TUESDAY, FEBRUARY 11, 2025 1:43 P.M.

ACTING SPEAKER HUNTER: The House will come to order. Good afternoon, colleagues.

Rabbi Rubin will offer a prayer.

RABBI RUBIN: Honorable legislators, greetings and blessings. We are here to celebrate the Tu Bishvat New Year for Trees. This marks our 50th year celebrating Tu Bishvat in the New York State Assembly. We began in 1975, a tree grows in Brooklyn, Speaker Stanley Steingut and Assemblyman Howard Lasher started it in 1975. They planted the tree. It is an honor and great privilege to continue this annual tradition here today.

Tu Bishvat is a minor Jewish holiday, but has a major message. The major message is to grow. This legislative Body has deep roots and traditions and values, and branches out all over New

York State, may bear good fruit and blessings. This also marks the 75th anniversary of the Lubavitcher Rebbe's year of leadership. In 1951, his inaugural address was called *Basi L'Gani*. He envisioned the world as a garden and we, the people, are gardeners. May -- may there be good healthy growth for all peoples and communities in this great State of New York.

I will conclude with this traditional blessing before eating fruit, after which we will all say amen. This is a New York State grape. (Speaker foreign language) amen.

ACTING SPEAKER HUNTER: Visitors are invited to join the members in the Pledge of Allegiance.

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

A quorum being present, the Clerk will read the Journal of Monday, February 10th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I move to dispense with the further reading of the Journal of Monday, February the 10th and that the same stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you so much, Madam Speaker. To my colleagues and guests that are in the Chambers, I had prepared a quote that I wanted to share with you all today, but when I walked in I saw something on my desk that I

thought might be more important, and this is from our member -- our colleague, Mr. Durso, I don't think he's in the Chamber yet, but he gave us all one of these and it simply says, *P.S. I love you; P.S. I Love You Day*. And on the inside of it even more significantly, or equally significant, is *A brighter tomorrow begins today*. So thank you, Mr. Durso for our quote of the day.

Madam Speaker, members have on their desk a main Calendar. We will be calling for the following Committees to meet off the floor: Alcoholism and Drug Abuse, followed by Rules. These Committees are going to produce an A-Calendar. We will begin our floor work today by taking up Calendar resolutions on page 3, then we're going to take up the following bills on debate: Rules Report No. 11 by Ms. González-Rojas; Rules Report No. 19 by Mr. Hevesi; Rules Report No. 20 by Ms. Zinerman; Rules Report No. 38 by Mr. Otis; and Rules Report No. 55 by Ms. Shimsky. Majority members should certainly be aware that there is going to be a need for a conference immediately following the conclusion of our work on the floor and as always, Madam Speaker, we will check with our colleagues on the other side of the aisle to determine what their needs may be. I will, if necessary, have -- announce additional floor activity, but right now, Madam Speaker, that's a general outline of where we're going today. Let us begin by calling Alcohol and Substance Abuse Committee to the Speaker's Room.

ACTING SPEAKER HUNTER: Thank you, Majority Leader. Anybody who is on the Alcoholism and Substance

Abuse Committee, please make your way immediately to the Speaker's Conference Room; Speaker's Conference Room, Alcoholism Committee.

We have no housekeeping today, so we'll go right into introductions.

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

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. On behalf of the Speaker and all the members, I would like to welcome to our Chambers the Capital Region's most distinguished religious guest, Rubin Israel -- Rabbi Rubin Israel [sic]. He is here today to celebrate Tu Bishvat, the beginning of the New Year for Trees and Fruit Bearing -- for trees and fruit bearing. This annual holiday is celebrated throughout the world. There was a nice tradition to eat fruit during this holiday, also to bring awareness of environmental issues. Mr. [sic] Speaker, would you please extend a -- Madam Speaker, would you please extend a warm welcome to Rabbi Israel Rubin, as well as to his guests, and extend the cordialities of the House. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Yes, thank you.

On behalf of the Majority Leader, the Speaker and all the members, we welcome you back, Rabbi Rubin, happy 50th anniversary to you in our Chamber. We extend the privileges of the floor. We do hope you enjoy the proceedings today and thank you so very much for joining us again this year.

(Applause)

Mr. Burdick for the purposes of an introduction.

MR. BURDICK: Thank you, Madam Speaker. It is my honor and pleasure to introduce Christopher R. Arnold, a resident of my district in the Town of Lewisboro and who, since 2020, has been serving as Mid-Atlantic Region Liaison for the Defense State Liaison Office of the United States Department of Defense. He's a U.S. Army combat veteran and recipient of the Combat Action Badge, Bronze Star Medal, and Army Commendation Medal with Bronze Oak Leaf Cluster. He's also a recipient of the Office of the Secretary of Defense Award for Exceptional Civilian Service, and two-time recipient of the Office of the Secretary of Defense Group Award.

Now, I would truly be remiss if I did not mention that Chris went to high school with our colleague, Matt Slater, at Yorktown High School, and speaks with great pride and affection for the Yorktown Huskers. Madam Speaker, I ask that you kindly recognize Mr. Arnold and confer the privileges and courtesies of the People's House.

ACTING SPEAKER HUNTER: Yes, thank you.

On behalf of Mr. Burdick, the Speaker and all the members, we welcome you to the People's House, Mr. Arnold, my fellow Army veteran, welcome. Congratulations and thank you for everything that you do for us and our country. We extend the privileges of the floor to you and hope you enjoy the proceedings today. Thank you so very much for joining us.

(Applause)

Mr. Sempolinski for the purposes of an introduction.

MR. SEMPOLINSKI: Thank you, Madam Speaker. I have the privilege of representing St. Bonaventure University, and today we've got several members of the St. Bonaventure University staff, but most importantly, members of the student body that are in the HEOP program. And one of the exciting things about this particular program is it bring folks together across the State of New York. The students are all from Downstate, and I represent a very rural part of Upstate and they're getting a great education at Bonaventure in the 148th Assembly District, so it's a program that bring folks together from across the wonderful Empire State. They're here advocating for their program.

I'm going to also point out that one of the staff, Mr. Buttafarro, we share the privilege of both being the former Chief-of-Staff for my predecessor, Mr. Giglio, so he's a former member of the Assembly staff family. Madam Speaker, I ask that you extend them all the privileges and courtesies of the House.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Mr. Sempolinski, the Speaker and all the members, we welcome you to the Chamber, our friends, our young people, our future from St. Bonaventure. We extend the privileges of the floor and hope you enjoy the proceedings today. Thank you so very much for joining us today.

(Applause)

Resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 101, Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 14th, 2025 as P.S. I Love You Day in the State of New York.

ACTING SPEAKER HUNTER: Mr. Durso on the resolution.

MR. DURSO: Thank you, Madam Speaker, and thank you for allowing me to bring this resolution to the floor today. P.S. I Love You Day started in 2010, created by Jaimie and Brooke DiPalma, residents of West Islip which is the town that I represent on Long Island. P.S. I Love You Day was created to bring awareness to mental health, end the stigma associated with it, and to help prevent suicide. P.S. I Love You Day is currently celebrated in over 500 schools around New York State. Many towns, counties, and villages recognize the second Friday in February as a day to dress in purple and celebrate P.S. I Love You Day to help continue to bring awareness and let everybody know that it's going to be okay.

