

**TUESDAY, JUNE 10, 2025**

**11:21 A.M.**

ACTING SPEAKER HUNTER: The House will  
come to order.

Good morning, colleagues.

In the absence of clergy, if we could take a moment  
for one of our colleagues who was taken to the hospital this morning.

(Whereupon, a moment of silence was observed.)

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, June 9th.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Well, good morning, colleagues and guests that are in the Chambers. We're going to begin our day with a quote, as usual. This one is coming from Eleanor Roosevelt. Most of us know who she was, she's a former first lady. Her words for us today: "The future belongs to those who believe in the beauty of their dreams." Again, these words from former First Lady Eleanor Roosevelt.

Madam Speaker, members have on their desk a main Calendar, as well as a debate list. Before any housekeeping or introductions, we're going to be calling for the Rules Committee to meet. That committee is going to produce an A-Calendar of which we will take up today. We will also be calling for the Ways and Means Committee to meet. We should begin our floor work, however, with the following bills on consent: Rules Report No. 251 by Ms. Davila, Rules Report No. 274 by Mr. Braunstein and Rules Report No. 372 by Ms. González-Rojas. We will then take up on debate, Calendar No. 84 by Ms. Rosenthal. Madam Speaker, it may be necessary to announce additional floor activity as we proceed; however, that is a general outline of where at today, ma'am. If you would please call the Rules Committee to the speaking -- Speaker's Conference Room, we

can begin our work.

ACTING SPEAKER HUNTER: Thank you. Rules Committee members to the Speaker's Conference Room. Rules Committee members to the Speaker's Conference Room.

We have a piece of housekeeping this morning.

On a motion by Ms. Bichotte Hermelyn, page 20, Rules Report No. 532, Bill No. A8412-C, the amendments are received and adopted.

We have several introductions this morning. We will start with Ms. Rajkumar for the purpose of an introduction.

MS. RAJKUMAR: Thank you, Madam Speaker.

Today I rise to honor a remarkable New Yorker, Lauren Claus, the devoted guardian of a beloved dog named Penny. Lauren is someone who exemplifies love, resilience and civic spirit.

When Penny was tragically harmed, Lauren turned pain into purpose. She has become a quiet but powerful force; speaking out, organizing and standing up for the wellbeing of animals across our State. A -- a resident of New York City for four years, Lauren has been a lover of all animals since she was young. Working in a highly stressful media environment, Penny comes with her to work every day, providing her so much comfort and support. What makes Lauren extraordinary is not just her strength and adversity, but her deep belief that our communities can be safer, kinder and more just for both people and animals we cherish.

It is a privilege to welcome Lauren Claus to the

People's House. She reminds us that -- that compassion is a form of courage and that one person, moved by love, can make a difference. Please join me in recognizing Lauren Claus and her cherished companion, Penny.

ACTING SPEAKER HUNTER: On behalf of Ms. Rajkumar, the Speaker and all members, we welcome you, Lauren and Penny, to the Assembly Chamber, extend to you the privileges of the floor. Thank you so much for your advocacy for all four-legged creatures that we love. We hope you enjoy our proceedings today. Thank you so very much for joining us.

(Applause)

Ms. Tapia for the purpose of an introduction.

MS. TAPIA: Thank you, Madam Speaker.

I rise today to recognize an extraordinary organization making a profound impact on the lives of families across New York and the country, NephCure. With us we have Michael Levine, the Board Chair for NephCure and his wife Dana Levine. Michael and Dana have a son, Matthew, who was diagnosed with FSGS when he was two years old. Remember that also my son was diagnosed with FSGS when he was 13 years old.

NephCure is the only nonprofit organization in the United States exclusively focused on supporting those affected by rare protein spilling kidney diseases including FSGS and Nephrotic Syndrome. These diseases are devastating and often strike young children and disproportionately affect community of colors.

NephCure is leading the charge in funding innovative research, connecting families with expert care and driving advocacy at every level, from local communities to Washington, D.C. I want to thank the staff, the volunteers, the researchers and, most importantly, the patients and families who make up the NephCure community.

Thank you, Madam Speaker. Please show the -- the privilege of -- of the Assembly and the -- and the House to this -- to this organization that be changing many lives and saving many lives all the way.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Ms. Tapia, the Speaker and all members, we welcome you, Michael and Dana, to the Assembly Chamber, extending the privileges of the floor to you. Thank you for all of the important work that you're doing with NephCure. Good luck and best wishes to you. Thank you so very much for joining us today.

(Applause)

Ms. Cruz for the purpose of an introduction.

MS. CRUZ: Thank you, Madam Speaker.

Later today, I will be making remarks on a resolution commemorating Colombian Independence Day and the contributions of our community to the State. But, for now, I -- on behalf of Member Zaccaro and myself, I'd like to introduce three members of the team that lead the biggest festival of the Columbian community in the State of New York. (Speaking foreign language) Alexandra Aristizábal serves as the Director of the Festival of the Columbian Independence

and Pride [sic], also known as FIOC. This festival, which attracts more than 12,000 people per year, began in 2012 in Long Island and moved to Queens in 2018. This year marks their 13th anniversary, which will be held on July 20th, which coincidentally is Colombian Independence Day and it focuses on celebrating family and community. She's a proud representative of the Colombian community from the state of (indiscernible) and her leadership has helped the festival grow into a cherished tradition in our community.

Jose Arbelaez is the CEO of J&A Global, a company that has served New York for the last 16 years throughout -- through his work in advertising, marketing and logistics, especially for the festival itself. He's a dedicated member of the organizing committee for the festival and -- and he is originally also from (indiscernible). Jose has spent his career strengthening the cultural businesses connections of the Colombian diaspora in the State of New York.

Oscar Ramirez is the CEO of (indiscernible), a company that helps both residents and visitors discover the iconic landmarks of cultural richness of New York. He is also an active member of (indiscernible) helping bring our community together through celebration and heritage. Oscar hails from (indiscernible) in Columbia and has been a passionate advocate for uplifting communities -- Colombian community in our city.

Madam Speaker, please help me welcome them to the People's House and extend the cordialities of our House to them. Thank you.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Ms. Cruz, Mr. Zaccaro, the Speaker and all members, we welcome our distinguished guests here today and extend the privileges of the floor to you as you're here celebrating for the 13th anniversary of Columbia Independence Day. We hope you enjoy our proceedings today. Thank you so very much for joining us.

(Applause)

Ms. Lucas for the purpose of an introduction.

MS. LUCAS: Good morning and thank you, Madam Speaker.

Today, we are joined by groups in the Chamber and online to commemorate the spirit of the ancestors that lives in us all. That energy that fueled the early Panamanians to seek their own freedom is the same energy that helped to develop nations. So as we celebrate Panamas Independence Day, we celebrate each of our powers to contribute and ignite for the greater good.

Later on today we will be honoring Panama's Independence Day in a resolution. Partnering with me to create this day of celebration in Albany are my friends and advisors, Gregorio Mayers, Esquire, President of the 507 Panama Roundtable Group; Onida Coward Mayers, President and CEO of Comadre Communications. Together, we are joined by 20 leaders in the Panamanian community and proud to share that the Panamanian Consul General to New York, Roosevelt Thayer, is with us today. Also joining us are the Vice Consul General, Vilma Di Bello; the

President of McCormack Enterprises, Jimmy McCormack; Dr. Leticia Thomas, the Day of Independence Committee of Panamanians in New York who are celebrating 30 years of the Panamanian Day Parade. Maria Willis, the president; Mcdalia Rogers, Marissa Duncan, Rosa Rodriguez, Maria McKenzie, Velis Natalia Rodriguez, Giovianno Montello, Brianna Justice, Nailia Fowler, our queen, Lordes Lewin, Dicanoi Pierce (all phonetic), and thank you, Madam Speaker. And I ask that you extend the cordialities of the House to our Panamanian village.

ACTING SPEAKER HUNTER: On behalf of Ms. Lucas, the Speaker and all members, we welcome our special guests this morning. The Panamanian Consul General, Mr. Roosevelt Thayer, Vice Consul General, all of the Day of Independence Committee members for Panamanians in New York, congratulations to you for your 30-year celebrating for the Pana -- manian -- excuse me -- Panamanian Day Parade. We welcome you to the Chamber, extending the privileges of the floor to you. Hope you enjoy your time here today and the proceedings. Thank you so very much for joining us.

(Applause)

Mr. Kim for the purpose of an introduction.

MR. KIM: Thank you, Speaker [sic].

