bill. If we say that we're -- we're not supporting things based off of emotions but offer the facts, then we would support this bill, because this is an economic bill, this is an investment bill, but it's also a bill of second chances. And that's important that we change the definition of who we are as a society, a society that does not perpetually punish, but believes in second chances and believes in reconciliation. And so we can end that cycle of perpetual punishment here today by voting yes on this critical piece of legislation.

I want to take a moment to thank the sponsor, Assemblywoman Cruz. I want to take a moment to thank our Speaker for having the courage to push us forward on this legislation. And lastly, Mr. Speaker, I want us to understand that it is important for us

to do the right thing. It is important for us to invest and it is important for us to remember those who society has downcasted, even after they're done -- made their mistakes, have paid their debt to society and are continuing to move forward.

I think about, Mr. Speaker, as I close, families like Tayana Taylor, who I visited at a correctional facility here in New York State whose father is no longer a threat to society, but because we don't have laws -- we have laws on the books that are for perpetual punishment we cannot move on past that. So thank you, Mr. Speaker. I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker. I'm requesting an opportunity to abstain in order to explain my vote. I was a little confused every time I kept hearing the words CRD, and I realized that after we heard that some of the disabled people are the most vulnerable populations within our communities. And so the lack of saying CRD meant the lack of saying a Certificate of Relief from Disability. And so again, we submit that these individuals are also suffering from a certain lack of societal disability. And Dr. King tells us that oppressed people won't remain oppressed forever, and the urge for freedom will eventually come. And we believe that that day has come today. We are breaking a criminal injustice system, and we know that a system where things that work together and are

interconnected in order to make things possible. And one of the explanations that I saw when I Googled what a system was it says the State railroad system, but today I feel like it really says the State Underground Railroad system, because we are allowing opportunities where opportunities did not exist before for 2.2 million people to be able to have access to decarceration efforts to turn and change the lives of themselves, their families and their communities around. We are saying to the rest of the nation that you can help the 7.7 [sic] people who are formally incarcerated or the 12.1 million people who were convicted but not in prison, or the 45 million people living in America with a misdemeanor. Again, we are setting the stage to erase the stigma, to reduce barriers to employment, to normalize banning the box, to expand hiring opportunities for people who are denied, to repeal barriers to government opportunities and government access and government funding and resources. And most importantly, this again is an abolitionist moment where we are un -- we're unraveling mass incarceration and giving people a -- a chance in order to -- to support their political voice and economic opportunities.

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

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker, to explain my vote. When this bill first came up people asked me about

it, and as I do with all bills, especially a bill like this, I had to read the bill. And I had two concerns; I had concerns about domestic violence and I had concerns about home health aide. And I -- and I mentioned this to the sponsor, and -- and she was very responsive because in this bill, if you are a party in a civil action which will include custody, it will include all kinds of domestic areas, you -- the record is not sealed. If -- if you're a subject or a defendant in a Order of Protection case, the record is not sealed. So I'm satisfied that domestic violence and related matters are covered. When it came to home health aide, I was worried, who was gonna be there to help the most vulnerable, and yet now in the legislation it says for those that are working with vulnerable population, the -- the record is not sealed.

So I'm satisfied with these two exceptions and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Mr. Maher.

MR. MAHER: Thank you, Mr. Speaker, to explain my vote. The first thing I'd like to do is acknowledge the sponsor. We have not had a ton of time to interact, but I thought you handled yourself very well. You sat there for a while, for hours, answering folks' questions and you seemed to have genuine passion and knowledge about the subject matter. I want to acknowledge that because I also want to acknowledge many of the colleagues on my side of the aisle who had that same passion. Who I do not believe

spoke the way that they spoke from their hearts for votes, they did it because that's what they believe and that's what they're passionate about. For me, I'm a bit of an outsider on this issue. I've been learning over the last several months. I got to meet so many people, and the thing that really was an education for me was just how many people that I knew in my life that were impacted by this. So while I want to acknowledge that this will help a lot of people, we, on our side, for those that I can speak for, believe there were some certain aspects of it, myself specifically, some of the violent cases that we believe should have been excluded as well, and also more of a process that took ownership over an individual instead of just an automatic clean slate. That's why I will be in the negative. But I did want to just say as someone who was here for the last several months, I thought this was a great example of the best our Chamber has to offer in a debate. So I just wanted to say that and explain my vote.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Maher in the negative.

Ms. Chandler-Waterman.

MS. CHANDLER-WATERMAN: Thank you, Mr. Speaker. Thank you to the advocates, and thank you to the amazing sponsors on this bill. I represent Assembly District 58 in Brooklyn, covering East Flatbush, parts of Canarsie, Brownsville and Crown Heights, a predominantly Black and Brown community that as we know is disproportionately affected by the arrest and over-policing

that leads to incarceration. In order to truly be inclusive of ensuring the voice of my community members are effective legislation and resources, I formed the Assembly District 58 Public Safety Task Force which includes individuals lived experience, justice impacted and those impacted by gun violence. And yes, I wear orange today because of that. I am glad to stand here to represent those community members' voices. We know we have a public health crisis, and it requires a multi-facet [sic] approach for a multi-layer issue. These are one -- this is one of the approaches. Clean Slate is commonsense, humane legislation. It will seal arrest and conviction records after people have completed their sentence and remained crime-free for a time. This bill allows to serve their time and get a second chance to build a life and contribute to their communities and families. This country was built on second chances and the dream for a better future. We have fallen short, but Clean Slate is a step further in that direction. Today all confliction -- convictions create barriers and Clean Slate allow us to build pathways.

I have two short stories. As you know, it's graduation season. As I was doing press conferences and advocating, I saw a dedicated father (inaudible). He completed probation of 26 years ago. He has a daughter who is about to enter college and he needs to find another job so he can support her. But despite the passage of more than a quarter-of-a century, he has been continued [sic] denied employment solely because of his record. I have another story, a personal story. My favorite uncle, he took care of my grandparents,

his parents, myself and my siblings. Most of my family and my father was not present so he stepped in and filled the gap. At eight years old, I got devastating news, at that time my favorite uncle was not coming home. No, he was not killed, he was arrested. He spent ten years in jail, and I learned at an early age good people can make a bad decision. And he came out and was able to support me to go to college --

ACTING SPEAKER AUBRY: Ms. Chandler-Waterman, I'm sorry, but --

MS. CHANDLER-WATERMAN: Okay. And for those reasons people like my uncle (inaudible), I vote in the affirmative today (inaudible).

ACTING SPEAKER AUBRY: Ms. Chandler-Waterman in the affirmative.

Ms. Zinerman.

MS. ZINERMAN: Mr. Speaker, permission to explain my vote. I am proud of this legislative Body today for standing up for economic and social justice and for -- for New York families. Thank you to my sister from another mister, Catalina Cruz, and my brother from another mother, Zellnor Myrie, for crafting a piece of legislation born out of love and respect for humanity. I have over a decade of experience in placing people, including the formerly-incarcerated, in lifesaving jobs offering living wages. As a former small business owner, I have hired returning citizens and participated in alternatives to incarceration programs and provided job

opportunities for parolees. I've supported these efforts because I am a Christian and I believe in the power of redemption. I am a New Yorker and I believe in the mission of the New York State Corrections system which offers a pathway to second chance. I believe in a system that does not consign people to perpetual punishment or a death sentence because they do not have the means to feed, clothe and house themselves. Furthermore, I've advocated for Clean Slate and its policies due to my strong belief in the transformational power of work. Work allows us to earn money, it shapes our personal and social identity, it allows us to contribute to society, solve problems and find fulfillment. Work plays a vital role in enhancing our well-being and is a source of social support, community, cohesion and civic participation. My favorite quote is, "Work is love made visible because it is."

I serve on the Labor Committee and support Clean Slate because entire industries including healthcare and trans -- transportation are experiencing record shortages. We need the human capital. It is why -- it is the reason that Chair Joyner and I held a hearing on workforce shortages. It is the reason why the Business Council, unions and a Statewide coalition supports this bill. Today we heard the powerful story from our brother Eddie Gibbs. And so just think about it. He was lucky because someone looked past his record and gave him a second chance. Sealing these records will allow people to look at the individual before them, understand that they have served their time in prison, redeemed themselves and were paroled by

this very system that we sit here to support today. And so we need Clean Slate in this -- in this -- in this country. I'm a proud -- I mean, in the State, I am a proud con -- cosponsor. And I believe in that we can redeem individuals.

So let's pass Clean Slate so these individuals can be the masters of their fate. Thank you.

ACTING SPEAKER AUBRY: Ms. Zinerman, how do you vote?

MS. ZINERMAN: In the affirmative, affirmative, affirmative.

ACTING SPEAKER AUBRY: Thank you very much.

Mr. -- Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to explain my vote. Clean Slate New York is essential for strengthening our communities by ensuring that New Yorkers are not punished beyond --

(Baby screeching)

Yeah. He's happy about Clean Slate.

(Laughter)

We want every New Yorker to be full and fair participants in the economic and civic life. This bill will make our streets safer by reducing recidivism with commonsense provisions. This legislation would automatically seal certain criminal records from public access after a required waiting period with a clean record

three years after conviction are released from jail for a misdemeanor, and eight years of -- after conviction or release from prison for a felony. We are sealing the records of people who have truly committed to turning their lives around. Clean Slate helps with their rehabilitation and reintegration into society, reduce recidivism, address the systematic biases and promote equity and fairness.

Like many of us, I have witnessed and experienced the effects of having family members incarcerated and seen what it has done to them. I would like to join in briefly sharing my personal story. My late brother Wayne, Wayne Bichotte, who was locked up several times because he was a victim of substance abuse. My brother was a very intelligent man, and a veteran. Yes, he was a veteran who selflessly served this country. I remember writing each other when he was in prison, and was amazed at his writing skills. We talked about what he wanted to do after prison, what he wanted to do in life. He wanted to go back to school and -- and finish his degree at Northeastern. But he kept finding himself get locked up because he was a victim. There were no programs for him.

ACTING SPEAKER AUBRY: Ms. Bichotte Hermelyn, how do you vote?

MS. BICHOTTE HERMELYN: And so, Mr. Speaker, I want to thank the sponsor for this bill and all the advocates and wish that my brother, when he was living, had an opportunity of having a clean slate. Thank you. I will vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Bichotte

Hermelyn in the affirmative.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. I rise to explain my vote. I first want to say I do believe in second chances, and we've actually heard some amazing stories today in this Chamber. But this is a bridge too far for me. Specifically, allowing those who commit the crime of Endangering the Welfare of a Child is too much for me to understand. Some of those crimes are providing a child with alcohol or drugs, driving a vehicle while intoxicated or impaired with a child in the car, abusing a spouse in the presence of a child or failing to provide food, shelter or medical care to a child is too much. Unfortunately, these crimes qualify to have their records sealed and possibly endangering more children. As a Legislature and as adults in this Body, our job is to protect children and I feel like we're not doing that by having these crimes in this bill. Somebody had said before, and I do agree, individuals can change. But the pain that the victims, especially children, have endured in these cases will never go away and they don't get a clean slate.

So for those reasons I'll be voting in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Durso in the negative.

Ms. Kelles.

MS. KELLES: To explain my vote. However the votes turn out here on the floor, I want to know what I've seen in the

public that this is not a partisan bill. I've talked to many people, whether they be from one party or another, and I have seen support. I also want to note that this is not a pro- or anti-law enforcement bill, as was earlier noted from an op-ed from a chief of police and Federal prosecutor in support of this piece of legislation. I want to also note that this is a bill about safety. We have found from a study that was recently noted that people who were in Michigan, where this -- the bill passed, they were more likely to get a job, they were more likely to be paid more and the people who were in that system were less likely to recidivate or cause another crime than the average general public. Just to be clear. I heard earlier that we should be -- we should be weary that those who vote for this will have to pay the consequences in the next election, and I was appalled by that comment because it is up to us whether or not we make this political. And what I hope is that we, as a Body, will focus on teaching rather than fear mongering. When we list over and over again definitions of crimes but we don't talk about the humans, that is fear mongering. Because what this bill says is after a person has served their full sentence, after a person has proven themselves, we want to make sure that they have the ability to reintegrate into society, to be a part of society, to work in society. We have story after story. Here's one: 15 years after returning from incarceration, (inaudible) was randomly fingerprinted at a job he'd worked at for almost five years. When his conviction history came back he was fired despite excellent performance and a deep passion for the people he served. After this experience (inaudible) tried not to

apply for things that would require him to disclose his prior record.

ACTING SPEAKER AUBRY: Ms. Kelles, how do you vote?

MS. KELLES: This is what we are preventing these people from participating in society. I vote absolutely in the affirmative and thank the sponsor for her incredible work.

ACTING SPEAKER AUBRY: Thank you very much. If you pass the two minutes I will interrupt you. I understand the stories you want to tell, but you're on the clock.

Mr. Steck.

MR. STECK: Thank you, Mr. Speaker. New York has never had a law providing for expiration of a personal -- a person's criminal record. Such a law is badly overdue for all the reasons argued by the supporters of this legislation. Perpetual punishment is wrong. But the very same goals could be accomplished by presumptive automatic expiration of a criminal conviction subject to an optional petition for judicial review to address unique individual circumstances that might make expiration inappropriate. We could have, with such a provision, obtained broad public -- not interest group, but public -- support for this bill. But because we did not I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Steck in the negative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to

explain my vote. I want to thank the Speaker and the sponsor of this bill for all their leadership. So, we talk a lot about redemption, and this is about friends of mine, my family members who have done time and have been really amazing members of our society, and this bill is for them and tens of thousands of other New Yorkers who have contributed so much to me in my life, to us as a society, and giving them an opportunity to live a full life. We are removing roadblocks. We're creating opportunities. We're (inaudible) their future. This is a step along the road, as well as other bills like Fair and Timely Parole and Elder Parole and (inaudible) to ensure that we have a whole person back in New York. These are critical steps, and I'm so proud of my -- the sponsor. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise to explain my vote. The objective and the mission of our criminal justice system is designed ideally to be one of rehabilitation and reentry into our broader society. It also gives us an opportunity to practice forgiveness, and that's something we all struggle with at times. It's not a perfect bill, I'm not going to pretend that it was. It was one I cosponsored, then didn't, and then did again. But I -- I, too, work with others on -- on how we do have to practice forgiveness. I spent many, many years in Washington, D.C., remembering the books written about second chances and my mission at that time was focused on

disconnected youth or what are often considered out-of-school youth. Two million people may have fall -- falling -- fallen into this category at one time or another, and many of those two million are right here in my -- in my district where I see many, many broken lives of many constituents who are not participating in society or have given up hope. Maybe some of those two million and some of my constituents will be given a chance by this bill because as was stated earlier, this is after somebody has paid their debt to society and this is an effort to keep -- to -- to not impede their future. As was demonstrated and as the research has shown, this will be an economic boost. It can eliminate barriers and again, it can give opportunities, especially to many of those broken lives among my constituents that I am thinking of today. So in the end I think given all of the tradeoffs, this bill will make our communities safer. It will allow for that critical second chance that I have spent a lifetime discussing, researching and -- and talking about. And I have to say, I know we are not supposed to name names, but I just dedicate my vote to Mr. Gibbs, but also want to commend the sponsor.

ACTING SPEAKER AUBRY: Ms. Fahy, how do you vote, please?

MS. FAHY: And with that I will vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Mr. Speaker. I rise to

explain my vote. You know, it's not often you stand up to explain a vote with a board that looks like that, given the coalition that was built behind this bill. We had everything from faith leaders to families to business leaders including the Rochester Chamber of Commerce. We had former and current members of law enforcement. And, you know, you don't normally get such a huge coalition together on a bill that doesn't have, you know, full support from this Chamber. But we did, and that is because of the sponsor and the hard work she did and because not only the coalition, but the fact that this will bring millions -- billions of dollars of economic impact of positive dollars into the State of New York. And that's really because of what the sponsor has done and the coalition she's built and the -- the -- what this bill will actually do. People are always -- I'm always questioning, why don't people turn their lives around after release from incarceration. You know, we heard one time today here on the floor something about knowing what's in a person's heart. Well, the funny thing about our system is it doesn't always matter what's in your heart. It matters that every corner you turn to you're told no. And so when I think of this bill I do think of redemption, I do think of second chances, and I do think about perpetual punishment. I think about George, who did want to turn his life around after four years incarcerated due to his alcohol abuse and his need to get over that. But he didn't return home just to himself, he returned home to his two daughters. Do we have to give them perpetual punishment? Every job he went to, he did great in the interview three times and was turned away at the background

check. Same for housing, same for life insurance. When we talk about perpetual punishment, it is not just the person who served, it is the children of that person who just want their dad to be able to get them housing, to be able to get them a job, to be able to get life insurance and feel like they're in a good place. I commend the sponsor for all her determination --

ACTING SPEAKER AUBRY: Ms. Clark, how do you vote?

MS. CLARK: -- and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. So, I ran a steel plant from 2005 to 2015, and we participated in Jail to Jobs. And we got many great employees, and we got some bad that left with a box knife and went and cut somebody from ear to ear with a box cutter. Our sheriff works towards rehabilitation for everybody that is in the Suffolk County Jail. They get their GED, there are smart boards in every conference room, there's teachers that come that are working on reentry. But he doesn't believe that 2.3 million people can be rehabilitated. We can only hope and pray that we can get most of them. But the crime starts at a younger age, and that's what we need to focus on and I know that we're all in agreement on that and making that happen.

You know, I was burglarized and my kids are still

traumatized from it. I was burglarized by Blood Gang members that came back to my house and parked in front of my house and threatened my kids. You know, I've heard perpetual punishment. Families have lost loved ones from drugs, gang assaults, arson, assault with deadly weapons that leads to death. Burglary in the First Degree. That's perpetual punishment because their loved ones are never coming home. Every day they did not commit a crime. I pray that we fix the system in this State and we work on our youth and we make sure that they are guided. I have many friends on both sides of the aisle that tell me the problems that are in their districts. I'm looking forward to going into New York City and spending time with you or going to Buffalo and going to every corner of this State to work with you to fix the problem with our youth so they don't get into crimes. And by the way, the person that burglarized my house in the Blood Gang member, he was White. Crime does not have color. So that's the problem, that's what we need to work on, but not everybody can be rehabilitated, and some people belong in jail.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Giglio in the negative.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker. On November 25, 2017 I lost a constituent named Yang Song. She was 38 years old, she was working in the informer sector. And during a targeted raid by Vice NYPD she was forced off the balcony, suffering for hours on the

sidewalk and died painfully in the hospital. Her mom flew in from China, her brother worked tirelessly to get justice for what happened to her. And as we fought for her justice and accountability, we started diving into what happened to her. How did she end up in this place, working in this massage parlor, and what happened to all these other migrants and immigrants in the streets of Flushing? And one by one they started to come into my office, working on resumes, linking them to adult literacy, and one by one they encountered the same problem: Criminal records, criminal records and more criminal records and they could not join the employment sector at all. So we eventually felt and realized -- and realized there was a systemic problem here. And it is true about what they say, we live in the wealthiest state in the entire country, but we have the worst social upper mobility and today we're rectifying that. Today is about rectifying the injustice that put people down for decades. We are liberating millions of people so they can have a chance at upper mobility, including people in my community, including the Asian-American immigrants, and that is why on behalf of Yang Song, I thank the Speaker, I thank the sponsor for doing a courageous victory today.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Ms. Septimo.

MS. SEPTIMO: Thank you. I am excited to vote for this bill because this is a bill that concerns itself with building a

criminal justice system that is focused on justice. A criminal justice system that ends perpetual punishment. A criminal justice system that truly centers concepts of rehabilitation, of redemption, of second chances of progress. This law center is not for everyone. Many times today we have heard people name specific offenses, specific crimes and say even those people deserve a chance. Even those people deserve a second opportunity. And that is exactly why we need this bill. Because our community, our society, have decided that we will make moral judgments on people's actions and decide who gets to move on and who doesn't. We have reduced people to exist in their worst moment from their past, after they have paid their debt to society. After they have made all legally-mandated amends. Today we are saying that second chances and redemption are truly for everyone here in New York. Today we are saying you will no longer be barred from accessing housing, education, employment opportunities because of a mistake you made in your past. And today we are making a law that says the mistakes of your past will not hinder the progress of your future. And while many people have mentioned feeling -- feelings of forgiveness, of kindness, of Christianity, all of these things are important, noble causes. But none of those are what this law is about. This law is about justice. This law is about giving 2.3 million New Yorkers what they deserve, and that is freedom from the mistakes of their past. And for that reason I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Septimo in the

affirmative.

Ms. González-Rojas to explain her vote.

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

I want to commend the sponsor, my dear friend, who along with her incredible staff have worked so hard to get this bill across the finish line. I want to recognize and thank our Speaker, the Central Staff, the Senate sponsor and all the advocates who are here in the room. I'm rooting for (inaudible) who have supported passage of this bill. This legislation is ultimately about second chances. This is about whether we believe that someone who has served their debt to society should have a new lease on life. How do we expect someone to contribute to society if they can't access employment, education or housing? The research on reentry is clear; without access to basic resources, recidivism is higher. This is an economic justice issue. It is good for the dignity of formerly-incarcerated people, it is good for the public safety and it's good for our economy. New Yorkers deserve a clean slate, and we must keep working towards additional pathways for people in prison by advocating for Elder Parole and Fair and Timely Parole.

I'm gonna quickly share the story of Josielle (phonetic), a proud mother of three. She had plans and dreams to go to college and be the first in her family to get a degree, but all that -- all that got interrupted when she became one of the 2.3 million New Yorkers with a conviction history. Because of her record, Josielle (phonetic) can't return to work or utilize all the new skills that she's

acquired to get better employment to sustain her family. She couldn't leave a low-paying job because what comes up in her background check prevented her from getting a new job. She couldn't make enough money to go back to college or fulfill her dreams. This bill will change the life of Josielle (phonetic) and millions of real lives like hers so they can become contributing members of society.

Mr. Speak -- Speaker, I proudly affirm -- vote in the affirmative. Thank you so much.

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

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. I rise to truly commend the sponsor of this bill, because we take a lot of flack in this Body for rushing bills through. And I'm a lawyer. I have a lot of concerns about this bill, and when I brought them up to the sponsor she met them with respect and with consideration and with deliberation. She met with law enforcement, defenders, prosecutors, victims' advocates groups, county clerks, and every time a concern was raised she incorporated those concerns with deliberation and compromise into this bill. I see we are on a C-print. I can't believe we're not on a P-print with how much work was put into this bill. And it's because of that conscientious and careful deliberation that I vote in the affirmative on this bill.

Thank you very much.

ACTING SPEAKER AUBRY: Ms. Lunsford in the

affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker, to explain my vote. Michigan is one of the states which acted before New York in this area. The Cato Institute, a public policy research organization, in 2020 reported the results of their exhaustive study of empirical evidence in cooperation with the State, showing marked increases in employment and marked declines in recidivism. New York's Clean Slate law will fulfill its promises, providing the overdue opportunity to so many of those 2.3 million formerly-incarcerated who have been denied employment, housing, healthcare and the chance to go back into their communities and lead -- live their new and redeemed lives. And those 2.3 million are overwhelmingly people of color. This is about redemption and compassion, but it's also about jobs and the New York economy. This is about social, racial and economic justice. This is about ushering in an effective public safety program. This is about who we are as New Yorkers, our values and our vision to do what is right in pursuing those values.

I am honored and proud to be here in the People's House to proudly vote for this measure. Once again, New York shows its vision and recognition of what can be done to improve lives and to show who we are as a people. I proudly vote in the affirmative. Thank you. Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Mr. Dilan to explain his vote.

MR. DILAN: Thank you, Mr. Speaker. I'm going to start out by saying I'll be voting in the affirmative on this matter because I don't want to forget that at the end. And I want to start by speaking to my constituents and to the people of this State. I'm voting yes because I believe that the matter before us is just, and I want to speak for a moment about reform. You know, for all the people who go into prison, you know, one of the societal beliefs we have as a state and as a country is that if you're incarcerated, you know, you have to reform your life and pay your penalty and pay your dues in order to be reintegrated into society, regardless of what you've been charged. So the measure before us today has individuals who have completed their time in prison, have reformed themselves in prison, have gone through a three-year or eight-year window in society to prove that they've been reformed. So they have a track record of reform. We're not giving them anything that they have not earned. Now, I hear some speeches on the floor of members of both parties saying that they're against this because of judicial discretion. You know, a lot of the folks, you know, who -- who sit in this Chamber believe judges shouldn't be writing laws. Well, here we are today writing law and setting a standard for our State to say, *If you follow these rules, if you committed a crime and you've reformed, here's your automatic way out because you followed what we prescribed as a state to be a path towards reform.* Now, we've heard about public safety, and obviously if you're a recidivist criminal this is not gonna help you, and we're not

looking to help you. You don't want to become a productive member of this State and our society. I wish I would have spoke on the bill. I'm voting up, but to say for those incarcerated individuals, if we ask them to reform, as a state we need to look at ourselves and say is it them that needs --

ACTING SPEAKER AUBRY: Mr. Dilan, how do you vote, sir, please?

MR. DILAN: I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Reyes to explain his -- her vote.

MS. REYES: Thank you, Mr. Speaker. I wasn't going to speak on this bill because the sponsor knows how supportive I am and how personal this issue is for me. But I felt I just had to share my story. I want to dedicate this vote to my husband who at 19 years old -- he's been serving the City of New York since he was 19 and at 24 years old found himself in an impossible situation. And even though he went through all the right channels -- peer mediation, conflict resolution, got an Order of Protection against somebody who was coming after him -- found himself having to act in self-defense and was charged, paid bail, served parole. And in spite of his record has built an incredible career that I am so proud of him for. I know that because of this, tonight he will sleep better.

So I want to thank the sponsor. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Reyes in the

affirmative.

(Applause)

Ms. Darling to explain her vote.

MS. DARLING: Thank you, Mr. Speaker. I rise to explain my vote. Incarceration does not just happen to the incarcerated. It is an experience that impacts entire families and communities. Understanding the enormous injustices built into the justice system places so much more weight on the incarceration process and experience. When you consider wrongful convictions and the systemic racism that leave so many in poverty and the fact that poverty and crime are so closely related, these are the reasons the Clean Slate Act is so vital. Our communities of color are heavily impacted by convictions that follow people for decades after they have served their sentences. These convictions often prevent people from obtaining and retaining employment as well as advancing professionally. Individuals who've been released after serving their sentences may also find their housing opportunities impacted upon release from prison. A clean slate is an opportunity for individuals who have allowed time and reformation measures to render them a second chance at life beyond bars. Life with their families, life with their communities, life with freedom. I'm happy to commit all that I can to ensure that the justice system is overhauled and becomes as just and humane as possible.

I want to thank the sponsor of the bill and the incredibly dedicated and very persistent advocates and fighters for

believing in this cause and never giving up. It means everything. I'm a very proud sponsor of this bill and I vote in the affirmative. Thank you.

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

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker. I rise to explain my vote. I am so proud of this New York State Assembly, the sponsor and the Speaker of this important legislation. A person should not be judged by their worst mistake. When a person has committed a crime, has gone on to serve their time, paid their debt to society, what more do we want from them? We want them to go on to have a good life, to find housing, to get a good job, to have a family if they want, to be able to support them. Yet we hamstring them by having their record follow them everywhere they go. That ends with the passage of Clean Slate. This bill is essentially one of hope. Hope and redemption, telling people in prison, *You do your time, you come out, eight years later you can be free.* It's not easy to wait eight years plus the time served, but this is a fair bill. And this will help so many people in New York State get jobs, find decent affordable housing, support their families, let them become a productive member of society as they dream about in prison.

So I am very grateful for this and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the

affirmative.

Ms. Davila.

MS. DAVILA: Thank you, Mr. Speaker. I rise to explain my vote. First, I just want to commend the sponsor of this bill. She is a very courageous woman, very, very strong advocate on social justice. Having a criminal record is stigmatizing. It sticks with you for the rest of your life. I know I'm not the same person I was 20, 30 years ago. I'm sure that everyone here feels the same. I also understand that everyone in this room, and I'm sure of this, knows someone, has a family member, that has committed a crime and that they feel that they deserve a second chance. This is about giving second chances. We talk about recidivism. We talk about getting the -- the economy on role. How are we gonna do that if we do not give people the opportunity to -- to work and pay their dues to society? Having a criminal record can have a long-lasting effect leading to social exclusion and discrimination. Clean Slate legislation helps to restore individuals' dignity by removing the barriers associated with their past convictions. It allows them to reintegrate into their communities, foster positive relationships and regain their sense of belonging. This should only be the fresh -- first step. Just understand that Clean Slate has two -- has a brother and a sister that is waiting to be passed as well.

ACTING SPEAKER AUBRY: Ms. -- Ms. Davila, how do you vote?

MS. DAVILA: I vote in the affirmative, and let's

remember that Elder Parole and Fair and Timely Parole is waiting.

ACTING SPEAKER AUBRY: Thank you very much.

MS. DAVILA: Thank you.

ACTING SPEAKER AUBRY: Mr. Novakhov to explain his vote.

MR. NOVAKHOV: Thank you, Mr. Speaker. You know, I wish I did a wrong thing pressing the red button. I wish that this bill will work. I wish this bill is good. I wish in a few years I will stand here and say I'm sorry, I'm sorry I didn't believe that this is a good bill. I wish this will happen. I wish it's a good bill but, you know, we'll see. The only thing I was amazed with is when several members of this Assembly, of this House, mentioned that the incarcerated people are the most vulnerable ones. Really? It's not the children? It's not the elderly? It's not the victims of the crime? Do you realize what you're saying? Do you really think these are the most vulnerable people?

Unfortunately, I cannot support this bill, but I wish this will be a good bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Novakhov in the negative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Throughout this debate today there seems to be this underlining current or belief that if you have committed a crime there's no second chance in New York.

That your criminal record will follow you forever, for the rest of your life. That it's perpetual punishment. That there's no break for you. That is just not true. New York has multiple, multiple ways to address a criminal record. Under the Corrections Law, you can get a Certificate of Relief from disabilities. You can get it from the court. Or if it's a crime that occurred outside of New York State you can get it through the Department of Correctional Services, DOCS. Second, you can get a Certificate of Good Stand -- Good Conduct, as one of our colleagues did. It was a success story. You can get that after five years by going through DOCS. Third, you can seal the record. You can have your record sealed. You don't have to go 15 years with a criminal record for jumping a turnstile. You can get it sealed. All you need to do is make a motion and the court will seal it. But let's say you don't want to take any of those steps. Granted, those other steps require you to ask someone to review your application. Even if you don't follow those steps, our Human Rights Law is absolutely clear that an employer is not allowed to discriminate and it's backed by the Human Rights Commission.