But please keep in mind, Madam Speaker, how P.S. I Love You Day started. On a beautiful Friday morning in 2010, Brooke DiPalma was dropped off at school by her father, Joseph. Joseph, a former member of the NYPD, a Fire Chief with the West Islip Fire Department, and President of the local Chamber of Commerce, left Brooke at school that day seemingly normal like any

other day. Joseph said to his young daughter, Brooke, *I love you*. She turned back and said, *I love you, too*, not knowing that two hours later she would pulled out of her school and told that her father had died by suicide. Brooke and her family have taken this unbelievable tragedy and affected the lives of so many people in a positive way, and we can't thank them enough.

Remember, if you're struggling, please ask for help. Remember that you are loved and you are special. And remember that you are never alone and, Madam Speaker, please remember P.S. I love you. Thank you, everybody.

ACTING SPEAKER HUNTER: Thank you.

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

THE CLERK: Assembly Resolution No. 102, Mr. McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 2025 as American Heart Month in the State of New York.

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

Page 4, Rules Report No. 11, the Clerk will read.

THE CLERK: Assembly No. A00518, Rules Report No. 11, González-Rojas. An act to amend the Executive Law, in relation to the collection of certain demographic information by

certain State agencies, boards, departments and commissions; and to amend a chapter of the Laws of 2024 amending the Executive Law relating to the collection of certain demographic information by certain State agencies, boards, departments and commissions, as proposed in legislative bills numbers S. 6584-C and A. 6219-B, in relation to the effectiveness thereof.

ACTING SPEAKER HUNTER: On a motion by Ms. González-Rojas, the Senate bill is before the House. The Senate bill is advanced.

An explanation has been requested, Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you. This bill would amend Chapter 657 of the Laws of 2024 ensuring comprehensive and specific data collection for Middle Eastern and North African communities by State agencies. The revisions that have been included reference demographic reporting requirements and providing sufficient time for compliance by effective entities.

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. GONZÁLEZ-ROJAS: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: Thank you. So we discussed this last year, and I appreciate you taking the time to prepare and discuss this with me again. So what exactly is this chapter amendment changing within the bill?

MS. GONZÁLEZ-ROJAS: Yes, so the chapter amendment changes just a few things. So it requires the agencies to report data by January 1st, 2027 so it's a change in the timeline, so they wanted to have some more time for the agencies to comply. If they cannot comply, they are required to file progress reports outlining steps, obstacles, and a timeline for compliance. And then there were two additional groups added, Jordan and Sudan.

MR. GANDOLFO: Okay. So my first question would be why were Jordan and Sudan specifically added to be named countries of origin or ethnicities?

MS. GONZÁLEZ-ROJAS: Jordan and Sudan are widely recognized as part of the Middle Eastern/North African region by U.N. agencies, other experts, and stakeholders. It was not included in the original bill so as we were working through these amendments, it was requested by community leaders, experts, stakeholders to add those two countries.

MR. GANDOLFO: Okay. And now I know last year we spoke about how the Census is now collecting this data, as well, and they disaggregated the MENA region from the White ethnicity. I looked at the Census form from 2020 and their check boxes on their form are Lebanese, Iranian, Egyptian, Syrian, Iraqi, Israeli, and then there's a write-in box. So why -- I guess I'm asking why is ours a little different then in the specific regions that -- specific regions that are named in the bill?

MS. GONZÁLEZ-ROJAS: Yeah, the Census -- I

have the Census form here, too, it says, you know, *mark your race* and then it has *White* and then you're required to add your origin. And it says, *print, for example, German, Irish, English, Italian, Lebanese, Egyptian*, et cetera. So they're really giving examples and in the Census form it was making it clear that people who were Middle Eastern/North African were considered White, and one thing I learned is that even if people clicked *other* and wrote Egyptian or Jordanian, they automatically get reassigned as the White category. So what we're doing in the State is really allowing a separate category for those identities.

MR. GANDOLFO: Okay. Now, if someone were to use, let's say, a write-in box, they didn't see their region or their country represented on a State form or something like that, say they -- because there's a lot --- there's different definitions of the MENA region, we spoke about this last year. If someone were to put in the write-in box, let's say, Cypriot, would that still be counted by the State as part of the MENA region?

MS. GONZÁLEZ-ROJAS: There's -- there will be another click-off category that says *other Middle Eastern/North African*.

MR. GANDOLFO: Okay. Now, is -- is there any scenario where someone could put, you know, let's say Cypriot or Armenian and not be counted in there because the State doesn't recognize that as part of the region?

MS. GONZÁLEZ-ROJAS: I mean, we list the

regions so if someone -- if there's an "other" box and they -- they write some place outside the region they may not be considered, but they're welcome to click *other Middle Eastern/North African* if that's how they identify.

MR. GANDOLFO: Okay. Then I guess the State would then, or whatever agency would determine whether or not that should -- that entry should be counted as MENA or elsewhere.

MS. GONZÁLEZ-ROJAS: Yeah.

MR. GANDOLFO: Okay, thank you. And in the sponsor's memo there's references to equity-based policymaking, resource allocation. Are there certain programs that people who identify as having MENA ancestry that they are qualifying for now, are there any specific State programs or --

MS. GONZÁLEZ-ROJAS: There's no -- there's programs that they're --

MR. GANDOLFO: Okay.

MS. GONZÁLEZ-ROJAS: -- qualified for, at least at the State level.

MR. GANDOLFO: Okay. So if disaggregated and now their own region are no longer considered White, would they qualify for any new funding sources whether through school aid, poverty -- anti-poverty programs?

MS. GONZÁLEZ-ROJAS: The bill doesn't -- the bill doesn't specifically address that, and the chapter amendment clearly doesn't. My hope is that there will be some efforts to take that data. It

really just gives us the information to be better policymakers.

MR. GANDOLFO: Okay. Well, thank you.

Madam Speaker, on the bill, please.

MS. GONZÁLEZ-ROJAS: Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, again I, of course, appreciate data collection and knowing everything about our districts and the people we represent. My concern here is that rather than look at ways to get support to more people, we would rather consider people to no longer be of the White category. I think it's an indictment on the way that we might be doing things to get support to people who need it being that it's based on race. The sponsor's memo makes mention that a lot of people who claim MENA ancestry are being missed for equity-based support programs and -- and resource allocation, which I think speaks volumes that the way we're currently doing it isn't helping everyone in New York State that we all represent. So I think we can do better.

Again, I appreciate the desire to collect the data and bring us more online with what the Federal government is doing, but I do have concerns where this eventually leads in allocating resources in New York State. So again, thank you to the sponsor and thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will generally be in the negative on this piece of legislation, but if anybody would like to be a yes, they could certainly indicate that at their desk by voting. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. González-Rojas to explain her vote.

MS. GONZÁLEZ-ROJAS: Yeah, I just want to thank the Assembly for their support and the Governor for signing the initial bill. Again, this is about data, this is about policymaking, and this is about ensuring that we can best represent the communities that we serve. The Middle Eastern/North African population have been historically invisibilized and this gives them an opportunity to be visible so that we can be their best advocates across the State of New

York. So thank you so much for your support and I vote in the affirmative.