Today I am joined by my constituents who have traveled from Queens and New York City to celebrate the ongoing AAPI, Asian American Heritage Month, but later today I'll be

honoring Mr. Huang Sheng, who is the President of Asian -- the Committee of Asian, Chairman of the Wenzhou Overseas Chinese Association. Wenzhou, China is a region that has over nine million Chinese in -- in -- in that country. But the Wenzhounese are all over the world including Italy, Paris and of course in New York City and they contribute so much to our culture in New York State. And through Mr. Sheng's leadership we have learned so much about the Chinese culture, Chinese music, the Chinese art and -- and we just want to celebrate his leadership for our community. And one piece of trivia that I learned earlier today is that Wenzhou is actually dubbed the City of Chess since 1995 that's produced world chess players over the years and that's something that's very interesting as well.

So with that, I ask the Speaker [sic] to -- to welcome them to the floor and so we can continue to work with them in the future. Thank you.

ACTING SPEAKER HUNTER: On behalf of Mr. Kim, the Speaker and all members, we welcome you, Mr. Sheng, to the Assembly Chamber and distinguished guests. We extend to you the privileges of the floor. Thank you for your leadership in the community. We hope you enjoy our proceedings today. Thank you all so very much for joining us.

(Applause)

Page 8, Rules Report No. 251, the Clerk will read.

THE CLERK: Assembly No. A08432, Rules Report No. 251, Davila. An act to amend Chapter 81 of the Laws of 1995,

amending the Vehicle and Traffic Law and other laws relating to the enforcement of support though the suspension of driving privileges, in relation to the effectiveness thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This bill [sic] shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker.

So this is an extender for two years giving DMV the ability to suspend somebody's driver's license if they have failed to make child support payments. So I'm gonna support the extender, I think it's necessary. But I've spoken on this floor before and had worked to develop legislation which will ensure that, in appropriate circumstances, a -- a support magistrate could have the ability to grant a conditional driver's license, allowing somebody who has a job but needs wheels in order get to work to make the money to pay back the child support that's owed. I think that that's really something that we should be doing in addition to extending this. For folks who aren't working, or don't care to work, or for whatever reason, would not be a good candidate to get a conditional driver's license, I do think that the suspension of driving privileges can often serve as a -- a highly

effective motivator to get current on child support obligations. So I think that this does need to be in our law. We do need to allow DMV the ability to -- to restrict or suspend driving privileges until they come current. But I also think that on the other side of things, we need a carrot and a stick here and I think that a conditional driver's license program would be a good one for us to do.

So stay tuned. We'll see if I can get something in next year for us all to consider on that. But I'll be in the affirmative on this one. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Page 9, Rules Report No. 274, the Clerk will read.

THE CLERK: Assembly No. A08069-A, Rules Report No. 274, Braunstein. An act to amend Part P of Chapter 39 of the Laws of 2019, amending the Public Authorities Law relating to the acquisition and disposition of real property, in relation to extending the effectiveness thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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: Madam Speaker, if you could please call the Ways and Means Committee to the Speaker's Conference Room.

ACTING SPEAKER HUNTER: Ways and Means to the Speaker's Conference Room. Ways and Means Committee members to the Speaker's Conference Room.

Page 13, Rules Report No. 372, the Clerk read.

THE CLERK: Assembly No. A00128-A, Rules Report No. 372, González-Rojas, Paulin, Sayegh, Epstein, Hevesi, Shrestha, Simon, Jackson, Zaccaro, Lunsford, Davila, De Los Santos, Mamdani, Raga, Shimsky, Lasher, Torres, Simone, Solages, Levenberg, Bichotte Hermelyn, Steck, Clark, Rozic, Kay, P. Carroll, Cunningham, Gallagher, Dinowitz, Burroughs, Dais, Reyes, Hooks, Forrest, Ramos, Kassay, Weprin. An act to amend the Insurance Law, in relation to requiring coverage of certain asthma inhalers at no cost.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect January 1, 2027.

ACTING SPEAKER HUNTER: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Ms. González-Rojas to explain her vote.

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

As a proud representative of Astoria, part of what's known as "Asthma Alley", I know all too well the devastating toll asthma takes on our families, especially Brown and Black children living in the shadow of highways, power plant [sic] and pollution. Too many parents in my district and across the State have rushed to the ER in the middle of the night clutching their child's inhaler praying that it's enough. Too many New Yorkers have had to choose between their health and their paycheck, or between breathing easier, or navigating a complicated healthcare system that often puts up more barriers than bridges. This is more than a bill, this is a lifeline. It tears down some of those barriers, making it easier for patients to access the medications they need when it's -- when they need them without huge financial barriers. This bill moves us closer to health justice and says that every New Yorker, regardless of zip code, race or income deserves the basic right to breathe.

So I want to thank our Speaker and then my colleague in the Senate for advancing this bill and I'm very proud to vote in the affirmative. Thank you so much.

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

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, thank you so much for the opportunity to interrupt our proceedings for the purposes of an introduction on behalf of our colleague, Gary Pretlow, and the members of the community of Yonkers, New York. We have with Ms. Wheelchair New York of 2025. Her name is Ms. Latavia Sturdivant. She is a licensed speech pathologist in New York and in the State of Maine. She's an adjunct professor at Lehman College in the Bronx and a lead advocate for the -- for an amputee coalition. This amazing young lady and the -- for the amazing work that she's done for people across our State as well as in the State of Maine, would you please give her the cord -- welcome her to our House and give her the cordialities of our floor.

ACTING SPEAKER HUNTER: On behalf of Mr. Pretlow, the members that represent Yonkers, the Speaker and all the members, we welcome Ms. Wheelchair New York 2025 to our Assembly Chamber and extend to you all of the privileges of the floor. Congratulations to you, wonderful successes. We thank you so very much for being here today. We hope you enjoy our proceedings. Thank you.

(Applause)

Page 25, Calendar No. 84, the Clerk read.

THE CLERK: Assembly No. A00893, Calendar No. 84, Rosenthal, Glick, Lunsford, Jacobson, Shrestha, Epstein, Davila, Reyes, Kelles, Bores, Weprin, Raga, Gonzáles-Rojas, Clark, Rivera, Cunningham, Bronson, Santabarbara, Simon, Seawright, Colton, Hevesi, Shimsky, Otis, Lasher. An act to amend the Insurance Law, in relation to prohibiting certain restrictions as it relates to dog breed.

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

An explanation has been requested, Ms. Rosenthal.

We're on debate, colleagues. Thank you.

MS. ROSENTHAL: Thank you, Madam Speaker.

This bill would prohibit an insurer from canceling, refusing to issue or renew, increasing the premium of a renter's insurance policy or excluding, limiting, restricting or reducing coverage based solely upon a policyholder's harboring or owning any dog of a specific breed or mixture of breeds.

ACTING SPEAKER HUNTER: Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Madam Chair -- Sponsor. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BLANKENBUSH: Back in 2021 or 2022, we

passed a similar bill, correct?

MS. ROSENTHAL: Correct, we passed it for homeowners.

MR. BLANKENBUSH: So what's the difference between this bill and the bill that we passed in 2022?

MS. ROSENTHAL: This bill adds renters to the law that covers homeowners.

MR. BLANKENBUSH: Okay. So a homeowner -- a renter's policy is an HO4.

MS. ROSENTHAL: Is what?

MR. BLANKENBUSH: A renter's policy is an HO4. Okay?

MS. ROSENTHAL: You're using technical terms I don't know.

MR. BLANKENBUSH: Well, an HO4 is a renter's insurance policy --

MS. ROSENTHAL: Okay.

MR. BLANKENBUSH: -- and HO means homeowners.

MS. ROSENTHAL: Okay.

MR. BLANKENBUSH: So I -- I guess the point is that a renter's insurance policy is under the umbrella of homeowners.

MS. ROSENTHAL: Oh, I see. Okay.

MR. BLANKENBUSH: So my point is, why are we picking out renters, which is a homeowners 4 policy, out of the

umbrella of homeowners? I -- I don't understand why it doesn't fall in that category that we passed back in 2021--

MS. ROSENTHAL: One. Yeah, 2021. It could be interpreted as referring to renter's insurance as well, but the intention of the original law was only to pertain to homeowners insurance. So we just want to make sure that renters are covered so it explicitly names renter's policies.

MR. BLANKENBUSH: So under the old law or the law that's there right now, we have homeowner -- we have HO1's, HO2's, HO3's, HO4's, the renter's insurance, and it goes up HO6, HO7. So which of the homeowners policies covers that -- which -- which doesn't cover and which does cover the -- the bill that's in place right now?

MS. ROSENTHAL: The law or this bill?

MR. BLANKENBUSH: Say again?

MS. ROSENTHAL: The law or this bill?

MR. BLANKENBUSH: No. I -- I'm talking about the old -- the bill that's in place right now.

MS. ROSENTHAL: That one, yeah.

MR. BLANKENBUSH: If HO4 is not covered and we had to bring it out as renter's insurance, all the other forms of homeowners policies: HO1, HO2, HO3, HO6, HO7, you know, it goes to HO10. So some of those are not covered, but some are covered under -- under the bill -- under the current law?

MS. ROSENTHAL: You know, once this bill is

passed into law, it will make it explicitly clear that homeowners and renters are covered.