Because we have a comprehensive program in place, sir, we don't need to eliminate all judicial discretion and grant automatic sealing, which is what this bill does and I can't support it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I am absolutely impressed with the conversation that went on here today. It teaches me a lot of things, it's very informative. One of the things that became real clear, Mr. Speaker, is that the prison industrial complex is real. It's not just a terminology, it's real, it has a huge impact on our economic environment. But I also clearly understand now, much like I did during the course of understanding this legislation, is that that economic driver can be turned around and the Business Council can be driving it as opposed to our prison industrial complex system. And so it's a challenge to break away from something that you're always used to doing, and I understand that clearly. But this is something that is so critical, and I believe to my colleague who mentioned he wished? Well, in a few years you are going to see exactly what you wished for because this is the right thing to do. It's the right thing to do right now. And the only thing I would add, Mr. Speaker, is that the sponsor just did a phenomenal job in presenting the debate. Phenomenal job and the work to get up to getting this done. I appreciate the advocates, but more importantly, I appreciate the Speaker. I appreciate the Speaker because he made a commitment that he was going to work on reforming the criminal justice system. And even though people have been fighting the whole way in order to do that, it is going to make life better for everybody. And it's hard to see that because you're so used to one thing. But wait until you see what happens when people's lives thrive and their communities' lives grow. It is going to be just better

for all of us. It's gonna be a -- it's a hard pill to swallow right now, but what we don't have enough of is what was mentioned by our colleague earlier, is trust. Trust that this is going to work. I'm sure it will and you will appreciate it at the end of the day.

Thank you for all the work you put into this, and I'm happy --

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

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor again, all of the advocates, the Senate sponsor, Senator Myrie. And as I said, the advocates have worked so hard, especially Marvin Mayfield. You know, the best tools for public safety are a job and an education. And too many justice-involved individuals were denied a decent education, limiting their employment opportunities. And that includes that burden falls more heavily on Black and Brown New Yorkers and those people with disabilities. And a few years ago when I was held up at gunpoint, I went and looked at three precincts worth of pictures, and what I noticed was easily a third were obviously identifiable as people with disabilities, very often intellectual disabilities. So when you lack basic opportunities, when you are a survivor of domestic violence who defends themselves, your chances of running afoul with the law increase astronomically. When you have paid your debt to society you deserve a chance for a new life, not doors to education and

employment shut in your face. The fact that some people have made their own clean slate - props to Mr. Gibbs - the fact -- that does not absolve us of the obligation to give others a clean slate that they need and deserve. The education they need and deserve, the employment opportunities that they need and deserve to contribute to their communities and live productive lives. And today we will end perpetual punishment in New York. Today we will endorse redemption.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Shimsky to explain her vote.

MS. SHIMSKY: Thank you, Mr. Speaker. More than 1/10th of the entire population of New York State has a millstone hanging around their necks for the rest of their lives. How could this possibly be? Part of the reason is starting in the late 80's and the early 1990's, many things that were attributed in the past to stupid kids doing stupid things became criminalized. Of course that criminalization affected everyone, but people who lived in certain race -- in certain zip codes or members of certain races were affected far worse. These people would have been brought home and gotten a good stern talking to by their parents in past generations, but instead many of them are facing lifetime consequences that are tearing down our -- our economy and are tearing down our society. It's time to move on from the perpetual over-punishment. And this bill makes

sure that there are safeguards for the most vulnerable among us. Those who worked in certain occupational groups that take care of our most vulnerable are exempted from Clean Slate. Reportable sex crimes, other serious violent crimes are all exempted from this law. And the biggest safeguard, if you are able to live under these disabilities for eight years and not even get a ticket for jaywalking, you know what? I think we can trust you.

So, Mr. Speaker, for all these reasons and anymore -- many more, I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you so very much. Ms. Shimsky in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

(Applause/cheers)

The bill is passed.

Members, members, members. Thank you very much, members.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Members have on their desks an A-Calendar. Mr. Speaker, if you would move that A-Calendar now.

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

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues and guests that are in the Chambers, if I could have your attention please. We yet still have quite a bit of the people's business to do. So we're going to go right to page 6, Rules Report No. 803 by Ms. Walker.

ACTING SPEAKER AUBRY: The Clerk will read -- page 6, Rules Report No. 803, the Clerk will read.

THE CLERK: Assembly No. A07760, Rules Report No. 803, Walker. An act to amend the Election Law, in relation to public campaign financing; and to repeal Section 11 of Part ZZZ of Chapter 58 of the Laws of 2020 amending the Election Law relating to public financing for State office; amending the State Finance Law relating to establishing the New York State Campaign Finance Fund; and amending the Tax Law relating to establishing the NYS Campaign Finance Fund check-off, relating to the severability of the provisions thereof.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Walker. If people will settle down, thank you very much.

MS. WALKER: Thank you, Mr. Speaker. I will continue to use my cheerleader voice from the Brooklyn Tech Cheering Squad. This bill, bill number A.7760, makes various clarifications and modifications to the Public Campaign Finance Program, including various changes to the eligibility for and use of matching funds. Such changes include, but are not limited to,

increasing the contribution thresholds required to qualify for public matching funds for the offices of Assembly and Senate; requiring the Public Campaign Finance Board to develop training and certification for compliance officers; clarifying that the first \$250 of an eligible contribution is matchable; ensuring that candidates selected for random audits would remain private; establishing the standards by which a raise shall be deemed competitive in statute; and adjusting the timing of payments to candidates so that they may receive funds earlier than currently provided for in the law.

ACTING SPEAKER CLARK: Mr. Norris.

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

ACTING SPEAKER CLARK: Will the sponsor yield?

MS. WALKER: Yes, Madam Speaker, I -- I will.

ACTING SPEAKER CLARK: The sponsor yields.

MR. NORRIS: The first question I have is, this program was enacted by the Legislature and signed by the Governor as part of the budget, I believe in 2020, went into effect in November of 2022, and here we stand today, June 9, 2023 with the program already in effect. So what is going to happen to those approximately 35 individuals or committees that have already entered into the system? Are there any due process issues with them?

MS. WALKER: We do not believe that they are, and those individuals will fall within the jurisdiction of the new laws that

we will (inaudible) here today.

MR. NORRIS: So they won't be grandfathered in, knowing that they signed up already under the previous rules that allowed a max up to \$175,000 for the Assembly, for example?

MS. WALKER: No.

MR. NORRIS: Okay.

MS. WALKER: You mean grandfathered into an exception or grandfathered into compliance under this law?

MR. NORRIS: To -- as an exception because --

MS. WALKER: Okay, no. There would be no exception.

MR. NORRIS: (Inaudible) the program under other rules. Now, again, this Body is changing rules in the middle of the game. So my question is, will those individuals, and there are people who are incumbents on both sides of the aisle, there are challengers already out there, and these rules are being changed in the middle of the game. So what's gonna happen to these 35 or so committees who have already entered into the system?

MS. WALKER: They will recognize that it is a privilege to participate in the public campaign financing system, and if they are still so obliged to continue in their participation they'll remain in the program. And if they are not, then, you know, they can always have the option of being -- of removing themselves.

MR. NORRIS: Okay. Thank you very much for answering that question. Now, my understanding of current law is

that an individual who has given \$250 to a candidate who was in the system will have a match of \$2,350. Would that be correct under the current law?

MS. WALKER: The Election Law sets forth contribution limits for candidates regardless of whether or not they participate in public campaign financing. For example, for Assembly offices the limit is \$6,000 per cycle, 3,000 for the primary and 3,000 for the general. However, under the current law, participants of the public campaign financing program are only allowed to accept up to \$250 if they want such contributions to be matched by the program. Any dollar amount over \$250 would need to be returned to the donor or else the entire donation becomes unmatchable. However, this change would ensure that the first \$250 of an eligible contribution up to the existing contribution limits for such office would be matchable and the candidate would not have to return the amount in excess of \$250.

MR. NORRIS: Okay. So if someone donated \$251 then they were not eligible for the match, right?

MS. WALKER: The first \$250 would qualify, and the \$1 over that amount would not have to be returned; however, it would not be utilized for purposes of the public campaign financing program.

MR. NORRIS: But this bill will change that. So now under the current contribution limits for the Assembly, for example, just to use your -- to use that as an example, 3,000 for the primary,

3,000 for the general. So if someone actually donates \$6,000, 3,000 for each, they will still get the match, right, now?

(Pause)

MS. WALKER: So again, thank you, Mr. Norris. The -- when -- if someone receives a check for \$251, the \$250 will become a part of the Public Campaign Finance Matching Funds program. The \$1 over that amount would not qualify for such program and will be utilized in the same way and capacity as a \$1 contribution would prior to this program.

MR. NORRIS: Okay. So when we passed this I voted against it, but the Body passed it, it was signed by the Governor back in March of 2020. I recall a lot of discussion being had about this is a good way to get money out, actually, of politics in some regards so they're not having these huge increases, we'll cap it at 250 and then you'll get the public match. If you go over that, then you're out. But this appears to me that, okay, that's not gonna be the case now. So if someone donates \$6,000, the \$250 will still be matched and now it's a contribution of 8,350.

MS. WALKER: However, the first \$250 of that amount will suffice for the Public Campaign Finance program.

MR. NORRIS: So why is the Majority recommending, or you recommending this change, then, after we had a whole discussion, or at least -- I know it was during COVID so I can't remember how much discussion but I remember reading some of the information from it. Why are you making that change? What has

happened in the last two-and-a-half years to now magically implement this change?

MS. WALKER: Well, after careful deliberations with a number of stakeholders and individuals who would be involved in the program, we believe that the consensus of a number of people within this group actually recognized that there's precedence for this and other public campaign financing programs. And so it sort of comes into line, I guess, with the general sort of processes and procedures by which public campaign financing has been done within the State of New York.

MR. NORRIS: Okay. Well, let me ask you another question. So it appears to me that there's been another dramatic change, that we want to encourage people, from my understanding, to participate. So before we had limits and requirements that you had to have 75 contributions, up to I believe \$6,000 of that 75- and then you would be able to be a participant in the program. Is that right under the current law?

MS. WALKER: Yes.

MR. NORRIS: But now that's gonna almost double to 145- in district donors to a limit of 10,000, a minimal limit of \$10,000 for someone to participate. So this appears to me that this is actually discouraging people from entering the program because we're increasing the limits and -- and reducing the point of having individuals have small contributions to assist candidates who want to run for public office.

MS. WALKER: Is there a question?

MR. NORRIS: Why -- why have we had this change since March of 2020 to now? What is the reasoning for that?

MS. WALKER: Well, Mr. Norris, again, considering the initial bill was adopted during a time period when we were remote and during COVID, we've had an opportunity to deliberate, to take a look at the implementation of the Public Campaign Financing program. It was important to us also to take a look so that there is some synergy between the public campaign financing programs that are also being implemented in this State. And so after considering all of those things, I believed that it was best to introduce a bill that would address this particular issue.

MR. NORRIS: Okay. I'll save my comments for on the bill.

MS. WALKER: And in addition to that, Mr. Norris, it allows for candidates to, you know, interact with more individuals now. And of course since we are promoting, as I've heard, in terms of our access to democracy to be able to encourage more people to -- to participate. It's also in good order that, you know, we've increased the amount of individuals that a candidate is required to encounter in order to qualify for this particular program.

MR. NORRIS: Well, I guess that would be the case that you would raise it up. But while you're -- while you're lowering it, you're also thwarting the opportunity for candidates who will want to run for public office, and that was -- I -- from my remembering of

the whole situation back in March of 2020, that was one of the reasons why we, the Legislature, set it at 75- and now we're increasing it to a higher number, which is going to thwart public participation in regards of candidates being able to qualify for this, and then in regards to receive the public matching funds to actually educate the voters on their issues and why they're running for public office.

MS. WALKER: Well, I don't know, Mr. Norris, because one of the things I love the most about campaigning is the opportunity to knock on doors and to attend congregations around my district and to go to supermarkets. And so, so many other people who will be interested in participating in the franchise as a candidate will get to have an opportunity to meet more people now under this particular program.

MR. NORRIS: Well, thank you for that. I also like going to all the -- the -- you know, the picnics and the barbecues and all that and meeting all the individuals.

MS. WALKER: All right. So perhaps you'll introduce a bill that will increase this even more people if they have to.

MR. NORRIS: Yes. Well, let's continue on the -- on the questioning. My next question is is on December, for example, I understand now that if you want to get involved with this system, you can now start getting public matching funds starting in December of this year. Would that be correct?

MS. WALKER: Yes.

MR. NORRIS: Okay. And I understood before that you have to be a candidate and qualified for the ballot and then those funds would start in May of 2024, for example, for next year, okay? So why are we changing this before individuals even have the opportunity to get on to the ballot?

MS. WALKER: Public matching funds for the primary start as early as 30 days after petitions had been filed. Payments for the General start as early as the day after the primary. The bill adjusts the payment schedule to mirror the New York City Public Campaign Finance program so that candidates can be eligible for public matching funds sooner. Payments would occur December 15th of the year preceding the year of the covered election, January 15th, February 15th, March 15th, April 15th and a minimum of three payments -- payment dates within the 45 days prior to a covered primary election.

MR. NORRIS: Yeah, but why -- why are we now moving it up to December of this year when candidates are not even qualified yet for the ballot? Why is that change being made? It's a substantial change, because now someone who may have run before may qualify, they -- they could start getting matching funds, State dollars, as early as December.

MS. WALKER: Well, again, Mr. Norris, after our deliberations and we took a look at other public campaign financing programs within the State of New York, we wanted to make sure that we had a system that sort of had -- had a level of synergy and spoke to

one another. We wanted to ensure that people wouldn't sort of be participating in forum shopping to see which public campaign financing program would suit their needs the best. And so we believe that when we have a payment schedule which works in accordance with other payment schedules throughout the State that it would be best suited for candidates who are participating in the Public Campaign Financing program of the State of New York.

MR. NORRIS: Okay. I just -- because I want to just point to the current law, 14-203 that says public matching funds under this title, a candidate must - and this is one of the requirements - meet all the requirements of law to have his or her name on the ballot subject to requirements of subdivision 3 of Section 104 and another one. But it doesn't appear to me that that is the situation. So I think that there may be a conflict in the law, and I want to just point that out for the record for the sponsor to examine, as well as the Governor, when they're taking a look at this for a potential chapter amendment.

MS. WALKER: So, I'm sorry, what did you say was the potential conflict?

MR. NORRIS: Because in the -- in this one section we have that they have to actually qualify to be on the ballot, but in the other section you can start getting the funds as early as December of 2023.

MS. WALKER: We will take a look at your concerns, of course, Mr. Norris --

MR. NORRIS: Thank you.

MS. WALKER: -- but presently under these particular laws as they are, if they are found that they do not qualify for the ballot then they must return the resources.

MR. NORRIS: Great. That's my next question now. So if -- I just want to clarify, if they don't qualify for the ballot, are they required to send all of the funds back or just a portion of the funds?

(Pause)

MS. WALKER: Yes, they are required to return all of the portions of the monies that they've received.

MR. NORRIS: Okay. I want to ask another question regarding these terms called "certified compliance." Madam Speaker, if I could exercise my additional 15 minutes as the Ranker? Thank you very much.

So, certified compliance officers. It appears to me that we have a very nice and well-qualified and, quite frankly, very helpful staff at the Board of Elections. I'm confused that now the certified compliance officers who do not work for the State Board of Elections are going to be trained by them to do it. Why -- why are we not just having the State of Board of Elections which we're spending millions of dollars on, by the way, for this staff to handle the questioning and the assistance from them?

MS. WALKER: Well, I guess for the -- the first reason I would say that sort of in the interest -- in the interest of wanting and encouraging people to run for office. We know that the

tenets of public campaign financing allows for women or people who generally would never run for office because special interests, and big money sort of gets involved in politics, and we want to continue to encourage that. And so we want to make sure as well that the Public Campaign Financing program is utilized as a shield to protect those types of individuals for and encourage them to run for office, as well -- instead of being a sword to discourage them for participating. And so we have these certified compliance officers to require that the Financing Board develop training and certification for compliance and publish a list of certified compliance officers on its website. The new provision would address concerns that we've heard about, which of course this is a very complex initiative --

MR. NORRIS: It is.

MS. WALKER: -- and the nature of the program has many different accounting issues that we want to make sure our folk are well versed on.

MR. NORRIS: Okay. Are there any requirements, educational, backgrounds, practical experience that would be required for these certified compliance officers?

MS. WALKER: The State Board of Elections will develop the requirements, certifications and the training around this.

MR. NORRIS: Okay. I -- I want to just ask about the financial impact of this entire program on the State of New York. Because if I recall from the initial estimates it was going to be \$100 million, and I think it was going to be capped at \$100 million but

maybe you can correct me. And we have actually had 15 -- 10 million in last year's budget, 25 million in this year's budget for a total of 35-. Is there gonna be a \$100 million cap on this program?

MS. WALKER: No, there will be no caps on the program.

MR. NORRIS: There'll be no cap on the program. Okay. And I just want ask, too, was there a check-off box where individuals could participate as well in this program? Is that being eliminated under your bill?

MS. WALKER: I'm sorry, a check-off box?

MR. NORRIS: Yeah, I thought there was a check-off box on the income tax if someone wanted to participate in this program.

MS. WALKER: I don't believe that -- you mean to donate?

MR. NORRIS: Yeah, to donate. Not -- not -- not to a candidate, but to actually have a check-off box.

MS. WALKER: We didn't change that.

MR. NORRIS: That remains in effect?

MS. WALKER: Yes.

MR. NORRIS: Now, so does the fund remain in effect, too, to make sure that we have enough funds going in to pay for this?

MS. WALKER: Yes.

MR. NORRIS: All right. And it can exceed \$100

million for an election cycle?

MS. WALKER: Well, I guess that depends on the robust number of individuals who participate in the program.

MR. NORRIS: Okay. Thank you very much, Madam Chair. I appreciate you answering my questions.

Madam Speaker, on the bill.

ACTING SPEAKER CLARK: Mr. Norris on the bill.

MR. NORRIS: I just find it so ironic because during the March 2020 budget which was quickly done, obviously, because of COVID it was tucked in the budget. The Majority passed that, they implemented this program, and all of a sudden after a period of about three years a light bulb must have went off and they're like, *Wait a minute, this may not help incumbents. Challengers may actually have an opportunity to use this program and to challenge the incumbents.* And I find it so ironic that we put a cap of \$250 for a contributor within someone's district, and then today we're going to wipe that away and you can still donate up to \$6,000 as an individual from your district, and the first 250 will be a match. So that becomes \$8,350 that a contributor from your district can give to you. And one of the things I remember them talking about was that we need to get more corporate money, more money out of the -- out of the system. This appears to me that you're just going to have more money like that in this system, and this is an end-around to protect incumbents. That's the bottom line. And I hope the public recognize this. I know that

certain public advocacy groups certainly have. I know that many newspaper editorial boards have written about this, including my home area, the *Buffalo News* has commented on this. And I just find this whole thing very, very ironic. And unfortunately -- you know, I -- I have to tell you, I think the whole thing should be wiped out. I think we should go repeal it today on the whole system, particularly with these changes. Because \$100 million or more than \$100 million -- you know, I'm the Ranking Member of the Transportation Committee, and I have worked with -- in a bipartisan manner with so many of you in this room to fight for \$60 million more in this year's budget for our roads and for our bridges and for our culverts. For all of mainly Upstate; 60 million. And yet we're spending \$100 million on this program when there are so many greater needs. And we may disagree on those needs, I certainly can understand that. You have different priorities in the budget than I do. But I can tell you, this is not a priority. And in my district and in Western New York, this is not a priority. There are people who are suffering, there are people who -- who -- the roads are -- are falling apart in my district. There are bridges crumbling in my district. And yet we are going to spend \$100 million a year on this program when there are so many greater needs when you look at the overall priorities within the State budget. I am just frustrated by that, and I want to just note that for the record. And I am more outraged by these changes because, quite frankly, they don't do what the original intent of this Body and the Majority intended it to do.

Madam Speaker, I will be opposed to this bill and I encourage all my colleagues to do the same. Thank you very much.

ACTING SPEAKER CLARK: Mr. Ra.

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

ACTING SPEAKER CLARK: Will the sponsor yield?

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

ACTING SPEAKER CLARK: The sponsor yields.

MR. RA: Thank you. So, just first some general questions on the finance side, and Mr. Norris did get into it a little bit, but the -- obviously we're dealing with at this point this program not having been fully implemented and in particular not gone through a full cycle, somewhat speculation as to what we think the cost is going to be because we don't know how many candidates there are going to be, there could be multiple primary candidates, there could be multiple -- so it's not as simple as saying, *Hey, there's this many seats and this many races*. But the number that's been out there is \$100 million. We've appropriated 35- over the last few years. But one of the things we talked about in the budget, because there was a request to get to that \$100 million in the budget this year were -- was that there were no disbursements that were going to need to be made during the current fiscal year. Now, under this that changes, correct? There would be disbursements that would need to be made this fiscal year.

MS. WALKER: That is quite possible, yes.

MR. RA: So do we have any estimate as to how much money we think will have to be disbursed during the current fiscal year?

MS. WALKER: Well, considering the fact that there is still time for other committees to sign up for the program, we don't know an exact amount at this point. We won't know until December.

MR. RA: Okay. Do -- do we know that it definitely will be less than the amount of money we have put forward for the program so far?

MS. WALKER: For just December, yes.

MR. RA: Okay. Now -- well, it wouldn't just be December. I mean, we're talking December -- there's the December 15th payment, correct, would be the first one and then there's January and February as well.

MS. WALKER: Well, we'll be -- we will be back in Session --

MR. RA: We will be?

MS. WALKER: -- by January, and so we could adjust that amount if possible.

MR. RA: We could, but we can't because we cannot appropriate funds at that point. We have a constitutional issue there. We -- we'd be pre-budget, so there are issues with appropriating funds at that point, so we might have to make some adjustments to some things. But we -- so we're going to have these disbursements. Now,

my -- one of my questions or the way this system has been explained to me is that there's I guess a two-step process, right? So individ -- there's -- I know a number of even colleagues here have applied for this program, and you start by -- you set up a new -- you apply for the program and you set up a new account, you transfer any funds over, and that's -- I -- I forget, I -- there were two different terms used; one is, you know, you're applying, now you're basically setting forth you're -- that you're gonna be having a qualifying account, I guess, and then there would ultimately be you actually deciding to utilize the program, actually participate, right? There's two steps to this process; is that correct?

MS. WALKER: Yes. So initially you qualify and then you become a participant in the program.

MR. RA: Okay. And -- and so anybody who's qualified at this point or qualifies in the months to come, which I think many of us will be doing, that doesn't necessarily mean we're going to actually participate in the program as we get into the next election cycle.

MS. WALKER: Correct.

MR. RA: Now, in terms of getting to the point that you actually qualify, that -- that's where I'm a little unclear here even, you know, with regard to your answers to Mr. Norris. Because once somebody decides or -- at least my understanding under current law under what we passed a couple years ago is that once you went and filed petitions, which is how any of us becomes really an official

candidate, right, in New York State is by filing petitions. Now we're qualified for the ballot, that would have been, you know, the -- the kind of triggering event that made us able to start to actually get the public financing funds, right? Is that how it is currently, or could you get public financing funds currently before you -- you filed petitions and were a candidate?

MS. WALKER: So, initially you (inaudible) you were talking about generally speaking not participating in a public campaign financing program, so you go out, you get petitions, you get signatures --

MR. RA: Yes.

MS. WALKER: You sign up to participate in the campaign finance program. Once you become a candidate, you -- once you're registered you begin to request contributions to your campaign and then you're in the -- in a program. But there are additional steps to participate in a public campaign financing program.

MR. RA: Yes.

MS. WALKER: And those particular steps are, one, you become qualified and then you are a participant and can begin to receive funding. And so I'm confused, what's your question?

MR. RA: Well, my question -- if -- under current law, under the bill we passed a couple of years ago, could a candidate start to receive the matching public funds prior to petitions being filed and then being on the ballot officially?

MS. WALKER: Under current law, no. That's why

we're changing it.

MR. RA: Okay. So now under this you could, which, agreed, if -- if we look at the current system, somebody right now, obviously we're still well away from when we're going to be filing petitions, files of the campaign committee would stay in committee, they can begin raising funds. They say, *Hey, I'm a candidate for Assembly District*, I'm going to say 151 because I know that doesn't exist, but I don't want to target anybody's district in that regard.

MS. WALKER: Why not say 251?

MR. RA: Okay, we'll say 251.

MS. WALKER: Magic number for today.

MR. RA: Even better. So I -- I -- I agree there is somewhat of a parallel there as to where we're getting here, but my question is they, I know, have put out a list of what's a qualifying expenditure. So now would you be able to use, because you can start getting the matching funds in December, so could you now utilize those funds for the things that we all have to do to actually qualify for the ballot; printing petitions, circulating petitions, perhaps -- I know you can't pay per signature but you can pay somebody by the hour, I believe, to circulate petitions for you. So could you use public matching funds for that?

MS. WALKER: You can use public matching funds for that, yes.

MR. RA: Okay. So here's my question. You told

Mr. Norris that once you've -- that if you don't end up qualifying, you have to return all the funds. Does that person now owe to pay back to the public financing system if they end up falling short and not getting on the ballot? Because they've spent that money already.

MS. WALKER: Well, you know what? Let me go back and get more further clarification on that and -- and I'll get back to you.

MR. RA: Okay. Okay. Because that -- that is -- I -- I think it's something obviously when they -- when they -- as they've been working on this program and coming up with the list of what qualifies, I don't think it's something that would have been contemplated, obviously, because the current, you know, statutory framework, the timing is different. So -- so this is something that's new under this that I think we need to think about and -- and whether it's regulatory or by statute, how that's going to work.

So move -- moving on from that and qualifying, though. So there's some changes here regarding the program. There's a number of them in terms of matching funds and all of that, but I -- I want to start with one that seems somewhat glaring because we only change it for the Assembly. Why is there a change in the total amount of funds an Assemblymember can get, but there's no change to any of the other offices?

(Pause)

MS. WALKER: So first of all, we looked at the fact that Senate districts are two-and-a-half times the size of an Assembly

District. So that was the big -- that was one of the considerations in making that change.

MR. RA: Okay. Did -- did we not contemplate that when we first adopted the system? That's somewhat rhetorical, but... So -- so -- but that's -- so that's the only change in terms of the -- the maximum amount of funds somebody can receive, right? It's just for the Assembly, it goes from 175,000 maximum to 145,000 maximum.

MS. WALKER: Yes.

MR. RA: Okay. And regardless of that, though, the matching remains the same, right? The -- so it -- am I correct the matching of the actual funds of -- of a contribution is the same?

MS. WALKER: The matching remains the same, yes.

MR. RA: So if I can walk through this with you. So under current law and under this, 12 to 1 for the first \$50, correct?

MS. WALKER: Yes.

MR. RA: Nine to 1 for the next \$100.

MS. WALKER: That is correct.

MR. RA: And then 8 to 1 for the -- for the final \$100.

MS. WALKER: Yes.

MR. RA: Which gets us to \$250 of a contribution.

MS. WALKER: Yes.

MR. RA: And the way the system is currently constituted and the way this was designed to work is now that \$250

donation essentially becomes a \$2,550 donation because it's the 250 plus the \$2,300 they can get in the matching funds, correct?

MS. WALKER: Yes. I have to -- what was your math again?

MR. RA: Two hundred -- there's -- my math is that there is I believe \$2,300 in public funds, and when you combine that with the \$250 you received from the donor it's 2,550.

MS. WALKER: Oh, 2,550, yes.

MR. RA: Okay. Now, under the statute as currently written, that -- if that donor gives you a \$250 first dollar, none of it's matching, right?

MS. WALKER: Correct.

MR. RA: Under this, that doesn't happen. The person can give you over the 250, it's just the matching is at 250 but they can give you above that \$250.

MS. WALKER: That is correct.

MR. RA: And -- and, in fact, that person can give you up to a maximum donation.

MS. WALKER: That is correct.

MR. RA: Okay. Likewise for Statewide officers. I mean, the maximum donation for Statewide is \$18,000?

MS. WALKER: Yes, it is.

MR. RA: And likewise, there's no -- there's no disqualifying of a donation when you go above a certain amount. The person can give up to the maximum and they just -- we match -- I

don't know what the --

MS. WALKER: The first \$250.

MR. RA: -- if it's -- okay, it's still 250 for -- for even the Statewide. Okay.

I think the one other thing I wanted to ask is, I know there was a change with regard to the number of -- of donors. So we currently have \$6,000 from 75 in -- in-district donors to meet the threshold. This changes it to \$10,000 from 145?

MS. WALKER: Yes.

MR. RA: So what -- what is the -- what is the intention of that change? Did we just think that 75 wasn't enough people to show support? What was the reason for that change?

MS. WALKER: So again, one of the things that we considered during our deliberations is the fact that New York State, there is precedent for a public campaign financing program and we wanted to make sure that there's some synergy between the different programs that we are employing within the State of New York. And so this brings our bill more so in compliance with what the New York City Public Campaign Financing has done, and in addition to that we believe it provides an opportunity to engage and interact with more voters as opposed to fewer voters.

MR. RA: Thank you very much.

MS. WALKER: Thank you.

MR. RA: Madam Speaker, on the bill.

ACTING SPEAKER CLARK: On the bill.

MR. RA: So, you know, I just want to point out, and like my colleague said previously, I don't, you know, particularly love this system to begin with. But if you think about -- even if you disagree with it, I think the idea behind this was what I -- what I just said. You're turning that person who gives you \$250 into a donor worth over \$2,500 to you, meaning that that person who -- who decides they'd really like you to represent them, it's like they're, *Hey, I'm a big ticket donor to you.* That's really what this is supposed to do in terms of driving big money out. Instead, what we're going to have here -- and -- and I want you -- everybody to think about this because this program, we talked about, you know, trying to align it a little bit more with New York City. Well -- well, one of the things that I know there is some of is some restrictions on people who are, you know, doing business with the City. We don't have any of that. So think about this. Somebody who has a State contract could be -- like, the CEO has a State contract, donates \$18,000 to the Governor's campaign and, *Hey, here's another \$1,750 from the New York State taxpayers to help you as well.* That's absurd. And that is certainly not what the intention of this system is, whether you agree with it or don't agree with it. So I think as -- as my colleague said previously, I always felt like this was an incumbency protection act. That's what I've called it for years, because you can do all the traditional fundraising, this just gives you a little bit of extra money to do all those attack ads and things that people love. But it's even worse under this system and we should reject it. Thank you.

ACTING SPEAKER CLARK: Mr. Reilly.

MR. REILLY: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER CLARK: Will the sponsor yield?

MS. WALKER: Yes, Madam Speaker.

ACTING SPEAKER CLARK: The sponsor yields.

MR. REILLY: Thank you. Ms. Walker, I have a question about -- so if I read this correctly, the bill amends Election Law to provide -- to qualify -- if you have -- if there are any -- if a candidate has any unpaid fines for public campaign finance within the last ten years they wouldn't qualify; is that -- is that accurate?

MS. WALKER: That's accurate.

MR. REILLY: So then the next question I have is if the campaign public finance, it carries over from primaries to general elections with -- with a reduction, correct?

MS. WALKER: That's correct. And so I want to also make a point of clarification on that for both Mr. Norris as well as Mr. Ra. If an individual is participating in an election and they're doing petitioning, if they are unable to meet the -- the qualifications to meet the ballot, however they utilize their resources for a qualifying expenditure, then they are not required to return those resources back to the State. However, coming forward to what I believe that you're discussing now is if an individual does qualify for the ballot, they have participated in a primary and let's say that they were successful in the

primary. Then they would be able to roll over, suppose it's \$50,000, from the primary into the General Election cycle. And you are correct in your assertion that the amount of resources that they would receive in a General Election would be reduced by the amount of money that was rolled over from the primary campaign into the General Election cycle.

MR. REILLY: Okay. And that -- and that same account can be used for approved expenditures, correct?