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

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Rules Committee, Speaker's Conference Room; immediate convening of the Rules Committee in the Speaker's Conference Room.

Page 4, Rules Report No. 19, the Clerk will read.

THE CLERK: Senate No. S00815, Rules Report No. 19, Senator Hoylman-Sigal (Hevesi--A00922). An act to amend the Family Court Act and the Social Services Law, in relation to the "Safe Landings for Youth Leaving Foster Care Act" or "Safe Landings Act"; and to amend a chapter of the Laws of 2024 amending the Family Court Act and the Social Services Law relating to enacting the "Safe Landings for Youth Leaving Foster Care Act" or "Safe Landings Act", as proposed in legislative bills numbers S. 8724-B and A. 9321-B, in relation to the effectiveness thereof.

ACTING SPEAKER HUNTER: An explanation has

been requested.

Mr. Hevesi.

MR. HEVESI: Thank you, Madam Speaker; good to see you, Ms. Walsh.

MS. WALSH: Good to see you, too.

MR. HEVESI: This chapter amendment does three things: First, it removes authorized agencies which are foster care agencies from the list of entities required to provide services post-discharge; it requires motions under this Act to be filed before a youth turns 23; and then it allows a motion brought under this Act to be converted into a motion to re-enter foster care upon the consent of the respondent.

MS. WALSH: Madam Speaker, will the sponsor yield?

ACTING SPEAKER HUNTER: Does the sponsor yield?

MR. HEVESI: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much. So I wanted to kind of run through the changes that the chapter makes, I've got a few questions about this.

MR. HEVESI: Please.

MS. WALSH: You mentioned that it removes authorized agencies from having to provide services post-discharge from care, so voluntary not-for-profits foster care agencies won't bear

any financial responsibility for adherence to court-ordered services. Is that why the change was made, to make sure that they did not have any financial obligation?

MR. HEVESI: That's exactly why the change was made, yes.

MS. WALSH: Okay, very good. So who will be financially responsible to provide court-ordered services, then?

MR. HEVESI: It's going to remain with the local Social Services district, but the way that the Governor and we have constructed this, we don't believe there will be any new cost to the LDSS's. And by having the children re-enter foster care, we're going to allow these kids to draw down on Federal funds from the Chafee Grant and also Title IV-E money which can help with legal representation. So we believe that while the LDSS's will still be responsible, it's not going to incur more cost to them.

MS. WALSH: All right. And I do have more questions about that a little bit later --

MR. HEVESI: Yeah, please.

MS. WALSH: -- but why -- I noticed that in the chapter amendment a change was made to extend the filing deadline to age 23 instead of 22 as it provided in the original legislation.

MR. HEVESI: Actually, slight correction - the original legislation allowed it to go up to 25, so this would be the Governor scaling it back, and we agree, we think that youth who age out of foster care can file these motions before they're 23 to get the

services, and every kid will be covered.

MS. WALSH: Well, wasn't it the case that in the original legislation it was 22, but then if you could show that you qualified you might be able to submit it even later than that?

MR. HEVESI: You're correct; you're correct. So the -- so the impetus for the bill-in-chief was that we're having court orders for kids who are in foster care go unfulfilled and so now we're creating a mechanism for them post-foster care to come back in. You're right, the original bill said that we were allowing kids 22 through I believe it was 25 to come back into care. The chapter amendment changes that to just up to 23 years old.

MS. WALSH: Right, but it also eliminates any need to show any special circumstances --

MR. HEVESI: That's correct.

MS. WALSH: -- to exceed the base -- you know, the age limit that is set there to go to an older age, it just says 23.

MR. HEVESI: Right.

MS. WALSH: So I guess what -- can you explain what the reason was for making it more, like, a finite age as being the cap versus up through --

MR. HEVESI: I think there was two things. First, I think there was a cost concern that you don't want to open it up too much to kids over 25, which was I think part of the Governor's argument. We happened to agree when we spoke to the advocates and said, you know what, you can catch all these kids before they get to

23. And just for context, it's only about 600 kids a year.

MS. WALSH: How many? I'm sorry.

MR. HEVESI: I'm sorry, 600 children a year. Two years ago I believe it was 611; last year it was 675. So we think we can catch these kids even with the shortened date to 23 years old.

MS. WALSH: Okay. So when you say there are around 600 kids, tell me again what they were...

MR. HEVESI: So these are kids -- these are --

MS. WALSH: When you say kids, we're talking about, you know --

MR. HEVESI: I say kids, I'm a --

MS. WALSH: -- 20 --

MR. HEVESI: -- I'm a 90-year-old man.

MS. WALSH: -- -something.

MR. HEVESI: So when we're talking about kids in this context, foster care youths stay in foster care up until 21.

MS. WALSH: Yeah.

MR. HEVESI: We're going to allow a group from 21 to 23 who have not received the services that they were court ordered to receive before 21, we're going to allow that window to 23, so we make sure they get the services. And the reason why we're doing that is because when the court orders these things for these foster care kids, what they're really ordering is help with housing, help with Medicaid, help with getting a license, help with education and all the other things that we need these kids to have so they don't fall into

homelessness or wind up on public assistance.

MS. WALSH: Right, yes, I get that. So -- but the one thing I noticed was that it only needs to get filed by age 23. So you could be 22-and-364-days and file --

MR. HEVESI: Yes.

MS. WALSH: -- saying, *I didn't get these services back when, I want to get them now*. And then -- then you're involved in the family court system again, you need to get an attorney appointed to you --

MR. HEVESI: Right.

MS. WALSH: -- you get on the court calendar and you start a process again. So couldn't this actually go on for a lot longer than age 23 before this is even decided?

MR. HEVESI: You're absolutely correct. It can, but the motion, as you correctly point out, will have to be filed before the youth turns 23 years old.

MS. WALSH: And then also as we touched on, under the chapter you eliminated the lack of stable housing as the reason for going above the age of 22. So now if you're 23 or under, you can bring a motion regardless of whether or not you have stable housing, but is it in your opinion that largely these cases will revolve around housing concerns?

MR. HEVESI: I don't want to say -- I'm not an expert in the breakdown of which different kind of orders are the most. I would assume housing because a lot of these kids, one-third of foster

youth who leave care wind up being homeless. But yeah, we think that that may be the primary -- the primary problem, so...

MS. WALSH: Yeah, I was really wondering about that because having worked, you know, worked in family court and had been involved in the preparation of a lot of these permanency hearing orders, you know, once a child enters foster care then you've got every six months, you do this permanency hearing order. And it's really lengthy, there are a lot of different kinds of services that are ordered to be provided by the courts. So one of my questions is as you're dealing with an older, I guess we'd say child, although really, young adult --

MR. HEVESI: Young person, yup.

MS. WALSH: -- young person, you know, are they -- are -- would they then make an application to get only the services that they didn't get that they want to get now, or would it -- is it kind of -- like is it a cafeteria sort of a situation?

MR. HEVESI: Oh, no, no.