MR. BLANKENBUSH: So is a -- is a homeowners seven covered under the current?

MS. ROSENTHAL: You know, you're in that business. I don't refer to things by --

MR. BLANKENBUSH: Well, let me tell you --

MS. ROSENTHAL: -- numbers like that.

MR. BLANKENBUSH: Okay. Well --

MS. ROSENTHAL: What I explained is this bill will cover renters.

MR. BLANKENBUSH: But, will it -- an HO7 covers manufacturers, homes and trailers. Is that covered?

MS. ROSENTHAL: If it's renters --

MR. BLANKENBUSH: Under the current -- under the current bill.

MS. ROSENTHAL: Current law or current bill?

MR. BLANKENBUSH: The current law. The one that we passed back in 20...

MS. ROSENTHAL: That covers homeowners, just saying. It does cover homeowners. So if you own different types of home [sic], it would be covered.

MR. BLANKENBUSH: And -- and that's the same -- that's the same as homeowner six, which is condos?

MS. ROSENTHAL: The goal is -- if someone owns

a condo, they're a homeowner.

MR. BLANKENBUSH: Well, they can rent condos.

MS. ROSENTHAL: Well, if they're a renter, then they will be covered once this becomes law. The goal is to be as inclusive as possible. So to capture whether you're a homeowner, whatever type of home you have, whether you're a renter, whether you rent in a condo, you rent in an apartment that's rent-regulated or not. The point of this is to give the opportunity for renters to obtain insurance regardless of the "breed or type of dog they have."

MR. BLANKENBUSH: And -- and I understand that. Except that my -- my point, I guess, that I'm getting to is that under the umbrella of homeowners insurance is an HO4 which covers renters.

MS. ROSENTHAL: Okay.

MR. BLANKENBUSH: So I would -- I would've assumed that when we voted on this back then, that it would also cover anything that's under the umbrella of homeowners.

MS. ROSENTHAL: Well --

MR. BLANKENBUSH: So why don't we pass a second -- another bill just to pick out renters? If that's the case, shouldn't we pass a bill that would be under the other brands of homeowners like HO6, HO7, all of them?

MS. ROSENTHAL: As I said before, the definition of homeowners insurance that we passed in 2021 might be or might not be interpreted as including renter's insurance policies. So the

original law intent was only to pertain to homeowners insurance. So with this --

MR. BLANKENBUSH: Okay. So --

MS. ROSENTHAL: Wait, let me finish, please.

With this, we are going to guarantee that there's no gray area and that renters are covered by the same provision.

MR. BLANKENBUSH: So wouldn't it have been the easiest part of this whole thing is to amend the original bill -- the original law to make it clear in writing that we cover both? Why -- why are we -- I guess the point is, we're going through a whole bill process when, as a matter of fact, all we would've had to done [sic] is amend the original bill to put the wording in there for renting.

MS. ROSENTHAL: But that's what this is, it's amending the original law.

MR. BLANKENBUSH: No, this is a brand-new law we're putting on the books. We're not amending the old law.

MS. ROSENTHAL: You know, I -- I was not the sponsor of the original. I, of course, supported it and it passed, it became law. My concern here was renters and that's why I have this bill and you don't seem to object to it covering renters. So we just want to make sure it does so that an insurance company may say, *wait, this just covers a homeowner*. So we want to be sure it's an even playing field for everybody who occupies a home, regardless of a "breed or type of dog."

MR. BLANKENBUSH: Okay. I -- I'm gonna -- I'm

gonna go on to other things now, but I just -- I -- my point is that under the current insurance law, homeowners policies are all listed as HO's and should have been -- the bill should've been amended if you wanted the wording a little bit different.

MS. ROSENTHAL: Okay. Can I just clarify that we are amending the original law that says homeowners liability insurance dogs [sic]. So we're adding "and renters insurance". So we are amending the original, adding "renters" for clarity.

MR. BLANKENBUSH: But again, this is a new bill. This is an amendment.

MS. ROSENTHAL: It's a new bill, but it amends a law. It amends the 2021 law.

MR. BLANKENBUSH: Okay. Let's go on to --

MS. ROSENTHAL: I mean, that's how you pass laws. You make amendments and call them a bill, and that's what we did.

MR. BLANKENBUSH: Okay. Now, would you agree or would you not agree that there are certain breeds of dogs that are more dangerous than others?

MS. ROSENTHAL: That is a myth.

MR. BLANKENBUSH: That's what?

MS. ROSENTHAL: That is a myth. Everything depends on the individual dog.

MR. BLANKENBUSH: Well, here's the myth. Sixty-four percent of the deaths by bites or attacks by animals, 64

percent were pit bulls. Now, is that a myth?

MS. ROSENTHAL: Pit bulls are not a breed, pit bulls are a combination of different breeds. Pit bulls are not -- do not have more proclivity toward biting than a Chihuahua or a Dachshund. It depends on the dog, it depends on the dog's owner, it depends on how the dog is raised, it depends on if the owner breed -- owner trains them to be fighters. I can tell you so many stories of pit bulls that are companion, gentle animals. And so, you can't really capture a dog by saying, *well, this breed does that*. And the term "pit bull" isn't one specific breed of dog. They're all different types of -- of dogs that they try to jam into that category. The AVMA, the Association of Veterinary Medicine [sic], they say definitively that pit bulls are not "dangerous any more than any other animal." Because it depends on the particular dog.

MR. BLANKENBUSH: Well, you're right. That's -- that's for sure, except there's statistics that prove that that breed of dog or whatever you -- the pit bull, is -- is one that is a little bit more dangerous than other -- now, and when you're writing --

MS. ROSENTHAL: No, no, no. The -- the statistics --

MR. BLANKENBUSH: Pardon me?

MS. ROSENTHAL: -- show that pit bull-identified dogs are responsible for dog bites in the U.S. based on collected data where dogs are misidentified as pit bulls. So, therefore, the stats look like oh, my goodness, it's pits -- pit bulls. However, even

veterinarians says that visual inspection does not lead to an accurate classification of an animal and you can't ascertain a dog's actual breed unless you do DNA testing. You can't do it by vision.

MR. BLANKENBUSH: Do you know that a -- a pit bull bites differently than any other dog?

MS. ROSENTHAL: I think a dog's bite has to do with how they are constituted. So Dachshund's bite, Chihuahua's bite, Terrier's bite, all dogs have that capability. However, it depends on the owner.

MR. BLANKENBUSH: Well, first of all, a pit bull doesn't bite like any other normal dog. Their -- their -- their jaws lock in and tear rather than just bite. So it's -- it's a different -- it's different when they bite a child or when they bite a neighbor, or when they -- it -- it's just a different bite because of the way they -- their jaws lock in and then rip, instead of just biting. So when someone who gets bit severely by a pit bull, is a little bit different than a normal dog that just nips or bites at you. They rip and tear. So the damages that come out of a -- of a dog bite that's a pit bull is more severe and the -- the awards and the liability of -- of the awards that they have to pay out is usually higher with pit bulls. I'm only picking on pit bulls. You can pick on other -- other dogs, too.

MS. ROSENTHAL: Well, as I said, pit bull is not a breed. So my question is, are you talking --

MR. BLANKENBUSH: Well, let's use the word pit bull.

MS. ROSENTHAL: Are you talking about purebred American Staffordshire Terriers, Staffordshire Bull Terriers, American Pit Bull Terriers, American Bulldogs, a mix of those breeds or other dogs who share similar physical characteristics? What are you talking about? Number two, you are going to, *well, they're going to bite* and I've already asserted earlier that it depends on how the owner trains the dog. Any dog can be trained to bite and any dog -- the issue of a dog having a locking jaw also is a myth. Regardless of breed, dogs don't have an anatomical jaw structure that allows for a locking mechanism. I think we're dealing with a lot of myths here and, you know, pit bulls in the 80's were used to fight. They were -- they were bred to fight. Those particular cohort of dogs. They were used for fighting in a very cruel industry of dog fighting. Many years later, we've dispelled that myth. Pit bulls, or that breed, or that mix, have gentle natures that if the owner wants to not spay or neuter, treat them horribly, train them to fight --

MR. BLANKENBUSH: Well, that's in any dog.

MS. ROSENTHAL: -- then yes, they can train them to fight, as any dog.

MR. BLANKENBUSH: Well, that can be said about any animal.

MS. ROSENTHAL: That's true.

MR. BLANKENBUSH: So I -- I guess --

MS. ROSENTHAL: That's why --

MR. BLANKENBUSH: -- I guess -- you're -- you're

using the word "myth" --

MS. ROSENTHAL: Yes.

MR. BLANKENBUSH: -- I'm using statistics that the companies have paid out. If they paid out millions of dollars, they've paid out millions of dollars on dog bites. That's a -- that's not a myth, that's a proven statistic that can be proven.