MS. WALKER: Correct.

MR. REILLY: So my question is, if the candidate receives a campaign violation, can they use that public fund to pay for the violation? If it occurred during the primary, could they use the account for the general to pay a violation if that happens?

MS. WALKER: No.

MR. REILLY: Thank you.

MS. WALKER: Thank you.

MR. REILLY: Thank you, Madam Speaker.

ACTING SPEAKER CLARK: Ms. Walsh.

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

ACTING SPEAKER CLARK: Will the sponsor yield?

MS. WALKER: Yes.

ACTING SPEAKER CLARK: The sponsor yields.

MS. WALSH: Thank you very much. So, I wanted

to -- and I hope I'm not being repetitive. I'm sorry, I've had, like, three different people talking to me at one time, so I hope you haven't already answered this.

MS. WALKER: Welcome to my world.

MS. WALSH: I know. Well, yeah, those people are there to help you, though. So I wanted to ask you specifically about the issue of low-income districts. So, it says here that -- well, what's -- there were thresholds -- so there's thresholds for qualifying for the program, and so for the Assembly, candidates have to raise \$10,000 from 145 in-district donors according to this bill; is that correct?

MS. WALKER: Yes.

MS. WALSH: Okay. And then for low-income districts the thresholds will be \$6,000 in the Assembly and \$16,000 in the Senate. I guess my first question is, under current law -- under the current law was that low-income district threshold part of that? Was that in the original law or was that added this time?

MS. WALKER: No, it was in the original as well.

MS. WALSH: Okay. So has that changed at all, the -- that provision, the low-income district provision, the threshold?

MS. WALKER: Yes. In the current law the threshold is \$4,000 with 75 contributors, and for a Senate seat \$8,000 with 150 participants -- contributors.

MS. WALSH: Okay. That's as far as the amount of money raised from the in-district donors. But specifically for the low-income districts, how is -- how is that arrived at? How is the low-

income district defined? How did -- how did we come to the \$6,000 in the Assembly and 16,000 in the Senate?

(Pause)

MS. WALKER: Okay. Thank you. So Ms. Walsh, I just want to make sure that I am clear in terms of answering your question. Are you asking me how did we come up with the definition for a low-income community or how did we come up with the \$6,000 threshold limit for the Assembly or \$16,000 threshold?

MS. WALSH: Yes, the second one. How did you come up with the threshold?

MS. WALKER: I was confused, sorry. So that amount is two-thirds of the -- of the new limit, the new threshold. And so we lowered it by two-thirds in each race.

MS. WALSH: Okay. Was that based on, like, the average median income and a portion of that? Or like, what -- what went into figuring out --

MS. WALKER: It was based on the average median income, yes.

MS. WALSH: Okay. Now, out of our 150 Assembly Districts, how many of those districts are going to qualify as low-income districts and do we know where they are, you know, around the State?

MS. WALKER: I can get back to you with that answer.

MS. WALSH: Okay. I mean -- I know that that was

a compound question. Do you know what the total number is even if you don't know exactly the list of what they are?

MS. WALKER: Well, I can tell you that -- I can tell you that at least one district that would qualify.

MS. WALSH: Okay.

MS. WALKER: But I would have to get back to you.

MS. WALSH: Would that be yours?

MS. WALKER: That would definitely --

MS. WALSH: Okay, very good. So, the next question I've got really is -- has to do with the earlier payment schedule that's been arrived at. So the -- the Board was originally scheduled to issue first payments in May, and now this bill proposes pushing that schedule up to issue first payments to December of -- of this year. Is -- or are you aware that the State Board offices are scheduled to go under construction, displacing staff all while they wait to on-board newly-created staff and a new vendor to assist with the processing of payments?

MS. WALKER: Well, it is my understanding that the State Board of Elections have been gearing up for this new public campaign financing program for quite some time. And they are -- they stand at the ready for the initial implementation of the program. Folk have been signing up for this new program without issue, and I have full faith and confidence in the fact that the State Board of Elections will be ready and will be prepared to go on Day One.

MS. WALSH: Okay. It just seems as though making

-- I mean, these changes, some of these changes are kind of complex and kind of complicated, and I understand that they have been ramping up to get ready for this. But moving up the payments about six months or so, earlier than they were going to be in May, I believe, that -- that could be a complicating factor for the Board to be getting ready for this. Do you -- I mean, would you agree with that or what are -- what are your thoughts other than complete confidence that they'll handle it?

MS. WALKER: Well, I mean, they have not raised any concerns about the fact that they will not be ready, and each time that we've had conversations with them they have indicated that they have the skill and the talent and the expertise and the lived experiences within the Board of Elections to be ready for this. Again, there has been some precedence for having a public campaign financing program here within the State of New York, and I am sure that they've utilized, you know, those opportunities in order to gear up and be ready for this one.

MS. WALSH: Okay. I -- I appreciate your answer.

I wanted to talk to you just a little bit about the factors that are going to be considered when determining whether or not a certain race is competitive, and there are different criteria conditions that are met. Under existing law, was that addressed in the -- in the, I guess the bill-in-chief, the original legislation?

MS. WALKER: So, we have -- we allow the Board to come up with the regulations with respect to being deemed

competitive or a race being deemed competitive. So we have codified the recommendations from the Board, as well as adding a -- a few things. And so for a covered General Election, an opposing Majority party candidate within a 20-point margin within the last eight years would be competitive. In the General Election in that district was within a 20-point -- whether or not in a General Election in that district whether the candidate was within a 20-point margin within the last six years. Also, the opposing candidate received a certain number of endorsements from other current or past elected officials at either the Federal, State or municipal level from the area covered by the office sought. Another consideration is the opposing candidate's spouse or immediate relative has held elected office in the area covered by the office sought within the last ten years, or the participating candidate is opposed by another participating candidate who has been deemed eligible to receive public funds payments for the covered election, or an individual is self-funding in an amount equal to or greater than the minimum qualifying thresholds for such office, and lastly, the opposing candidate previously held elected office.

MS. WALSH: That's great. I appreciate that for the record. And -- and I just wanted to just -- just talk a little bit about a couple of those. One -- one that jumped out at me personally was the self-funding criteria. So, if an individual is self-funding, I understand that, you can make a loan to your committee. I know I did when I first ran and I'm still trying to pay that back. You know, that's a pretty big

number. But what about if it's -- if it's the candidate's spouse and the candidate's spouse gives \$15,000 and that's not -- that's not a number I pulled out of thin air, \$15,000 to the candidate. Is that going to be triggered as self-funding or is that a -- kind of like a loophole?

MS. WALKER: It is not considered within this particular bill.

MS. WALSH: Okay. Okay. And the other one that was mentioned to me is the margin of victory bullet point or threshold where the margin of victory for general elections in the last eight years was 20 points or less for the seat. So, what if -- what if you had a situation where for a number of years they were just, you know, blowouts? You just had somebody where it was just like 80 percent, 60 percent, whatever was the margin, and then all of a sudden in this particular year you've got what appears to be is going to be a pretty -- a pretty close race, either because redistricting just made it different or maybe the candidate, your opponent is just, you know, better. You know, may be better. Is -- was that considered at all with -- with the 20 points or less? I mean, that -- that could be a problem. I know it's -- I know it's or, or, or, or, it's not and, but...

MS. WALKER: Well, that wouldn't be covered but it is very possible that it could be competitive because of another situation or even one of these situations.

MS. WALSH: But, I mean, what I'm saying is that, like, let's say next year --

MS. WALKER: Right.

MS. WALSH: -- it's a close race but historically it had not been. That could put the candidate at a competitive disadvantage, not being able to avail themselves of this program because of that particular criteria. Do you see what I'm saying?

MS. WALKER: I see what you're saying.

MS. WALSH: Okay. I guess maybe that's more of a comment about the criteria than really a question. I just -- I -- I point that out, that was something that was mentioned to me as, you know, one thing. But I understand you'd only have to meet one of those (inaudible/cross-talk).

MS. WALKER: You only have to meet one, so perhaps you can qualify in a different particular area as opposed to being qualified for that first.

MS. WALSH: Yep. Understand. So, I guess last, and I -- I ask -- I just ask this out of curiosity. Let's say that you have an individual who goes through all the steps, they -- they've filed and indicated that they're interested in participating in the program, but they really don't want to actually have to take any matching funds. Can they qualify and then just say, *You know what? I don't think I'm going to need it. I've done enough fundraising on my own, I don't really need these funds or my opponent* -- you know, well, maybe you'd qualify with the opponent. But you -- you could just not take the money, right?

MS. WALKER: Correct.

MS. WALSH: Okay. And if -- if you're in that

situation, do you still nevertheless have to follow the criteria that says that all of your mailings and all of your advertises and everything have to have that statement that you're participating in this program even if you really don't take the money?

MS. WALKER: Yes.

MS. WALSH: Okay. Very good. Thank you so much for your answers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

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

MS. WALKER: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SLATER: Thank you, Assemblymember Walker. Just a few questions in regards to the audit provision of the legislation. I wasn't here when the original bill was passed, but I was pleased to see that there is a required audit provision, and I just want to just confirm the fact that the new bill -- the new amendment, excuse me, maintained the audit provision that was in the original.

MS. WALKER: That's correct.

MR. SLATER: Fantastic. And once you're selected as dictated under the -- under the code here, are you removed from the pool from being selected again in the future?

MS. WALKER: Let me double-check on that one.

MR. SLATER: Thank you.

(Pause)

MS. WALKER: Well, I will -- I can -- I can state that in order to be eligible for public matching funds, a candidate must not owe any payments, repayments or civil penalties to the State program or any local public campaign finance program. And so if that particular candidate falls within those parameters then, you know, those rules would apply.

MR. SLATER: Right. But I -- I'm just reading here that all participating candidates in covered elections for audit through a lottery which shall be completed within one year of the election in question. And so if -- if you're chosen or you're selected through the lottery program --

MS. WALKER: Right.

MR. SLATER: -- right, which it sounds like if I'm reading this correctly, everyone is in that pool.

MS. WALKER: In the pool. Mm-hmm.

MR. SLATER: If you're selected, do you get taken out of that pool for the next audit round?

MS. WALKER: If you -- if you're participating in that particular cycle then you are eligible for the lottery again.

MR. SLATER: Okay. So then essentially you're not taken out of the -- of the mix as long as you're in the program.

MS. WALKER: Correct.

MR. SLATER: So you're constantly qualified to be selected. I just want to make sure I understand that correctly.

MS. WALKER: Yes.

MR. SLATER: Okay. Thank you. Now, you added in the text a new line that says the names of the candidates selected for an audit shall not be disclosed unless there's a declared finding for wrongdoing by -- by -- excuse me, by the PCFE. So I'm curious as to why you added that specific line into this section of the text?

MS. WALKER: Because it's a random audit; however, again, we want to make sure, too, that there's precedent of a public campaign financing program. We want to encourage, of course, people to run for office at all different levels. But we also want to ensure that there -- that there is some synergy between the different programs. And so the random audit would remain private; however, if there is a finding of wrongdoing, that particular -- the indication of that finding would become public at that time, and there will be a 30-day cure for those violations --

MR. SLATER: Correct.

MS. WALKER: -- to be rectified.

MR. SLATER: Right. I'm just curious, though, from a public engagement standpoint in regards to the audit, wouldn't it be more transparent for the public and for the participants to know who is actually being selected as part of that audit process?

MS. WALKER: Well, we believe in order to protect, of course, the integrity of the process as well as the particular

candidate who was participating in the random audit. However, that candidate -- that candidate is free to disclose that he or she is being audited at the time if that individual so chooses. The requirement here is just that the Board would not be required to disclose the candidate's information unless there's a finding of wrongdoing.

MR. SLATER: Right. But so then in theory, someone -- I could be selected if I'm participating in the program, I could be selected in three consecutive cycles, but you wouldn't know that unless there was a wrongdoing that was found.

MS. WALKER: Under -- perhaps you could say, you know, *I was selected for a random audit. I -- you know, I'm complying with this particular random audit. I want the entire universe to know this. And -- and my finding was that, you know, there was no wrongdoing here and just I want, you know, everyone to see.* And so you can participate in the level of transparency that you'd like to see; however, if there is a candidate who has been selected in this lottery for an audit, the Board of Elections will not be required to disclose that information or that fact unless there's a finding of wrongdoing.

MR. SLATER: Understood. Thank you very much for my questions.

Mr. Speaker, on the bill, if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SLATER: I -- I do want to thank Assemblymember Walker for answering my questions. But I'm still

left with some concern because as we just heard, we're being basically asked to, with a wink and a nod from the State, to trust us. You won't be selected every time. But frankly, I think we need to trust but verify, because I think that we're leaving ourselves in a situation potentially where individuals or specific regions or specific parties can be constantly selected by a, quote, unquote, "random lottery" which will have no idea what the results are unless there's wrongdoing found. I do appreciate the fact that there is an audit component here, especially since we're utilizing taxpayer dollars. But I am concerned in the lack of transparency and how that audit is going to be supervised and how it's going to be implemented.

And so with that in mind, Mr. Speaker, I'll be voting in the negative, and again, I thank the sponsor for taking my questions.

ACTING SPEAKER AUBRY: Certainly.

Ms. Byrnes.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MS. BYRNES: I'm sure that this question is very simple to answer, so I apologize. But as I look at it I don't understand the verbiage. My district has had more moves than the Energizer Bunny lately, so when we're talking about that we have to look at --

that the donors must live in the candidate's district at the time of the donation. In other words, in-district donors. Is that the district as it currently exists, or it is the district that will exist? Because right now if I were to take donations from where I'm going to represent in January of 2025 -- or presumably represent in January of 2025, none of those people -- not a lot of those people are in -- in-district now. So, the -- you would have to be able to take out for the -- for the people who are going to vote for in my election, they are -- and would have a vested interest in who they donate to are not people right now that are in the district. So how do we figure out how under this law you know whether or not the people that you're soliciting for funds are in-district donors? I probably didn't explain that well, but you get the gist.

MS. WALKER: No, you absolutely have. So, the snapshot gets taken at the time that the contribution is made.

MS. BYRNES: Right.

MS. WALKER: So wherever or whichever district that you live in when you make the contribution, that's how the in-district justification or determination will be made.

MS. BYRNES: So actually, people that will be voting for me can't donate to me, then, and be part of this process. That just kind of sounds wrong that the people that -- the funds are going to be used to solicit their votes can't be any part of the collection process of funds. Do you see where I'm coming from? I mean, that just -- it kind of doesn't make sense that the people where I'm

campaigning aren't ones that can contribute under this law.

(Pause)

MS. WALKER: So, when you -- so if you're soliciting from a particular contributor who lives within the present current -- within the present lines of the 251st District, and those lines happened to subsequently change and now that person is not within the 251st District; however when they made their qualifying contribution to you of \$250, then that \$250 remains matchable because the -- the snapshot is taken when they lived in the district at the time that they've made the contribution.

MS. BYRNES: I guess the only thing that -- that I'm concerned about is that it means that the people who are going to be voting in the election who don't currently live in the district but will -- are the voters that you're using this money to solicit who don't right now live in the district, or for that matter, let's say my opponent. Right now they -- they don't -- you know, this -- they don't represent a district, so they're for the very first time running for the new district. Can they solicit from people that I can't or are they restricted to the district that's going to be disintegrated?

MS. WALKER: So, I don't believe that an individual -- so unless the district is in place presently, I'm trying to imagine a circumstance where someone is soliciting or campaigning in a district that doesn't exist.

MS. BYRNES: Well, no -- well, you did because we redistricted. I'm picking -- I'm losing towns, I'm picking up towns,

and my district as it exists right now is not -- and where I live is not the district I'm going to be campaigning for. Because it shifted dramatically. This is actually the third time in five years. But, I mean, so it just -- I can't believe that people who -- like, if I'm going to go in an area campaigning and I can't ask them for money that would participate in the program when I'm going to be their representative. That just doesn't sound right.

MS. WALKER: So, we are in a circumstance where this is a very interesting redistricting atmosphere; however, the question that you seem to be asking about is more about what the district will look like in some space that I cannot answer. But what I can say is this: You have a district right now that you represent.

MS. BYRNES: Correct.

MS. WALKER: And if there is an individual, if you're participating in the public campaign financing program, you have signed up to participate, you are qualified as a participant, and on December 15th if you've collected any resources that are deemed matchable, that whenever that person makes that contribution this year, in this district, it will qualify for matching funds. If your district happens to change next year, that is, you know, in the foreseeable future, it does not qualify for where we are today. So today your district is as it stands.

MS. BYRNES: So I -- I can take contributions from people that when -- will never be able to vote for me. Like in towns that cannot participate in the election in November of -- of 2024, they

actually can contribute to me and have it part of the matching funds, but the people that live where I'm going to be campaigning and representing can't. Let -- let me put it in a clearer way. Let's take it this way. Let's make it an open seat, and -- and for -- someone is running for the first time. And right now a district exists but they're going to be running for a different constructed district, everyone's coming in cold --

MS. WALKER: Where is this district? How -- where does this district exist? Like, how do they know what the lines are?

MS. BYRNES: Well, you -- they've already been drawn. We voted on them, you approved them this year.

MS. WALKER: Okay.

MS. BYRNES: So we're good to go, but they're changing. And, you know so, you know, I've shifted dramatically.

MS. WALKER: You have me very confused. Where is this district that didn't exist?

MS. BYRNES: South of the City of Rochester, the County of Livingston.

MS. WALKER: So your district is going to be changing when?

MS. BYRNES: After -- after the next election. The next election I'll represent where I am now for the next year-and-a-half, but when I run for re-election in November of 2024, I'm running for a differently-drawn district with different towns,

different parameters, different people, different counties or -- yeah, different counties partially. And, like, so where can I get -- but if we take me out of it and just say the district that's going to be run for in Jan -- in November of 2024, it is going to encompass --

MS. WALKER: Another area.

MS. BYRNES: Yeah, 37 -- 37 towns kind of around Livingston County. Would -- would somebody soliciting funds cold be able to go to that district in order, you know, who's not holding office and is that where they would go to have the matching funds? And if that's the case, then the incumbent should have the same rights as the person coming in cold.

MS. WALKER: Okay. If that particular individual -- so the contribution is counted based on the district at the time that the contribution is made. You follow me on that?

MS. BYRNES: Anybody who was coming in cold has to solicit contributions from a district they're not going to represent in order to run for elections somewhere else. I apologize for my frustration, but I mean -- it just seems like that when we solicit, we should be soliciting for the constituents of the district we're going to be representing and where they live.

(Pause)

Or maybe just by amending it to indicate that when you need to get contributions from people in the district that you mean in the district that people are running for.

MS. WALKER: That is exactly what is in the bill. I

mean, it's just I'm confused as to -- you know what the district looks like, right, you know what the district lines are.

MS. BYRNES: I know what the district lines look like that I'm going to be running for in a year-and-a-half.

MS. WALKER: Right.

MS. BYRNES: Right. But you said --

MS. WALKER: So you go there --

MS. BYRNES: But if I take contributions this year for that election, or my opponent, I, you know, I mean it generically, then -- but it's not the district now. All I'm asking is can we go to where the district is going to be, is that the people that count --

MS. WALKER: Yes.

MS. BYRNES: Because right now those aren't the people that are in district.

MS. WALKER: Yes.

MS. BYRNES: All right. We're sure about that?

MS. WALKER: Yes. If I'm sure about your question, yeah. But I am sure of that. I love the theatrics, but I am still -- so the district that you are running in will be the district lines. You know what those district lines look like.

MS. BYRNES: Right.

MS. WALKER: If you take a contribution out of those lines that you will be running in in 2024, then that is the snapshot that you can utilize in order to get magical funds within that particular district.

MS. BYRNES: And that'll be considered donors that live in the district at the time of the donation?

MS. WALKER: Yes.

MS. BYRNES: Even though we're in -- we're saying this was going to be over here. I just want to make sure because obviously there's a lot of people that have to be, you know, part of the mix and nobody wants to unnecessarily waste time.

MS. WALKER: Yes.

MS. BYRNES: All right, okay. I'll run with that. We got you on record.

MS. WALKER: Good luck to you.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for a few questions?

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

MS. WALKER: Yes.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MR. PALMESANO: Thank you, Ms. Walker. I don't really have a lot of questions, but just one area that has kind of been puzzling me today when we're talking about this issue, and I think you talked about it, I just want to hear it again if I may. When we talked about when we passed this public campaign financing system back a few years ago, it was always talked about and said this was \$100 million program, we're going to spend \$100 million, there's

like a check-off, people who donate and then it would be up to \$100 million is the way I understood it to be. So now, is that not the case or is it based on a demand? If we have an influx of people that want to participate in this program, could it be \$200 million, \$300 million? Is there limit or a cap of any sort or could we go as much as their interest in to participate?

MS. WALKER: So depending on the number of participants within the program will determine how much money would be required.

MR. PALMESANO: Okay.

MS. WALKER: And then, again, we would revisit any additional resources above the \$100 million during next year's budget deliberations.

MR. PALMESANO: So if we exceed that dollar amount, if it's showing that, if people enter into the system and they're getting the funds and they're qualifying, and, you know, a lot of people are coming in, more people are entering the system and it goes above that \$100 million over the next few years, could it -- could it essentially go up to \$200 million, \$300 million -- is it -- does the State have to pay out whoever is participating in a program and whatever they meet for that threshold so they all qualify for the 145,000? I mean the State has to pay that total amount out, regardless of how much even if it's above \$100 million?

MS. WALKER: We will address those questions within our next year's budget negotiations and conversations.

MR. PALMESANO: Okay. I guess in the same context, then, I guess going down the road we're going to be facing projective budget deficits I believe in -- in 2025 we're facing a projected \$9 billion budget deficit; 2026, \$13 billion budget deficit. I mean, I know that's a snapshot in time, but it's something to consider. So when it comes to that area if we're dealing with the budget deficit and we have this public financing campaign system in place and it's \$100 million and that's worth paying, people are participating, it's a rolling so they're always in the system once they're in generally speaking. Are we committed to pay that money out regardless of the other spending we're spending in the budget, even with a budget deficit that we have? Can we go in and say we're not going to spend any more money on the taxpayer -- on the campaign system if we want?

MS. WALKER: Well, again, we will take a look to see how many people are participating within the public campaign financing program and any determinations with respect to any budgetary increases will be handled during our budget negotiating process.

MR. PALMESANO: But isn't it fair to assume that there's just going to be more people entering the system because as more people become aware of it, we're going to have more people entering into it so more people qualifying for more matching funds, hence more taxpayer money going to pay for that program. So isn't it fair to say that the dollars are just going to keep going up, they're not

going to go down and then --

MS. WALKER: Well, we're also increasing the threshold so there should be some offset with respect to that particular increase as well.

MR. PALMESANO: When you say the thresh -- you mean increasing the threshold or decreasing the threshold? When you say threshold, when you say --

MS. WALKER: Right. We have increased the minimum qualifying threshold.

MR. PALMESANO: Right. But that being said, though, if I'm just -- I mean, it might be hypothetical, but it's a really real scenario especially when we talk about budgeting. If more people are coming into the program, if more people get excited about it and they say, hey, I can get this much money, you know, I'll get \$2,500 for a \$250 donation, we're committed to that. Once we're in that program, we're committed to pay that out. So even if it gets over -- I know we say we'll take it up on the next budget consideration, but we are obligated to pay that out unless they're in the system, correct?

MS. WALKER: That's correct; however, I also want you to consider the fact that we've lowered the payout from 175,000 to 145,000.

MR. PALMESANO: I totally understand that, but even with that you're talking about -- I think it's about \$23 million just for 150 Assemblymembers, it's \$23 million for 63 Senators but then you throw in opponents, that can add up quickly. So I guess this is

basically almost like an entitlement program because once you're in it, once we have it, we're committed to paying for it, correct?

MS. WALKER: Well that's -- so you -- you put out some numbers, but that's assuming *arguendo* that every particular member is going to participate in the program first, and then it also assumes that any particular challenger is also going to participate in this program, and to wit we already know that that will probably not be the case.

MR. PALMESANO: I accept that promise, I'm just thinking hypothetically. And I think from a budgeting perspective, we have to be ready for all scenarios. So I just want to understand, though, the way this program is set up that we're committed to pay out whose ever in it on a rolling basis because if we pay out throughout the year, once you're in, you're gonna get those matching funds. And so I'm thinking that the gross is going to be there. So is it not -- so it could be 100 million, it could be 200 million, we're committed to those people that are participating in the program, right? So once they're in, we can't go back and take money away from them just for the sake of taking money, but if we get to these \$13 billion budget deficits at that point in time, through our budget process, we're going to have to pay out the money for the taxpayer-funded campaign system and at that point in time, we're going to have to make tough decisions as a Body, do we cut school funding, do we cut library funding, do we cut funding for our local roads and bridges because that money for the campaign funding system has to be paid out, we

can't cut it, correct?

MS. WALKER: I am -- I will still state that as opposed to, you know, dealing with some sort of mystery 2024, that we don't know what the circumstances will be at that particular point in time --

MR. PALMESANO: I understand that.

MS. WALKER: That we can deal with those circumstances when that particular period in time is upon us. As my -- as my mom would say, we will cross that bridge when we get to it.

MR. PALMESANO: I understand that, and I think I just try to look ahead from a budgeting perspective, but I think it's smart to do that, and just try to understand the set up of this program. Like our schools, funding for our schools, every year and every budget we're always increasing funding for our schools. But if -- there was times when we would cut funding to schools because -- because there was a big deficit. And I guess what I'm trying to understand, we can -- if we're in a major deficit, we can -- opportunities to cut funding the schools, but for this campaign funding -- campaign financing system and the way it's set up, if you're in it, you have to pay it out, we're obligated to pay it out, the Comptroller has to pay it out. And I know the dollar amount is feasible but isn't that -- isn't that true? It's basically like an entitlement program, once you're in it, you're paying it out. And we won't be able to cut that money to that program if people -- if that's growing and for whatever reason more people are participating in. That's what I'm trying to understand. I understand

about dealing with the real life situation and we'll deal with it when it comes, but the fact of the matter is the way this program is set up, once you're in it, you're going to get paid and if there's a budget deficit, we don't cut that, we'd have to cut something else first; isn't that pretty accurate?

MS. WALKER: Well, let me say this: Once you are in the public campaign financing program, you are in it. If there is some circumstances which gets created, which is an emergency, I believe that those circumstances will be handled at that time.

MR. PALMESANO: Okay, all right.

MS. WALKER: So but for presently, if you are in the particular program -- if you're in the program, then you're in the program.

MR. PALMESANO: Then you're in the program and --

MS. WALKER: And we don't anticipate that there will -- that everyone will actually, A, qualify for matching funds or, B, sign up for and participate in the program to begin with. I, again, still stand 100 percent behind the fact that the State Board of Elections has been gearing up and is ready to implement this particular program on day one.

MR. PALMESANO: Thank you, Ms. Walker, for your time. I really appreciate it.

MS. WALKER: Thank you, Mr. Palmesano.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I certainly appreciate the dialog with my -- with the sponsor, and what I was trying to get at with my questions is the way this program is set up, and I think she answered my question from the -- the people that are here, once you're in this program, you're in. So the way I understand that, you're in, it's an entitlement. You're going to get this money every quarter when they make the payouts, the money's there. And we talk about \$100 million when we started it, but if this program grows and more people are growing and more people are entering it, it's going to increase in funding, just like it happened in New York City. And that's where my concern is.

So this program will take priority over other programs. If there's a budget deficit, like projected in the out-years we're looking at, \$13 billion budget deficit in 2026, what I'm trying to get at for the discussion what I think is important, this system is being set up is an entitlement program so once you're in, like the sponsor said, you're in. And the more people that are in, they're in and then we're committed to making those payouts. Now, yes, I know not everyone's going to enter in it, not everyone's going to participate, not everyone's going to qualify, but the fact of the way the program is set up I think it's important to understand, we're saying this system takes priority, it's an entitlement program versus other programs. And I think about even if you want to talk about \$100 million, I mean, my goodness. I mean, I was opposed to this program from the get-go, I

think it's just really -- this is really just another misguided policy by the Majority and the Governor who signed onto it to -- with the use of taxpayer dollars. If you talk about \$100 million or plus, if you go to your people in your district and you say, and you ask them, the people you represent, would you rather have \$100 million to go to fund your local roads and bridges, or would you rather have \$100 million come to help fund my campaign? And the voluntary system we had, has had its problems, no question. We could have reform. But the thing about the voluntary system, you get to choose who you donate to. But now we're telling people, hey, I don't agree with your -- your political ideology, we're telling people, our taxpayers, I don't agree with your political ideology, I don't like what you do, but you know what? Your taxpayer dollars are still going to come fund my campaign. I think that's very problematic and I think it's really just a disregard for the taxpayers. We're not serving them through this policy. I think if you talk to your taxpayers -- you know, I mentioned \$100 million for roads and bridges, how about for your libraries or for funding politicians campaigns? I think 99 percent of them are going to say our libraries. Well, how about this? How about for our most vulnerable New Yorkers, those individuals with intellectual developmental disabilities, how about funding their quality care and their quality of life and make that a priority. I think this program doesn't show that's a priority. Budgeting is all about priorities, and what does that say that we're not taking care of our most vulnerable citizens, but yet, we're spending \$100 million-plus -- and it could be more, on a taxpayer funded

campaign system that will take priority when it comes to budgeting if we had a deficit because, like the sponsor said, once you're in, you're in. That money's there, it's an entitlement.

So local roads and bridges or libraries, our most vulnerable citizens or individuals with developmental and intellectual disabilities, or how about direct support professionals who care for them? Paying them a living wage instead of paying for the run and finance campaigns. Or our schools, or our veterans, or our seniors, or here's a novel idea, why don't we give that \$100 million back to the taxpayer? I mean, they pay enough. And when we have a situation when we're looking at out-years in a fiscal situation and we're facing possibly \$13 billion in budget deficits, we're going to have to cut funding somewhere. But the choice is going to be cut schools, cut libraries, cut roads and bridges, but we won't be able to cut this program because as the sponsor said, once you're in, you're in. And this program will continue to grow, and I just think that's very, very problematic, it sends the wrong message to the taxpayers we represent. I don't think most of the taxpayers understand the system. And I think if we explained it that their tax dollars are coming to fund our campaigns, they would be sickened by it, because they're not aware of it. Just like other policies. When I talk about the energy policy coming down the pipeline, the public's not aware of how much this is going to cost them. They're not aware of this. They would rather have their taxpayer dollars go to help people, not help fund political campaigns. And why should a taxpayer have to fund my

campaign, or your campaign if they vehemently disagree with my position or your position on an issue. They shouldn't have to, but yet, this is what the system, this Body set in place, the taxpayer funding campaign system. It's not going to work. It's just basically another misguided policy that is a negative impact on our taxpayers as a State. And I just think it's very, very problematic and it's going to become more and more problematic as it goes on.

So for that reason, Mr. Speaker, I'm going to be voting in the negative on this bill and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Novakhov.

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

ACTING SPEAKER AUBRY: Ms. Wallace [sic], will you yield?

MS. WALKER: Yes.

MR. NOVAKHOV: Thank you very much, Ms. Walker. So my colleague was discussing with you the redistricting issue, and I'm so sorry, but it wasn't clear to me what is going on with reality so I unfortunately will need to ask you a question in regards to -- to that. So what Ms. Byrnes meant is she is running in district -- in a new district which we will call District A, right?