MS. WALSH: Or do you come back into the system and you pick up that last permanency hearing order and you look at it and you say -- the judge would say, *what have you got and what haven't you gotten*, and you get all of it.

MR. HEVESI: So my -- my understanding is it wouldn't work that way.

MS. WALSH: Okay.

MR. HEVESI: It would work as a, *Look, you had an*

existing court order before you were 21 years old, so you know what, that's the specific service that you're allowed to come back into foster care to get. I didn't intend this and I don't think it'll be -- I hope it's not interpreted as kid comes back into the foster care system and can get carte blanche whatever they want, that's not the intent of the bill; the intent is to get the existing court order fulfilled.

MS. WALSH: I appreciate that, but I'm also -- I'm additionally looking at it this way. Let's say that one of the things that was court ordered is assistance by the local department of Social Services or whomever, to help that person get their GED, and then the person is 23-plus and says, *I don't care about that anymore, I don't want that, I don't want any help with that*. Would the court -- could the court say, *Well, that was ordered so you need to take that. If you're going to get housing, you're going to get this, too*.

MR. HEVESI: That's a great question. The answer is no --

MS. WALSH: Okay.

MR. HEVESI: -- because the respondent, the youth in this case, has to be willing to go back into foster care and has to be seeking out the service. So no, the court cannot mandate, *Hey, kid, you were supposed to get these services, go get them now*. The kid has to -- the kid, the young person has to be voluntarily seeking that service.

MS. WALSH: Okay. So as far as, say, housing for example, say -- say you've got this just shy of 23 person that applies, it

gets heard by the court, it gets handled, let's say that housing is part of what -- what they're going to get. How long do they get it for?

MR. HEVESI: It's a -- until the court order is fulfilled, and it depends on the difference of the order. So I don't know what the assistance the order was requiring for that youth, it may be help for a certain amount of time, it may be -- I'm not sure what that --

MS. WALSH: It could potentially be indefinite, couldn't it?

MR. HEVESI: I don't know if it could be indefinite, but yeah, I don't see a limit on it if that's what your question is.

MS. WALSH: I didn't see a limit either.

MR. HEVESI: You're correct, I don't have a limit.

MS. WALSH: Now --

MR. HEVESI: But I'm assuming -- I would assume that what we're doing is fulfilling original orders from the court so I would hope that the original order from the court was not indefinite assistance, it was *you get a finite period of time to finish discourse or whatever housing assistance you get*.

MS. WALSH: Well, the deadline with the original order from the court was 21 --

MR. HEVESI: Right.

MS. WALSH: -- right?

MR. HEVESI: So we extended it to 23 -- no, it's a good point you're raising, absolutely.

MS. WALSH: Yeah, thank you. Thanks. So when that child, or that young person comes back into family court and comes back into the family court system, will permanency hearings start back up again?

MR. HEVESI: I don't believe -- I don't believe so. I believe they're going to work off the existing permanency plan that they had before that was unfulfilled.

MS. WALSH: Okay, all right. But part of the benefit I guess of having a permanency hearing and order is to check back in with Social Services and the young person to say how -- the court say how we're doing -- *how are we doing here, have you achieved stable housing, have you achieved your educational goals or your mental health goals*, or whatever was in that order that wasn't fulfilled before.

MR. HEVESI: Right.

MS. WALSH: That -- so that also was unclear to me about whether permanency hearings would pick up again or not.

MR. HEVESI: So I haven't heard that they would expressly be picked up, but you're right, you're going back into the court system, you're requiring that an attorney represent the child so perhaps there is an opportunity to open it to a permanency hearing, although that -- the permanency plan, although that wasn't the intent of the legislation.

MS. WALSH: Okay. Now, you also -- in the original legislation it talks a little bit about a motion for contempt that can be brought against the agency with whom the -- the youth was

placed. So one question was what is the burden of proof that could -- that must be shown as against the agency?

MR. HEVESI: Give me one second, it's a good question.

MS. WALSH: Sure.

MR. HEVESI: I apologize.

So the affirmative defense is for the -- for the local Social Service district or the foster care agency to say the kid refused care; that's the affirmative defense. So you know, if a child brings - child, a young person brings a motion and say, *we didn't get this service*, we're providing the local Social Service district and the foster care agency the ability to say *no, no, no, that kid refused care*, which does not allow them to come back in and get a second bite of the apple.

MS. WALSH: But I noticed that there's some very tight language in there, in that portion of the bill because it's not just that the -- say that the kid, you know, said *I don't want this -- I don't want this service or care*, it says that compliance was not possible due solely to the youth's refusal to consent to continuation of the foster care placement where such refusal is documented in a signed, notarized letter executed by the youth after consultation with their AFC, or their attorney for the child. So that's a pretty tight affirmative defense that the -- that Social Services would have to show.

MR. HEVESI: Yeah, but we're doing it in their favor so they're not going to be required to pay for things that they shouldn't

pay for and to have them -- to be able to legitimately say, *we were ready to offer this service, but the youth declined*.

MS. WALSH: Yeah, they declined after -- in writing after their attorney was consulted --

MR. HEVESI: Notarized.

MS. WALSH: -- with them and after all those things. Okay. So the next -- my next question is really that old saying about how you can lead a horse to water, but you can't make him drink. So you've got a youth that is -- is not compliant, is, you know, doesn't -- doesn't want -- only maybe wants some of it, doesn't want all of it. You know, how do you -- how does Social Services -- are they on the hook for providing everything even though at the time, so pre-21 years old, that youth was like, *I'm not -- I'm leaving, I'm getting out of here, I don't want any of this*, and didn't re-enter, because we have re-entry provisions, too, for them to come back in.

MR. HEVESI: We do, but they're small and tight, so they're hard for youth to get in, but it's a good point. But none of this gets triggered unless that young person actively says, *I want that service*.

MS. WALSH: *I want it now*.

MR. HEVESI: *I want it now.* So this gives them the opportunity to come back and get it. And by the way, just -- just bigger picture. This is cost-effective for taxpayers in the following way: The cost we're seeing from these foster care youth winding up on the streets is, you know, it's shelters, it's housing (inaudible)

vouchers, it's emergency rooms, it's all kinds of other ancillary costs that are unnecessary, so we try go figure out a way to let them go back in, get the services that they were allowed to get, and then that be the end of the process. So the kid moves on and hopefully has a chance at being successful.

MS. WALSH: No, I understand what the rationale is, I just think that it -- it appears to be an indefinite period of time that services could be provided, and I totally get the idea that we don't want people to end up out on the street, but we also have to recognize the fact that we already have a significant safety net for adults to receive housing, to receive --

MR. HEVESI: Yeah.

MS. WALSH: -- food, to receive medical care, to receive all kinds of things, so -- but we -- but we still through this bill are saying that for these certain individuals, they're going to be treated differently.

MR. HEVESI: Yeah. So first of all, you're absolutely right, we have a, you know, a buffet of services for older adults, but they're expensive. Every one of them is more expensive for the services than for the kids. Let me leave it at that.

MS. WALSH: Okay. Well, let's say for example you have a 23-year-old that's going to come back in --

MR. HEVESI: Yeah.

MS. WALSH: -- and would they be placed with a foster family as you would for somebody under the age of 21?