MS. ROSENTHAL: But it's based on mischaracterization of the animal that did the bite. It's not based on the breed. It's based on someone saying, *oh yeah, it looks like a pit bull, I think it's a pit bull*. That doesn't mean that it actually is that mix of breeds.

MR. BLANKENBUSH: Okay. So let's get off the pit bull. So your bill -- your bill will not allow an insurance company to underwrite a piece of renter's insurance because of the breed of dog, correct?

MS. ROSENTHAL: No, it has to be -- there are ways for an insurance company to deny coverage. So for example --

(Buzzer sounds)

ACTING SPEAKER HUNTER: Go ahead, Mr. Blankenbush.

MS. ROSENTHAL: No, no. I was talking but the buzzer went off.

ACTING SPEAKER HUNTER: Do you want your second --

MR. BLANKENBUSH: The sponsor -- the sponsor

was speaking.

ACTING SPEAKER HUNTER: Yes. Do you want your second 15 minutes?

MR. BLANKENBUSH: I do. Thank you.

ACTING SPEAKER HUNTER: Okay. Go ahead, Ms. Rosenthal.

MS. ROSENTHAL: Let me -- let me recall where I was at. Oh, yes. So if an animal has been deemed dangerous, for example.

MR. BLANKENBUSH: Mm-hmm.

MS. ROSENTHAL: So in particular Section 3421 of the Insurance Law allows an insurer to refuse to issue or renew or can cancel an insurance policy or increase the premium for such policy based upon the designation of a dog as a dangerous dog. So in those cases, the insurance company can say no or cancel or charge a much higher premium. That's based on underwriting and actuarial principles.

MR. BLANKENBUSH: But that's not what your bill says. You're saying that's insurance law, but doesn't the bill --

MS. ROSENTHAL: Yes.

MR. BLANKENBUSH: -- but doesn't the bill stop an insurance --

MS. ROSENTHAL: Well, this -- no.

MR. BLANKENBUSH: Excuse me, but, doesn't the bill stop an insurance company from renewing a policy? You're

saying no?

MS. ROSENTHAL: No.

MR. BLANKENBUSH: I disagree with that.

MS. ROSENTHAL: Because there are other sections of law that deal with this issue. If it's based on a breed, you cannot do it. However, based on the individual dog, there may be reasons that the insurance company has to not cover them.

MR. BLANKENBUSH: Okay. So what you're saying then, too, is let's say I'm underwriting -- I'm underwriting a piece of business, brand new.

MS. ROSENTHAL: Right.

MR. BLANKENBUSH: And I -- I have a dog.

MS. ROSENTHAL: Yes.

MR. BLANKENBUSH: Pick a dog, I don't care what -- so you're saying that an insurance company has the right, at underwriting, that they can turn down that piece of business bec --

MS. ROSENTHAL: If the dog is deemed a dangerous dog --

MR. BLANKENBUSH: How would they know --

MS. ROSENTHAL: It's not based on the breed, it's my whole point here. It's not based on a breed. It's based upon the individual.

MR. BLANKENBUSH: So how would they know it's a dangerous dog? That's my question.

MS. ROSENTHAL: I'm sorry? So let me -- let me

give you more on the section. 123 of the Agriculture and Markets Law provides that if a person witnesses an attack or is threat -- or threatened attack by a dog, a judge can declare the dog to be dangerous and force the owner to take corrective actions such as restraining the dog on a leash, muzzling the dog when it's in public, in certain circumstances the judge could even order that the dog be put down. So it's not *oh, here's a breed*. You can deny. No. It's *here's a dog who's been deemed dangerous*. You can deny, you can cancel, you can charge a higher premium. This is all based on breed.

MR. BLANKENBUSH: So after that judge declares that dog dangerous, that's after the fact.

MS. ROSENTHAL: Well, no, not necessarily.

MR. BLANKENBUSH: Why would a -- why would he -- why would someone judge a dog to be dangerous if there wasn't an incident or something before?

MS. ROSENTHAL: But that doesn't mean that the judge didn't say, *well, when you take the dog out, they have to wear a muzzle*. So that's allowed. You can keep the dog and they wear a muzzle, or they can charge you a higher premium. The insurance company can adjust the rates. Let's say it says, *yes, the dog is dangerous, has been deemed dangerous*. Maybe it was ten years ago, the dog is now elderly, it wears a muzzle. The insurance company can figure out, *well, you know, the dog seems okay now, but we will charge a higher premium*. It's sort of like when you're in a car accident, insurance companies raise your premium. It's -- it's a very

analogous situation.

MR. BLANKENBUSH: The -- the big difference between that analogy is that -- the fact is that if you're in an automobile accident, you're in an automobile accident. If you have a dangerous dog in your house, it'd be --

MS. ROSENTHAL: But that's up to the insurance company. You know, I'm not deciding for them. I'm just saying you can't base it on a breed. You can base it on the characteristics that are shown of that dog, if the dog has been deemed dangerous, for example. You just can't say, *oh you have a pit bull? We're not insuring you.* They're saying whatever breed you have, if it's dangerous, then they have leeway. But they can't blanket statement say, *well, that's a pit bull, we're not insuring you.* That's the whole essence of this.

MR. BLANKENBUSH: So -- so, the underwriter, for example, can't use statistics on a certain breed of dog that could be more dangerous than another breed of dog. That's what you're saying.

MS. ROSENTHAL: What I'm saying is that statistics that have evoked *oh, it's pit bulls*, are misleading and if you ask all the experts, the head veterinarians, all of the animals -- animal welfare groups, they all agree that you cannot say a specific breed is more likely to do anything than other breed. And we -- you know, we already do this for homeowners, so, I think it's -- it's worked out.

MR. BLANKENBUSH: Okay. On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BLANKENBUSH: The point is that I -- I use the -- I use the analogy of a pit bull, but it could be any animal that has had instances of liability payments. Over -- over the years, I think it was in 2023, over a million two dollars [sic] have been paid out in -- in claims on dog bites. The -- the point is, that when the insurance companies write a piece of business, they have to take a look at all the risks that are involved. The problem with, for example, how do you -- how do you rate a policy when you're not supposed to take into consideration the breed of the pol -- of the animal that could be a higher risk than another breed of dog? The other thing, too, is with all -- the money that's being paid out in claims every year by insurance companies, have to come back at the -- have to come back at the other owners of insurance policies like myself. I don't have a dog. So the bottom line is, I'm subsidizing those who have dogs that have had millions of dollars in claims. So when you're putting -- when you're putting all that together and take the hand -- you know, you're handcuffing the -- the underwriters. The way I read the bill is that you -- you can't renew -- or non-renew a policy (cough) excuse me, you -- you would have to go back in insurance law, to try find out the insurance laws you have to go to Ag and Markets, to -- to research to -- to make sure that the underwriter is renewing or non-renewing a policy because of -- of the claims that were paid out in -- in the last years. She's right, the sponsor's right. If you're in an automobile accident, the insurance companies can, adjust your rates at renewal time. It's the same thing with dog bites, except for the fact is, whether

you like it or not, whether you call it a breed or whether you call it a -- a non-breed of an animal, there are certain dogs, historically proven, statistically, black and white issues, that certain dogs are more apt to attack and bite than any other breed or combination of a breed of animal, no matter what you want to call it and pit bulls are one of those. I picked on pit bulls just because -- because the stat -- the statistics are there, the payments are going out there.

Now, it's true the sponsor said that, you know, that all pit bulls are not -- are not apt to attack and bite, that -- that's absolutely true. But when you look at the statistics, it shows you that there are certain breeds of animals, certain breeds of dogs, that -- that do. And it's not a myth, facts are facts. And so, I -- I'm encouraging people not to vote -- vote for this bill. And the other thing, too, is like I said before, we're putting out another bill. We're sitting here, the last week of Session, putting another bill out that should absolutely have been covered by the original bill in 2021 or 2020, whenever we did that. And the easiest part of doing that, if you wanted to add rent -- if you wanted to make it clear that you're talking about renter's insurance, you could've amended the original bill instead of putting another bill out, us here voting on another bill the last week in Session about something that could've been easily done and simplified.

So therefore, I --I will not be in support of the -- of this bill. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ari Brown.

MR. A. BROWN: Thank you, Madam Speaker. Will the sponsor yield for a couple questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. A. BROWN: Thank you, Madam Sponsor. You and I both like cats and I appreciate that about our conversations.

MS. ROSENTHAL: I like dogs, too. I have cats, you have cats.

MR. A. BROWN: Right, I'm the same way. How many dogs have you had, Madam Sponsor?

MS. ROSENTHAL: This has no relation to this.

MR. A. BROWN: Well, it does. May I ask that question?

MS. ROSENTHAL: No, it doesn't.

MR. A. BROWN: I've had many dogs,

MS. ROSENTHAL: Not germane.