MS. WALKER: Yes.

MR. NOVAKHOV: Right. And -- but now she lives

-- she lives and -- and -- and runs District B. So by this bill, she will be able to receive donations from her future district.

MS. WALKER: Which is already drawn, correctly -- correct?

MR. NOVAKHOV: Which is District A.

MS. WALKER: Yes.

MR. NOVAKHOV: Right?

MS. WALKER: Yes.

MR. NOVAKHOV: But she would not be able to receive donations from an existing district that she currently lives in. I -- I just want to...

MS. WALKER: I am going to read from the bill --

MR. NOVAKHOV: Okay. And I'll try to understand.

MS. WALKER: -- and then we can -- yes.

MR. NOVAKHOV: Thank you.

MS. WALKER: A contribution for any current elections held in the same election cycle made -- made by a natural person who at the time such contribution is made is also a resident of such State Assembly or State Senate District from which such candidate is seeking nomination or election, right? So according to your fact pattern, if there is a future District B that she is running in, and a person who lives within that district makes a contribution to her in District B, the donation will be -- will qualify for public campaign financing -- for public campaign financing purposes --

MR. NOVAKHOV: Mm-hmm.

MS. WALKER: -- in future District B. From future District B, to future District B. All right? No?

MR. NOVAKHOV: Okay, yeah; I got it. But not the existing District A, that she lives right now, right?

MS. WALKER: She's -- she's not running for --

MR. NOVAKHOV: Right.

MS. WALKER: She's not seeking office for present District A.

MR. NOVAKHOV: Okay.

MS. WALKER: She's seeking office for future District B.

MR. NOVAKHOV: Understood. Thank you.

MS. WALKER: Thank you. Thank you for that.

MR. NOVAKHOV: Of course.

(Pause)

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleague. Those who support it are certainly welcome to vote yes.

ACTING SPEAKER AUBRY: One minute, Mr. Goodell. I (inaudible/mic off) -- relax.

MR. GOODELL: Oh, thank you.

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

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

ACTING SPEAKER AUBRY: And a Party vote has been requested.

Now, Mr. Goodell. Timely.

MR. GOODELL: Thank you. Even though we now have the Senate version, it was the same as the Assembly version and really not much better from our perspective. So the Republican Conference remains generally opposed, but those who support the Senate version can certainly vote yes here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can come in the Chamber and do so.

ACTING SPEAKER AUBRY: Thank you so much.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Pirozzolo, do you want to explain your vote?

MR. PIROZZOLO: Yes, I do, Mr. Speaker. Thank you very much.

ACTING SPEAKER AUBRY: You're welcome

MR. PIROZZOLO: I will be voting no on this bill for two reasons: One, because I just think it's just very expensive and there's no price tag and, two, because it does not follow the guidelines of Ms. Zinerman's bill that we unanimously passed yesterday as far as making language understandable in bills and I think that every bill we write should follow that guideline. Thank you.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. I rise simply to explain that I actually share a lot of the concerns that my colleagues across the aisle share and if I'd had the opportunity to vote on public financing initially, I would have voted no. But given that the program exists and the way the law's currently written has some fundamental and serious problems that are remedied in part by this legislation, I am affirmative today. But I want to say I am affirmative simply because I do not have the option to repeal the bill entirely. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. In 2020, I voted against campaign finance program because although I fully appreciated the intent to expand opportunities for everyday folks to run for office, especially those without deep pockets, I don't think that the campaign financing program that we created accomplishes that. The program doesn't get big money in politics, it just adds public money to the mix of big donations. I worry that the program will be rife with corruption, and we will have abuses like we've seen with the New York City program. I think it will create a cottage industry that puts public money into the hands of campaign consultants, and most importantly, I feel it is a waste of our very limited taxpayer resources.

Our State has many, many needs. Every budget cycle we struggle to find enough resources to meet those needs. Our colleague mentioned some of them, money for aging infrastructure, money for our nursing homes, more money for those to -- who care for individuals with disabilities, more money for child care. And the list goes on and on and on. But dead last in this list is using our taxpayer money to pay for our political ads and campaign mailers and I believe my constituents would agree. I am a strong proponent of good government and I've been the sponsor of many bills in this House to increase transparency and hold government accountable, but I do not think that this bill is good government, and I do not think the campaign finance program, more importantly, is good government. Good government to me means spending taxpayer resources

judiciously and in a way that helps our State residents. I do not believe this bill does that and that's why I vote no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Wallace in the negative.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. You know, we seem to have a recurring problem in this Chamber, and as we talked about yesterday, we talked about elections a lot, but we seem to come up with things, talk about how great they are, and then before they ever even go into effect, decide how terrible they are and how much they need to be changed.

So a couple -- over ten years ago, right, we did the Constitutional Amendment for redistricting, and then a couple of years ago, all of a sudden, oh, there's fundamental problems with the independent redistricting commission, we need to -- we need to change it. And what were we trying to do? We were trying to stack the deck on redistricting. Didn't work out so well, depending on your perspective. Now here we are, this program was put into effect a few years ago and all of a sudden, there's all these flaws in it that need to be fixed before it ever actually happens.

So as I said earlier, I agree with several people who said I'd rather repeal this whole thing, but this clearly is everybody saying hey, this is going to go into effect and -- and it might not benefit us as much as we want, so let's make sure it benefits

incumbents more so. Let's make sure that person with business before the State -- one of the memos talked about, I think a CEO living in a Senate district could give a Senator \$10,000 and the State will kick in, I think it's another 2,800 bucks. It doesn't make any sense, it doesn't help get big money out of politics and we should be casting our votes in the negative and I vote negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the negative.

(Cough) excuse me.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker. I request an opportunity to abstain in order to explain my vote. I am sensing a general consensus here when it comes to me there's a -- if there could be a slogan, if it doesn't appeal, we must repeal but, unfortunately, that is not the case here. The proposed changes to the State's Public Campaign Finance will still provide matching funds to people whose campaigns are funded primarily by small donors. And the law will still provide the transparency necessary to ensure public confidence in campaigns and elections in New York State. I know people have concerns, people have raised questions about the rationale of the increase in the number of donors in a district and the total donations and amount required to qualify, and I believe that this change will weed out candidates who are not actually serious about running for office but instead, more so serious about taking advantage of our very progressive Election laws.

It is important that we hit the ground running as we prepare for 2024, the first election under the State's public campaign financing program which, of course, is one of the most progressive and aggressive in America. We have to move forward without further delay, and candidates are already geared up and ready to run for office next year. This new modification preserves the original intent of the law, and it is worth noting that the bill in front of us also brings the State in close alignment with the City program, which also matches some contributions over \$250.

Mr. Speaker, I request to withdraw my abstention and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you.

ACTING SPEAKER AUBRY: You're welcome.

MS. SIMON: You got me.

So I rise to explain my vote. There's been a lot said today. I would say that there were aspects of this program that I didn't like in the first place. I would have been less incumbent protective, and you can check it out in terms of what I communicated to the Commission when they were looking at this issue. But the reality is that a number of the changes that we've made actually are -- make it more aligned with the Campaign Finance Board Program in New York City. Having run under that system, I am very, very familiar

with it. And so I will be voting in the affirmative because we made some very important changes that actually are good for -- for incumbents, but also very good for those who would be challenging. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Tague.

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

ACTING SPEAKER AUBRY: Proceed.

MR. TAGUE: Mr. Speaker, I just -- I can't believe we're here today having this discussion. I can't believe that after a \$230 billion budget, the same cast of characters that brought the Election bill last night or this morning are bringing this bill. And last night they said they we're going to save the taxpayers money. Now we're using the taxpayers' money to run campaigns. I don't get it. I just don't get it. We are asking the taxpayers of the State of New York who are struggling to finance our political campaigns. Are you joking? Unbelievable. Unbelievable. And then to say last night during the other Election Law debate that we're looking to save the taxpayers money after a \$230 billion budget, unbelievable. Unbelievable.

Mr. Speaker, I vote no and anybody with any common sense and really care about the taxpayers of the State of New York should do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Mr. Goodell.

MR. GOODELL: A few years ago we were told that we needed to implement taxpayer funding of campaigns for a couple of noble goals. We were told that if we used campaign financing and we limited it to small donations, we could encourage more people to make small donations. And in the process, we could remove the corrupting influence of big money. We were also told that we needed campaign financing to help level the playing field.

ACTING SPEAKER AUBRY: Yeah, I do believe we have a little noise in the background.

MR. GOODELL: We were told to help level the playing field that challengers, who have more difficulty raising money, would get assistance from the State taxpayers whether or not the State taxpayers support them, and that would level the playing field. So what's this bill do? Well, first of all, it eliminates any incentive for small contributions, because rather just match small contributions, this says you can get the largest contribution allowed by law and the first 250 will be matched; under the old law, you could only get a contribution of 250 and have it matched.

The second thing this did is instead of leveling the playing field, it blew up the chances of an incumbent to be successful because it dramatically increased the number of contributors you had to have in order to qualify for funding. Now, as an incumbent, I have

a well-established donor base. I already had the database, I've always matched or exceeded these levels. None of my challengers will ever have ever come close to these new higher levels. So what's that mean? That means with this program, incumbents will have almost unlimited funding and their challengers will be frozen out. I almost raised a point of order, sir, before you called me out of order for running out of time, because our rules normally require a bill to have an accurate title, and this one should be called the *Incumbent Reelection Guarantee Act*. Thank you, sir.

ACTING SPEAKER AUBRY: You're out of order.
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, colleagues, we're moving right along. We're now going to go to our main Calendar, page 21 and begin with Rules Report No. 748 by Mr. Magnarelli on consent.

ACTING SPEAKER AUBRY: Absolutely. Page 21, Rules Report No. 748, the Clerk will read.

THE CLERK: Assembly No. A00250-A, Rules Report No. 748, Magnarelli, Zebrowski, Stirpe, Cook, Woerner, Fahy, Santabarbara, Peoples-Stokes, Colton, Gunther, Otis, Bronson, Hunter, Buttenschon, McMahon, Cruz, Sayegh, Burdick, Thiele, Darling, Jackson, Simon, Davila, Meeks, Steck, Lupardo, Clark,

Eachus, McDonald, Weprin, Lunsford, Kelles, Braunstein. An act to amend the Insurance Law, in relation to payments to prehospital emergency medical services providers.

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

THE CLERK: This act shall take effect January 1st, 2025.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02608, Rules Report No. 749, Hyndman, Aubry. An act to direct the City of New York to conduct an analysis of stormwater and groundwater issues in Southeast Queens.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Yes, thank you, Mr. Speaker, for allowing me to explain my vote. So what this bill does is it studies a problem that New York City created when it turned off the water pumps for the Jamaica water supply, and now in Southeast Queens we have homes that are -- when the groundwater rises, those homes are flooding and have to keep a pump going 24 hours a day. We have a college, York College, part of the CUNY system, that when you go into their basement they can't use it because it is filled with water. We have a senior citizen housing development that is flooded because of this groundwater. I have learned so much about the Lloyd (inaudible) the clay aquifer and all of the reasons why Southeast Queens, the flooding is a continuous problem. So what this bill does is it studies the issue and hopefully New York City will use this as a catalyst to make sure they help us fix the issue in Southeast Queens with this flooding that has really hampered homes, buildings, our -- our university and businesses from being productive because of this groundwater flooding issue. Thank you, Mr. Speaker. I'll be voting in the affirmative.

ACTING SPEAKER ZACCARO: Ms. Hyndman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

THE CLERK: Assembly No. A02893-A, Rules Report No. 750, González-Rojas, Anderson, Cunningham, De Los Santos, Zinerman, Seawright, Shimsky, Burdick, Clark, Ardila, Aubry, Lavine, Epstein, Hevesi, Sillitti, Simon, Carroll, Tapia, Thiele, Darling, Chandler-Waterman, Forrest, Cruz, Jean-Pierre, L. Rosenthal, Lunsford, Gallagher, Dinowitz, Simone, Mitaynes, Zaccaro, Raga. An act to amend the Social Services Law, in relation to the provision of and payment for violence prevention programs.

ACTING SPEAKER ZACCARO: On a motion by Ms. González-Rojas the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A03327-A, Rules Report No. 751, Weprin. An act to amend the Real Property Tax Law, in relation to the determination of adjusted base proportions in special assessing units which are cities.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. The majority of our communities across New York State assess all the

properties equally, and everyone pays the same tax rate based on the property value. And that's fair because if you have a higher property value, you'd pay a higher amount of taxes; if you have a lesser value of property, you pay less, but you all pay the same rate. But whenever you go into adjusted based proportions, what they really say is some people will have their assessment artificially lower so that others can pay more than their fair share. I support a system where everyone has the same tax rate, where everyone is treated the same and accordingly, I can't support this program. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

THE CLERK: Assembly No. A03463-A, Rules Report No. 752, Santabarbara. An act to amend the Executive Law, in relation to adding North Chuctanunda Creek to the definition of inland waterways.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: 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. A03484-A, Rules Report No. 753, Gallagher, Mitaynes, González-Rojas, L. Rosenthal, Epstein, Kim, Thiele, Mamdani, Simon, Davila, Forrest, Carroll, Kelles, Shrestha, Glick, Magnarelli, Rozic, Jacobson, Shimsky, Sillitti, Burgos, Gibbs, Benedetto, Santabarbara, Simone, Steck, Brabenec, Bores, Slater, Reyes, Levenberg, Seawright, Raga. An act to amend the Limited Liability Company Law and the Executive Law, in relation to the disclosure of beneficial owners of limited liability companies.

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

THE CLERK: Assembly No. A03827, Rules Report No. 754, L. Rosenthal, Mamdani, Shrestha. An act to amend the Real Property Actions and Proceedings Law, in relation to prohibiting naming dependent children under the age of 18 in petitions to recover possession of real property and eviction warrants and sealing any records pertaining to such children.

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

THE CLERK: Assembly No. A04167, Rules Report No. 755, Hunter, Zinerman, Davila, Jackson, Stirpe. An act to amend

the General Business Law, in relation to payment and retainage in construction contracts.

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

THE CLERK: Assembly No. A04421, Rules Report No. 756, Reyes, Kelles, Epstein, Cruz, Raga, Dickens, Lupardo, Zebrowski, Zaccaro, Hunter, L. Rosenthal, Septimo. An act to amend the Tax Law, in relation to excluding certain student loan discharge or forgiveness amounts from State income tax.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: 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. A04911, Rules Report No. 757, Kelles, Santabarbara, Stirpe, Jacobson, Raga. An act to amend the Agriculture and Markets Law, in relation to establishing the Agrivoltaics Research Program.

ACTING SPEAKER ZACCARO: On a motion by

Ms. Kelles, 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 ZACCARO: 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. A04955-B, Rules Report No. 758, Thiele, L. Rosenthal. An act to amend the Real Property Law, in relation to lease-hold retirement communities.

ACTING SPEAKER ZACCARO: The bill is laid aside.

THE CLERK: Assembly No. A05040, Rules Report No. 759, Clark, Glick, Stirpe, Dickens, González-Rojas, Jackson, Burdick, Fahy, Lunsford, Magnarelli, Davila, Hyndman, Sillitti, Raga, Weprin. An act to amend the Judiciary Law, in relation to enacting the "Hope Card Act".

ACTING SPEAKER ZACCARO: 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 on the 180th day.

ACTING SPEAKER ZACCARO: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Mr. Speaker. I rise to explain my vote on this what I feel is slightly a historic piece of legislation. We will be the sixth state to adopt hope cards here for those who are survivors of domestic violence. This originally came out of Montana and has to do with those who have filed for orders of protection and been granted them. It gives them a wallet-sized laminated card to carry with them giving them all the information, allows it -- it empowers surviving victims to share those cards with employers, with school districts, with neighbors, anyone they feel comfortable knowing what to do if said person is in their -- is violating it and what to do, who to call and how to handle it. It really, for the first time empowers survivors in a way that the long forms of orders of protections never did, puts the power in their hands to decide who should know, who shouldn't know, and other tools for how to protect themselves better. It also gives law enforcement much more access to being part of that solution with victims and survivors and enforcing them.

So I'm excited that we're the sixth state to join them. I know it already passed on the other side, so I look forward to having the Governor sign this and really doing a lot to empower our victims and survivors of domestic violence. Thank you. I vote in the affirmative.

ACTING SPEAKER ZACCARO: Ms. Clark in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I just rise to thank the sponsor for bringing this forward. You know, as you all know, I practice in family court quite a bit and I've seen these orders of protection that are like practically dog-eared, that they're just folded and tucked into purses and tucked into pockets and carried around for such a long time and they -- they fall apart. And -- but the individual who needs the protection really wants to have that on her or him at all times because of just the importance of the document. So I think it's a really great idea and I'm very happy to support it. I'm in the affirmative, thank you.

ACTING SPEAKER ZACCARO: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05048-A, Rules Report No. 760, Lavine, Shimsky. An act to amend the Executive Law, the Judiciary Law and the Election Law, in relation to address confidentiality to Federal, State and Local court officials and their immediate families.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: 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. A05128-A, Rules Report No. 761, Gray. An act to amend the Highway Law, in relation to designating a portion of the state highway system as the "Firefighter Peyton L. S. Morse Memorial Highway."

ACTING SPEAKER ZACCARO: On a motion by Mr. Gray, 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gray to explain his vote.

MR. GRAY: Thank you, Mr. Speaker. I'd like to first thank my colleagues for the support of this bill. Peyton Morse was a young hero, a volunteer firefighter who tragically lost his life in the line of duty. He was the son of David and Stacy Morse. He grew up in La Fargeville, New York. He graduated from La Fargeville Central School in 2017. There he was President of the Student

Council, President of the local Honor Society, Senior Vice -- Class Vice President. Peyton also excelled outside the classroom playing varsity sports. He played soccer, basketball, golf and was the team captain of the baseball team. He was an altar server at St. John's and St. Mary's Catholic Church, and a member of the Knights of Columbus.

Seeking to serve his community, Peyton on his 18th birthday joined the La Fargeville Volunteer Fire Department where his love of fire service began. After graduating, Peyton enrolled in law school -- at the law program at Siena College. There he continued to be involved in intramural and club sports, and he also volunteered for the Shaker Road Volunteer Fire Department, which was a combination of career and volunteer organization. The exposure to fire service as a career was a perfect fit for Peyton as it combined his love for the community, his manual labor and desire to help others. Peyton was engaged to the love of his life, Celeste on September 27th of 2020, and in February of 2021, Peyton began his dream job becoming a volunteer -- or becoming a career fire department member of the City of Watertown Fire Department. He completed -- he was training and in his evaluation when he suffered a tragic accident. The accident to this day remains largely unexplained. He passed away March 12th, 2021. The dedication symbolizes this remarkable young man who lost his life way too soon. The highway named after Peyton will inspire all that travel to emulate Peyton's selfless dedication to service and a lasting mark on the La Fargeville Fire Department, the

Watertown community and Jefferson County as a whole. Mr. Speaker, and all the colleagues, thank you very much for your support of this.

(Applause)

ACTING SPEAKER ZACCARO: Mr. Gray in the affirmative.

Mr. Jensen to explain his vote.

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

I am proud to stand in support of this legislation and thank Assemblymember Gray for bringing it to this Body. This past weekend the National Fallen Firefighters Foundation held their Rochester area golf tournament just outside my district in Monroe County and I had some time to spend with Peyton's family. The loss that they go through every day will never be filled, the hole that's left in their heart, and it is my hope that this dedication and memorial to Firefighter Morse will not just serve as comfort to his family, his brothers and sister firefighters in Watertown and La Fargeville, but also will help signify that our fallen heroes, whether they be law enforcement, military, firefighter, EMS, but anybody who gave their life in service to another should be treated with the dignity and respect that their service and their loss of life in that service is something that should be truly honored by the State. And it is my hope that Peyton's memory and Firefighter Morse's memory is treated with respect by the State of New York. Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Jensen in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05294, Rules Report No. 762, Anderson, Cunningham, Cook, Walker, Reyes, Forrest, Bichotte Hermelyn, Kim, Davila, Chandler-Waterman, Dickens, Alvarez, Tapia, Ardila, Jackson, Taylor, Weprin, Gibbs, Epstein, Solages, Burgos, Raga. An act to amend the Insurance Law, in relation to establishing a captive insurance program for commuter vans; and to amend the State Finance Law, in relation to establishing the commuter van trust fund.

ACTING SPEAKER ZACCARO: 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Anderson to explain his vote.

MR. ANDERSON: Thank you, Mr. Speaker, to explain my vote. Thank you, sir. So this bill creates a captive insurance program for commuter vans across the State of New York, and it's critical that we create this program because we want to make sure that the inequities that exist in the insurance pools and insurance

market presently can be rectified. And so this bill will begin that process of ensuring that there's equity in the insurance pool so that those who are serviced by commuter vans that live in transit deserts all across this City and all across this State can be made whole. I'm glad and grateful to have had the support of the Commuter Vans Alliance, the support of my colleagues from all across Southeast Queens, and of course the support of our Speaker to ensure that this bill had its proper vote and can be heard on.

So Mr. Speaker, I'm grateful of course to Mr. Leroy Morrison who has been a staunch advocate to all of my colleagues in this Chamber to support this piece of legislation and I am proud to vote in the affirmative.

ACTING SPEAKER ZACCARO: Mr. Anderson in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. Just a little bit of background on this. A few years ago, there was an accident involving one of these commuter vans and it had the minimum amount of insurance that was authorized at that time, and it was not enough insurance. And so there was quite a hue and outcry and so the Legislature stepped in, and as we often do, we arbitrarily increased the amount of insurance substantially. And when that occurred at that time, some of us on the floor reminded our colleagues that the way the private sector market works is when you increase the cost of something it's going to be passed on to the consumer. And

sure enough, about a year later, the commuter vans, which were often back then called dollar vans I think, were either going out of business or, as predicted, raising their prices.

Well, that caused another hue and cry. And so in order to cover the cost of the insurance that this Legislature mandated on them, and to hide the cost of that legislative mandate, we created this captive insurance program. But of course, the captive insurance program doesn't charge enough premiums to cover the cost.

Otherwise, they would have gotten that product in the private sector for a price they could afford. And so, in this year's budget we included \$11 million, and that's what this bill does. It recognizes that. So just for those who are interested, we are now paying 11 million in taxpayer funding to cover the insurance cost of a privately-operated business that's operating in the City of New York and undoubtedly providing a valuable service for a very nice price because the taxpayers across New York State are now subsidizing that private businesses' insurance cost. For that reason, I will not be supporting it. Thank you, sir.

ACTING SPEAKER ZACCARO: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05315-A, Rules Report No. 763, Beephan. An act to amend the Highway Law, in

relation to designating a portion of the state highway system as the "Corporal Derick Franklin Brinckerhoff Memorial Highway."

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: 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. A05542-A, Rules Report No. 764, Thiele. An act to amend the Environmental Conservation Law, in relation to a Long Island deer management pilot program; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Read the -- the Clerk will record the vote. 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. A05549-A, Rules Report No. 765, Thiele, Norris, Barrett, Woerner, J.A. Giglio, Rivera, Kelles, Wallace, Smith, Gandolfo, Brabenec, Hunter, Steck, Santabarbara, Meeks, L. Rosenthal. An act to amend the Real Property Law, in relation to manufactured home parks.

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

THE CLERK: Assembly. No. A05791-A, Rules Report No. 766, Chandler-Waterman, Taylor, Zebrowski, Eachus, Shimsky, Burdick, Simon, Tapia, Clark, Cunningham, Fahy, Glick, González-Rojas, Bores, Vanel, Meeks, Hevesi, Ardila, Lavine, De Los Santos, Epstein, Gibbs, Lucas, Simone, Buttenschon, Paulin, Sayegh, Bronson, Levenberg, Mamdani, Solages, Pretlow, Anderson, Bichotte Hermelyn, Ra, Cruz, Tannousis, Walker, Raga, Reyes, Cook, Weprin, Seawright, Carroll, L. Rosenthal. An act to amend the Executive Law, in relation to defining the term "mass shooting" for purposes of emergency response measures and access to emergency funding.

ACTING SPEAKER AUBRY: On a motion by Ms. Chandler-Waterman, 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.)

Ms. Chandler-Waterman to explain her vote.

MS. CHANDLER-WATERMAN: Thank you, Mr. Speaker, to explain my vote. For over a decade as you've heard me say before, I've fought tirelessly alongside my community to reduce gun violence by providing wraparound services including mental health resources, academic programs, workforce development, housing support and so much more. And you know I have to shout-out my Assembly District 58 Public Safety Task Force comprised of the community members with lived experience, families impacted by gun violence, anti-violence groups like Brownsville Think Tank Matters, Development Righteous United Movement, 67 Precinct Clergy Council, The God Squad and Mothers for Safe City, Kings Against Violence Initiative, East Flatbush Village, Inc. This task force stands on the pillar of prevention, intervention, restoration and legislation. I am proud that this very same group worked alongside me and my team to create this bill. Unfortunately on March 12th in the East Flatbush area of my district, around the corner from my house there was a mass shooting where 39-year-old Emmanuel Soray, a father of five, and three other were injured, and of course it was not labeled a mass shooting. We are tired of doing press conferences and (inaudible) just offering prayers and comfort. We are

tired of being overlooked and underresourced. We are tired of take-downs in our community but not being lifted up. According to the national recognized gun violence archive there has been 280 mass shootings in United States as of this morning. We all know that the numbers like this will likely to rise by the end of today. People impacted by mass shootings feel the effect long after the reporters and the cameras leave, and our social media posts fade. The victims in our communities need mental health and trauma-informed care. Mass shootings happen a lot in districts like mine, and many Black and Brown and deprived of resources. However, these incidents are never called a mass shooting, and resources are rarely provided. No matter your race, religion, political affiliation, four or more being shot is a mass shooting. Mass shootings are devastating and we need massive resources. Thank you to my colleagues, thank you to Senator Zellnor Myrie who did the same as and passed it in the Senate. Thank you for my team and the team here in the Assembly and all my colleagues. I vote in the affirmative. Thank you so much.

ACTING SPEAKER AUBRY: Ms.

Chandler-Waterman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06144-A, Rules Report No. 767, Pretlow, Lupardo, Buttenschon. An act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the

tax on gaming revenues in certain regions; to amend the Tax Law, in relation to the additional vendor fee for a certain track located within Oneida County; and to amend part EE of Chapter 59 of the Laws of 2019, amending the Tax Law relating to commissions paid to the operator of a video lottery facility, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, 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. Miller to explain his vote.

MR. MILLER: Thank you, Mr. Speaker, for allowing me to explain my vote. First, I'd like to thank the sponsor for carrying this important piece of legislation. One of the key provisions of this bill is to -- is the adjustment of tax rates on gaming revenues relative to employment numbers. This will provide much needed relief to racinos such as Vernon Downs. Vernon Downs is located in my district. It is one of many businesses that continues to struggle with finding employees in the aftermath of the pandemic. This legislation will create fairness among casino industry in the State and will save 250 union and 40 non-union jobs at Vernon Downs to prevent its closure. This is the 70th season of Vernon Downs harness

track racing, which has been a staple in the community for multiple generations and has contributed almost \$2 million to local education throughout the course of its operation. Along with contributing to well over 100 local organizations, the local economic impact from the racino, hotel, harness racing in acceler - yeah, it's been a long day - accelerating agricultural businesses that are substantial to the local economy. I believe this bill will promote economic development in casinos across New York State including both Vernon and Tioga Downs, as well as others, while also ensuring responsible management of gaming revenues. This legislation aligns with my commitment to representing the best interest of my district and contributing to the overall wellbeing of the State of New York. Thank you for allowing me the opportunity to explain my position on this bill and I am proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker. I want to thank the sponsor for all the support over the last couple months. This is a very important issue within the area that I represent as these individuals, close to 150 families, have spent the last few months concerned about the forward-thinking that we will see within this great place that they worked for many, many years.

So again, the hard work does not go unnoticed. I appreciate the ability to work with you to ensure that Vernon Downs remains the viable, wonderful place, as well as the community efforts and all the small businesses that will be supported. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06203-A, Rules Report No. 768, McDonough. An act authorizing the Friendship Engine and Hose Company to file an application for exemption from real property taxes.

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. A06723-A, Rules Report No. 769, Barrett. An act to allow Brian Laurange, Jr. 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. A06727-D, Rules Report No. 770, Buttenschon. An act to amend Chapter 639 of the Laws of 1970 incorporating the Oriskany Volunteer Exempt Firemen's Association of Oriskany, County of Oneida, and providing for its powers and duties, in relation to the name and purposes of such association.

ACTING SPEAKER AUBRY: On a motion by Ms. Buttenschon, 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. A06783, Rules Report No. 771, Simpson. An act to incorporate the Salem Volunteer Fire

Department Benevolent Association, and providing for its powers and duties.

ACTING SPEAKER AUBRY: On a motion by Mr. Simpson, 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. A06843-A, Rules Report No. 772, Clark, Bronson, Meeks. An act to amend the Emergency Tenant Protection Act of 1974, in relation to studies to determine vacancy rates.

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 bill is laid aside.

THE CLERK: Assembly No. A07049, Rules Report No. 773, McDonald, Septimo. An act to amend the Local Finance Law, in relation to the contracting of indebtedness by city school

districts.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07276, Rules Report No. 774, Morinello. An act to amend Chapter 430 of the Laws of 1963 relating to incorporation of the Grand Island Volunteer Firemen's Benevolent Association and providing for its powers and duties, in relation to its purpose and the use of foreign fire insurance premium taxes.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07305, Rules Report No. 777 [sic], Cunningham. An act to amend the Alcoholic Beverage Control Law, in relation to the hours during which liquor and/or wine stores may be open on Sunday.

ACTING SPEAKER AUBRY: On a motion by Mr. Cunningham, 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. A07403-A, Rules Report No. 776, McMahon. An act to amend the Public Authorities Law, in relation to facilitating the purchase by the State of New York Mortgage Agency of mortgages on manufactured homes.

ACTING SPEAKER AUBRY: On a motion by Ms. Barrett, the Senate bill is before -- oh, I'm sorry, Ms. -- Ms. McMahon.

On a motion by Ms. McMahon, 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. A07422, Rules Report No. 777, Barrett, McDonald, Wallace. An act to amend the Executive Law, in relation to manufactured homes.

ACTING SPEAKER AUBRY: On a motion by Ms. Barrett, 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. A07458-C, Rules

Report No. 778, Brabenec. An act in relation to authorizing the assessor of the Town of Ramapo, County of Rockland, to accept an application for a real property tax exemption from Sister Servants of Mary Immaculate, Inc.

ACTING SPEAKER AUBRY: On a motion by Mr. Brabenec, 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. A07511, Rules Report No. 779, Burdick, Braunstein. An act to amend the Public Health Law, in relation to expanding the Residential Health Care for Children With Medical Fragility In Transition To Young Adults and Adults With Medical Fragility Demonstration program.

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

Read the last section.

THE CLERK: This act shall take effect 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. A07561, Rules Report No. 780, Fall. An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance of a church.