MR. HEVESI: I don't believe so, but it would depend on the individual circumstance. But I don't believe so, that's not the intent.

MS. WALSH: Okay. So it could be maybe independently in an apartment or there -- sometimes there are residential placements like locally --

MR. HEVESI: There are --

MS. WALSH: -- Vanderheyden or Northern Rivers.

MR. HEVESI: And if I may interrupt for a second, I apologize.

MS. WALSH: Of course.

MR. HEVESI: Because you alluded to this earlier --

MS. WALSH: Yeah.

MR. HEVESI: -- the definition of stable housing was changed because we recognized that in some of the youth's permanency plans, they are already being sent to some institutions. So our definition of stable housing in the bill-in-chief didn't fit, it didn't allow for those kids to go into the other types of -- other types of care, congregate care.

MS. WALSH: So that's why the reference to stable housing is --

MR. HEVESI: That's why we changed it.

MS. WALSH: Oh, I see.

MR. HEVESI: Yes.

MS. WALSH: That's interesting. Okay. So it's

interesting about, like, whether you would put them in say like a Vanderheyden or like a Northern Rivers because the research that I had done, and I think we talked about it last year when we debated the bill was just the expense that I was told that residential placements locally average $500 a day per child, per kid, which would be - I did the math - $182,500 a year. Now, in our debate last year you said that this wouldn't be an unfunded mandate on county DSS, and you mentioned the Title IV money and then the Chafee money.

MR. HEVESI: Yeah.

MS. WALSH: But doesn't the Chafee -- I was trying to look this up. Doesn't the Chafee money, though, there's a pot of it in any given year and it's -- it's nation -- nationwide --

MR. HEVESI: Yes.

MS. WALSH: -- it's not just specific to New York and it does -- so when it's exhausted, it's exhausted.

MR. HEVESI: That is accurate. So let me -- let me do it sequentially.

MS. WALSH: Yeah, okay. Thank you.

MR. HEVESI: So first, the local Social Services district who have to go back and give these services can use the same mechanism they had when the kid was under 21. So it's already been budgeted for, so that's number one. Number two, you're right about the Chafee funds, although they do run out, their pot, but they do -- are used for kids up to 23. But the benefit, I think the biggest benefit will be for -- the bill requires an attorney for the child. Title IV-E,

Early Intervention money, preventative services money, has been used by the Office of Court Administration to provide for legal services, so we believe that they'll be able to pay for some of the legal services required under the bill, the rest being paid for by the State in the Budget, it was $205 million last year in the Judiciary Budget.

MS. WALSH: Have you or anybody else that you know of sought, like, an advisory opinion to make sure that that money would be available? Because from my perspective, if the Chafee money runs out then -- and maybe this Title IV funding is it called, is not available for whatever reason, it's going -- the organization or the entity that will be on the hook if all else fails is the county.

MR. HEVESI: That's true --

MS. WALSH: -- and if you're looking at numbers like $182,500 a year per kid times 600 or so, say they all come back into care, you know, I mean we're talking about a really big number.

MR. HEVESI: It could be, if all of those kids go into residential care, but also I would respectfully suggest that the services that were going to be provided by the local Social Services districts have been paid for, they just haven't been provided yet. And I don't want to stick the counties, we're trying to make sure that the counties don't get hurt, but also they have to fulfil those responsibilities under the existing mechanism. So I don't think this will be new money for them. You're right about the Chafee Grant, that is an add-on idea they could draw down on, but I think the local Social Services district have

enough budgeted to be able to take care of this problem.

MS. WALSH: And I understand what you're saying, that they were supposed to do it before and for whatever reason they didn't. You know, you had a -- you had non-compliance issues, you had a lack of funding, a lack of services for whatever reason. I understand we want to say to the county DSS or whoever, you know, *you need to follow through, this was something that had been court ordered*, I understand that. But you know, the end time that everybody was focused on was 21. That was that finite period of time. You paid up until then and then you didn't have to pay anymore after that. After that, we expected that somebody over the age of 21 would go to their local DSS and apply for housing, you know, like any other, you know, adult. I mean, why -- why don't we expect somebody at the age of 23 to just go do that?

MR. HEVESI: Because this -- this population is distinct. These are foster care youth who don't have parents to guide them through, they don't have financial resources, they don't have -- like, look, I have a 15-year-old kid, if she runs into any of these problems, she's calling her mom and her dad. This is a population of kids that just by definition don't have access to that kind of support, and they were supposed to get court-ordered support that they didn't get. So we're just to make sure -- we're not trying to extend out foster care, 21 is the end of foster care. What we're saying is if you were supposed to receive a service in foster care that you didn't get, we're going to allow this one mechanism to let you get back in and finish

that service. Hopefully, that'll save taxpayers money in the long run, and will be, you know, a real help to that kid on their path to success.

MS. WALSH: And just one more thing, and I apologize because I think I asked this before but I just want to be absolutely clear about what your answer is on it.

MR. HEVESI: Sure.

MS. WALSH: We talked about the concept of, like, a cafeteria plan or something, right? So let's say that that order previously had said, you're going to help the individual get their GED, they're going to get mental health services, they're going to have housing, they're going to have this, they're going to have that -- say they're going to get like five things and at almost 23, a hair before 23 the youth comes in and says, *I -- I want two of those. I don't want all five, I just want two*. Can they do that?

MR. HEVESI: It's a great question. I don't think so. I think -- I think this is just a way to fulfil the existing full court order. This is not -- it's certainly not my intent to have a kid come back and say, *yes, I'd like some of this service and this service and this service*; that's not what I intend.

MS. WALSH: Okay. Thank you very much.

MR. HEVESI: Thank you so much, Ms. Walsh.

MS. WALSH: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So under this bill someone who was once in foster care can surface at 22 years and 364 days, get a court-

appointed and taxpayer-financed attorney and bring a claim that there were services that they were supposed get but didn't. It just needs to be filed by 23. With Family Court backlogs, this could go on and on indefinitely, and even if services are ordered then by the Family Court, there does not appear to be any end date in the legislation. So these services, once ordered, could continue to go on indefinitely.

It is an unfunded mandate to some extent. We don't fully know what it is going to be on our localities, it's an undetermined amount. Permanency orders contain all kinds of transition planning. If just one thing wasn't completed, the 23-year-old could come back in. We already have liberal policies allowing for foster youth to re-enter foster care. We need to draw the line somewhere, and I think that 21 is still a good place to do it. After 21, you can still get benefits through DSS as an adult, which the person is. If you voluntarily left foster care without a good plan for your life, you can re-enter at any time up to the age of 21. I think that that is sufficient and for that reason, I'm not in favor of this legislation and I would encourage my colleagues to vote in the negative. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The

Minority Conference will be in the negative on this piece of legislation. Should anyone wish to vote in the affirmative, they can certainly do so at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Walsh for the purposes of an introduction.