MR. A. BROWN: I've had many dogs from Greyhounds to Cavalier King Charles Spaniel and one of the key things when purchasing a dog is temperament of breed. For example, as many of our colleagues like Colonel Lemondes will tell you, you certainly don't put a herding dog around kids because they'll herd your kids in a certain way and you probably don't get a pointing type of dog also because the temperament is very different. Whereas, the Cavalier

naturally is bred for its temperament of being a calm and easy dog like most Spaniels are.

Is it not true, as Assemblyman Blankenbush said, that the American Staffordshire Terrier and the American Pit Bull Terrier, bred with other dogs, account for at least 50 to 60 percent of dog bites according to every statistic known, whether it's police, hospitalization, you -- you can't miss it. It's under every --

MS. ROSENTHAL: Well, I think you're -- you're citing statistics that don't exist, number one.

MR. A. BROWN: Just from the police departments.

MS. ROSENTHAL: Number two, as I've explained, it's not about the breed, it's about the dog.

MR. A. BROWN: Thank you, Madam Sponsor. Can you cite where you're getting that information? I just went through hundreds of police reports --

MS. ROSENTHAL: Police and hospital identifications are visual and top veterinarians say that is not the foolproof or right way to identify what kind of dog it is.

MR. A. BROWN: Thank you.

MS. ROSENTHAL: So it's like, oh, that looks like a pit bull, that doesn't make it a pit bull.

MR. A. BROWN: I agree. Madam Sponsor, I wholeheartedly --

MS. ROSENTHAL: Let me -- let me -- let me just finish my answer. According to the American Veterinarian Medical

Association [sic], controlled studies have not identified pit bull type dogs as disproportionately dangerous than other dog breeds.

MR. A. BROWN: Okay. Thank you for that.

MS. ROSENTHAL: You're welcome.

MR. A. BROWN: In all the police reports, have they ever cited a mass amount of mixed Poodle breeds like we're seeing today involved in dog bites? Why is it then that it's always a type of Pit Bull, Staffordshire Terrier mix that's involved? Why would that be?

MS. ROSENTHAL: First of all, all the dog bites are not reported, number one. Number two, as I've said, you can't say this is a quote "Pit Bull". I'm going back to the original intent of this bill which is, homeowners can have any type of quote "breed" and the insurance companies have to cover it unless there are other circumstances. This expands that to renters and does not allow decisions on issuing policies based on a type or breed. It is based on the animal itself.

MR. A. BROWN: Thank you, Madam sponsor.

On the bill, please.

ACTING SPEAKER HUNTER: On that bill.

MR. A. BROWN: Just like an insurance company gives specific insurance rates for homes in a floodplain or in a certain location based on robbery reports or on types of construction on a home is built, whether it's timber, or cement. And the same thing goes with automobile policies. It is a fact, the American Kennel Club will

clearly tell you temperament of breed is very important when choosing an animal. And specifically, the American Kennel Club will specifically tell you, in every which way, shape and form the American Staffordshire Terrier and the American Pit Bull Terrier, when, as the sponsor had said, when bred with other dogs or as a dog standalone, is involved with most dog bites today. No one has ever said -- I'm sure it's happened once or twice, but the majority of bites from police reports and hospitalizations, because of the large type of bite circumference and -- and pound per square inch of the bite, most damage caused is by those -- that specific breed. And for that reason, just like I had mentioned, with a homeowner's policy or a car insurance policy, an insurance company should be able to, you know, relegate certain breeds to not cover under certain circumstances and I hope everybody will give that some consideration. It's almost laughable that we're even having this conversation but I thank you, Madam Sponsor, for listening.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the sponsor please yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER HUNTER: Sponsor yields.

MR. GANDOLFO: Thank you.

So first, this bill -- it's not only about prohibiting -- denying coverage on renter's insurance policy based on dog breed. This would also prevent insurers from increasing the premium based on dog breed?

MS. ROSENTHAL: No. It says they are allowed to increase the premium should the dog be found to be dangerous, then they can do that.

MR. GANDOLFO: But -- right, should the dog found to be dangerous, but based solely on breed, they could not increa -- they could not be a higher premium.

MS. ROSENTHAL: Correct, that is the essence of the bill. It is the same law that extends to homeowners, you can't deny based on breed. This now apply -- will apply to renters as well. Although, your colleague seems to think it already applies to renters.

MR. GANDOLFO: Okay. So, you know, I understand you don't want to deny policies based on breed, but my issue here is with not allowing an insurance company to price in an increased risk into the premium on a policy that they are writing. So we don't have to get back into whether or not it's more likely for any breed to bite more than the other, but would you agree that some breeds, if there is an incident and there is an attack or a bite, could certainly do a lot more damage to a human or another animal than others?

MS. ROSENTHAL: It depends on the animal. There are the most gentle, loving, big dogs and there are the most ferocious,

yappy, little dogs.

MR. GANDOLFO: Right.

MS. ROSENTHAL: You know, in -- many years ago, the CDC did a study, and this was actually described in the National Association of Insurance Commissioners' blog. The policy saying that pit bulls are dangerous stems from a decades-old CDC study that looked at the correlation between dog breed and dog bites. The study resulted in a list of breeds that were alleged to be the most frequent breeds involved in bites incidents. The CDC has long since abandoned the findings and, in fact, now states there is zero evidence that banning entire classes of dog breeds make a community safer, citing the inaccuracy of dog bite data and the difficulty in identifying dog breeds, especially mixed dog breeds. So identifying a dog just based on physical characteristics like visual identification, does not lead to a correct characterization of the DNA of that dog.

MR. GANDOLFO: Right, but I'm not talking about frequency or likelihood of a bite. I am talking about if there is -- however unlikely it may be, if a certain type of dog attacks a person, they are going to do a lot more damage. If I was given the option, you told me you're going to walk out there and get attacked by a Chihuahua or by a German Shepherd, I'm going to pick the Chihuahua and I think most people would. So why shouldn't an insurance company be -- be able to price in the fact that if there is an incident, the Pit Bull or the German Shepherd is going to do more damage which is going to result more -- likely in a much higher payout. They

should be able to price that in to account for that level of exposure and liability and by not doing so, everyone else's premiums are going to increase. No?

MS. ROSENTHAL: No. You're assuming that because a dog is characterized or looks like a Pit Bull, that they will then be more likely to bite.

MR. GANDOLFO: No, no, no. That's not what I said.

MS. ROSENTHAL: However, that is not true and therefore, insurance companies cannot say, *oh, it's that breed. They will do more damage, so therefore I need to raise rates on them.* This is about the individual dog, their temperament, the way they were trained, their behavior, their past history. If they're dangerous and the insurance company wants to insure them, they can raise the rates. They can use high rates. However, you're -- you're basing this on a pit bull type is more likely to bite and that is incorrect.

MR. GANDOLFO: Well, that's a total mischaracterization of what I said. I didn't say a Pit Bull is more likely to bite. I am saying if a Pit Bull or a German Shepherd does bite, is that not more likely to do more significant damage to you than a Yorkie?

MS. ROSENTHAL: But you're -- you're -- first of all, this is a law already for homeowners.

MR. GANDOLFO: Okay, but we're -- we're discussing a new bill now.

MS. ROSENTHAL: This is law for homeowners. In fact, your colleague thinks it already extends to renters. I've already stated you can't base it on breed. You are trying to predict behavior in saying, *well, this dog breed will do more serious damage*, but who says the dog is going to bite? That's the misnomer. That's the myth.

MR. GANDOLFO: Okay. Thank you.

Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: We're not talking about how likely it is for a dog to bite someone. Obviously, anyone who has owned a dog knows temperaments can vary among different breeds within the same breed. But what we're talking about here -- what I am talking about, which has been a little mischaracterized, is the fact that if you have a German Shepherd or a, you know, Great Dane that has an incident and attacks a human being, that dog is going to do a lot more damage than if a -- a -- a Shih Tzu attacks someone. Insurance companies who are writing these renter's policies need to have the ability to price in that potential liability into the policy that they're writing for that individual, otherwise the cost for renter's insurance policies for other dog owners will increase and possibly make them more unaffordable. Or, you get to a situation where companies will stop writing policies if there's any dog present on the premises. So that is a -- we're taking a wrong step here, we're just not acknowledging reality and every time we do that, especially as it pertains to insurance policies, the costs are going to go up for

everyone else.

So thank you, Madam Speaker. I will be voting no and I encourage my colleagues to do the same.

ACTING SPEAKER HUNTER: Thank you.

Mr. Dinowitz.

MR. DINOWITZ: I think there are many people here who --

ACTING SPEAKER HUNTER: Are you on the bill, sir?

MR. DINOWITZ: I'm on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. DINOWITZ: I think there are many people here who have complained that we should look at individuals and not at groups. We should judge people and I guess others, individually. I never liked it when I was told years ago, when I was younger, that my insurance rates would be higher than my wife's because I was male. So guess whose name the car is registered in? And there are many women who, when they get older, pay higher health insurance rates than men, simply because they're a woman.