ACTING SPEAKER AUBRY: On a motion by Mr. Fall, 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. A07594, Rules Report No. 781, L. Rosenthal. An act to amend the Alcoholic Beverage Control Law, in relation to the exemption of certain parcels of land from licensing restrictions prohibiting manufacturers, wholesalers and retailers of alcoholic beverages from sharing an interest in a licensed

premises or to sell at retail for consumption off the premises.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, 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. A07613, Rules Report No. 782, Stern. An act to amend the Retirement and Social Security Law, in relation to the retirement of members employed as an emergency medical technician, critical care technician, advanced emergency medical technician, paramedic or supervisor of such titles in a participating Suffolk County fire district.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, 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. A07616, Rules Report No. 783, Santabarbara. An act in relation to authorizing Tier IV status in the New York State and Local Employees' Retirement System for Marc Del Prado..

ACTING SPEAKER AUBRY: On a motion by Mr. Santabarbara, 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. A07654, Rules Report No. 784, Dinowitz, Braunstein, Cruz, Bores. An act to authorize the Office of the [sic] Court Administration to pay certain judicial compensation.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, 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. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Many of us may recall a couple of years ago, I think it was during COVID, that the Office of Court Administration laid off, I don't know, a half-dozen, dozen judges that would normally have aged out and would normally have been continued on. And many of us initiated, as much as we could, to convince them to reverse that stand and ultimately they did. I think the Chairman of Judiciary, Mr. Lavine, wrote a very effective letter and they restored them. And that was all good news. And what this bill does is give those judges, who didn't work for six months, a full pay for that time period when they were at home not working. And there are a lot of -- a lot of -- a lot of employees that laid -- were laid off during COVID that never got paid in full when they were laid off. I don't think we should treat judges that were laid off and not working and give them full salary and benefits for the time period they were laid off when literally thousands of our friends and neighbors and everyone else across the State who were laid off got nothing more than unemployment.

For that reason I wouldn't be supporting it. Thank

you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Ra to explain his vote.

MR. RA: Thank -- thank you, Mr. Speaker. Briefly, Mr. Goodell just described what this bill does. I think perhaps the disgraced former Governor who is the person who caused these judges to lose their jobs should share some of his \$5 million from his book and pay them rather than the State of New York. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Ra in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07766, Rules Report No. 785, Pheffer Amato. An act to amend the Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment of certain State officers and employees; to implement agreements between the State and an employee organization; and to repeal certain provisions of the Civil Service Law relating thereto; and making an appropriation for the purpose of effectuating certain provisions therefor (Part A); to amend the Civil Service Law and the Correction Law, in relation to salaries of certain State officers and employees excluded from collective negotiating units; to repeal

certain provisions of the Civil Service Law and the Correction Law relating thereto; and making an appropriation for the purpose of effectuating certain provisions therefor (Part B).

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote. Kathy Hochul, Governor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07767, Rules Report No. 786, Eachus. An act implementing an agreement between the State and an employee organization; providing for the adjustment of salaries of certain incumbents in the professional service in the State University; and making an appropriation for the purpose of effectuating certain provisions thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Eachus, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk. The Clerk will read.

ACTING SPEAKER AUBRY: I hereby certify to an immediate vote. Kathy Hochul, Governor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. So we are moving along nicely here. We're going to go to our next set of Rules Report bills that we're going to take up on consent; Rules Report No. 321 by Mr. Zebrowski; 605, Mr. -- Ms. Rosenthal; 649, Ms. Paulin; 651, Ms. Fahy; 746, Mr. McDonald; 755, Ms. Hunter; and 758, Mr. Thiele. That's gonna be followed by, from our debate list, Mr. Speaker, Rules Report No. 561 by Ms. Glick, Rules Report No. 800 by Ms. Reyes, and Rules Report 714 by Mr. Carroll.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Page 7, Rules Report No. 321, the Clerk will read.

THE CLERK: Assembly No. A01077-A, Rules Report No. 321, Zebrowski, Colton, Gunther, Lupardo, Otis, Paulin,

Santabarbara, Darling, Buttenschon. An act to amend the Vehicle and Traffic Law, in relation to requiring an operator of a motor vehicle to exercise due care to avoid colliding with a motor vehicle which is parked, stopped or standing on the shoulder of a parkway or a controlled-access highway.

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, 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.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So this bill expands the Move Over Law to include vehicles that are parked on the shoulder of a parkway or a controlled-access highway. We already know that when we see a vehicle with flashing lights, a police car, for example, or, you know, a tow truck, we're supposed to move over a lane. And I just wanted to express that, you know, I know that we're expanding it today and I'll support it, but I just think that I've seen more idiot driving in the last I don't know like a couple of years than I think ever have, and I'm -- I'm just concerned that when we're requiring now people to move over whether there aren't even any

lights flashing, that there's gonna be some unsafe driving around that person that's pulled over. I want to keep everybody safe. I want to keep the poor person that either got a flat tire and nobody's responded yet or something along the side of the road. I want to keep them safe, but sometimes people's reactions can be swerving into the -- the lanes where, you know, we're trying to drive, too.

So, I don't know, I'll support this but boy, I don't know, I think everybody's just gonna slow down. But anyway, thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. Walsh 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, please call the Ways and Means Committee to the Speaker's Conference Room immediately.

ACTING SPEAKER AUBRY: Certainly. Ways and Means, Speaker's Conference Room immediately, please.

Page 14, Rules Report No. 605, the Clerk will read.

THE CLERK: Senate No. S06943, Rules Report No. 605, Senator Kavanagh (A07209, L. Rosenthal). An act to amend Chapter 514 of the Laws of 1983 amending the Private Housing Finance Law and the Real Property Tax Law relating to the powers of

the New York State Housing Finance Agency and the New York City Housing Development Corporation to finance certain multi-family housing, in relation to the effectiveness thereof; to amend Chapter 396 of the Laws of 1984 amending the Private Housing Finance Law and the Real Property Tax Law relating to the powers of the New York State Housing Finance Agency to finance certain multi-family housing, in relation to the effectiveness thereof; to amend Chapter 915 of the Laws of 1982 amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to the effectiveness thereof; to amend the Public Authorities Law, in relation to the powers of the State of New York Mortgage Agency; to amend Chapter 555 of the Laws of 1989 amending the Public Authorities Law and other laws relating to establishing a New York State Infrastructure Trust Fund, in relation to the effectiveness thereof; to amend Chapter 172 of the Laws of 2002 amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to the effectiveness thereof; to amend Chapter 208 of the Laws of 2010 amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to the effectiveness thereof; and to amend Chapter 246 of the Laws of 2010 amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER RAGA: We need to withdraw the roll call. A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. This bill extends the SONYMA program, SONYMA provides some financial backing of mortgages throughout New York State. It does help a lot of people, and the concern is that the bonding authority for SONYMA is also increased by 500 million, which brings SONYMA's total debt to over \$31 billion. So with this increase, SONYMA'S overall debt will be approximately half of the entire State of New York, then. So that's a concern. You would hope that if they have 31 billion in assets that the repayment of the mortgages would be sufficient to cover their ongoing amortization and future operations. And that's why I'm calling a Party vote. Thank you, sir. In the negative, but those who support it can certainly vote yes.

ACTING SPEAKER RAGA: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is going to be in support of this piece of legislation. There may be a few that would desire to be an exception, they should feel free to do so at their desk. Thank you.

ACTING SPEAKER RAGA: 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 16, Rules Report No. 649, the Clerk will read.

THE CLERK: Assembly No. A06683-B, Rules Report No. 649, Paulin, Stirpe, Wallace, Woerner, Lupardo, McDonald, Zebrowski, Lunsford, Bronson, Buttenschon, Fahy, Fall, Levenberg, Walsh, Meeks, Gunther, McMahon. An act to amend the Public Health Law, in relation to establishing a community-based paramedicine demonstration program; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER RAGA: 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 17, Rules Report No. 651, the Clerk will read.

THE CLERK: Assembly No. A06697-B, Rules Report No. 651, Fahy, Paulin, McDonald, Lupardo, Peoples-Stokes, Lunsford, Clark, Jensen, Cunningham, Seawright, Rozic, Stirpe, Woerner, DeStefano, Mikulin, Angelino. An act to amend the Education Law, in relation to temporarily authorizing certain applicants for licensure as a nurse or physician to practice; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER RAGA: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER RAGA: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I just really wanted to thank the sponsor of this piece of legislation. It's gonna have a significant benefit to the -- particularly the hospitals in my neck of the woods because there has been and still is a shortage since the COVID epidemic, and we need to get people clinical care and to provide services to our constituencies, and this is just one of those ways we do it.

So I want to thank the sponsor for sponsoring this legislation and I'm very pleased to be supporting it.

ACTING SPEAKER RAGA: Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I just wanted

to echo some of the comments we just heard, and thank the Speaker as well as a whole host of folks to really -- this is a -- we have an Executive Order from the height of COVID that is expiring, we still have temporary nurses. This allows them to make sure they get their applications in and -- and that we don't have a blip, especially for a whole host of hospitals, as you just heard referenced by the Majority Leader. This affects hundreds and hundreds of nurses, but we do hope they will not only apply for their New York license, that they will become New York residents. As we know, we have serious shortages throughout the State and particularly from a whole host of Upstate hospitals that we have been hearing -- hearing about. So again, this expires, this will help mitigate any anticipated glitches in what already are very serious workforce challenges in our hospitals and throughout our healthcare system.

And with that I vote in the affirmative. Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 746, the Clerk will read.

THE CLERK: Assembly No. A07755, Report No. 746, McDonald, Rozic. An act to amend the Executive Law, in relation to procedures for appointment and reappointment of notaries public, certificates of official character and certification of electronic

notarial records.

ACTING SPEAKER RAGA: On a motion by Mr. McDonald, the -- 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 RAGA: 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 23, Rules Report No. 755, the Clerk will read.

THE CLERK: Senator No. S03539, Rules Report No. 755, Senator Kavanagh (A04167, Hunter, Zinerman, Davila, Jackson, Stirpe). An act to amend the General Business Law, in relation to payment and retainage in construction contracts.

ACTING SPEAKER RAGA: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER RAGA: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This bill amends the General Business Law to impose, by statute, provisions relating to

retaining (inaudible) private contracts between private parties. Currently, the business -- General Business Law allows parties to a construction contract where the -- the person who was contracting can require or have a reasonable amount of the contract sum as retainage. And retainage is part of the contract that's held back to make sure that the project is completed and everything is done. What this does is it imposes a limit on how much the private parties can negotiate between themselves on how much their retainage can be, and this imposes a five percent retainage. And many of us, particularly in a homeowners' contract, will often see where you pay the contractor half up front, half at the end. This says, no, you can't hold back more than five percent. By comparison, public works contract, you can hold back 10 percent. This is supported by all your contractors, and none of your homeowners are here to complain. But it -- it really leaves some of the homeowners and other contract, you know, owners at real risk by eliminating the amount of the retainage, and for that reason I will not be supporting it.

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

(The Clerk announced the results.)

The bill is passed.

Page 23, Rules Report No. 758, the Clerk will read.

THE CLERK: Assembly No. A04955-B, Rules Report No. 758, Thiele, L. Rosenthal. An act to amend the Real Property Law, in relation to lease-hold retirement communities.

ACTING SPEAKER RAGA: Read the last section.

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

ACTING SPEAKER RAGA: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. I want to thank Mr. Thiele for bringing this legislation forward. We have many retirement communities within my district, we have about 2,500 manufactured homes within my district that are under the threat of over-development. They are trying to kick these seniors out of their homes and create more homelessness. And just having the retirement communities have the first right of refusal to gather the money, to get the funding to buy the property, to hold onto it and retain it so they aren't -- they don't become homeless is very important. So Fred and I have worked on this for many years, once when I was a town council person and now as an Assemblyperson. And I want to thank my colleague for carrying it because it's really a very important bill, to make sure that seniors and communities, family communities where there are manufactured homes are protected from eviction from a developer coming in and wanting to just throw them all out onto the street.

So thank you to my colleague, and I think it's a good bill. You know, there could be some problems with the lease issues but I think those things could be worked out. But as long as they have

right of first refusal and they have an opportunity to buy the property based on the value of the property and not on the highest bidder to where they all become homeless, it's a good bill.

Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 561, the Clerk will read.

THE CLERK: Assembly No. A07640, Rules Report No. 561, Glick, Ardila, Simon, Bores, Steck, L. Rosenthal, Thiele, Colton, Lee, Simone. An act to amend the Environmental Conservation Law, in relation to enacting the Birds and Bees Protection Act.

ACTING SPEAKER RAGA: 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.

MS. GLICK: Thank you, Mr. Speaker. We've seen this bill before. We passed this bill not that long ago, but in the intervening time, conversations have been undertaken and there are a couple of amendments that have been made. It was made on the Senate side and passed to us, and we agree that the -- to address some of the concerns. The bill will be effective a year later, January 1st, 2027, and it provides that the DEC Commissioner, in consultation

with the Commissioner of Ag and Markets, with the authority to issue written order, would be put forward on October 1st and updated annually that would suspend the treated seed prohibition if there's insufficient amount of commercially-available untreated seeds, or if as has always been the case, if there is an environmental emergency which is defined in the bill and is not changed from the -- the bill-in-chief, which is to say that an environmental emergency means any occurrence of any pest that presents a significant risk of harm or injury to the environment or a significant harm or injury or loss to agricultural crops including, but not limited to, any exotic or foreign pest which may need preventative quarantine measures to avoid risk to the crop. So the bill continues the intention to prohibit the sale of treated seeds treated with neonicotinoids, known by many people for short, neonics. So that hasn't changed, that's the main purpose of the bill. But we did make these adjustments in response to concerns that had been raised.

ACTING SPEAKER RAGA: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the Chair please yield for some questions?

MS. GLICK: Of course, Mr. Tague.

MR. TAGUE: Thank you so much. You and I get to talk about the birds and the bees again.

MS. GLICK: My lucky day.

(Laughter)

MR. TAGUE: Yes, it is. The only -- the only good

thing is is that we're not doing this at 3 or 4 o'clock in the morning like we normally do. But, prior to the use of seed treatments, Chairwoman, can you describe how and what farmers used to control for pests when planting corn or soybean?

MS. GLICK: Well, you know, there has always been for, I suppose, since the chemical industry created them, insecticides that were sprayed on crops, probably some of them were dusted from airplanes, some of them were probably sprayed off of either tractors or trucks with a spraying mechanism. And obviously, I know that, you know, there are concerns about doing -- that that subjected the potential for wind to carry those insecticides. But I will say that it's not as if the treated seeds which are treated with a neurotoxin that is planted in the ground and persists in the soil and has had a negative effect, the reason the people refer to it as birds and bees is that it has negatively affected the -- it negatively affected pollinators. And it correlates with the time the decline, major decline in pollinators tracks to the time from when these treated seeds became used widely. Not just specifically when there was a problem, but prophylactically and routinely, which has ultimately created this problem.

MR. TAGUE: Well, you're -- you're kind of right with your answer. The answer is we use gallons and gallons of pest -- pesticide spread over per acre and mixed by hand many times.

The next question, why has the industry moved to seed treatments?

MS. GLICK: Well, I'm sure that it was for them a --

a way of increasing profits.

MR. TAGUE: No, no. Unfortunately that's not the answer. But -- but anyways, to get away from using the gallons and gallons per acre and move to only an ounce per acre of active ingredient, which was also safer -- safer for the farmers and safer for the environment. Can you tell me why most farmers grow corn and soybean in New York State?

MS. GLICK: Well, I presume a lot of the corn is agricultural as well as for sale on the market.

MR. TAGUE: Well, the answer -- the answer is to feed our dairy cows.

MS. GLICK: Yes, that's the agricultural corn I was referring to.

MR. TAGUE: Yeah. And instead of having to purchase and truck grain from elsewhere. So when you prohibit the use of seed treatments in the State, can you describe the anticipated loss of crop yield?

MS. GLICK: Well, you know, it's interesting. I know that there are some studies that say that there can be a drop-off of up to 13 percent, but by the same token, some studies have indicated, particularly studies in places like Canada where they actually have banned this -- the use of these treated seeds, there -- and they have indicated that studies there and in Europe indicated that there was not a significant increase in yield and not a significant loss of product.

MR. TAGUE: Well, the answer --

MS. GLICK: Well, that's your answer.

MR. TAGUE: Well, no --

MS. GLICK: My answer (inaudible).

MR. TAGUE: -- my answer -- my -- my answer comes from all the leading groups in agriculture, which includes Farm Bureau, and the answer is 40 percent, 40 percent. Listen, Chair, I used to do this for a living, okay? I grew corn, I grew soybean. I grew it when we used to plow the fields, disc and till, use the spray, and I'm telling you right now, if we didn't do that back then the yield would be terrible. They've come up with a new safer way with the neonics, okay, and it is much safer. It is much safer, and I can tell you because I know that I have planted much more corn and soybean than you have. I've probably -- except for Mr. Manktelow I have probably grown more soybean and corn than anybody in this room, okay? So farms will now have to truck in added feed for their dairy cows and livestock based on lower yields. How does that impact the environment?

MS. GLICK: Well, as I have said, working with Cornell and over 1,000 peer-reviewed studies, there is not the same loss of yield that you have indicated. Obviously, we have a difference of opinion and that's -- that's all there is to it. We've been through this debate before, we've had the same discussion and we have a difference of opinion, which I appreciate that there's a respectful conversation --

MR. TAGUE: Absolutely.

MS. GLICK: -- between us, as there always have been. But, you know, I just believe that the studies that indicate that this persists in the soil, undermining the health of the soil, leading to the demise of significant numbers of pollinators ultimately is not to the advantage of either the environment or even the farmers.

MR. TAGUE: Well, and again I -- I want to -- I want to kind of say back to you the same thing you just said to me. First of all, I respect and appreciate how hard you work for the environment. And I know that you're very passionate about it and I always enjoy our discussions. Although we disagree on many things, there are some things that we agree about. There are some things that we disagree how to get there, but we agree on the final solution. So I just want to say absolutely no disrespect towards you or your views on this issue, I'm just coming from a different point of view.

Lastly, I know for a fact that you're a supporter of soil health and carbon sequestration. Are you aware that to combat pests and weeds without the use of pesticide controls, fields have to be ripped up at deep depths before planting to fight pests and weeds, and this releases a large amount of carbon into the atmosphere?

MS. GLICK: Well, obviously, if one had to dig up a field that would be deeply disturbing and of course would release some amount of -- of carbon. But by the same token, the impact on this, these chemicals that are toxic and persist in the soil and impact non-targeted pests, beneficial pests, this -- it has a widespread impact

on the environment. If it's persisting in the soil it can run into streams and affect water quality. And we do see those impacts on the physiology of -- in fisheries near farms. It's just the way it is.

MR. TAGUE: Now, Chair, do you know that seed treatments allow for low- or no-tillage planting to prevent what we just discussed from happening? And healthy soils means a lot of bugs, some of which we have to protect ourselves against.

MS. GLICK: Yes. But, you know, as I said, these are neurotoxins and it kills all bugs, whether they are a targeted pest or the beneficial insects. And it is systemic, it moves through the plant and it impacts non-target critters.

MR. TAGUE: Well, I'm gonna address that when I speak on the bill because I -- I -- again, you and I have different viewpoints and we're gonna -- we're not gonna agree to disagree on -- or we are gonna agree to disagree on -- on that portion of it.

But my final question, and again, I appreciate your answers and always enjoy a good respectful debate with you, whether it's in Committee or here on the floor. Did the agriculture industry support the amendments to this bill even though it was represented during the Environmental Conservation Committee meeting?

MS. GLICK: Well, I'm sure that there are farmers who don't use seeded -- treated seeds, and they are sometimes adjacent to farms that are using treated seeds. So I'm sure that at least those farm -- farmers are very supportive.

MR. TAGUE: Well again, thank you, thank you

Chair.

Mr. Speaker, on the bill, please, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: My -- my colleagues, this prohibition would significantly impact the ability of New York farmers to successfully raise sufficient crops, including corn for grain, silage, beans, wheat, barley, oats, pumpkins and soybeans. These are valued in the hundreds of millions of dollars to New York farmers. The NEAFA appreciates the attempts to create circuit-breaker mechanisms by engaging the commissioners of DEC and Agriculture and Markets through public comment to determine that no acceptable alternative exists. Unfortunately, the practical reality is that by the time such an administrative process is complete, the crops in question will risk being planted without the protection of neonics and significant yields of the crops will be lost. The decision to use neonic-treated seed must be made many months before the seeds are planted. Through best management practices, farmers can decide if treated seeds are necessary. Farmers plant treated seeds because they are at risk -- best risk management tool they can invest in to ensure the seed will germinate and break through the soil surface without being destroyed. Untreated seeds are not protected from the myriad of insects that find seeds and seedlings excellent sources of nutrients. As our industry focuses on soil health practices, continue to grow, so will the number of seed and seedling-loving insects. Therefore, treated seeds will become an even more important risk management tool in the future.

Seed treatments are the precise application of biological organisms and/or chemical ingredients to suppress, control or repel plant pathogens, insects or other pests that attack seeds, seedlings or plants. Because of their targeted accuracy, they select -- selectively control pests while ensuring beneficial insects remain available to keep other potential insects, pests -- I'm sorry, insect pests in check. Their safe and targeted use provides an efficient use of pesticides and reduces the amount of chemicals used on large areas of farmland. Seed treatments such as those with neonicotinoid pesticides undergo rigorous testing with EPA review prior to being permitted to be used commercial. The EPA carefully considers effects on many non-pest organisms, including honey bees, and when they approve new insecticides for use, EPA data has shown low risk, I repeat, low risk to pollinators from treated seed in recent assessments.

A recent multi-year study of neonic use in field crops at the University of Maryland found that there were no detectible residues of neonics remaining in the soil, nor -- nor were there any differences between controlled and neonic plots in terms of soil, microbial activity, microbial diversity, soil respiration or soil pH. Farmers have embraced seed treatments for these following reasons: Improved seeding emergence in health, especially in no-till or conservation-tillage situations; viable alternative to foliar and soil applications which require additional passes across fields, resulting in increased fuel use and soil compaction; protection against some above- and below-ground pests including some that introduce fungal,

bacterial and viral disease; reduction or elimination in the number of insecticide foliar sprays due to targeted protection against insect pests; higher crop yields and reduction in the use of natural resources, energy, money and labor; protection for seeds and seedlings against some of the risks associated with early-season planting pests; and lastly, a more efficient use of pesticides and other chemicals.

My friends, seed treatments are an important part of farmers' integrative pest management plans, and neonicotinoids must remain available as a seed treatment for New York crop growers. New York's pollinator protection plan provides a valuable guidance to farmers and beekeepers to minimize pesticide hazards without sacrificing the critical class of pesticides.

Mr. Speaker, can I use my other 15?

ACTING SPEAKER AUBRY: Second 15 for you, sir.

MR. TAGUE: Thank you. Thank you. Going a little long tonight.

My friends, if this bill is enacted, this bill will drive farmers to actually use more pesticides by virtue of banning seed treatments that contain extremely, and let me repeat, extremely small amounts of needed pesticide products. Instead of farmers using prohibited seed treatments, they will be forced to perform larger-scale foliar applications of pesticides to control pests and create additional environmental impacts by using diesel fuel, more power equipment, so on and so on. It should also be mentioned that increased

populations of insects are a direct result of developing health -- healthier, more resilient soil that benefits the climate. Although soil health is every farmer's priority, an increased insect pile -- population can create devastating damage to farm crops. Care should be taken by this Legislature to balance the goal of increasing soil health practices while being aware of the damage pests can have on crop yields.

And I'm going to end with this. I just want to lay out for everybody the real truth, okay? This has been a flawed process without stakeholder engagement from day one. The bill works against New York's climate goals. Contrary to false statements, these bills will not improve pollinator health and habitat. And I want to finish by let's talk about what the Cornell report says about the benefits of neonic use. Research such as the 2020 Cornell University report, Neonicotinoid Insecticides in New York State finds that all alternatives to neonic products for the control of pests could be much less effective, more hazardous and more costly than neonicotinoids. Additionally, the Cornell report lays out specific risk management techniques as effective in reducing pesticide exposure to pollinators. For example, the report states that mowing turf before spring applications is known to reduce concentrations in weed flowers by 98 percent. The report conveys the following: Major insect pests of turf grass in New York could be divided into six pest complexes; white grubs, weevils, chinch bug, caterpillars, mound-building ants, leather jackets. Base products are labeled for target pests in all six complexes. But the most important for control of white grubs, the

white grub which is complex is likely the most damaging turf grass pest in New York State. The Cornell report points out that the neonicotinoids plays an important role in white grub control throughout the State, especially on Long Island where there is no practical alternative for preventative treatment. So the report goes on to say how important and actually how safe neonics are.

My friends, passing this bill was a mistake three weeks ago, it's going to be a mistake tonight and it's going to be very, very harmful to our dairy producers, our crop farmers, our fruit farmers here in our State. We have to stop biting the hand that feeds us. Farm Bureau says it best: No farms, no food. If we continue to regulate our farmers out of the State and put them on an unlevel playing field, we are going to be in serious, serious trouble. Farming is one of the -- one of the loves of my life, something that I have a great passion for. I wouldn't stand here tonight and say to you and -- and -- and advocate for something that was bad for the environment because anybody that knows a farmer knows, the most important thing to them is the environment and the land that they work.

So I'm asking my friends, every person in this room, to think long and hard before you vote on this bill. If you don't care about eating food, if you don't care about soil health and you don't care about the farmers that do the work to make sure that each and every one of us and our families have food, then I ask you, don't vote for this bill. Do the right thing. Let's work together with the folks at Cornell and the other agricultural universities and the environmental

professionals and scientists and let's come up -- and let's come up with something even better. But don't do this to our farmers right now. They're struggling. We have food shortages, still, across the State and country, and we're looking at harming the people that work their tail off to feed us.

Again, Mr. Speaker, I appreciate the sponsor and the Chair for the spirited debate and respectful debate. I would ask all my colleagues, let's do one great thing at the end of this Session; let's support our farmers. Thank you, Mr. Chairman. I will be voting no on this legislation.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Miller.

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

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

MS. GLICK: Sure.

ACTING SPEAKER AUBRY: Ms. Glick yields, sir.

MR. MILLER: I -- I'd just like to take a moment to focus on the economic impact of this bill. Can you tell me which agri -- agribusinesses and farmers were consulted and asked for data on how this legislation will impact them economically?

MS. GLICK: Well, we actually did have a hearing, I'm glad you asked. Not last year, but the year before we had a -- a

day-long hearing with a wide number of individuals, many of whom were from agriculture and from seed manufacturers, and some were individuals that provide untreated seeds and those that provide treated seeds. And so there was a discussion. There has continued to be conversations through -- we've had conversations with Ag and Markets, we've had conversations with folks from Cornell. And we have looked at a lot of different studies, including some from Canada where they have banned it and not seen a diminution of yield. So we're trying to look across the spectrum. We did hear concerns about feeling that there was -- that it was gonna happen too soon, even though at the time I felt that, you know, three years was not too short a time. We agreed to move it out another year.

MR. MILLER: So --

MS. GLICK: And we've made the -- well, some of the concerns had to do about the availability of the seeds that would be untreated, and we think we've tried to address that.

MR. MILLER: Okay. So has there been enough time to truly study the economic impact of this and create enough -- you know, a large enough data pool to, you know, come up with a, you know, a good -- good result on -- on this study? I really don't feel there has. I think this bill has been rushed -- rushed through, you know, pretty quick.

MS. GLICK: The European -- the European Union banned this ten years ago and has not see a diminution. People there are still eating. And I will point out to you, no pollinators, no food,

either.

MR. MILLER: But I guess from the European stoppage of -- of the neonics, have they seen a -- a rise in the -- in the pollinators? Have they seen colony decline gone down? Have those reports been studied here in the U.S.? I -- you know, I really believe they probably have, and -- and -- and if, you know, if there was a sharp drop in, you know, in -- in colony decline I'm sure the EPA would have banned neonics long -- long before, you know, we've -- we have this discussion here in New York.

You know, a second question. Turf grass managers use neonics to control pests. One pest in particular is known as the -- as the white grub. According to a study done by Cornell, there is no practical alternative preventative treatment for the white -- white grub pest. What will the fiscal impact be on golf courses and other industries that rely on the -- on turf grass?

MS. GLICK: Well, there is an exemption for agricultural turf grass in the bill as it -- as it is before us.

MR. MILLER: Okay. So there's been an -- you know, so the agri -- so the exemption is -- is exactly what? You know, how is that going to be determined?

MS. GLICK: I'm sorry?

MR. MILLER: I said how is that exemption determined?

MS. GLICK: It's just -- it's determined by if it's a sod farm. An agricultural turf grass is basically sod farms, and --

MR. MILLER: Well, sod farms is golf courses. You know, when I can -- you know -- you know, there's 741 golf courses in New York State and, you know, a total of 16.4 million rounds of golf are played annually, you know, in 2022. I haven't done the math, but if -- if neonics aren't available to -- to take care of this -- this pest, you know, we could be affecting not only the turf industry but, you know, our golf -- golf industry here in New York.

A third question for you real quick. Have specific regulations been developed that will guide commissioners to publish the written directive for a temporary suspension for the upcoming year?

MS. GLICK: It will --

(Pause)

Okay. We moved out the effective date for the ban, in that we included the requirement for -- and I don't want to read the wrong thing. So, the Commissioner, in consultation with the -- this is the DEC Commissioner -- in consultation with the Commissioner of Agriculture and Markets shall publish a written order on or before October 1st the next succeeding date upon which it -- it shall become law. I'm sorry, I can't -- I've made notes. But it does obscure the actual language. Upon which it shall become law, so -- and reevaluate any determination on an annual basis. So the -- the ban does not go into effect until January of 2027, so in 2026, in 20 -- October of 2026 the Commissioner would, in consultation with the Commissioner of Ag and Markets, produce a written -- it does say a written document.

MR. MILLER: Document of how we're going to do this, okay. So again --

MS. GLICK: Well, and -- and regs will be available before that, but this is the -- the Commissioner is indicating that seeds -- that the seeds are available, that the supply is sufficient.

MR. MILLER: But don't you feel that there should have been -- that there should be a written directive that's gonna to explain how this temporary suspension will be -- be rolled out on -- on, you know, on how the economic impact's going to be determined?

MS. GLICK: Well, I -- I --

MR. MILLER: How the scouting's gonna be determined on the fields, how the farmers are going to report? You know, we're kind of -- we're kind of behind -- you know, I was an engineer all my career, and if I put out a project like this I think I'd be told to go back to the drawing board and start again because the whole thing isn't rolled out and we don't know where we're going with it.

MS. GLICK: Well, I -- what -- what I did say was that regs would be forthcoming well before that, and that's an -- it's an extra year before the ban goes into effect. But that is 2027 and we're in 2023, although tonight it feels like we might be approaching 2024 sooner. The -- so over the next year there will be regs promulgated by the Department about how the implementation will go forward. So yes, there will be guidance via the regs well before the ban goes into effect. But what I was reading was the annual requirement for the Commissioner to -- which has been added to the -- the legislation to

confirm that there is sufficient availability and that there is not an -- an environmental emergency, in advance of people buying -- they buy their seeds generally in October for planting in the spring.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MILLER: Since we last debated the original bill, I would have liked to have seen a few lengthy economic studies done and to have given farmers, agribusiness and all industry impacted by this bill a fair seat at the table to voice their concerns.