MS. WALSH: Thank you very much, Madam Speaker, for allowing me to interrupt the proceedings today for an introduction on behalf of Assemblymembers Phil Palmesano, Andrea Bailey, and Joe Sempolinski. We have representatives joining us today from the Steuben County Office for the Aging. We have Don Suriani, Gabe Smalt, Krystal Watkins, Andrea English, and Carroll Clark. They're here today joining us for the Age Strong New York State Advocacy Day, and they're working to assist New York's senior

population. And so Madam Speaker, if you could please welcome them to the People's House. Thank you.

ACTING SPEAKER HUNTER: Of course, thank you.

On behalf of Ms. Walsh, Mr. Palmesano, Mr. Sempolinski, and Ms. Bailey, and the Speaker, we welcome you to the Chamber. Hope you enjoy our proceedings today. Thank you very much for traveling all the way from Steuben County, we appreciate that. Thank you for joining us.

(Applause)

Page 4, Rules Report No. 20, the Clerk will read.

THE CLERK: Assembly No. A00923, Rules Report No. 20, Zinerman. An act to amend the General Business Law, in relation to requiring retailers of micromobility devices, bicycles with electric assist and limited use motorcycles powered by lithium-ion batteries, and lithium-ion batteries intended for use in such devices or bicycles to provide customers with an operating manual.

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

An explanation has been requested, Ms. Zinerman.

MS. ZINERMAN: Good afternoon, colleagues. This bill prohibits individuals, entities from manufacturing, distributing, assembling, selling, offering the sale of or lease for any bike or electric assist motor vehicle that has a lithium powered battery

without providing the purchaser with a operating manual in at least three languages, in English and the three commonly known languages to New Yorkers.

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ZINERMAN: I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: Thank you. So I'm looking at this chapter amendment. The original bill required that a manual be included at the point of retail sale; is that correct?

MS. ZINERMAN: Yes.

MR. GANDOLFO: And now this amendment adds in it must be included when it's manufactured, distributed, assembled or reconditioned as well.

MS. ZINERMAN: Yes.

MR. GANDOLFO: Right, okay. So my question is if the requirement on the manufacturer or distributor, is that when selling directly to the consumer or is that when selling to a retail outlet which would then sell to the consumer?

MS. ZINERMAN: All of the above.

MR. GANDOLFO: Okay. So the manufacturer would have to include it to the distributor, the distributor would have to make sure it's there for the retailer.

MS. ZINERMAN: Yes.

MR. GANDOLFO: So my question then is if one of

these devices arrives in a sealed box, how would a retailer know whether or not the box that they received has that instruction manual in it?

MS. ZINERMAN: How would the retailer know? Because they -- they ordered it, and so when you order something, it always tells you what the contents of the box are.

MR. GANDOLFO: Right, so the box --

MS. ZINERMAN: And most things that we have right now that we order always comes with some level of instructions, either on the box itself or inside.

MR. GANDOLFO: Right, okay. And so -- but let's say there was a mistake coming from the factory, a retailer like Target got an electronic scooter, and e-scooter, someone opens it up, there's no manual in the box, even though it might be marked on the box that the contents include a manual, a charger and whatnot. What would be the recourse from there? Would the consumer then -- how would that be enforced? Would the consumer file a complaint? What exactly --

MS. ZINERMAN: I would think that the consumer would do either two things, they could look up the device and download the instructions from the internet, or they go could go back to whoever they purchased the product from and ask them for the operating manual.

MR. GANDOLFO: Okay. So -- and then the retailer in that instance, they would be fined, I think for the first one it was $100?

MS. ZINERMAN: They would be fined if they did not knowingly --

MR. GANDOLFO: Okay.

MS. ZINERMAN: -- provide the operating manual.

MR. GANDOLFO: Okay. So say this happens once, the box doesn't have a manual in it. Would they now have to go I guess open the sealed boxes to check the others to make sure that they were in compliance?

MS. ZINERMAN: I would think, like any other product that you would buy, if you're ordering from some place and they are not providing you with what it is that you ordered or was required by law that you would no longer purchase from that entity.

MR. GANDOLFO: Okay. So say a retailer gets dinged for not including the manual, but they say -- they point back to the distributor or the manufacturer. How would that get resolved then if the retail store says, *well, we didn't get it from the manufacturer*, which was supposed to include it.

MS. ZINERMAN: I'm sorry, could you just repeat that question? It was a little noisy.

MR. GANDOLFO: Sure, no problem. So what would happen in an instance if a retailer gets dinged for not including this manual, but the retailer claims, *listen, this was on the distributor, or this was on the manufacturer, they didn't include it*. How would a conflict like that get resolved?

MS. ZINERMAN: Unfortunately, they're

responsible. Once you have the item in your possession, and the law states that you have to then provide whoever you are selling it to with a manual, you would be responsible for that because, again, you have the option of finding out what -- where that -- where you could obtain that operating manual if it wasn't in the original packaging. You could go to the internet, you could return the product and tell them to send you another one. So you have at least two avenues of recourse before you would be blamed.

MR. GANDOLFO: Okay. So then if a manufacturer sells to a retailer, they're kind of shielded from the responsibility to include that manual.

MS. ZINERMAN: If a manufacturer was selling to a retailer, you're asking if the manufacturer would be shielded from...

MR. GANDOLFO: Right, because the retailer would sell it to the customer, the customer would say, *look, there's no manual in here*.

MS. ZINERMAN: No, the retailer, the retailer should return it back to the manufacturer or ask them to provide them with the manual so they could pass it on.

MR. GANDOLFO: Right, but wouldn't that involve them opening up sealed, new merchandise in order to check that there is a manual present?

MS. ZINERMAN: Or, manufacturers could avoid that by just putting the instructions on the box like some people do.

MR. GANDOLFO: So would that be permitted

under this, they could just put the instructions on the outside of the box, the manual?

MS. ZINERMAN: You have to provide an operating manual, wherever you print it and provide it would be fine. We're just trying to save lives here.

MR. GANDOLFO: Right, no, and I think it's a laudable goal, I was just curious why we wouldn't just put that onus on the manufacturer and cut out all the other steps because it seems to me like you could get into this finger pointing game of whose fault it was that this was not included.

MS. ZINERMAN: So I'll tell you why we did that. A number of people, you know, who are deliveristas who have bikes, they -- they -- they acquire them from different places. Not everybody is able to afford one so sometimes, you know, your brother is no longer in the business and they let you use their bike. We have a problem with lithium batteries and so we have to protect the riders, we have to protect the retailers, and we want to make sure that people know how to use them and operate them. And so we would want people to take this very seriously and hold on to that and pass it on to the next person who is going to use the bike.

MR. GANDOLFO: Right, and thank you. The bill text states that the manual must include a link to a website where it's also available. Could the manual be provided only in electronic format, or does it have to be printed physical paper, of sorts?

MS. ZINERMAN: The problem with only an

electronic is that everybody doesn't have wi-fi, doesn't have access to the internet, so we want to just make sure, again, that people have this lifesaving information.

MR. GANDOLFO: Of course. Great, thank you. And another point I noticed in the bill it also adds, you know, assembling or reconditioning. What would constitute I guess the assembly of an e-bike? If I ordered a bike, an e-bike, and it shows up in a box that you have to put together and I hire a service that comes and assembles furniture, like a TaskRabbit kind of thing, would they now have to also provide a manual in addition to the manual that might have been included in the box because they assembled it?