I don't have a dog. My daughter and her family had a dog and they had a Pit Bull. And I must admit, when they first got the dog, I was a little nervous about it. But once we met the dog, that -- that dog was the most lovable, gentle dog. If somebody broke into their house, that dog would've just licked them and welcomed them in, it would not have done anything violent. The -- the whole point of

this is you can't generalize and make assumptions about a whole group; you should judge people or dogs, individually. And if I could learn to love a Pit Bull and that Pit Bull was so sweet, I think anybody can. Some dogs are nice, some dogs are not so nice. I can't imagine how it could be based upon the breed, it's based upon the dog. It's based upon how they're trained and how they're raised and all that. And so, to me, allowing an insurance company to charge, or to not even insure, based upon the breed, is exactly the type of thing that I would think many people across the aisle would oppose based on many of the statements that many you and others have made. So I think this bill makes a lot of sense and I hope that we all vote for it.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bologna.

MR. BOLOGNA: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BOLOGNA: I truly appreciate the metaphor, but like the sponsor said, I -- I think that this particular piece of legislation should be actually about the individual. As my colleague, Mr. Gandolfo said, I would much rather be bitten, if we're talking about dogs, by a Chihuahua, than by a Tibetan Mastiff. And I think the point that our side of the aisle is trying to make, that from an insurance carrier standpoint, the risk and the damage associated with a potential bite, not saying that one is more likely to bite, if -- if all things are equal and we were bitten by a Chihuahua versus being

bitten by a Tibetan Mastiff, which -- which bite is going to inflict more damage and cost an insurance carrier more to cover? And from reading the bill here, it does not look like that is taking -- you're allowing insurance carriers to take that into account in the underwriting. So that -- I think a lot of the points have been missed here. The point is, not necessarily the breed, but what happens if the breed does in fact bite and the damage that is -- is caused in that effect. So thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker.

I know that this debate was a little bit rough. But -- but -- (laughter) I can't even say it with a straight face. I know, I know. I can't even get away with a dad joke. But the Minority Conference will generally be in the negative on this -- this bill and -- but if there are members who would like to support it, they could do it right now at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be

voting in the affirmative. Those who wish to vote for the negative, can do so at their desk, or give a bark.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote).

Mr. Brown to explain his vote.

MR. A. BROWN: Thank you, Madam Sponsor [sic].

I can't believe I'm standing up for this one, but every year I go to the Westminster Dog Show. One of my friends is the Chairman of the Board of the AKC and one of the big criteria is temperament of the breed. It's literally judged worldwide but I hear things like, *well, every dog is different like every person*. It's actually totally not and whatever facts we heard were completely made up. Every dog is very specific and I say that because I don't want any parent to think that they can get any dog that they want with little kids. I got seven kids, I was very specific what type of dog can enter the house because of the temperament as judged every year at either at the -- the Coliseum or the Javits Center. And thank you for hearing me, Madam Sponsor -- Speaker.

ACTING SPEAKER HUNTER: Mr. Brown in the negative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: To explain my vote, thank you, Madam Speaker.

Sadie, the Pit Bull, was an 11-year-old that alerted

her owner and their daughter to a gas leak in their Tuckahoe, New York home. Without the Pit Bull, or whatever, Sadie, they would've perished. Gotti, the Pit Bull, intervened when a woman was randomly attacked by a person in her Brooklyn home. Rocko, the Pit Bull, alerted his owner in Baldwinsville, New York to a fire. The owner was asleep with a CPAP machine and didn't realize the danger until Rocko persistently barked and woke them up.

You cannot characterize every dog by a quote "breed", it depends on the individual dog. They have been shamed and blamed enough. Pit Bulls or a mixture of different types of an -- of breeds do not equal a dangerous dog. It depends on how the owner treats them, it depends on their background, it depends on how they were raised and handled by owners who often abuse them. This bill extends to renters the same rights as homeowners to get insurance coverage on a dog that they own, regardless of how they are characterized by breed. And I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Walsh [sic] in the affirmative.

Sorry. Ms. Rosenthal in the affirmative.

Mr. Novakhov to explain his vote.

MR. NOVAKHOV: Thank you, Madam Speaker.

I just pulled up some statistics. So according to the statistics frequently cited in studies and reports for high involvement in severe and fatal bite incidents; for example, data from 2005, 2017 indicates that Pit Bulls were linked to 66 percent of fatal dog attacks

in the U.S. And for this reason, I'm in the negative. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Novakhov in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages for the purpose of an introduction.

MS. SOLAGES: Thank you, Madam Speaker.

We are pausing the introductions -- oh, sorry, pausing the proceedings for an introduction. And it's really my honor to introduce the parents of Detective Wen Jin Liu, Mr. Wei Tang Liu and Xiu Yan Li. As you know, Detective Liu and Detective Ramos were tragically shot and killed in the line of duty in 2014. The Brooklyn community and all of New York State came together to support the Liu family and we thank them for their sacrifice, because we know our police officers do so much for us, especially those who have made the ultimate sacrifice. And so, his parents are really an icon of his community and our community and they have since never stopped volunteering and advocating for good causes all over the City. So they're here with a larger group, which the Minority will do the introduction, but if we could extend the cordialities of the House to these fine individuals, I would really appreciate it.

ACTING SPEAKER HUNTER: On behalf of Ms. Solages, Mr. Colton, the Speaker and all members, we welcome you,

our distinguished guests to the Assembly Chamber. Offer our condolences for your loss and extend the privileges of the floor to you. We do hope enjoy our proceedings today. Thank you so very much for joining joining us.

(Applause)

Ms. Walsh for the purpose of an introduction.

MS. WALSH: Thank you, Madam Speaker, for allowing me to interrupt these proceeding briefly for another introduction. This is the larger group that was just referred to, it is the NYPD Asian Jade Society that has joined us here today including President Melvin Eng; the founder of Asian Jade, Robert Lum. Also we're joined by Mark Kwon, James Eng, Irene Chiu, Agnes Chin, Xiu Yan Li, Wei Tang Liu, Se Chao and Thomas Joy. Now the mission of the Asian Jade Society, it was founded in 1980 by ten visionary Asian-American NYPD officers. The Asian Jade Society was created to promote cultural diversity, inclusion and support for Asian members of the Department. These founding members recognize the importance of building a stronger connection between the NYPD and New York City's diverse Asian communities. Their legacy continues to guide the Society as they foster understanding, respect and collaboration between law enforcement and the public they serve. We're so pleased that they've joined with us here today.

So on behalf of Assemblymembers Chang, Colton, Kassay and Lee, Madam Speaker, would you please welcome the NYPD Asian Jade Society to the Assembly Chamber and please

afford them all the cordialities of the House.

ACTING SPEAKER HUNTER: On behalf of Ms. Walsh, Mr. Chang, Assemblymembers Colton, Kassay and Lee, we welcome our distinguished guests to the Assembly Chamber, the NYPD Asian Jade Society and thank you so very much for your continued service to the New York City community. We extend the privileges of the floor to you. Hope you enjoy our proceedings today. It's very impressive to see all of you lined up here this afternoon. It's -- it's very heartwarming. We hope that you remain safe and thank you very much for joining us today.

(Applause)

Ms. Solages.

MS. SOLAGES: Madam Speaker, can you please advance the A-Calendar?

ACTING SPEAKER HUNTER: On a motion by Ms. Solages, the A-Calendar is advanced.

On consent, page 3, Rules Report No. 544, the Clerk read.

THE CLERK: Assembly No. A00065-A, Rules Report No. 544, Hevesi, Lavine, Dinowitz, Seawright, Pirozzolo. An act to amend the Social Services Law, in relation to the establishment of a Statewide supervised visitation initiative to support safe and structured parenting time.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A00203-B, Rules Report No. 545, Cruz, Dinowitz, Seawright, Hevesi, Kassay, Kelles, Colton, Epstein, Davila, Santabarbara, Hawley, Meeks, Zaccaro, Raga, Shimsky, Paulin, Kay, Hooks, Clark, Valdez, Jacobson, Jackson, De Los Santos, Levenberg, Lasher, Torres, Braunstein, Simon. An act to amend the Public Health Law, in relation to requiring hospitals to develop a Violence Prevention Program.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. 00225-A, Rules Report No. 546, Magnarelli, Hunter. An act to amend the Public Authorities Law, in relation to commuter passes on the New York State Thruway in the Syracuse area; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A00589, Rules Report No. 547, Paulin, Otis, Sayegh, Alvarez. An act to amend Chapter 154 of the Laws of 1921 relation to the Port Authority of New York and New Jersey, in relation to Port Authority organization, appearance and notice.

ACTING SPEAKER HUNTER: 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 HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Would you please withdraw the roll and lay this bill aside?