Back to the corn and soybean farmers. If seeds are not treated, there will be a decline in output. Roughly 75 percent of corn and soybeans used in New York are treated with neonicotinoids because they are highly effective and no other viable alternatives have been proven to work as well. We are creating laws that will affect 75 percent of the industry without having opportunities for 75 percent of -- of the industry to voice their concerns. Cornell studies states about substitutes. The likely substitute will require additional crop scouting and pesticide applications. We estimate additional grower costs using mean values from recent State extension surveys of farm custom work rates - and I'm not going to give you those - (inaudible) insecticides we assume additional cost of \$12.17 per 100 acres. That's \$4.93 per acre for scouting and \$21.16 per 100 acres for application for preventative insecticides applied to the soil and planting. We assume additional planting costs of \$3.05 per 100 acres at that point. This will be challenging for -- for some of our New York farmers to absorb

these costs. Our farm communities already are working on a small margin, and we're gonna put them -- we may put them in another economic situation. And I really don't think we need to go there after -- after the things that we've done to our farm community with the -- with the overtime labor requirements and things like that. We're just putting one more -- one more point on our farming community. Once economic and output impact is determined it is too late, and farmers' bottom line is already greatly affected as well as our food supply. In regards to the turf grass-related industries, they cannot wait to experiment to see what happens because -- because at that point their business would be unsustainable. We need to take more time to hear from the agribusiness and corn and soybean farmers in New York State. We also need to allow time for more studies to be done so they're not contradictory. Last time we debated this bill I asked how many pesticides applicators are there here in this legislative Body, and there are only a few of us. We should be hearing more from pesticide applicators. We have been through -- we have been through the lengthy process that requires taking an exam, recertification process, along with extensive recordkeeping.

Neonicotinoids are a class of insecticides that undergo careful scientific review for human and environmental safety by the U.S. Department of Agriculture, the USDA, DEC and the New York State Department of Health. Seeds treated with neonicotinoids are well-regulated by these agencies in order to accurately control targeted -- targeted pests while minimizing the impacts on

surrounding ecosystems and farm workers.

With the lack of time and insufficient data pools presented for this new bill and the frustrations that we've heard from farmers and agribusinesses in New York State, I think we need to defer this legislation until our farmers and agribusinesses have -- have input that is taken into consideration. I urge all my coll -- colleagues to vote no on this bill and to listen to the farmers and the agribusinesses in their Assembly Districts. We should not pass scientific legislation without detailed peer review studies.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a few questions, please?

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

MS. GLICK: For you, Mr. Manktelow, always.

ACTING SPEAKER AUBRY: Ms. Glick will yield to you, sir.

MR. MANKTELOW: Thank -- thank you very much, Ms. Glick. I just wanted to ask you a few quick questions. I know we're getting late in the evening. Really quick, I see in the new bill that goes to 2027, the previous bill we did a few weeks ago was 2026 and the one we did back in '21 was 2025. And I'm assuming that number's increasing because we know we can't get there as quickly as

we wanted to in the beginning; is that correct?

MS. GLICK: No. Actually, I think it was because we heard from -- contrary to what was asserted before, we did have conversations with people and we did hear, and we adjusted to meet a concern. And so we moved the date further out to try to accommodate while keeping in mind that from our perspective, these are chemicals that have been in use for maybe around the last 30 years or so, and during that time period we've seen this decline, serious decline in pollinators and there is over 1,000 peer-review studies that indicate that this is at least part of it. So we -- you know, I grew up watching TV and hearing *Better Living Through Chemistry*. But sometimes we have found that compounds that we thought were safe 20, 30 years later we find out have a downside that wasn't immediately evident, and that is where we are with neonics.

MR. MANKTELOW: Thank you. Much like baby powder, we know it's not as safe as it used to be. So on Section 1, subsection 2, line 9 and 10 and following it says, the Commissioner may be by written order temporarily suspend the provisions of this paragraph at any time based on the Commissioner's determination after consulting with the Commissioner of Ag and Markets that there is an insufficient amount of commercially-available seed to adequately supply the agricultural market. How are they going to determine this? Are they gonna talk to farmers to see what's out there? Are -- are they -- how are they going to get there?

MS. GLICK: Well, I presume we're leaving it up to

them to develop regs, but I presume that they are going to survey seed manufacturers.

MR. MANKTELOW: Okay.

MS. GLICK: That's what I would do.

MR. MANKTELOW: Yeah. Thank you.

MS. GLICK: You didn't ask me, but that would be my suggestion.

MR. MANKTELOW: And I think you would do a good job at it. So -- so to further go on to that, I know you touched on that a little bit a while ago, and they have to make that determination. Then the second part of that is the purchase of the seed that -- that complies with the requirements of the paragraph which result in undue financial hardship to the agricultural producer. That's another way that the -- both commissioners could suspend this paragraph, correct?

MS. GLICK: Correct.

MR. MANKTELOW: That's line 16, 17 and 18, roughly. Who -- who -- who determines the financial hardship and how do we get to that number?

MS. GLICK: Well, I -- I think obviously what it says is that the two commissioners will be in consultation, and presumably it would be my hope that it would continue to be Commissioner Ball because I think he's a great Ag and Markets Commissioner. And so I would think that it would be their conversation about conditions that are on the ground in October, looking forward. You know, our world is changing. We are changing faster than we are maybe willing to

admit, and some of that is about extremes in climate change that, frankly, I didn't think would happen this quickly. And so I assume that they will try, and I -- and I have great faith in them. I think that they will also be talking to the scientists that work at the agencies. They're not just alone in their -- in their offices, they have folks who are very much in touch with people on the ground and scientists, and they work closely with the scientific community at our excellent colleges that, whether it's Cornell or Paul Smith, these are the folks they'll talk to.

MR. MANKTELOW: I agree, they do work closely. But the colleges don't work with the farmers and the agricultural producers that would actually have the financial hardships. The colleges really don't know that. Maybe some of them do --

MS. GLICK: Well, I said -- if you'll just allow me to interrupt you --

MR. MANKTELOW: Sure.

MS. GLICK: -- for one second. I did say that they would, but that it was the Commissioner of Ag and their team I think is very close to working with the farm community.

MR. MANKTELOW: And further down in the next few sentences, line 20, 21, 22, 23, 24 and following, we talk about the October date, first of the year preceding to the next growing season, correct?

MS. GLICK: Yes.

MR. MANKTELOW: And I was just wondering

really quick, who picked the October date?

MS. GLICK: Well, I think it was the result of our conversations where out of those discussions, and it probably also was mentioned during the hearing, that the time that farmers are buying their seed is in the fall and October for the following spring. So I think that's where the -- the time frame came from.

MR. MANKTELOW: Yeah. I -- I somewhat agree with that and I understand how they would've -- how you would have thought that and how that -- that came to -- to be, because really what happens is seed corn is harvested actually in late August, September, first part of October out in the Midwest, kind of like sweet corn is harvested here mechanically. And what happens is they harvest the corn in ears and they leave the husks on there and they take it and drive the corn down there. What happens around August, September, October from the farmer's standpoint is that's when we reach out to the seed companies and -- and put our orders in saying this is the brand we'd like, this is the day length we would like to have as well, and this will work good in this soil condition and this one will work in that soil condition. So we actually do put the orders in, but much to our sagringe [sic] -- chagrin, as farmers, we really don't find out what we're going to get until usually January, February, early March, so we really don't know what that seed's gonna be. And my concern here for both commissioners is we're asking them to make a decision back in October, and -- and I really don't think they'll be able to make a good decision, only because the markets won't be there and they -- they

really won't know what corn seed is available.

MS. GLICK: Well, I -- I would say that it came out of conversations both in this House and the other House, and that date was the date that had been identified as a date by which they -- they needed to be able to place orders. So that's why, you know, changing the goal post at this point is --

MR. MANKTELOW: No, I -- I totally agree and that's totally understandable from a layperson. I mean, I'm a farmer.

MS. GLICK: Well, we got this from -- from you and from others who, as a -- out of the discussions that were had.

MR. MANKTELOW: Yes.

MS. GLICK: And presumably there were, as I recall, at that hearing we did ask a seed producer who currently produces seed that is non-treated, and their feeling at the time was that there would -- that there has not been a problem with access to untreated seeds. Now, you could say that, well, that at the time was a limited number of people seeking those, but now I believe once these regulations are out, we are a good market and the marketplace will respond and I think the seed sellers are going to want to sell into New York and there will be sufficient seed available, and we will know that by October even if the seeds aren't delivered until a couple of months later.

MR. MANKTELOW: All right. Well, Ms. Glick, I appreciate your -- your answers and taking the time to talk with me. And I -- I do respect your -- your position as well in what you believe.

So thank you again.

MS. GLICK: Thank you. Thank you very much.

MR. MANKTELOW: And, Mr. Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: So, knowing what the sponsor just said to me and knowing what goes on out there, I -- I'd just like to share a few more things. You know, farmers are kind of like -- I -- I was trying to figure out how to come up with an analogy of seed corn or soybean seed or wheat seed and -- and put that into realtime and into real life, and -- and I got thinking about pretty simple. When a -- when a baby comes to term, I looked at it like that, when the sperm hits the egg that's when the -- the baby starts. And when the seed hits the soil and that moisture hits there, that's when that seed starts. And our goals as farmers, Mr. Speaker, is to make sure each and every single one of those seeds that we put in the ground were at the same depth, that they're in moisture and they all come up together. Because for us, every single plant has to be a healthy plant. If one plant comes up two or three days later, it's going to turn into a weed because the other plants will outgrow it and that -- that plant will just basically suck up a little water, suck up a little fertilizer and not be a healthy fruit-bearing plant, and that's when we start losing yield. And -- and that goes back to why seed treater is so important. And this is a perfect year to give you an example of that.

This year what we saw here in the Northeast was

early on it was wet, it was cold, we had a lot of frost, and the seeds sat in that very high-moisture soil for weeks on end before it actually sprouted. And that's where that seed treater protects that -- protects that seed just like a mother protects that baby. And then we went into a -- a weather pattern of absolutely hot, dry weather with no water, and the seeds that were planted later on in the planting season, they were really just sitting in the ground, and some of them still are. And again, that's why we put that assurance -- reassurance that we're gonna be able to have them seeds come up together and give those plants the best possible chance to produce as much healthy food whether it's for dairy, whether it's for food consumption, for livestock, for -- for poultry, we want to do the very best and make things the very safe as we can for everybody here in New York State, especially after going through what we saw in COVID. So that -- that's really why we do it. And I'm all for other options out there. I just don't want us to push it so fast that we don't have those good options. And I -- and I know both of the prior speakers, my -- my counterparts here in the Assembly said that those are our concerns, the financial concerns.

So I took another quick view of this, looking at pollinators and looking at birds. So I actually went out and talked to some -- some farmers and I asked them how many birds they actually saw in their fields over the years, and other than one getting hit by a car they really don't see them out there. So I did a little more research about what we're seeing with pollinators, and -- and there's other things that are really affecting the pollinators. It's not so much the

farming as it is suburban growth and what we're seeing in the cities and the suburban areas. Our pollinators need to have a habitat that is bee-friendly, and we're taking those away. They need grasslands, they need coastal areas, and more importantly, they need good quality farmland. And what we're seeing with the expansion of solar projects are farmers moving out, wind projects. Anything that takes away from our farmland, we're seeing that habitat go away. And it takes me back to a solar project in my district -- well, my prior district up until last year -- where they came in and they clear-cut 40 acres of woods, and part of that habitat was gone. And I did a little more research on solar panels just to see how they will affect the birds and the bees. And what I've seen is they don't really affect bees yet quite so much, but they definitely affect the birds. And what we're seeing with the birds now with so many new panels is the birds will fly over and they actually think that the tops of the panels as they fly over is actually a moving stream. So what they'll do is they'll dive in, thinking that's water, and they'll either kill themselves or hurt themselves so badly, and that's what we're seeing out there. So those are other concerns that I think we should be looking at in conjunction with agriculture. We have to work together as a team to make this work for everyone. And I know as a farmer, as an agricultural producer, more importantly, as a person that wants to protect our soil, our habitat, our families, our lives, again, I said this earlier in the debate before that if I truly thought that farmers weren't able to do the things safely, I would be pushing for this even harder. We are very, very smart when

it comes to making things happen here in New York State. We can do this, working together. I do appreciate the sponsor moving the date out. I do appreciate that the sponsor's involving the Commissioner of Ag as well as the Commissioner of Environmental Conservation. We need to work together, and I'm looking forward to that.

So, Ms. Glick, thank you for your time this evening. Mr. Speaker, thank you. I won't be supporting this because I'd like to see more to it, but I think we can make this work for all of us. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

(Pause)

MS. GIGLIO: Hello.

ACTING SPEAKER AUBRY: Hello. How are you?

MS. GIGLIO: I'm good, thank you. How are you on this fine evening?

ACTING SPEAKER AUBRY: Are you ready to ask questions?

MS. GIGLIO: Thank you, Mr. Speaker, and thank you to our sponsor of this bill. And I want to thank you, I'm -- I'm going to speak on the bill.

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

MS. GIGLIO: I thank you for taking into consideration our comments from the last debate, and I thank my colleagues for speaking about the seeds. I want to speak more about

the ornamental plants and the struggles that our ornamental companies are having and that our golf courses are having and that our municipalities are having when it comes to pesticides on ball fields. So, golf courses, ball fields, if we don't use these neonics -- and neonics do not kill bees when they're used under guidance of New York State DEC, which they're strictly regulated. But if they're not used and they're taken out of the system it's just going to lead to more spraying. And a lot of these neonics are not even applied by sprays, they're applied by brushing. As a matter of fact, two-thirds of the trees in our parks, our State parks and in our open spaces are hemlocks, and there's a dangerous beetle that the only thing that can kill them are these neonics. Then for the future going forward, having 66-plus vineyards in my district and the threat of the spotted lantern fly that we don't know how to eliminate the spotted lantern fly that could affect all of our vineyards and our economies. You know, these -- it already destroyed the economy in Pennsylvania. It's in New York City now, and it's on its way to New York State and to the suburbs and to the Upstate and to all the fruit orchards and the vineyards. So until we find an alternative that is acceptable to eliminate the spotted lantern fly -- and Cornell right now is saying, *See it, stomp it*. That's the mechanism to get rid of the spotted lantern fly. But one of these neonics that we are about to ban in New York State could be the remedy to stop this spotted lantern fly from invading all of our vineyards and all of our fruit orchards.

So I -- I thank you for your consideration, your

thoughtful consideration of our debate last time, and I appreciate your amending the bill to accommodate some of our needs and I hope that you'll continue to take what my colleagues and I have said to protect our agriculture, to protect our farmers, to get rid of the grubs that will cause the rodents and will cause these species from destroying our properties, agricultural properties throughout the State, including our golf courses and our ball fields.

So, thank you for your consideration. I -- I care about the environment as much as you do, and I appreciate your taking the time to really look into it and to work with the DEC to come up with an alternative solution. New York State is the toughest state to get these -- get any pesticides approved through. These pesticides are applied throughout the whole country, and New York State is the toughest to get rid of these pesticides and fertilizers that are the most effective. And I fear that removing these neonics are only going to cause more chemicals to be applied, twice as much, three times as much, four times as much to get rid of the pests that are affecting our industry, the agricultural industry. So thank you, Mr. Speaker and thank you to the sponsor.

ACTING SPEAKER AUBRY: Thank you, Ms. Giglio.

Ms. Glick on the bill.

MS. GLICK: On the bill. Thank -- thank you, Mr. Speaker. I want to thank my colleagues for the discussion this evening and their input because it did make some changes in the way

we approached the bill. But I do want to point out that we do allow for the treatments necessary for invasive species, and I would point out that there is -- the provisions of this paragraph shall not apply to pesticide applications by or under the supervision of a certified applicator for the treatment against invasive species in woody plants. So we did hear you, and that is -- I may have neglected in my early description of -- of the changes that that was one of those things that was, in fact, added. We -- I know that farming -- if I ever get to the country on a weekend again, which this weekend is looking dim, I may be able to see the -- the folks who are farming. I have great respect for them, it is a tough, tough job. But I also think that we know that the persistent neurotoxins we keep adding to our environment persists in the ground, it affects the water, it runs into the streams. It affects the plants so that it does impact pollinators because it moves systemically through the plant. And so whether it is getting nectar or it is getting pollen, it is ingesting these neurotoxins. And we have seen this diminution, serious diminution of pollinators, and it is -- - you know, the -- the web of nature, we keep cutting pieces of it out to our great detriment. And we thought plastics in that movie the -- *The Graduate* in 1960 or something, I've got one word for you, plastics, which at the time seemed great. But if we don't stop using them to the extent that we are, you know, and the debris that's in our oceans, you'll be able to walk where you want to go because the water will be -- is so filled with plastic debris.

So I appreciate the passion that my colleagues have,

but I'm not unaware of or sympathetic to the hard work that is done by our farmers. But there's a lot of hard work that is done by nature, and we can't keep upturning its cycles and its ability to help us produce food. So I thank my colleagues for the discussion and look forward to a very solid vote in favor of this measure.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

I'm sorry. A Party vote has been requested.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote against this measure can come to the Chamber and cast their vote.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Tague to explain his vote.

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

ACTING SPEAKER AUBRY: Please.

MR. TAGUE: I just wanted to reiterate to my colleagues how important this vote is tonight. And I want to make sure that you understand the organizations that are against this bill passing: New York State Chemistry Council, New York State Agri-Business Association, New York Corn Soybean Growers Association, NFIB, Northeast Agri-Business and Feed Alliance, Northeast Dairy Producers Association, and New York Farm Bureau. And the list goes on.

Legislative prohibitions of pesticide products that ignore the regulatory authority of the Department of Environmental Conservation can have critical unintended consequences for agriculture and the environment. More importantly, this could have an impact on the availability of locally grown fresh food that farmers in New York provide to our communities. Many communities continue to struggle with a lack of fresh food access, and this prohibition would further exacerbate the problem. My friends, we worked bi-partisanly to pass the Nourish NY Program during the COVID crisis and after, where people in the City, in Queens especially, were starving. New York farmers came through and we, as legislators on both sides of the aisle, worked together to do the right

thing.

My friends, this prohibition will hurt New York farmers. It will not allow them to do their jobs and produce the food that is needed for those that need it. Mr. Speaker, I again, I plead, I plead with my fellow legislators, do not bite the hand that feeds you, vote no. Join me and vote no for New York State farmers. Thank you.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Page 5, Rules Report No. 800, the Clerk will read.

THE CLERK: Assembly No. A07632-A, Rules Report No. 800, Reyes, Woerner. An act to amend the Election Law, the Education Law, the Town Law and the New York City Charter, in relation to establishing early mail voting.

ACTING SPEAKER AUBRY: On a motion by Ms. Reyes, the Senate bill is before the House. The Senate bill is advanced and an explanation is requested, Ms. Reyes.

MS. REYES: This bill establishes a new process in which a voter may cast the ballot through the mail. The language of the bill is in line with procedures we already have in place for absentee voting and also makes conforming changes to current

statutes of the Election Law, Education Law, Town Law and New York City Charter. This process would include provisions for how individuals apply for an early vote by mail ballot, how those ballots are delivered, the establishment of an electronic early mail ballot application transmittal system, deadlines and delivery timelines to polling places, and the establishment of an online early mail ballot tracking system. This new process will provide voters with greater opportunities to cast their vote and make their choices -- have their choices made on the ballot.

ACTING SPEAKER AUBRY: Mr. Norris.

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

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

MS. REYES: Yes, of course.

ACTING SPEAKER AUBRY: Ms. Reyes yields, sir.

MR. NORRIS: Ms. Reyes, thank you very much. My first question just surrounds the constitutionality of this provision so I'm going to ask you what constitutional implications, if any, does this bill have as it relates to Article II, Section 2, governing absentee voting?

MS. REYES: So Article II, Section 2 talks about absentee ballot and this is not that. This is a separate system that we will be creating.

MR. NORRIS: What's the difference?

MS. REYES: Well, under Article II, Section 2 it enumerates the ways a person can request an absentee ballot and the reasons for which, due to illness and/or other reasons listed in the statute, or if the voter can't physically go to the polls, whereas creating an early voting by mail system just requires anybody -- would allow anybody who is eligible to vote in the election to request a mail-in ballot.

MR. NORRIS: Okay. So you don't find this to be an expansion of absentee voting in the State of New York?

MS. REYES: No, it is not that.

MR. NORRIS: Okay. And I respectfully disagree with you. These are paper ballots, they're being mailed, and I think that it will be examined certainly by the courts down the road and we'll see what they have to say about that.

MS. REYES: May I add?

MR. NORRIS: Sure.

MS. REYES: So Article II, Section 7, of the Constitution does allow for the State Legislature, it provides the authority to prescribe methods other than the ballot to elect its officials and we are relying on -- we are using that interpretation to be able to say that we can, in fact, create early mail by vote system.

MR. NORRIS: I see. So the -- the Article II, Section 2, says that the Legislature may, by General Law, provide for reasons for the occurrence of these issues, so let me just read them to you that the State Legislature has promulgated: Absent from your county or if

a resident of New York City absent from the five boroughs on Election Day; unable to appear at the polls due to temporary or permanent illness or disability; unable to appear because you are the primary caregiver of one or more individuals; a resident or a patient of the Veterans' Health Administration or detained in jail awaiting grand jury action or confined in prison. We've already done that, and I want to just call your attention to 2021 when the voters in the State of New York rejected no excuse absentee voting and it was pretty significant; 1,677,582 won, that was against, and for was 1,370,897. The voters resoundingly rejected a scheme where paper ballots would be going out to voters with no excuse. And those excuses have been enumerated in State law, some are also mentioned in the Constitution, as you have mentioned. And I just one, feel that this is a far stretch.

Now I'll ask additional questions if you can just bear with me for a moment. I think it's a far stretch, it's a scheme to get around the Constitutional provision that is in place and the will of the voters that have already taken place. So let me ask you this: Was it contemplated by the Majority to allow the voters once again to have an opportunity to be heard on this matter and to sponsor a concurrent resolution which would then be adopted potentially this term or the next term and then placed on the ballot for the voters?

MS. REYES: So again, the Constitution, Article II, Section 2 of the Constitution is what governs absentee voting and that is not what we are touching here. We are using Article II, Section 7, which prescribes the authority to the Legislature to decide how -- how

ballots may be -- prescribes how ballots may be used in elections. So we are not, by any means, touching the absentee ballot system that exists and will remain. This is creating another system by which eligible voters can vote by mail.

MR. NORRIS: Okay. Let me ask you it again: Was there any contemplation to enumerate this in the Constitution to ensure that there's no issue whatsoever and allow the voters of the State of New York to determine whether or not they want early mail voting?

MS. REYES: This -- this change does not require a constitutional amendment.

MR. NORRIS: Well, I think it would be a good idea, certainly to put this up to the voters and I think, especially since they've already weighed in on this matter in 2021 and defeated it. They said, we don't want this in the State of New York. So I only think it would be reasonable that we put it back out to the voters, and we allow them to decide whether or not they want this process or not. Now --

MS. REYES: I understand your sentiment, but we're conflating two sections of the Constitution.

MR. NORRIS: Potentially. We'll see what the courts have to say when they review it. My next question is, is the system going to be different between the absentee voting and this early mail voting?

MS. REYES: There will be two different systems.

There is a system for absentee voting and one for mail-in voting.

MR. NORRIS: Okay. Now, how would you apply for that?

MS. REYES: Apply for what?

MR. NORRIS: The early mail ballot. How do you apply for that if you're a voter.

MS. REYES: You can request the ballot by mail.

MR. NORRIS: Okay.

MS. REYES: You can request it at the Board of Elections.

MR. NORRIS: Okay.

MS. REYES: And then there is an electronic way that you can request the ballot as well.

MR. NORRIS: So if you apply on a physical absentee ballot application, would they be different? By mailing it to the Board, like, a piece of paper?

MS. REYES: There would be two different systems and you -- there is a different application for an absentee ballot because this is not an absentee ballot.

MR. NORRIS: All right. I just want to ask this though, I understand that it would be two different physical applications, but in terms of the portal, the website application, will there be one system or two?

MS. REYES: Two.

MR. NORRIS: Two. Okay. So I want to just read

from the statute, your bill, not a statute yet, might be one day, and I'm gonna read from, on page 6, number 4, which is the following starting at line 45 in the bill: *The electronic early mail ballot application transmittal system shall be combined on a single website with -- confined on a single website with the electronic absentee ballot application transmittal system created pursuant to this section.* So I'm reading it as it will be a combined system.

MS. REYES: It's not a combined system. We're just not creating two separate websites. It's one website --

MR. NORRIS: I see.

MS. REYES: -- two systems.

MR. NORRIS: And I want to just read because I think this is actually pretty interesting.

MS. REYES: Okay.

MR. NORRIS: *A person using the website must first be provided with a early mail ballot application before being offered the opportunity to apply for an absentee ballot.* So the default will be automatically -- they'll be sent to the early mail vote?

MS. REYES: Correct.

MR. NORRIS: Very interesting. They won't even make it to the absentee ballot application. Now, I have another question. Does someone have to sign these applications?

MS. REYES: Yes.

(Pause)

Yes.

MR. NORRIS: Okay. So if they mail it in at the Board of Elections, they have to physically sign it?

MS. REYES: Oh, you're asking whether they sign the application or they sign the ballot?

MR. NORRIS: Let's focus on the application, so that's okay. On the application, do they have to sign it?

MS. REYES: Yes. Unless they request it online in which case they would be providing an e-signature.

MR. NORRIS: An e-signature. Can you explain that for me?

MS. REYES: It is a way to authenticate your signature on line and I think there's -- the registration database will have an exemplar signature, as well.

MR. NORRIS: Okay. So you'll put in your information, you'll tell the system to go find my signature maybe in the DMV? To apply.

MS. REYES: There's a database that's being created for registration so it wouldn't necessarily be the DMV.

MR. NORRIS: Has the State Legislature provided funds to the Board of Elections to create this database?

(Pause)

MS. REYES: No, because it's already coming on board, this new database.

MR. NORRIS: I see. So -- but -- so they have the funds already in place to do this?

MS. REYES: Correct.

MR. NORRIS: Great. Okay, that's good news. All right. So I'm just going to go back. If they don't have this electronic signature in some way, does the voter still get a ballot in the mail?

(Pause)

MS. REYES: Yes. They can obtain their ballot -- I mean, if they can't get it on line, they can always obtain their ballot through the Board of Elections as well.

MR. NORRIS: Okay. So if I'm a voter, I fill out my little thing, tell the Board of Elections on the portal I want a ballot to be mailed to me, they can't find my signature, I don't upload a signature, the Board of Elections will still send me a ballot without a signature?

MS. REYES: It sounds to me what you're describing is an incomplete application so I don't believe so.

MR. NORRIS: Yes, but these things happen so that's why I'm just asking the question. So I'm going to read again from the statute just because I think people need to know what the word actually is in the statute. It says, *if an early mail ballot exemplar signature, which is an electronic signature, is not provided by an applicant who submits an early mail ballot application pursuant to this section, the State Board of Elections shall seek to obtain that signature from the database. If they don't, it will require them* -- I just want to make sure I get the right spot -- I'm reading off of 40. *If such voter does not provide the required signature, the Board of Elections*

shall proceed to issue an early mail ballot to the voter along with the early mail ballot application form requiring such voter to submit a signature upon application form and return it to the Board of Elections. So --

MS. REYES: Correct.

MR. NORRIS: -- so I want to just make sure I go back. So number line 40, that's where I was intending to read from. So my point of that --

MS. REYES: You're absolutely right, actually. They would get the ballot, but they would have to submit their signature when they submit their completed ballot.

MR. NORRIS: Thank you. And I wanted to make sure I had the right section and I didn't jump down. Who can apply for these applications on line, or in person?

MS. REYES: Eligible voters.

MR. NORRIS: Anybody else?

MS. REYES: No.

MR. NORRIS: Can someone's spouse, parent, child, person residing with the applicant as a member of their household, or the applicant's duly-authorized agent?

MS. REYES: Correct.

MR. NORRIS: Thank you. The bill is very long, so I understand we have to just work through this language and I know it's very lengthy so I certainly understand that. My -- my concern about all of this is that it's not just the voter who can apply for these

(inaudible) process, it could be any of the people that I just mentioned including an authorized person. Well, who could that be? And then they put the information into the system, they can't find a signature for them and the Board of Elections then sends it potentially to the authorized person. Who -- who could that be? Is that a potential scenario?

MS. REYES: I'm sorry. Could you repeat that question?

MR. NORRIS: Sure. So someone could apply for absentee ballot, and they could enter the information, it doesn't have to be the voter, it could be an authorized person of the voter.

MS. REYES: Correct.

MR. NORRIS: Very vague, but authorized person of the voter, put the information into the system, the Board of Elections can't find a signature of this person -- of the voter through the electronic means. Then under the other section that I found and cited for you, they will mail out this ballot to wherever it was requested to go, potentially to the authorized person. Is that a possibility?

MS. REYES: Yes.

MR. NORRIS: Yes. And my concern with that is, is that potentially the voter themselves may not even know that a ballot was requested on their behalf, and then it might be sent to someone else and then they maybe will take a signature and submit it and the voter potentially may not even know that a vote was cast on their behalf.

MS. REYES: So all the ballots will be checked, similarly how we checked -- we checked mail-in ballots in 2020.

MR. NORRIS: Yes.

MS. REYES: And we used them in 2020 very safely and effectively.

MR. NORRIS: Madam Speaker, if I could just use my next 15 as the Ranking Member of the Election Law [sic]?

ACTING SPEAKER LUPARDO: Yes, go ahead.

MR. NORRIS: Thank you, Madam Chair.

MS. REYES: So very similarly to how we used mail-in ballots in 2020 and we used it very effectively and safely, we have a system by which we can verify signatures. I would hate to draw this parallel, but authorized persons are able to request absentee ballots as well, even though this is not what this is. But I say that because the process already exists.

MR. NORRIS: I see. So I just -- I just find it as a potential issue of how the system is set up and how this signature issue could be used by an outside agent to actually get ballots into the system without the voters even knowing it. I know you're going to say, that's a slim possibility, these things don't happen, but it's possible and that's why I'm concerned about that and I want to make sure the integrity of our system is paramount. And that's why I go back to the constitutional provisions and they are set forth in our Constitution. The voters rejecting those (inaudible) absentee voting in 2021 and they should have an opportunity to be heard on this once again. But I

want to just continue with a few more questions --

MS. REYES: Sure.

MR. NORRIS: -- I appreciate your cooperation.

Will this apply to all elections in the State of New York?

MS. REYES: Yes.

MR. NORRIS: Okay. And that would include fire districts, for example, libraries?

MS. REYES: Yes, we believe so.

MR. NORRIS: And fire districts. When you make your application onto the portal, or in person, you know, writing it out and sending it into the Board of Elections, is it a one-stop shop?

MS. REYES: I don't know what you mean by one-stop shop.

MR. NORRIS: Okay. Well, let me just take a step back. If you do it once, how long is it good for?

MS. REYES: If you do what once?

MR. NORRIS: Fill out the application. Is it good for all the elections for ever, for one year, for how long?

MS. REYES: You can request it for all of the elections in that calendar year.

MR. NORRIS: In the calendar year, okay. Do you have to then apply separately to the school board, to the village clerk, to the fire district commissioner, to the Board of Elections?

(Pause)

MS. REYES: You would have to apply to whichever

entity is issuing the ballots.

MR. NORRIS: Okay. So it's multiple different people.

MS. REYES: Correct.