MS. ZINERMAN: We're really only worried about whether or not that person understands how to properly assemble that, take that battery and assemble it into the bike. That's what we're most worried about. And so as long as the person has read the manual and knows how to do so, and it is not going to blow up on someone on a bike or fall out and cause some other sort of damage, that's all that we're looking for here.

MR. GANDOLFO: Okay. And also, this includes now the requirement that if you're offering an e-bike for sale or lease, the manual must also be included, correct?

MS. ZINERMAN: If there's a lithium battery involved, then yes.

MR. GANDOLFO: So if you're renting it -- okay. So how would this work, let's say, with a service like a bike sharing

service like Citi Bike, which has the electronic bikes that you just kind of go up to, I think there's an app, I don't really ride them, but you would now be rented this bike but there was -- they don't have a paper manual included there with a Citi Bike or any kind of those bike share, scooter share services.

MS. ZINERMAN: Well, Citi Bike -- well, first of all, when you rent a Citi Bike, unfortunately there are thousands of them in my neighborhood, when -- you're only responsible for riding the bike. If it doesn't work, you're not responsible and you should not at all try to fix the bike in any way, whether it has a flat, you just call the number and they take care of it. So it would be the responsibility of the Citi Bike to make sure that any lithium battery that is used for their e-bikes are properly assembled before they're put in that dock for consumers to use.

MR. GANDOLFO: Well, would Citi -- would Citi Bike itself have to, since they are renting to the end user, how could they be in compliance if they can't provide the person who is entering into this rental agreement with the -- with the manual?

MS. ZINERMAN: Because they're not responsible, the consumer -- the contract between Citi Bike and the consumer is only to ride the bike. You're not responsible for making any amendments to the bike at all, whether or not the bike battery falls out or it's malfunctioning, your only responsibility at that point is to call Citi Bike and say that the bike has malfunctioned.

MR. GANDOLFO: Okay, because, you know, the

way I'm reading the bill is that no person, firm, partnership, association, shall manufacture, distribute, assemble, sell or offer for sale, lease or rent any bicycles with electric assist, so I just don't see how they could end up in compliance if they can't provide the paper manual.

MS. ZINERMAN: Well, Citi Bike might be a little angry at you, we might require them to put that information on their docking stations.

MR. GANDOLFO: Okay. Because I know it's all done electronically, that's why that's what popped into my head was, you know, they're just kind of left there like, you know, they're in your neck of the woods there. So that's -- that was my confusion is that it seems almost impossible for a service like that to comply with the text of the bill and, I mean, hypothetically they could be on the hook for a lot of monetary damages for being in constant violation.

MS. ZINERMAN: I think if anyone has seen the damage that a improperly stored or installed battery has done to a bike or to homes or to retail establishments and the loss of life, which is upwards to 200 people at this point, I think people will pay close attention to ensuring that they have a manual and they know how to properly use and store that battery.

MR. GANDOLFO: Well, I appreciate it.

Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, I really do

appreciate the intent of this bill. There is a lot of concern out there about the safety of lithium-ion batteries. We see people in municipalities all over the place who are concerned with the storage facilities, so I think the intent of the bill is great. I think it would be made better if the onus was put on the manufacturer itself to include the manual, because by requiring this every step of the way, I do feel that you get into a situation where there's going to be fingers pointed back and forth on who is actually -- who was in violation, whether it was the retailer, the manufacturer, the distributor, or someone who assembled the bike.

So I think just putting the requirement on the origin of the bike, the manufacturer, would probably be the better way to go here. Perhaps offering in the case of a Citi Bike or a bike share service where maybe they can offer it electronically, because a lot of that is done via apps and if they can't -- if a service like Citi Bike cannot offer a paper manual with every rental agreement that they are entering into, I think they would be in violation of this law. So thank you, Madam Speaker. I will be voting no, but I think this can be improved.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

The sponsor yields.

MR. PALMESANO: Thank you, Ms. Zinerman. Now, I understand this about lithium-ion batteries dealing with the --

MS. ZINERMAN: Mr. Palmesano, if you could just raise your voice, it's a little noisy in here.

MR. PALMESANO: Absolutely, I'll be glad to do that. So I understand this bill is pertaining to lithium-ion batteries for electric bicycles and motorcycles, correct?

MS. ZINERMAN: Yes.

MR. PALMESANO: I kind of want to take, if it's okay with you, a little different track -- a parallel track on this because we're talking about lithium-ion batteries.

MS. ZINERMAN: Are we going to the Congo, Mr. Palmesano?

MR. PALMESANO: We may just be going to the Congo this afternoon, Ms. Zinerman.

MS. ZINERMAN: Okay, all right.

(Laughter)

MR. PALMESANO: First I wanted to talk about, I know the purpose of this bill is because we have seen the number of fires in New York City with -- and I understand the intent from that perspective. Shouldn't we also be doing more on this front with our electric vehicles? You know, we've got this EV school bus mandate that's coming down the train -- the tracks that everyone -- which we should actually be pausing and delaying, I'm sure a lot of people

would agree with that. But shouldn't we be doing that on that front, EVs, EV school buses, electric -- EV battery storage, because they all use lithium-ion batteries. Shouldn't we be looking at that and make sure this is safe, make sure our kids are safe on the school buses before we implement this and mandate this for our school districts?

MS. ZINERMAN: I'm always going to vote for safety --

MR. PALMESANO: Yup, I agree.

MS. ZINERMAN: -- but this what I'll say. When we looked at the origin of most of the fires, they were from -- those that were in the vehicles that are described in the law, which is why we targeted them. I think when you're talking about cars, there absolutely are instructions that come along with that, and there's only certain manufacturers that even know how to install those -- the car batteries.

MR. PALMESANO: Sure.

MS. ZINERMAN: And so this was really based on the FDNY's -- the Fire Department of the City of New York's recommendation that we move forward with this piece of legislation.

MR. PALMESANO: Sure, and I can understand that. On that front, you know, with the lithium-ion batteries, shouldn't we be looking, you know, to ensure safety, that the components used to produce the lithium-ion batteries are sourced here in the United States rather than right now like 90 percent of rare Earth materials are processed in China and then of course we know the cobalt, 70 percent of it is extracted in the Democratic Republic of Congo using child

labor. Shouldn't we -- wouldn't it help if we, whether it's a motorcycle, whether it's e-bikes, EV school buses, battery storage, wouldn't it be good if we had provisions to mandate that we are producing this and using the components from the United States rather than going on this where there's other problems in other countries from the sourcing of these materials. Wouldn't that be the better way to go before we go fast track with these EV mandates?

MS. ZINERMAN: Well, as you well know now, the world has changed, right? Where we source our materials and who we trade with is changing every single day. You know, I live in America, I live in New York so I'm always New York first when it comes to buying our products, but this has been the process. I think people know that you can get cobalt from Canada; they've been a good trade partner until just recently, as well. So I don't know at this particular point that we want to litigate, for the purposes of this bill, where we source our cobalt. What we want to say is that lithium not handled correctly is dangerous and we want to make sure that anybody who is riding a vehicle or buying a vehicle that uses one knows how to use it so that everyone can be safe.