ACTING SPEAKER HUNTER: The roll is withdrawn, this bill is laid aside.

THE CLERK: Assembly No. A00659, Rules Report No. 548, Rosenthal, Taylor, Simone, Levenberg, Burdick. An act to amend the Real Property Tax Law, in relation to prohibiting landlords from including incorrect information relating to rent decontrol in certain leases and renewals thereof and requires the standardization of certain notices pertaining to units subject to the Affordable New York Housing Program.

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

This bill is laid aside.

THE CLERK: Assembly No. A01422, Rules Report No. 549, Cruz, De Los Santos, Simone, Kelles, Simon, Raga, Taylor, Seawright, Levenberg, Otis, Walker, Davila, Glick, Zaccaro, Zinerman, Rosenthal, K. Brown, González-Rojas, Tapia. An act to amend the Criminal Procedure Law, in relation to requiring accurate

interpretation of statements made by deponents with limited English proficiency in accusatory instruments and supporting dispositions.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A01962-B, Rules Report No. 550, Anderson, Seawright, Cunningham, Weprin, Cruz, Dinowitz, Epstein, Schiavoni, González-Rojas, Lavine, Romero, O'Pharrow, Glick, Griffin, Burdick, Rosenthal, Lasher, Simon, Burroughs, Bichotte Heremelyn, Hevesi, Colton, Shimsky, Zaccaro, Solages, Jackson, Wieder, Zinerman, Tapia, Taylor, Simone, Chandler-Waterman, Kassay, Lunsford, Dais, Steck, Sayegh, Rozic, Stern, Paulin, Torres, Alvarez, Ramos, Gibbs, P. Carroll, Benedetto. An act to amend the Penal Law, in relation to enacting "Francesco's Law"; to amend the Executive Law, in relation to annual reports by the New York State Office of Gun Violence Prevention; and providing for the repeal of certain provisions of the Penal Law relating to safely storing rifles, shotguns and firearms.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A01969-A, Rules Report No. 551, Maher. An act to amend the Tax Law, in relation to authorizing the Village of Chester to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Home Rule

Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A01988-B, Rules  
Report No. 552, Paulin, Sayegh. An act to amend the Public Health  
Law, in relation to establishing a center for technical assistance  
relating to age-friendly health systems; and in relation to hospital  
performance data.

ACTING SPEAKER HUNTER: Read the last  
section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

THE CLERK: Assembly No. A02193-A, Rules  
Report No. 553, Magnarelli, De Los Santos. An act to amend the

Vehicle and Traffic Law, in relation to making technical corrections to the adjudication of certain traffic violations; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

THE CLERK: Assembly No. A02630-A, Rules Report No. 554, Kelles. An act to amend the Criminal Procedure Law, in relation to the privacy and confidentiality of urine test results performed pursuant to a judicial diversion program.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A02727-D, Rules Report No. 555, Angelino. An act to amend the Highway Law, in relation to dedicating a portion of the State Highway System to Trooper Jill E. Mattice.

ACTING SPEAKER HUNTER: On a motion by Mr. Angelino, 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 HUNTER: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

THE CLERK: Assembly No. A02728-A, Rules  
Report No. 556, Bailey. An act to amend Chapter 373 of the Laws of  
2019, amending the Tax Law relating to authorizing the County of  
Livingston to impose an additional mortgage recording tax, in relation  
to extending the effectiveness thereof.

ACTING SPEAKER HUNTER: On a motion by Ms.  
Bailey, 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 HUNTER: 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. A03058-A, Rules

Report No. 557, R. Carroll, Gallagher, Levenberg, Hyndman, Reyes, Rosenthal. An act to amend the General Business Law, in relation to promoting consumer choice by requiring manufacturers of digital electronic equipment to provide retail sellers with a 1 through 10 repair score that will be displayed to consumers at point of sale.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A03318, Rules Report No. 558, Dinowitz, Colton, Paulin, Seawright, Burdick. An act to amend the General Business Law, in relation to arbitration organizations.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A03536, Rules Report No. 559, Santabarbara, Schiavoni, Reyes, DeStefano, Giglio, Levenberg, Sayegh, Walsh. An act to amend the General Business Law, in relation to requiring navigation systems utilizing GPS technology to identify the height of any bridge or overpass along a proposed route.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A03729, Rules Report No. 560, Williams, K. Brown, Berger, Alvarez, Eichenstein, Buttenschon, Colton, Ramos, McDonough, Palmesano, Brabenec, Hawley, Giglio, Angelino, Lemondes, Slater, DeStefano, Norber,

Brook-Krasny, Chang, Novakhov, Mikulin, Smullen, Manktelow, Durso, Pheffer Amato, Ra, Griffin. An act to amend the Real Property Tax Law, in relation to establishing a real property tax exemption for the surviving spouses of police officers killed in the line of duty.

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

Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Keith Brown to explain his vote.

MR. K. BROWN: Thank you, Madam Speaker.

I just wanted to rise a minute just to explain my vote, and I want to thank the sponsor for bringing this forward. I also would like to thank Senator Monica Martinez for doing it down the hall.

This bill came to us through the idea of Irene Tsakos, who was the widow of Anastasios Tsakos, who was the New York Police Department highway patrolman who was killed several years ago while responding to an emergency scene on the service road of the Expressway. She lives in my district with her two young boys that she's raising as a single mother, and when I went to see her after his death just to check on her she told me this idea for this bill and I

thought it was a wonderful idea. And I am really proud of this House to bring this bill forward and to pass it unanimously.

This bill will help the survivors, the widows and the widowers of police officers who are killed in the line of duty who represent a very small fraction of police officers who are killed. But the most important thing is that it's the least we can do for their sacrifice for what they do day in and day out to protect our communities. Every day they go out, they put their lives on the line, and for that I am eternally grateful.

So this is for Anastasios Tsakos for his sacrifice and to help his wife and his two young children have a little easier time without their father in their lives.

So thank you very much.

ACTING SPEAKER HUNTER: Mr. Keith Brown in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03988-A, Rules Report No. 561, Shimsky. An act to amend the Criminal Procedure Law, in relation to granting security officers serving at the Village of Ardsley Village Court peace officer status.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill is passed.

THE CLERK: Assembly No. A04179-A, Rules Report No. 562, Stirpe, González-Rojas, Glick, K. Brown. An act to amend the Public Health Law, in relation to including digital health care service platforms in the definition of temporary health care services agency.

ACTING SPEAKER HUNTER: On a motion by Mr. Stirpe, 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 HUNTER: 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. A05115, Rules Report No. 563, Stern. An act to amend the Public Health Law, in relation to home care worker wage parity.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A05315, Rules Report No. 564, Reyes, Seawright, Shimsky, Meeks, Mamdani, Burdick, Sayegh, Shrestha, Santabarbara, Hevesi, Tapia, Steck, Jacobson. An act to amend the Workers' Compensation Law, in relation to communications between a claimant's attorney or representative and an injured employee's treating provider or a claimant's medical consultant.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A05600-A, Rules Report No. 565, Hunter, Stern, Seawright, Magnarelli, Simon, Anderson, Burdick, Taylor, Jackson, Weprin, Clark. An act to amend the Insurance Law, in relation to certain voidable transfers affecting a federal home loan bank.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05622, Rules Report No. 566, Eachus, McMahon, Stirpe, Reyes, Levenberg, Sayegh. An act to amend the Education Law, in relation to the licensure of a professional geologist; and to repeal subdivision 2 of Section 7206-b of the Education Law relating thereto.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Eachus, the Senate bill is before the House. The Senate bill is advanced. This bill is laid aside.

THE CLERK: Assembly No. A05906-B, Rules Report No. 567, Bores, Shimsky, González-Rojas, Seawright, Burroughs, McDonough, O'Pharrow, Kassay, Steck, Simone, Reyes, Hevesi, Taylor, Zinerman, Ramos, Levenberg, Colton, DeStefano, Jacobson. An act to amend the Labor Law, in relation to requiring employers to disclose information about benefits and other compensation, including bonuses, stock options, and commissions.

ACTING SPEAKER BUTTENSCHON: The bill is laid aside.

THE CLERK: Assembly No. A05921-A, Rules Report No. 568, Woerner. An act to amend the Racing, Pari-Mutuel and Breeding Law, in relation to the creation of the Jockey Health Insurance Reserve Fund.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: 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. A06484-A, Rules Report No. 569, Weprin, Seawright, Steck, Shrestha, Davila, Jacobson. An act to amend the Insurance Law, in relation to physical and occupational therapy services.

ACTING SPEAKER BUTTENSCHON: Lay the bill aside.

THE CLERK: Assembly No. A06576-B, Rules Report No. 570 was previously amended and is high.

Assembly No. A06578, Rules Report No. 571, Bores, Cunningham, Kelles, Forrest, Chandler-Waterman, Torres. An act to amend the General Business Law, in relation to establishing the Artificial Intelligence Training Data Transparency Act.