MR. NORRIS: You know, you would think if you're doing this system, there would be a little bit of cooperation, right? Maybe that's something that can be done in the future, you can do it in one place and they can send the information to other places, as well. But I also understand jurisdiction, there might be issues with that with something that potentially could be contemplated down the road.

MS. REYES: It sounds like you like this process.

MR. NORRIS: Well, I haven't gotten on the bill yet. The -- I do want to just say, you had discussions with the State Board of Elections to how this will actually be implemented in conjunction with the County Board of Elections, what that process will be?

MS. REYES: I -- I mean the process will be no different than it was in 2020 for the Board of Elections. So they already have experience.

MR. NORRIS: They'll be interfacing back and forth?

MS. REYES: Correct.

MR. NORRIS: Great.

I have no further questions. Thank you very much, Ms. Reyes.

MS. REYES: Thank you.

MR. NORRIS: I appreciate it.

Mr. Speaker -- Madam Speaker, on the bill.

ACTING SPEAKER LUPARDO: On the bill.

MR. NORRIS: Thank you very much. I just -- I have to say, I have concerns about this method of voting which I do believe skirts the Constitution of the State of New York because the absentee ballot provisions were put into place in the Constitution and there were exceptions that were granted for individuals who were not able to vote at their polling site. And, quite frankly, I just find this to be an end-around of that absentee ballot system. I find that the voters spoke very loudly and clearly in 2021, that they had concerns about ballot security. They had concerns about this process. They believed that you should go vote on Election Day if you don't -- unless you have an excuse. And I think it's very important that we send this back to the voters of the State of New York and let them make a determination themselves to whether or not they want to allow early mail voting in the State of New York.

Now, I -- I believe that the courts will review that and we'll see where that ends up, but I do believe on the constitutionality basis there are certainly concerns, and let the voters decide. I -- I must say I have concerns about potential -- of fraud. We had mentioned them earlier. I laid out the potential scenario that an agent could make an application, put information into the portal, it could then go to the agent, there is no signature and a voter may not even know if they actually cast a ballot or not. And that is a concern because ballot security and the sanctity of one's ballot is very important and it should

be important for everybody.

I will also say this: Because of the constitutionality concerns, I will be voting no on this piece of legislation. But I've now served as the Ranking Member of the Election Law Committee for seven years, I can't believe it's been that long, but I have, and I really would have hoped that this piece of legislation could've been vetted through the Election Law Committee and even have hearings on this because there are issues that need to be addressed and it's just being rammed through here at the end of Session with five or six other Election Law bills, I have a couple more to debate, and I -- I just have -- have concerns about that.

Now, I will tell you this, as well. In 2019, I know I'm not supposed to mention names, but Chuck Lavine who was the Chair at the time, I debated a bill on early voting. I voted in the negative. But I can tell you a lot of people in my district have opened up to the idea of early voting. They like to have the accessibility of early voting. I have concerns about the cost still on early voting because I think that it's a burden particularly in non -- in non-presidential election years on the Board of Election to have so many days of early voting, and that's why I put forth a bill in non-presidential years to reduce early voting to five days to reduce costs, but to also provide the opportunity and the accessibility for voters on that topic, because I've heard from them. But I've also heard from the Board of Elections and the burden and the cost per voter on the ballots and the costs to administer early voting for that what might be period of time.

So again, I have concerns about the constitutionality of this bill and for that reason I will be voting in the negative. I just believe that voters should have an opportunity to say and be heard on this topic because it's certainly an important one and I have heard from constituents in my district and they do like the option of early voting, we just have to weigh all the factors and all the factors and all the costs that is associated with this. So thank you, Madam Speaker, for having me to be heard on this bill, and thank you to the sponsor for answering my questions.

ACTING SPEAKER LUPARDO: Mr. Flood.

MR. FLOOD: Thank you, Madam Speaker.

On the bill, please?

ACTING SPEAKER LUPARDO: On the bill.

MR. FLOOD: You know, I know it's late and we still have a lot more to get through, so I'm going to keep this pretty brief. My colleague just spoke pretty eloquently and I think his approach is going to be a little bit more diplomatic than mine. If we're being honest, this bill just opens up or it's an invitation to commit election fraud. This is going to create substantial distrust amongst our, you know, electorate. It was pretty clear when they voted this down upon a referendum that they didn't want to expand upon this. This is just absolutely disrespectful to the voice of the people of this State. When we put something up for a referendum and it's clearly voted down, and then to circumvent it and say we know better, it's a slap in the face to all the people who believe in the electoral process. So I would

encourage this Body, if we really truly care about doing our people's work, our people spoke on this already, they said they didn't want it, this should be voted down and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER LUPARDO: Mr. Slater.

MR. SLATER: Thank you, Madam Speaker. Will the sponsor yield for a few short questions?

ACTING SPEAKER LUPARDO: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER LUPARDO: The sponsor yields.

MR. SLATER: Thank you, Assemblymember Reyes. I just wanted to check on a couple things here. So can you confirm if the language used in this bill is nearly identical to the language used in Title 4 of the Election Law related to absentee voting?

MS. REYES: It's modeled after that system.

MR. SLATER: It's basically identical with just three words difference, I believe.

MS. REYES: Then it's not identical.

MR. SLATER: I'll take that as nearly identical. So wouldn't that then qualify as codifying the no excuse absentee measure that the voters defeated?

MS. REYES: No, because that's not what this is.

MR. SLATER: Essentially I respectfully disagree. In

2020, Chenango County suffered a cyber attack on about 250 computers operated by the county. I don't know if you're aware of that. In that case, hackers demanded a rent of \$450 per computer to unlock those files. And I think it raises concerns that some of the e-mail absentee ballot applications may not have been processed. And so I'm really curious about what are we doing in this legislation regarding data privacy? Specifically cyber security protections with respect to the proposed electronic early mail ballot application transmittal system, especially given the sensitive and sacred nature of our elections. Are there safeguards that are required as part of this proposal?

MS. REYES: I think our system can handle cyber security. I think you're giving me a one-off example, but ultimately, we are able to do mail-in ballots for those who are either absentee affidavit military ballots, we have a process by which we process these. So we're confident that the Board of Elections will be able to handle that and its security as well.

MR. SLATER: But many of those applications are also done via mail, not just electronic, correct?

MS. REYES: Correct.

MR. SLATER: And so have we consulted --

MS. REYES: Or in person.

MR. SLATER: -- with the State Board of Elections or County Board of Elections about whether or not those safeguards are in place for data privacy and cyber security to manage what you're

trying to accomplish here?

(Pause)

MS. REYES: We're a little confused about your question on cyber security. I mean, the Board of Elections already processes...

MR. SLATER: My question, again, is have you consulted with both the State and individual County Board of Elections that considering what you're trying to propose, that they have the safeguards in place to protect the data and privacy of those who are going to utilize the system that you're trying to implement?

MS. REYES: We have confidence that they're able to manage it.

MR. SLATER: Confidence, but not confirmation. My other question is under this bill, what level of encryption would be used for the electronic application for early mail ballot application and the system, and the online early mail ballot? So is there any type of encryption system in place? I guess that goes back to what I was just saying on safeguards.

MS. REYES: Whatever system -- whatever encryption system they use for absentee ballots currently.

MR. SLATER: I want to just, if we can, focus on some of the costs. My colleague, Mr. Norris -- excuse me, my colleague pointed out and I believe you confirmed that the applications are going to be sent basically individualized depending on -- on the election, right? So local elections, county elections,

school board elections, they will all be individualized when being translated or utilized? So is there a cost associated with that to each of those entities?

(Pause)

MS. REYES: We don't have a cost estimate off the top of our heads.

MR. SLATER: But we do expect there to be a fiscal impact.

MS. REYES: Possibly.

MR. SLATER: And I'm just curious on -- well, we know, I guess, it's safe to assume that there will be a fiscal impact especially from the Board of Elections, but what about our school districts?

MS. REYES: Possibly.

MR. SLATER: So on that basis --

MS. REYES: It may be nominal.

MR. SLATER: -- of a possibility -- it's just ironic to me because last night or yesterday, I don't even know what time it is anymore, we had a lengthy conversation about consolidating Local and County elections with State and Presidential elections. And one of the things that we heard emphatically was that there was going to be a cost-savings. But if we are saying now there's a possible cost to implement this, I'm just curious if that was taken into consideration based on what we discussed just the other hour or last night.

MS. REYES: Well, the -- the legislation takes effect

January 1st of 2024, so there's a possibility that we can discuss this early in the year and making an allocation.

MR. SLATER: But the bottom line is, when we talked about a cost-analysis on consolidating those elections, this was not part of that equation in that -- in that debate, or in that deliberation?

MS. REYES: I think ultimately what we're trying to do is increase voter participation, whether that be in our local elections or more broadly, I think that whenever we encourage the electorate to participate and make it easier for them, we -- we should all be happy for that and moving in that direction.

MR. SLATER: And we should also make sure it's safe, correct?

MS. REYES: Absolutely.

MR. SLATER: Very good.

MS. REYES: As it is now.

MR. SLATER: Very good. I appreciate the answers to your questions.

Madam Speaker, on the bill if I may.

ACTING SPEAKER LUPARDO: On the bill.

MR. SLATER: I think that as we've already heard by some of my colleagues here on this particular issue, this very topic was put forward to the voters and the voters rejected it wholeheartedly. So the fact now that we feel empowered as a legislative Body to tell our voters that they were wrong, that we know

better, I think does a great disservice to the very people that we're here representing. I think that there are significant constitutional concerns. I think that they are very significant because we haven't been told definitively. I think they are very significant safety concerns on -- on -- on our data privacy. There doesn't seem to be additional safeguards in place to make sure that are County Board of Elections and our school districts are able to manage the data that they're going to be collecting as part of this process. And I go back to cost. We do not know the cost of the proposals that we're trying to implement. And so we hear in one side -- we hear, oh, we're going to do things that's going to save taxpayer dollars, and the very next, well, we don't know if we're going to save taxpayer dollars but it's probably going to be more. So we're really just running around blindfolded here spending dollars that are not ours. Spending dollars that are belonging to the taxpayer. For those reasons, Madam Speaker, I'll be voting in the negative. Thank you very much.

ACTING SPEAKER LUPARDO: Mr. Smullen.

MR. SMULLEN: Thank you, Madam Speaker.

Would the sponsor yield for some questions, please?

ACTING SPEAKER LUPARDO: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER LUPARDO: The sponsor yields.

MR. SMULLEN: Thank you. I just -- I want to get

back to the original question. I -- I know we've heard some -- some questions from my colleagues, but how is this system different than the absentee system from a voter verification perspective? How is it going to be verified that a voter is actually the person that they say they are when they submit an application for a ballot first and how do they verify that they're that voter when they submit the ballot? How's that done in this supposedly new system?

MS. REYES: From a voter verification standpoint, it doesn't differ. What differs is under the absentee ballot you need to have an illness, you need to be out of the country or similarly whether you're an active duty in the military. This just happens to be that anyone can vote by mail. The verification system is the same.

MR. SMULLEN: So today anyone can vote by mail through the absentee system if they have one of the valid reasons for voting absentee.

MS. REYES: Correct.

MR. SMULLEN: So if there's no -- no difference in the voter verification procedures, then we are just saying this is no excuse absentee ballot.

MS. REYES: It's not.

MR. SMULLEN: It is.

MS. REYES: In order to make a no excuse absentee ballot system you need a constitutional amendment.

MR. SMULLEN: So we -- we asked for that and the voters resoundingly rejected it.

MS. REYES: Correct, but --

MR. SMULLEN: Thank you.

MS. REYES: -- like I said, Article II, Section 7 of the State Constitution gives us the authority to create this independent system, which is what we're doing here.

MR. SMULLEN: Respectfully, no it does not. It just says that you can propose legislation that can say it does but it doesn't necessarily -- because you say it so, doesn't make it so.

MS. REYES: The Supreme Court has upheld it in Massachusetts, it has upheld it in Pennsylvania and they have identical constitutional language as the State of New York.

MR. SMULLEN: We'll see -- we'll see how that turns out for New York State going forward.

So let's get -- let's get to talk about this actual voter verification to make sure that the person who is -- who is eligible to vote. Now, in this case, are only citizens eligible to vote in this system?

MS. REYES: Correct.

MR. SMULLEN: And -- and that would be citizens that reside in certain areas. At what point do they have to register before an election to be able to vote and request this new -- supposedly new system?

(Pause)

MS. REYES: We have current -- current registration deadlines. Fifteen by mail (inaudible).

MR. SMULLEN: Now I read -- I read in the bill that there was a -- a requirement that the application be ten days before an election; is that true?

MS. REYES: Up to ten days before an election.

MR. SMULLEN: Up to ten days before an election. So if an election is on, you know, the first Tuesday in November and it's November 2nd say, they would have until October 25th in order to request this ballot.

MS. REYES: Yes.

MR. SMULLEN: And then it would be mailed to them. At what point would it have to be back to the Board of Elections by?

(Pause)

MS. REYES: It has to be in by close of polls if it's brought in in person, or seven days after if it's mailed in.

MR. SMULLEN: Seven days after, okay. And now, does the actual written ballot application, does it have to be signed by a voter?

MS. REYES: Yes.

MR. SMULLEN: And is that checked on a signature role that's already held by the Board of Elections that would also be checked for an absentee ballot?

MS. REYES: Yes, sir.

MR. SMULLEN: Okay. And then when the ballot is returned, is that the same signature that's checked?

MS. REYES: When the ballot is returned --

MR. SMULLEN: If someone fills out a ballot --

MS. REYES: -- to the Board of Elections?

MR. SMULLEN: If someone fills out a ballot and -- and mails it back into the Board of Elections, is it the same signature requirement?

MS. REYES: When you say *someone*, you mean the voter?

MR. SMULLEN: The voter.

MS. REYES: Yes.

MR. SMULLEN: Excuse me. So what I'm -- what I'm getting at, excuse me, (coughing), is what are the penalties if it is not the voter that has requested it or has returned the ballot? Is it -- is it done under perjury penalties?

(Pause)

MS. REYES: We'll double-check. I don't have an answer for you right now.

MR. SMULLEN: And what would those penalties be if someone were to --

MS. REYES: I don't -- I don't have that answer for you currently.

MR. SMULLEN: Thank you. Now, when we go -- let's talk a little bit about the actually online application and then the -- the return of the ballot, the paper ballot that would come back mailed by the person. I noted that the ballot would be mailed with a postage

and an addressed envelope back to the Board of Elections; is that true?

MS. REYES: Correct.

MR. SMULLEN: So every ballot would cost at least a dollar or so to -- to be able to mail out?

MS. REYES: Whatever the postage is. Postage and printing and...

MR. SMULLEN: The -- the envelope, the postage and the return things. So the actual online application, how is that tracked that the person is actually the voter if there is no written signature to verify? If you -- if you submit an application online for this mail-in ballot, how is it verified that that's actually the person that is submitting the application that it's a registered voter?

MS. REYES: That's when we had the automatic voter registration system. And when the ballot is returned to the Board of Elections or the Body that's issuing the ballot, then they can check the signature and --

MR. SMULLEN: So in that case there would only be -- there would only be one check as to -- as to whether the signature is correct, not initial application and the return of the ballot. It would just be a single return. So anyone could request a ballot. Now, what procedures does the -- excuse me, (coughing).

MS. REYES: I mean we already talked about that issue, but there is also procedures for them to contest the ballot.

MR. SMULLEN: To contest -- I'm -- I'm not talking about contesting a ballot. I'm actually ensuring that the ballot that's

being requested is being requested by an authorized voter or as was said the representative.

MS. REYES: Correct.

MR. SMULLEN: Does the Board of Elections do any geofencing or IP address capture to see where the actual application is coming from?

(Pause)

MS. REYES: I -- I -- I'm not sure if they have geofencing.

MR. SMULLEN: Okay. And does the New York State Board of Elections use any blockchain methodologies for security of documents that are sent from a -- a residence?

(Pause)

MS. REYES: I just think you're providing examples that are extremely rare. I don't think you're asking me for legitimate --

MR. SMULLEN: I'm -- I'm talking about common procedures that are used in the banking industry everyday when --

MS. REYES: This isn't --

MR. SMULLEN: -- (inaudible) transactions --

MS. REYES: -- the banking industry.

MR. SMULLEN: -- are secure.

MS. REYES: This isn't the banking industry. The Board of Elections --

MR. SMULLEN: This is much more important than the banking industry --

MS. REYES: The Board of Elections has a system by which they verify the voters when like I said, absentee affidavit military ballots have a process --

MR. SMULLEN: I would -- I would --

MS. REYES: -- the process would be no different.

MR. SMULLEN: I would respectfully disagree that they do on someone who does not have a signature on file or if you're doing it from an online application. There is no way to ensure that the person is who they say they are to any level of -- of surety that would be commonly practiced in business at this point. That's a fact.

MS. REYES: I would also present that in 2020 the Board of Elections has used mail-in ballots safely and effectively and once we implement the system they will have a more robust way in terms of verifying, but...

MR. SMULLEN: Well, I think the Board of Elections should use the blockchain or modern technology to be able to ensure that it's secure. This is one of the most important transactions that citizens have with their government is the -- is the right of the franchise, the right to vote. And I think it's absolutely critical.

Madam Speaker, on the bill if I could.

ACTING SPEAKER LUPARDO: On --

MR. SMULLEN: Thank you to the sponsor.

ACTING SPEAKER LUPARDO: -- the bill.

MR. SMULLEN: This is a really important debate

and it's a really important point that needs to be made for all the citizens who are listening here at 10:00 p.m. on a Friday night as the legislative Session comes to a close. This is a very critical issue having to do with the security of our elections. And we're passing what is billed as a -- as a separate additional system onto a system right now that's secure which has been validated by the voters in a constitutional amendment that was soundly rejected by them just a year ago. And my concern is with the security of mail-in ballots to make sure that the person that's requesting them and the person that is returning them is actually the voter that's registered and authorized to vote in their elections. And I'm not satisfied at this point and I think all of my colleagues should think very closely about this and we should all vote no on this ill-conceived notion that's been put before us tonight. Thank you very much.

ACTING SPEAKER LUPARDO: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER LUPARDO: On the bill.

MS. WALSH: I -- I -- I physically had to close my mouth as I was listening to this debate. Are you kidding me? Are you kidding me? I -- I am absolutely blown away by what I am hearing tonight as the previous speaker just said, as we end Session after days and nights of work and little sleep and all of the problems that are facing New York and we get *this* bill handed to us on a Friday night with the Gallery empty now and I am astounded. I -- yesterday, last

night, whenever it was, early morning, a -- a member of the other side of the aisle said that he trusted the voters. Well, yes. And trusted the voters and I said, that's really funny because in 2021 the voters rejected no excuse absentee voting. And -- and what we're getting tonight, quite honestly, are some really cute answers that *oh, this isn't really no excuse absentee voting*. It's really -- it's -- it's the New York Early Mail Voting Act. Oh, well, is it -- is it similar language? Well -- it's -- it's modeled after that system but it's different. It's completely different, because if it were the same, we'd have to get a constitutional amendment and so that's not what this is. And, you know, maybe there are some other states that have done it, too, we'll have to see. This -- this is troubling, this is troubling. You know, the issues have been raised as far as the security of the system data breaches or data security issues, I'm not going to go into those. All I'm going -- there's no cost estimate. And oh, by the way, it's going to be effective in less than six months, all right, 'cause great big programs that we put into place are really very effective when you have less than six months to implement, you know. I -- I just cannot believe this. And I think it's kind of unfair to the sponsor because she doesn't sit on the Elections Committee, she is not an attorney or an elections attorney and -- and she tried to answer the questions but, quite honestly, this is not a piece of legislation that should have been brought to the floor. And it's going to be challenged. And I -- I -- I hope, I hope that the people who are in this Chamber and the people who are within my voice will come and vote against this. It -- it is

really -- all I could think of was the saying that *if it walks like a duck and it quacks like a duck, it's a duck*. This is exactly what the voters rejected. So if we trust the voters, why are we pushing this through right now? It's -- this is embarrassing. We have bigger, more important issues than to take up a bill like this. So, I will be in the negative. Come on, people. Let's get real. We've got other work to do. This is not one of the things that we should even have been presented with for a vote. I'll be obviously in the negative. Thank you.

ACTING SPEAKER LUPARDO: And Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER LUPARDO: Will the sponsor yield?

MS. REYES: Sure.

ACTING SPEAKER LUPARDO: The sponsor yields.

MS. REYES: As long as you're not throwing insults at me.

MR. GOODELL: Well, I wasn't planning on it, but thank you for yielding.

MS. REYES: Sure.

MR. GOODELL: So I just -- looking at the bill language and just want to check some things for you. So I'm looking at page 2, lines 12 through 16. It appears that the application for this

ballot can be made by not only the voter but the spouse, parent, child or someone residing with the voter, correct?

MS. REYES: Correct.

MR. GOODELL: And that application can be not only for this election but looking at line 35 and 36 can be for -- I'm sorry, for multiple elections, right?

MS. REYES: Within the same calendar year.

MR. GOODELL: Yes. And -- and when they apply for this ballot, am I correct that the application requires that they provide their name, date of birth, residence address, but they don't have to put any excuse, right, when they're asking for it? That's not required, correct?

MS. REYES: Correct. That's why it's a separate vote by mail system.

MR. GOODELL: I see. And -- and they can -- oh, I see it, yup, and you had mentioned they could then get it for the rest of them. And of course, since this application can be submitted by somebody other than the voter, it doesn't have to be signed by the voter, right? It can be signed by or submitted by a spouse, child, parent or just someone living with the voter, correct?

MS. REYES: No.

MR. GOODELL: Oh, so it does have to be, even though the application is submitted by somebody who's not the voter, the application has to be signed by the voter?

MS. REYES: They could request it, but the actual

ballot needs to be signed by the voter.

MR. GOODELL: I see. And looking at page 4, the top of page 4, or the bottom of page 3, the application says, it says, I'm unable to sign my application, right? So if you're disabled, for example, or can't read - which makes me wonder how you're going to fill out the application and know what you're voting on - but -- but in any event, it says if you're disabled or can't read, then you're excused from signing.

MS. REYES: Right. That's the application, they can mark and then it's witnessed.

MR. GOODELL: And so then the application is actually signed by somebody else, right, who certifies that they were a witness?

MS. REYES: The application.

MR. GOODELL: And the person who signs it as a witness, they don't need to be a notary like we have to be if we're circulating petitions, for example, on an independent party. It can be anybody, correct?

MS. REYES: I'm sorry?

MR. GOODELL: The -- the person that witnesses this if the voter can't sign, they don't have to be a notary, correct?

MS. REYES: Correct.

MR. GOODELL: I'm looking at the top of page 4. They don't need to be a notary.

MS. REYES: Correct.

MR. GOODELL: And do they have to provide any identification by the way, the witness?

(Pause)

MS. REYES: If -- if you're voting by mail, who do you show your ID to? I mean this is the same process by which we do absentee ballots.

MR. GOODELL: Okay. Now this has an extensive language about having these applications signed by an exemplary signature or an electronic signature. So that's not the person --

MS. REYES: The application.

MR. GOODELL: What's that?

MS. REYES: That's the application.

MR. GOODELL: Yeah. And that's not their real signature then, right? It's like a copy, an electronic copy?

MS. REYES: I think there's language here that says that they can upload it.

MR. GOODELL: Uh-huh. And it also says, doesn't it, that the State Board of Elections or the Board of Elections will actually supply that in some cases; am I correct?

MS. REYES: Yes. I mean they can check it -- the local board shall seek to obtain such exemplar signature from the Statewide voter registration database, the State Board of Elections or a State or local agency designated by Section 5 to 11 or five to 12 of this chapter.

MR. GOODELL: Okay. So the application doesn't

have to be signed -- submitted by the voter, it can be submitted by someone who lives with the voter. It doesn't have to be signed by the voter. It could be -- it could have an electronic signature but if the -- if the voter doesn't have one, the Board of Elections can affix one, right?

(Pause)

MS. REYES: If there is no signature then the Board of Elections can request one in person, it says it here. If you're -- if such exemplar signature is not available from the Statewide voter registration database, the State Board of Elections or State of local agency designated by Section 5-211 or 5-212 of this chapter, the local Board of Elections shall, absent another reason to reject the application, require the voter to provide the exemplar signature by any one of the following methods: In person, by electronic mail or by electronic upload to the Board of Elections through the electronic early mail ballot application transmittal system.

MR. GOODELL: And I appreciate that. So there's four of them and one of them is an electronic signature they already have on file, correct? That's number three I think. Yeah?

MS. REYES: Correct.

MR. GOODELL: So, now let's say the person submits a ballot application, and we've already confirmed there's no -- you don't need to give an excuse, right, so no excuse application, you just say I want one, right?

MS. REYES: That's not what this is.

MR. GOODELL: And they -- they fill it out, right? Hopefully the voter fills it out, and this is called early mail voting. So they put it in an envelope. Does the envelope have to come back in the mail or can they deliver it personally?

MS. REYES: They can deliver it in person as well.

MR. GOODELL: I see. And so if they bring it back personally then presumably it would have no postmark. I mean because once you put it in the mail you can't deliver it back personally, that's pretty obvious. And they can deliver it back personally up to seven days after the election?

MS. REYES: No. Deliver it in person up to close of polls on Election Day.

MR. GOODELL: Well, I direct your attention to page 7, line 19. It says, *any early mail ballot received by the Board of Elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed.* How is it that something goes through the post office without getting a postmark? I mean, how would you distinguish between that and somebody who just hand-delivers it with a stamp?

MS. REYES: Can you finish reading the rest of the sentence?

MR. GOODELL: Most certainly. *Shall be presumed to have been timely mailed or delivered if it bears the timestamp of the receiving Board of Elections indicating that it was received on the day after the election.*

MS. REYES: There's your -- that's your answer.

MR. GOODELL: So you can deliver it the day after but not seven days after.

MS. REYES: Correct.

MR. GOODELL: Okay. So you can wait and see what the preliminary election results are and then bring it in as long as it's got a stamp on it and as long as it's stamped the next day you're okay?

(Pause)

MS. REYES: I'm sorry. What was that question again?

MR. GOODELL: No. I -- I said so you can sit back in your armchair and watch the preliminary results on Election Day and then bring in your ballot the next day as long as it's delivered within the next day and it has a stamp on it you're okay?

(Pause)

MS. REYES: You already answered your question. I don't know about sitting in the armchair.

MR. GOODELL: Oh, okay.

MS. REYES: That's all embellishment but...

MR. GOODELL: Certainly, certainly. Now if we were to have a voter-approved constitutional amendment that authorizes no excuse absentee ballot system, how would that different -- differ from this system?

(Pause)

MS. REYES: That's not what's before us. That's not what's before us.

MR. GOODELL: Oh, that's not, okay. So the only way this differs, am I correct, the only way this differs from the actual process of an absentee ballot that we currently have is that when you seek an absentee ballot under the current system you have to give one of the excuses that you mentioned, right?

MS. REYES: Correct. Those are enumerated in the Constitution.

MR. GOODELL: So -- so with an absentee ballot application you have to give the excuse. Under this it's the same application process but you don't have to give an excuse, right?

MS. REYES: This is a system that's going to be available to all voters.

MR. GOODELL: Yes, all voters without an excuse, you don't have to give any explanation, right? And so up to that point, that's the first that voters would (inaudible). Let's say you submit an application for absentee ballot, Board of Elections sends you a ballot, right? And under this system that we're talking about, the early voting by mail, they send the same ballot, right, to the same residence of the voter, correct? It's not a different ballot or anything, right? It's the same ballot.

MS. REYES: Of course.

MR. GOODELL: Yes. And of course you fill it out and both of them require you to put it in an inside envelope and then

an outside envelope and -- and send it back, correct?

MS. REYES: Correct.

MR. GOODELL: And so the letters coming from the Board of Elections would be indistinguishable. It's going to be the same ballot, the same envelope, the same internal envelope. I mean we're not -- we're not going to print up different types of envelopes, right? We just send them back and -- and the ballots that come back will be in the same envelopes and the same exact ballots, correct?

MS. REYES: I think that it could potentially say -- be distinguished whether it's an absentee ballot that you requested because you have one of the -- you meet one of the requirements to receive an absentee ballot or if you're receiving a vote by mail ballot.

MR. GOODELL: And of course, as you know, the law is really clear, you can't put any extraneous marks on a ballot. So it's not like you can take a red stamp on the ballot and say, *absentee ballot, boom*, and this one, *no excuse ballot*, right? You can't put any --

MS. REYES: It's not no excuse, it's not no excuse ballot. That's not --

MR. GOODELL: Well, what excuse do you need to get this ballot?

MS REYES: It's a mail-in ballot.

MR. GOODELL: I understand, but it's no excuse, right? We've been over this several times, you don't need to give an excuse why you want it, right?

MS. REYES: When you create a system that's available to all voters, you don't need to say that -- that you're not getting an excuse.

MR. GOODELL: Okay.

MS. REYES: You just --

(Inaudible/cross-talk)

MR. GOODELL: You mentioned -- you mentioned Article II, Section 7 of the State Constitution. Of course it says that the voting -- secrecy in voting must be preserved. And then it says the Legislature shall provide for identification of voters through their signatures and all cases where personal registration is required and shall also provide for the signatures, at the time of voting, of all persons voting in person by ballot or voting machine. Now, is it your view that even though these ballots are sent out that it's still the same as in-person voting?

(Pause)

MS. REYES: It's not in-person voting.

MR. GOODELL: I'm sorry?

MS. REYES: It's not in-person voting.

MR. GOODELL: Oh, it's not in-person voting and therefore you don't need to have the personal signatures; is that correct?

MS. REYES: You do need a signature on the ballot.

MR. GOODELL: Oh, so you do need a personal signature on the return envelope?

MS. REYES: Yes.

MR. GOODELL: I see. So the only difference between this method and the one that we talked about Article II, Section 2 on the absentee ballot is you don't have to meet any of those criteria for an absentee ballot, right?

MS. REYES: Correct.

MR. GOODELL: Okay. Again, thank you very much. And I apologize that, you know, you kind of had to walk me through each of those lines, but I certainly appreciate your patience and your -- your answers.

On -- on the bill, Madam Speaker.

ACTING SPEAKER LUPARDO: On the bill.

MR. GOODELL: So we have two identical systems -- I'm sorry, we have two systems. We have one where the voter submits an application and they have to give an excuse why they don't want to vote in person. And that's called absentee ballot. And we have a second system that's being proposed today where the voter submits an application and they don't have to provide any explanation, there's no excuse, they don't have to give any excuse. And then the two processes come back together, don't they? In both cases Board of Elections sends out the identical paperwork, identical envelopes, identical ballots. And in both cases the voters presumably fill them out and send them back, and they send them back in the identical process. Two envelopes, you know the routine, it goes back to the Board of Elections. The only difference is, one, you have to provide

an excuse, and the other is no excuse. Now, in both cases, as the sponsor acknowledged, both cases -- I'm out of time. Otherwise -- oh, that's right. I wouldn't be able to tell you the difference.

Thank you, Madam Speaker.

ACTING SPEAKER LUPARDO: Thank you.

Ms. Sillitti.

MS. SILLITTI: Will the sponsor yield for a couple of questions?

MS. REYES: Yes.

MS. STILLITTI: Sorry about my voice. It's the -- the smoke has gotten to me the past couple of days.

In the system that we're proposing, does a Republican and a Democrat have to review the applications.

MS. REYES: Yes.