MR. PALMESANO: All right. And then on the lithium, you mentioned the lithium, because I always talk about the cobalt here, but it is well known that the lithium, you know, we have the lithium triangle in South America. There's well documentation there that they're, you know, for the lithium mining in the water, it's poisoning water, rivers, and streams and --

ACTING SPEAKER HUNTER: Colleagues, we want to make sure we speak about this chapter amendment relative to this bill, sir. Thank you.

MR. PALMESANO: Fair enough. I'll just speak on the bill then, how about that?

ACTING SPEAKER HUNTER: Thank you.

On the bill.

MR. PALMESANO: All right, thank you. Thank you, Ms. Zinerman, and thank you my colleagues, I appreciate your patience with me. You know this is an issue I talk about quite often, I know you're probably getting tired of it, but I'm going to keep talking about it until this Chamber does something about it. The fact of the matter is, and I can appreciate the intent with the sponsor on this bill wanting to look at our -- our motorcycles and our e-bikes and things of that nature, I get that, but we are talking about lithium-ion batteries, and lithium-ion batteries are part of the materials used to produce the e-bikes, but also electric vehicles, electric school buses, battery storage. And it's well-documented there are problems with this technology. And it's not where it needs to be yet, and I would make an argument we should be waiting and making sure that the technology gets to where it needs to be before we fast track with the electric vehicle mandate, with the electric school bus mandate. Of course, the electric school bus mandate has a host of other problems in addition to the sourcing, and we all know that and we should be pausing on that.

But I will talk about this because it is serious, we're talking about fires. I mean, and the sponsor's bringing up because of the fires in New York City. These fires are happening everywhere. We see it with EVs, we see it with the others, with the battery storage and I think the year before last we had three battery storage fires in the State of New York that was damaging, it doesn't help the environment, and I think we need to look at -- we need more safety from this perspective and we need to move forward from that perspective, as well.

And quite frankly, we should look at the sourcing of this material. Why should it be acceptable to us to say, you know what? We are where we are in the U.S., so we're going to keep getting the materials from where it comes. Yes, where? Seventy percent of the cobalt comes from the Democratic Republic of Congo, that's where it's extracted. It is well-documented, ladies and gentlemen, that they are using child labor, and children have died, they have been paralyzed, they have been maimed extracting this material. And yes, lithium is being mined in South America in the lithium triangle and they're poisoning water, rivers, and streams in other countries. And it seems like it's just okay, we should -- instead of pausing to make sure we're doing it right. It just seems like -- and I don't think you're okay with it, but the policies that keep being advanced with this EV mandate doesn't really reflect that caring, in my opinion. I know you care about it, but it almost seems like if we have to meet these goals, right, but it's okay if kids, quite frankly, are

dying in the Congo to produce the cobalt that produce the electric batteries to power the EVs. It's almost okay if we're poisoning water, rivers, and streams in South America to -- to do this, but I would tell you if kids were dying in New York, if kids were dying in the U.S. to produce this material, this wouldn't be happening. If we were poisoning water, rivers, and streams in New York or the U.S., this would not be happening. It's almost like out of sight, out of mind.

It's a problem, ladies and gentlemen. We can -- we're supposed to be the Empire State, we're supposed to be leading on this, and I hope we do lead on this. We need to look at this even further. And I would just say that this is something I'm very, very concerned about. And I know a lot of people, they don't like to talk about oil rigs or natural gas fracking wells, you don't like them, but I don't see any children working on them.

So I think there's things we can do better on this, this issue, and I appreciate the sponsor's patience with me, and of the House, this Chamber on this issue, but I'm going to keep talking about this issue until this House does something about it. So therefore, I will be voting in the negative on this legislation and encourage some of my colleagues to join me, as well. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Chang.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MS. ZINERMAN: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. CHANG: Thank you. Thank you for introducing this bill, and it's a very well-intent. In my district, there's too many of these two-wheels bicycles or lithium electrical assist vehicles. Probably more than just the four wheels itself, I just don't know how many there are. But on the manual itself, instructions, would it also list the occupancy capacity? Because I've seen some two wheelers that have a family of four on it, but would it say anything like that about maximum capacity?

MS. ZINERMAN: Yeah, I've seen -- I have seen that as well. But no, this is really about the safety of the battery, so it's really not about the overall operation of the bike, just with regard to the battery.

MR. CHANG: Well maybe we should in the future on that put something in there instead of having a family of four on a two-wheeler, so whatever it's designed for. And in the bill, you listed on multi-language other than English, but most instructions I read whether it be power drills, generally mostly are English, Spanish, and French, but my communities are Chinese. So how can we make sure the manufacturer will have those languages? If we can tighten up the languages to include that, including Koreans and Vietnamese, because --

MS. ZINERMAN: I actually agree with you. You

know, I worked at the New York City Council before coming to the Assembly and we used the most, I think it's probably up to eight or ten languages they use. And so I think we should definitely fight for more languages.

MR. CHANG: Yes.

MS. ZINERMAN: We were not intending at all to be exclusive in this manner.

MR. CHANG: If we could improve on this bill instead of multi-language, we could maybe put some -- some of them.

MS. ZINERMAN: I think it said the most commonly used languages in New York State.

MR. CHANG: Yes, but sometime they miss out Chinese. English, French, Spanish, very common, but not all in Chinese and...

MS. ZINERMAN: Well, French used to be the universal language. I think it's gone down the list, especially in New York State. But I think it's something for us to definitely look at.

MR. CHANG: Okay.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. CHANG: The intent is -- I'd like to thank the sponsor for this. It's a good way to give instructions at least of operating safely on the batteries because there's so many illegal batteries in my community. And during the time of my representation, I know we have four fires and some of them were fatal

that burned out people in my district for the past three years. So I know that personally, and I do witness that.

So it's a good start and I will support this bill, but we need some improvement on it in terms of adding capacities and adding more language -- specifics on language on the manual itself. Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Minority will generally be in the negative on this piece of legislation. Should anyone want to vote in the affirmative, they may do so at their desks. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, members have on their desks an A-Calendar. I'd like to move to advance that.

ACTING SPEAKER HUNTER: On a motion by Mrs. Peoples-Stokes, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. Do you have any further housekeeping or resolutions?

ACTING SPEAKER HUNTER: We have no housekeeping, but a number of resolutions before the House. Without objection, these resolutions will be taken up together.

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

(Whereupon, Assembly Resolution Nos. 103-105 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you would please call on our colleague, Ms. Clark, for the purposes of an announcement.

ACTING SPEAKER HUNTER: Ms. Clark for the purposes of an announcement.

MS. CLARK: Hello, here to make sure everyone knows, we -- the Majority Conference will have conference immediately following Session in Hearing Room C.

ACTING SPEAKER HUNTER: Thank you. Majority Conference immediately following Session, Hearing Room C.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 10 a.m. Wednesday, February the 12th, tomorrow being a Session day.

ACTING SPEAKER HUNTER: On Mrs. Peoples-Stokes' motion, the House stands adjourned.

(Whereupon, at 3:13 p.m., the Assembly stood adjourned until Wednesday, February 12th at 10:00 a.m., Wednesday being a Session day.)