MS. STILLITTI: In the system when the ballots -- when the ballots go out and they come back and they have a signature, do a Republican and a Democrat, like as they do now, have to review those ballots?

MS. REYES: Yes.

MS. STILLITTI: Okay.

On the bill.

ACTING SPEAKER LUPARDO: On the bill.

MS. STILLITTI: So what a difference a day makes. Yesterday we were talking about -- everybody was excited about increasing voter participation, it's a little bit different today. There

was a lot of talk about fraud in this debate. I don't know if we're saying do we not trust our friends at the Board of Elections, do we not trust the Democratic -- Democrat members, the Republican members. I actually used to, fun fact, Gina fact, I used to work at the Nassau County Board of Elections. So I know exactly what these applications look like, I know what goes into them and I emphatically trust both the Republicans and the Democrats that work at the Nassau County of Board of Elections, if any of them are listening right now. And I trust that with this system they will do as they do before. They will diligently review it to make sure the voters are who they say they are, that they're eligible to vote, and when that ballot comes back, that they are in fact they are who they say they are. But I also wanted to make mention of something that was talked about tonight which was no excuse the constitutional amendment, which is not what this is, for the record. It was -- you know, we were talking about odd years and even years last night. It was an odd year election. It was in fact probably one of the lowest voter turnouts and the lowest participation. It was incredibly low. Resounding would not be the word I would use. And also there was a multi-million dollar misinformation campaign to confuse people of what it actually did, so I wanted to state that for the record. It was simply if somebody wanted -- I had a constituent, we'll call her Betty to not give her real name. She came up to me at an event and she goes, *I don't know how I'm going to vote*. I was like, *well, what do you mean?* She like, *well, I went to go fill out the absentee ballot application and none of the above things applied to*

me. I said, well, what's going on? She said, well, I have a really bad car, I can't afford to fix it and I'm worried that it's not going to work on Election Day and I'm not going to be able to get to the polls, that's not something I could write on my ballot. Well, of course, we made sure Betty got a ride to the poll and she was able to cast her vote. You know, in her 82 years she had never missed a single election and I wasn't about to let that happen.

So I just wanted to state those things for the record, that we had a great conversation last night about increasing voter participation and that we want more people to be involved in the process and make it easier for folks. And I think that this bill here tonight is a step in the right direction. And I just want to make sure that we give voters the correct information tonight and not misinformation. Thank you so much.

ACTING SPEAKER LUPARDO: Ms. Simon.

MS. SIMON: Yes.

On the bill, Madam Speaker.

ACTING SPEAKER LUPARDO: On the bill.

MS. SIMON: So I'm reading this bill, and I notice that it does require an exemplar signature and if one isn't available from another registry or including, for example, a state or a local agency designated in this chapter, you know, we did do original voter registration by online through the DMV, for example. The local Board of Elections will not reject the application but will require the voter to submit a signature. And I point this out because in reality so

many of us have filled out one of those forms by the State Board of Elections and we mail it in and nobody knows if it's my signature or the guy next door's signature. It could be anybody's signature. But somehow or other because it's on a piece of paper we believe it. The reality is that there is no verifying of anything when you are registering to vote by submitting a regular paper application. So -- and then you go to vote in person, your signature should match to some extent because everybody's signature changes over time. The reality is that we do have systems that can be revised to work for this particular program. We do have instances throughout the State where applications or ballots that were actually there weren't counted for one reason or another because the local Board of Elections didn't process that information. There has been no fraud found in mail-in ballots whether they were absentee ballots or in other states mail-in ballots. It is a very secure process. We can do it. Other states do it. In fact, other states do it very regularly with no problem. So I am quite confident that we will be able to institute this program and I am not concerned about whether blockchain is used. I know that in fact in many, many of our local Boards of Elections, their computer systems are -- are quite basic and concerns about blockchain technology I think are misplaced at this juncture. So thank you. I will be voting in the affirmative.

ACTING SPEAKER LUPARDO: Mr. Tague.

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

ACTING SPEAKER LUPARDO: Will the sponsor yield?

MS. REYES: Yes.

MR. TAGUE: Thank you.

ACTING SPEAKER LUPARDO: The sponsor yields.

MR. TAGUE: Thank you. I'll be brief. But first I want to start off with, why did this bill not go through Election Law Committee?

MS. REYES: It just wasn't ready at the time.

MR. TAGUE: Well, what makes you think it's ready now then? I mean this is disturbing. This is the second bill in two nights that never went through Election Law Committee where we have professionals on both sides of the aisle that are experienced, some are attorneys, that were not able to look at these bills, brief them and go back to their conferences and discuss this bill. We found out about this bill a day -- a day or so -- well, who knows now. We've been here for two days with about a three-hour break so... But same different -- the same thing that happened with the bill last night. Your colleagues sat down there and told me that the bill wasn't prepared. So it's prepared now for us to vote on? I -- I don't get it, I don't get it.

Another thing that I wanted to brief on. In Election Law, Section 2, it states the legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who, on the occurrence of any election, may be absent from the

county of their residence or, if residents of the city of New York, from the city, and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place. So unable to vote in the polling place, Section 2. Section 7, All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved. The legislature shall provide for identification of voters through their signatures in all cases where personal registration is required and shall also provide for the signatures, at the time of voting.

MS. REYES: Mr. Tague, do you have a question for me?

MR. TAGUE: I do.

MS. REYES: Okay.

MR. TAGUE: I'm asking you which part of the law does this bill fall under? I believe you said earlier under Section 7.

MS. REYES: Article II, Section 7 --

MR. TAGUE: Absolutely not.

MS. REYES: -- of the Constitution.

MR. TAGUE: Absolutely not. It falls under Section 2.

Madam Speaker, on the bill.

Again, incredibly unprepared bringing another unconstitutional bill and waste our time after we've been here for two days. Absolutely ridiculous wasting the taxpayer's time and the

citizens of New York to steal elections. Absolutely ridiculous. You ought to be ashamed of yourselves. And to circumvent committees that each and every one of us serve on with people that are professionals, people that have experience, some that are Election Law attorneys that sit on those committees and not allow them the time to go through and brief the bills and brief the people within their conference to be able to come on the floor and speak intelligently. This is a sham. You ought to be ashamed of yourselves. Ought to be ashamed of yourselves. I vote no. I stand -- I stand for America and I stand for the Constitution of the State of New York and the United States Constitution and each and every one of you should, too.

ACTING SPEAKER LUPARDO: Ms. Walker.

MS. WALKER: Thank you, Madam Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER LUPARDO: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER LUPARDO: The sponsor yields.

MS. WALKER: Thank you for the great work that you are doing on this piece of legislation which we believe is important.

So a few of our colleagues here have been asking about the type of ballot that will be received in the vote-by-mail scenario. So is the ballot that's going to be received by the voter the

same for absentee ballots, vote-by-mail ballots as well as in-person voting ballots?

MS. REYES: The ballot, yes, but the envelope in which it comes in delineates whether it is an absentee ballot or a vote-by-mail ballot.

MS. WALKER: Absolutely. And so I submit to you that the distinctions that are being made by many of our colleagues here today is a distinction without a difference, because notwithstanding how it is that a voter votes for a particular election whether it is through absentee ballot, whether it is by vote-by-mail or whether it is in-person voting. The ballots are utilizing the words that I've been hearing this evening will all be an identical ballot. Thank you very much for your time.

MS. REYES: Thank you.

ACTING SPEAKER LUPARDO: And Mr. Giglio.

MR. GIGLIO: Thank you, Madam Speaker. I've heard a lot over the last few days about more turnout. We're doing all of these things to make sure that people come out and vote. But I ask myself, and you should all ask yourself the same question, why aren't people coming out to vote anymore? Why has it diminished year in and year out? Do we have to have gimmicks now to get people to vote? Even years, no response, whatever we're calling this one. And the next two and some more that are coming. I'll tell you why they're not coming out, because we've lost their trust. The public does not trust us anymore. They do not think their vote matters. They do not

think anything will change. It's not just us. Look at the Federal Government. It's a joke. Everything about it is a joke. Now partisanship is 24/7 365 days a year. That's not what it was intended to be. It was intended to we'd go out, have a battle of ideas, those of us that were fortunate enough to be sent here would then work together to make New York a better place. The same for Congress, the same for the Senate. But instead now all we have done the last two days is partisan stuff that said you're good, we're good, you're bad, you're bad, that's all we ever do. We have a state that we need to save. We sit in a Chamber whose history is so great, and yet all we do is bicker. Bicker for what? For the next election? For what? Why did we come here? So that the next election starts the day after we finish? We're a good Body. There are good people in this House. And we can do great things and good things together but no. No, we never do it together. It has to be on that side of the aisle or that one. So you bring us stuff, we tell you how bad it is. And when we're done telling you that, you tell us how bad we are. Is that the way this is supposed to be? So you wonder why when you guys go door to door - we were talking about that yesterday - what do people tell you? This doesn't work anymore. The Great American Experiment is failing and it's failing on our watch. And we should be ashamed of ourselves because of that. Not because of what this bill says or doesn't say, none of that. What we should be saying is, why did we come here? And I'll bet you if you polled every one of us, we'd all say to do something good, not just for our district but for the whole darn State of New

York. And I sit here, and like I said, every day and even when I'm home I say, one of the proudest things I've ever had was to be able to walk through those doors and work in this Chamber, to sit in this Capitol. And this is all I hear every year, year in and year out no matter who's here and who's not. At some point, people, we have to come together as a Body and do what we were intended to do. This is not what we're intended to do. You don't need the advantage. You win an election outside on ideas. The Majority is a supermajority. What the heck are you worried about? God in heaven. This is disgraceful. Let's get together for once and do good things together when we're done. Not be afraid of how we vote, what we do and worry about the next election and where the money is going to come from and how the money is going to be spent and that's -- that's going to make everything better. If you're looking for a job that you don't want to lose, join the service. Thank you.

ACTING SPEAKER LUPARDO: Read the last section.

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

ACTING SPEAKER LUPARDO: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference will be generally no on this bill. Those who wish to vote for it are encouraged to do so on the floor. Thank you,

Madam Speaker.

ACTING SPEAKER LUPARDO: Mrs.

Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is generally interested in making sure that everyone has access to voting so we are going to be in favor of this piece of legislation.

ACTING SPEAKER LUPARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker.

Article II of the State Constitution is actually quite simple. It sets forth two ways you can vote in New York. One is by absentee ballot, that's when you're absent from the polling place. And two, in person. And as you might guess, that's when you show up at the polling place. Those are the only two ways authorized in the State Constitution, it's pretty straightforward. It's either in person, in which case you got to show up in person. You can't send an agent or anyone else and you have to sign. Or, you don't have to show up. You can be absent, in which case you have to ask for an absentee ballot. It's abundantly clear. This system allows you to be absent from the polling place without asking for an absentee ballot. It is exactly the process that the voters rejected. Now you may think the voters were wrong, but I think we still have to respect what they did, and they said no. If you

don't want to vote in person, you have to comply with the absentee ballot process and you have to have an excuse. This is no excuse. Absentee ballot was expressly rejected by the voters. And therefore, I can't support it and I wouldn't recommend that anyone else does either. Thank you.

ACTING SPEAKER LUPARDO: Mr. DiPietro.

MR. DIPIETRO: To explain my vote, Madam Speaker.

ACTING SPEAKER LUPARDO: To explain your vote.

MR. DIPIETRO: First off, there's a group called New York Citizens Audit that's been going around the State since before and after this last election. In 2022, they found - it's an independent group - they found over 340,000 fraudulent votes so far, they're still going county to county. It's a lot of votes. Eighty-five percent of them are from the cities, 65 percent I think are from -- 65 percent probably are from New York City approximately, I think. Also, that report has been given to everyone in the State. Continually from the Governor and the Attorney General, they refused to do anything with it. Also, a gentleman, a scientist in this country, came to New York who is a computer expert around the world and spent a long time this past year checking the voting machines and the county rolls and found not one, not two, not three, but four algorithms that were inserted illegally into these machines and have corrupted votes that you can't even imagine. He's trying to get that report up into New

York State to top, they won't take it. So you can see why there's a lot of suspicion, but I just take it a different way, you know. I know that this is going to pass. I don't know what the problem is with no excuse voting. We got it right here in the Chamber, just look around. Every day after day this year, nobody's in their seats. It's no excuse. So God bless them. I'm all for it.

ACTING SPEAKER LUPARDO: Mr. Lavine.

MR. LAVINE: I just want -- I want to thank the sponsor for the way she handled all the -- all the questions and this is an interesting concept that's being advanced. But I do want to comment on a couple things mentioned by a couple of my friends across the aisle. I'm not so sure the American Experiment has failed. When we go back into history, even though Adams and Jefferson were bitter enemies, they reconciled, they both died I think on the 50th Anniversary of the Declaration of Independence. And they're correspondence makes clear that -- and we have their correspondence. They were very disappointed in Americans because those Americans weren't living up to their expectations. I think there might be something just very inherent in being an American. So don't give up on the American Experiment. And to my other friend across the aisle who voiced such strong support for the Constitution, I just want to -- and I don't see him here right now, I don't know where he may have gone, but I also support the Constitution of the United States as does hopefully almost everyone in this room. I think anything we can do to help people vote is good, and I continue to say what I said yesterday

which is that I trust the voters. So I'm going to be voting in the -- in the affirmative. Thank you very much.

ACTING SPEAKER LUPARDO: Ms. Reyes.

MS. REYES: You know, I may not sit on the Election Committee and I may not be a lawyer, but I sure as hell sit in this Chamber - sorry - as a clinical professional and hear people opine on medical procedures, conditions, you name it. But I can read, and I'll read this. The Court of Appeals has described the legislators' -- the Legislature's power to prescribe the method of conducting elections as plenary, subject only to the limitations explicitly placed upon it by the Constitution and Federal law. And the case law has been clear in saying that this is actually within our constitutional power to do.

Um, so I am happy to vote in the affirmative, and I'm happy to be able to expand access to the ballot to so many New Yorkers, because if our interest is ultimately to increase participation, this is one way that we do it. And this -- this access to the ballot doesn't know Democrat or Republican. It just knows somebody who is gonna be having an easier time at casting their vote in the future.

So thank you, Mr. Speaker, I -- Madam Speaker, I vote in the affirmative

ACTING SPEAKER LUPARDO: Mr. Curran.

MR. CURRAN: Madam Speaker, to explain my vote. So, I have four children and they range from 21, 18, 15 and then I have a third-grader who I kindly -- kindly refer to as my non-retirement baby. So what they were explaining to me, I had a

problem understanding the word or the phrase "gaslighting." And I had my 21- and 18-year-old explain gaslighting to me just last week. And what I always had a problem with, or what I couldn't understand is when people say something to you and it has been demonstratively proven not to be the case. We have a bill in front of us that with the exception of three words is the exact same referendum that went before the people in 2021 and was rejected by 60 percent. That is gaslighting. If you're going to tell me if you trust the voters and then come back here and do something exactly different from what the voters want.

Thank you, Madam Speaker. I'm voting in the negative.

ACTING SPEAKER LUPARDO: Mr. Maher.

MR. MAHER: Thank you, Madam Speaker. I definitely appreciate my colleague, and I completely agree. The Great American Experiment is not dead, it's alive and well, it's alive and well in this Chamber with so many folks. And I heard again in a -- in a previous debate and I heard again just now from my colleague, trust the voters. And I do. I think a lot of us in this Chamber - I don't want to speak for everyone - but I hope everyone also trusts the voters. I also trust political operatives on both sides of the aisle to be political operatives and to take advantage of every opportunity to win elections. That's something that we know is real. That's something that we know is true. At the end of the day, I'll be voting no on this piece of legislation because I believe that voters have the ability to vote

through early voting, through the natural absentee process and on Election Day. So in a climate where we know countless New Yorkers have issues with election integrity, we are creating more opportunities for distrust and more opportunities for political operatives on both sides to take advantage of this system, and I don't think that's something that we should even be considering.

The second aspect of voting no obviously is, you know, there is going to be a cost to this and there does not seem to be an allotment attached. You look at the school districts, you look at the local elections and the Board of Elections, this certainly will be an unfunded mandate.

So for all those reasons and many more, I will be voting in the negative. Thank you, Madam Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker, to briefly explain my vote. I wasn't going to speak, but throughout this debate and yesterday I heard over and over again from our friends on the other side, "I trust the voters, I trust the voters." That's not the problem. The voters don't trust us, that's the problem. And who can blame them? The proposal we have in front of us is the same -- pretty much the same proposal the voters overwhelmingly rejected on the constitutional amendment. Everyone in this Chamber knows it, the language is very similar. So why would they trust us when they send us a message and say, *We don't want it*, but then we come back with

the same thing over again, saying we know better over and over again. The hypocrisy and arrogancy just is so evident by this. So, you can say you trust the voters all you want. What you don't understand is the voters don't trust us. That's the problem, and that's why we should reject this proposal. And that's what why I'm rejecting the proposal. I vote no.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, we're going to pivot a little bit and go to Rules Report No. 450 -- 670, Rules Report No. 670 by Mr. Bronson, and then we're going to go to our A-Calendar so that we might consent it.

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

Page 18, Rules Report No. 670, the Clerk will read.

THE CLERK: Senate No. S01783-A, Rules Report No. 670, Senator Hoylman-Sigal (A00372-A, Bronson, Seawright, Dinowitz, Glick, Simone, Septimo, Kim, Epstein, Burdick, Simon, Sillitti, Clark, Forrest). An act to amend the Public Health Law, in relation to establishing the Lesbian, Gay, Bisexual and Transgender and People Living with HIV Long-Term Care Facility Residents' Bill

of Rights.

ACTING SPEAKER AUBRY: Mr. Bronson, an explanation is requested.

MR. BRONSON: Yes, Mr. Speaker. This bill establishes protections for individuals -- I'm sorry, wrong bill.

(Laughter)

ACTING SPEAKER AUBRY: Don't worry, it's late. You can make a slip.

MR. BRONSON: They moved the order on me, I apologize. This bill would establish an LGBT and People Living with HIV Long-Term Care Facility Residents' Bill of Rights by prohibiting discrimination based on a resident's actual or perceived gender identity or expression, sexual expression or HIV status. Of course the bill would follow the current law which is under the Gender Expression Nondiscrimination Act.

ACTING SPEAKER AUBRY: Mr. Simpson.

MR. JENSEN: Jensen.

ACTING SPEAKER AUBRY: Jensen, I'm sorry.

MR. JENSEN: It's all right, Mr. Speaker. Will the sponsor yield for some questions?

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

ACTING SPEAKER AUBRY: Mr. Bronson yields.

MR. JENSEN: If I -- one question, Mr. Bronson. So I want to focus on the provision of the bill in regards to the occupancy of a room in a nursing home. Would this Bill of Rights extend to

when a person is going through the admissions process in a nursing home and is a transgender individual, their gender identity would be taken into account both on their side of the equation through the admissions process, as well as if they are being -- when they are being placed in a double-occupancy room with a biological individual of either gender; is that correct? And every other act of privacy for each of those individuals, whether it's use of a bathroom or any other aspect of that shared-occupancy room would be respected on both sides of those residents in that environment?

MR. BRONSON: Certainly. As I mentioned in the summary of the bill, nothing in this bill would change the requirement that we would have to follow the Gender Expression Nondiscrimination Act, which is Article 15 of the Executive Law or commonly known as the Human Rights Law, and under that, although accommodations can be made and I would hope that facilities would work in cooperation, certainly the transgender individual could not be moved out of a room. But I would hope that in the scenario like that the -- everyone would and the facility would want everyone to feel welcome, would want everyone to feel treated fairly. So I -- I would hope that accommodations would be made. However, GENDA would not allow them to forcefully remove to a different room the transgender individual.

MR. JENSEN: So the same idea that when you're going through the admissions process as somebody would now, they would have specific requests and they would be consulted, every

member of that room would be consulted and to ensure that everybody who is living in that facility in a way that they are comfortable with and feel safe and secure and treated with dignity, correct?

MR. BRONSON: Yes, that would be the goal of -- of this bill.

MR. JENSEN: Okay. Thank you very much, Mr. Bronson; thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.
Mr. Goodell.

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

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

MR. BRONSON: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GOODELL: Thank you, Mr. Bronson. You mentioned that this is already covered by GENDA, the GENDA law.

MR. BRONSON: Well, what I mentioned is we would still be -- if that would come into play we'd still have to follow GENDA, and certainly there's guidance with GENDA in the scenario of use of various facilities.

MR. GOODELL: Are nursing homes currently exempt from the GENDA law?

MR. BRONSON: Not that I'm aware of.

MR. GOODELL: How is this bill different than what GENDA would impose anyway?

MR. BRONSON: Because the bill adds other things. It has a list of requirements that a nursing home would have to do that is above and beyond the specifics that you'd find in GENDA and the regulations that have been adopted under GENDA.

MR. GOODELL: And what are those specific things that this bill adds?

MR. BRONSON: So, if you look at the bill there's a -- a number of them. It specifically relates to long-term care facilities. They couldn't deny admission, couldn't transfer or refuse to transfer a resident within the facility based on the individual's status of their gender status, as well as HIV status. They also couldn't willfully or repeatedly fail to use a resident's preferred name or pronouns; that's not specifically covered under GENDA. They couldn't deny a resident the right to wear certain clothing and things of that nature; that's indirectly covered under GENDA. And there's a series of eight of them.

MR. GOODELL: Does GENDA cover HIV?

MR. BRONSON: I don't believe GENDA covers HIV.

MR. GOODELL: And does someone who's -- I mean, I know they've made, you know, massive progress over the years in treating HIV. Is all HIV now treatable to the point where it doesn't present any risk to anyone else?

MR. BRONSON: If an individual is on HIV medication, a regimen of HIV medication, more often -- well, for many people, most people, they become undetectable, which means that they're not susceptible to other illnesses and diseases, and also means that if they're undetectable they cannot transfer that virus to another individual.

MR. GOODELL: Are there situations where that medication is ineffective that might present an issue to a nursing home?

MR. BRONSON: I -- I'm sorry, could you repeat that question?

MR. GOODELL: Are there any sit -- situations where that medication is ineffective and the patient might present a risk to the -- to the nursing home or the health of the other residents?

MR. BRONSON: If appropriate precautions are taken, no.

MR. GOODELL: I see. So by and large, I mean, it sounds like 90 percent of your bill is already covered, you just want to make it clear in -- in a Bill of Rights, if you will, and you wanted to add HIV positive which would not otherwise be covered by GENDA. Is that a fair summary?

MR. BRONSON: No, I wouldn't agree with your percentage. I think some of it might be covered, but not all of it. And -- and the bill specifically talks about long-term care facilities and nursing homes, whereas GENDA doesn't get into those specifics. In

addition, the bill also requires a posting of a non-discrimination notice that certainly is not under GENDA.

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

MR. BRONSON: Thank you, sir.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bendett to explain his vote.

MR. BENDETT: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to thank the sponsor for -- for making this bill. You know, a lot of times, you know, here we are, just this past bill arguing in debating and, you know, calling each other -- you know, whatever was happening. But sometimes, you know, people don't know each other. And for me, I'm voting in the affirmative on this bill for my uncles who have HIV, my uncle has HIV and -- and for my siblings, my -- my brother-in-law, sister-in-law who -- I've been with my wife for nearly 40 years and, you know, they're my family, too. And so I'm very grateful that you would make accommodations just in the event that something happened to them to make sure that they were taken care of in their age. And as many

people might be aware that you can live with HIV or AIDS, you can live a long and productive life, and I'm very proud to support this bill.

Thank you, Mr. Speaker.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 787, the Clerk will read.

THE CLERK: Assembly No. A03287, Rules Report No. 787, Joyner, Simon, Epstein, Burgos, Stirpe, Reyes, Gibbs, Hevesi, Septimo, Maher, Zaccaro, Raga. An act to amend the Education Law, in relation to enacting the "Schools Impacted by Gross Highways (SIGH) Act."

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

THE CLERK: Assembly No. A05646-A, Rules Report No. 788, Cook, Peoples-Stokes, Hyndman, Dickens, Simon. An act to amend the Insurance Law, in relation to the collateral estoppel effect of issues decided by certain arbitrators.

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

THE CLERK: Assembly No. A05874, Rules Report

No. 789, Walker. An act to amend the Election Law, in relation to legal challenges to the constitutionality of provisions of such law.

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

THE CLERK: Assembly No. A06284-A, Rules Report No. 790, Beephan. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "Private Sidney A. Scofield Memorial Highway."

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. A06505-B, Rules Report No. 791, McDonald, Raga. An act to amend the State Finance Law, in relation to requiring electronic reporting.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 180 days.

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. A06651, Rules Report No. 792, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to additional member contributions for certain members under the Age 57 Retirement Program.

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. A06795-A, Rules Report No. 793, Blankenbush. An act to amend the Public Housing Law, in relation to the transfer of the Village of West Carthage Housing Authority to the Town of Wilna Housing Authority; and to repeal certain provisions of the Public Housing Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. Blankenbush, 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. A07110, Rules Report No. 794, Stern. An act to amend the General Business Law, in relation to requiring towers to clean up any debris in the surrounding area resulting from the vehicles they are towing.

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

THE CLERK: Assembly No. A07218, Rules Report No. 795, Kim, Lucas, González-Rojas, Reyes, Gibbs, Simon. An act to amend the Public Health Law, in relation to the reporting and resolution of issues at residential care facilities; and to amend the Elder Law, in relation to establishing an outreach and awareness program to promote and recruit long-term care ombudsmen and the training of such ombudsmen.

ACTING SPEAKER AUBRY: On a motion by Mr. Kim, 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.)

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker, for allowing me to explain the vote. At the peak of COVID, in the first year of COVID, we lost 16,000 lives in nursing homes. This was a travesty that could have been avoided if we started to center solutions around the families, the workers on the ground, and not sideline the programs like Ombudsman Long-Term Care Program. And the reason why we're pushing so hard now to focus on improving the Long-Term Care Ombudsman, LTCOP, Program, it's probably the only program in the State that is --- that is legally empowered to be the watchdog and advocate for nursing home and long-term care facility residents. But because this program depends on Federal money, we're limited in what we can and we cannot do. And even though as a Body we put in a full \$15 million -- \$15 million in the budget to make sure that they have all the resources to scale up, because of the lack of administrative capacity they could not scale up fast enough to deliver the oversight that's necessary. But this bill will take sort of measures to make sure that the complaints in these facilities are turned around in a timely manner, and also they focus on diversity recruitment and

making sure that they're culturally-trained in sensitive matters.

I do want to thank my colleagues in the Aging Committee who have worked passionately to also improve the LTCOP Program, as well as the Program and Counsel Staff who helped with the oversight hearings and as well as this piece of legislation. With that, I thank my colleagues for voting for this very important bill and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07444-A, Rules Report No. 796, McMahon, Colton. An act to amend the Education Law, the Retirement and Social Security Law, the Administrative Code of the City of New York and Chapter 666 of the Laws of 1990, amending the Administrative Code of the City of New York and the Education Law relating to the availability of additional pension benefits for an extended second public employment to certain retirees, in relation to the transfer of reserves between public employee retirement systems of the State.

ACTING SPEAKER AUBRY: On a motion by Ms. McMahon, 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. A07464-A, Rules Report No. 797, Weinstein, Dinowitz, Gibbs, L. Rosenthal. An -- an act to amend the Civil Practice Law and Rules, in relation to renewals based on a subsequent change in law.

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. A07582, Rules Report No. 798, Smullen. An act in relation to authorizing Isaac B. Bertos to take the competitive Civil Service examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Village of Ilion.

ACTING SPEAKER AUBRY: On a motion by Mr.

Smullen, 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. A07620, Rules Report No. 799, Smullen. An act in relation to authorizing Brett W. Brewer to take the competitive Civil Service examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Village of Ilion.

ACTING SPEAKER AUBRY: On a motion by Mr. Smullen, 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. Smullen to explain his vote.

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

explain my vote. Two bills for two different individuals to allow them to serve in the -- the police force in Ilion, New York. It's a good thing; it requires a waiver, but we're glad. It's hard to recruit police officers these days, and these are good people that will do a good job for the people.

Thank you very much.

ACTING SPEAKER AUBRY: Mr. Smullen in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07651, Rules Report No. 801, Thiele. An act to repeal Title XVI of Article 8 of the Public Authorities Law, relating to the Suffolk County Judicial Facilities Agency.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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. A07688, Rules Report No. 802, Jones. An act to amend the Alcoholic Beverage Control Law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages who sell at retail for on-premises consumption; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Jones, 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.)

ACTING SPEAKER KIM: The bill is passed.

THE CLERK: Assembly No. A07768, Rules Report No. 804 is high.

Assembly No. A07769, Rules Report No. 805 is high.

ACTING SPEAKER KIM: Page 4, Rules --

(Pause)

Page 4, Rules Report No. 794, the Clerk will read.

THE CLERK: Senate No. S05430, Senator Mattera,

Rules Report No. 794 (A07110, Stern). An act to amend the General Business Law, in relation to requiring towers to clean up any debris in the surrounding area resulting from the vehicles they are towing.

ACTING SPEAKER KIM: Read the last section.

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

ACTING SPEAKER KIM: 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and colleagues, if we could bring our attention to Calendar No. 79, it's on page 34 by Mr. Gibbs.

ACTING SPEAKER AUBRY: Calendar No. 79, page 34, the Clerk will read.

THE CLERK: Assembly No. A04009-A, Calendar No. 79, Gibbs, Epstein, Levenberg, Kelles, Hyndman, De Los Santos, Simone, Taylor, Fall, Zaccaro, Weprin, Burdick, Bichotte Hermelyn, Bores, Lee, Reyes, Hevesi, Pretlow, Cunningham, Jean-Pierre, Hunter, Lucas, Tapia, Chandler-Waterman, Ardila, Colton, Wallace, Simon, Dickens, Jacobson, Burgos. An act to amend the Correction Law, in

relation to providing notice of voting rights to persons released from local jails.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This bill is very similar to the one that we addressed, I think, several years ago or maybe it was yesterday. But it's been amended, and I wanted to compliment the sponsor for making various amendments. Basically, it requires that when an inmate is released from a local correctional facility that he's given information about the impact of his incarceration on -- on his right to vote. And there was a lot of negatives in the past, which is why we'll probably be Minority in the negative, but the language has been changed. So instead of offering everyone a voter registration it's now offering them information. And as you know, if you're in a local facility you don't lose your right to vote, it's only if you have a felony. But I just wanted to give a little explanation and there will be a Party vote.

ACTING SPEAKER AUBRY: And a Party vote has been called. Mr. Goodell, sort of the heart [sic] --

MR. GOODELL: I (inaudible).

ACTING SPEAKER AUBRY: -- before the course

or whatever, right.

MR. GOODELL: Neither.

(Laughter)

ACTING SPEAKER AUBRY: Let's try it again.

A Party vote has been called.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally negative for the reasons I should have waited later to explain, but those who wish to vote in favor are certainly encouraged to do so.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally always going to be in favor of creating an opportunity for people to vote. So we're going to be supporting this one.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gibbs to explain his vote.

MR. GIBBS: I'm sorry Mr. Speaker, I turned it on by mistake. Thank you.

ACTING SPEAKER AUBRY: That's all right, Mr.

Gibbs.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have a number of fine resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 716-718 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until Saturday, June the 10th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:15 a.m., the House stood adjourned until Saturday, June 10th.)