ACTING SPEAKER BUTTENSCHON: The Clerk  
-- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: The Clerk  
will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker.

I -- I just wanted to rise and say that I really do appreciate this bill and really focusing on this topic as -- as a legislative Body. You know, we're not known for being especially nimble as -- as a Legislature, and I think a lot of legislatures just aren't. We're not exactly cutting-edge. Sometimes bills don't get done in a way that's timely or that keeps up with technology. And having spoken with the sponsor just generally about this whole area, I'm very concerned that we have advanced so quickly in regards to artificial intelligence that I don't know that we, as the Legislature, are going to really be able to keep up. But I think that this is a good step. I'm glad to see that we're taking a vote on it today, and hopefully we can move forward on -- on this and hopefully try to keep up with the technological advances that are coming at us very, very quickly every day.

So I will be in the affirmative and I thank you,  
Madam Speaker.

ACTING SPEAKER BUTTENSCHON: 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. A06800, Rules Report No. 572, Hawley. An act to amend Chapter 579 of the Laws of 2004, amending the Tax Law relating to authorizing the County of Genesee to impose a county recording tax on obligation secured by a mortgage on real property, in relation to the effectiveness thereof.

(Pause)

ACTING SPEAKER BUTTENSCHON: An introduction by Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. And as a matter of fact, this introduction is on behalf of Mr. Hawley, Assemblymember Hawley.

We are joined today by the fourth grade class from Elba Central School in Genesee County. There are some people who are here specifically that I'd like to hopefully pronounce their names correctly. Mrs. Pietrzykowski, I'm gonna say. I apologize if I messed that up; Molly Anderson, Dale Kotarski, Jenna Browne, Megan Smith, Jessica Cramer, Liz Calanzo [sic] Smith and KaliAnn Bell. So these kids are here today to see us in action to see how this legislative process works. And there's no better civics lesson than coming to Albany in the beginning of June, right? We're -- we're passing so many bills and doing so much work.

So, Madam Speaker, if you could please welcome these great fourth graders to the People's House and -- and afford to them all the cordialities of the House on behalf of Mr. Hawley. Thank you.

ACTING SPEAKER BUTTENSCHON: On behalf of Mr. Hawley, the Speaker and all the members, we welcome you to the Chamber, extend your [sic] privileges of the floor, and hope you enjoy our proceedings as we are glad when many young individuals come to the floor as we see future leaders in all of you. Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06800, Rules Report No. 572, Hawley. An act to amend Chapter 579 of the Laws of 2004, amending the Tax Law relating to authorizing the County of Genesee to impose a county recording tax on obligation secured by a mortgage on real property, in relation to the effectiveness thereof.

ACTING SPEAKER BUTTENSCHON: On a motion by Mr. Hawley, the Senate bill is before the House. The Senate bill is advanced. The Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER HUNTER: Are there any other

votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06956-A, Rules Report No. 573, Fitzpatrick. An act to amend Chapter 7 of the Laws of 1955, relating to incorporating the Hauppauge Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, in relation to the name of such association and the use of foreign fire insurance premium taxes.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A06997, Rules Report No. 574, Gallahan. An act to amend the Criminal Procedure Law, in relation to designating uniformed marine patrol officers as peace officers in the County of Seneca.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A07086, Rules Report No. 575, Torres, Shimsky, Colton. An act to amend the Public Authorities Law, in relation to requiring the New York State Thruway Authority to submit biannual reports of all fiscal transactions, receipts and expenditures.

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

Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Torres to explain her vote.

MS. TORRES: Thank you, Madam Speaker. I'm really excited to see this bill be voted on by this Body.

The New York State Thruway is a 570-mile toll roadway system that runs across the State. It keeps New Yorkers moving. This bill is vital to me because it addresses fundamental

issues of fairness, of transparency and of equity when it comes to the Thruway. We've entrusted the Thruway with immense power; 980 million collected in tolls just this past year; vital infrastructure and economic reach across our State. Yet the Authority has long operated without sufficient transparency and accountability. We, as a Body, have been unable to fully track its financial health to understand its spending or identify businesses that are doing work with the Thruway. So this bill directly impacts accountability and equity.

This bill also helps to enable a level playing field for our minority- and women-owned businesses. It tackles directly this issue by mandating reporting on vendor contracting and -- and those practices. So it -- it enforces and enables transparency so that we can see whether MWBEs and other companies are playing fair or are -- are being offered some of the same opportunities with the Thruway.

So I'm really excited to see this bill pass. We affirm with this bill a collective commitment to a system where transparency, fairness, and accountability operates in our government.

Thank you very much. I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Torres in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker.

I'm glad that this bill was brought forward. I wanted to just make it absolutely clear to anybody that's watching this that it requires the New York State Thruway Authority to submit biannual

reports. Now, that always confused me because does that mean every two years or does that mean every six months? And the answer for everybody is it's every six months. That means that they have to file them twice as often, and I think that that's exactly what we need. I think that we -- we, as the sponsor indicated, entrust the Thruway Authority with an awful lot of power, and to have them come in once a year during budget hearings and give report is not adequate. And I think that it's -- this is the right thing for us to do. And I don't know that we should really be stopping here, but I -- I want to at least support this initiative because I think that they should be reporting. They collect a lot of money. And we all know that they weren't supposed to be having tolls on the roads forever and ever and ever. So I think it's important that we keep good eyes on -- on them.

So I support this piece of legislation, and I -- I can see from the board that everybody else does, too, and I'm glad to see it. So I'll be in the affirmative.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: 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. A07194-B, Rules Report No. 576, Bichotte Hermelyn, Alvarez, Epstein, Reyes, Kelles, Levenberg, Taylor, Bores, Jacobson. An act to amend the Labor Law,

in relation to prohibiting student loan payment credit history checks in making employment decisions.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A07222, Rules Report No. 577, Bichotte Hermelyn, Lunsford. An act to amend the Executive Law, in relation to requirements of the annual report from the Division of Minority and Women's Business Development.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you once again, Madam Speaker.

So, I just wanted to add my voice to this particular bill. I think that we did some legislation a little bit earlier in this Session, a couple of really good bills, I think, to try to address problems that we've identified with the MWBE certification -- certification and recertification process that we've been hearing about. I think that this additional information in the MWBE annual report tries to get at the timelessness and collect some data about the timeliness of certification and recertification. So if you'll recall a bill

that was passed unanimously, I think last week -- it's all blending together -- but like last week or maybe the week before that, tried to speed up the recertification process so that if you've been certified previously it will be a rebuttable presumption that you will get recertified unless there's some reason why you shouldn't be.

So I think it'll be interesting to track this information and see if that, in fact, is moving things forward a little bit more quickly. So I think that although I know that sometimes there's some pushback from the Second Floor about doing additional reporting or the cost or time involved in doing additional reporting, I think in this instance it's really important that we do this. Because there's no point in having an MWBE program if it's not working well. So we need to figure out what is, what is not and what we can do about it.

So I do support this and thank the sponsor.

ACTING SPEAKER HUNTER: Ms. Walsh in the affirmative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Madam Speaker.

And I would also like to say that this is a bill that I would definitely support. The MWBE program, I've had several people within my district and actually all throughout the State that have had problems not only getting certified, but getting recertified. And it's a really important program to start new businesses, help big contractors that have to meet the State's requirement for public works projects.

So it's a -- a great endeavor. I look forward to seeing the reports; the number of people that have applied, the number of people that have been denied, the recertification denials, and -- and really work towards figuring out why these denials are happening and trying to help and support MWBEs in their businesses.

So it's a pro-business bill and I want to just say it's a great bill and I'm voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Ms. Giglio in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07277-A, Rules Report No. 578, Bichotte Hermelyn, De Los Santos. An act to amend the Elder Law, in relation to establishing the Interagency Elder Justice Task Force; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A07341-C, Rules Report No. 579, Pretlow. An act to amend the Tax Law, in relation to authorizing the City of Mount Vernon to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A07529, Rules Report No. 580, Burke. An act to amend the Criminal Procedure Law, in relation to granting peace officer status to certain Erie County employees.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A07615-A, Rules Report No. 581, Rivera, Conrad. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to designating the Scajaquada Heritage Area.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A07651-A, Rules Report No. 582, Chludzinski. An act to amend Chapter 296 of the Laws of 1992 incorporating the Rescue Volunteer and Exempt Firemen's Benevolent Association Inc., and providing for its powers and duties, in relation to the purpose of such corporation and the use of certain tax monies received.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Chludzinski, this is your first bill.

Congratulations.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07960, Rules Report No. 583, Miller. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the City of Oneonta; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A08227-A, Rules Report No. 584, Levenberg. An act to amend the Vehicle and Traffic Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the City of Peekskill; to amend the Public Officers Law, in relation to accessing records; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

Oops, Home Rule Message is at the desk.

Read the last section.

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

ACTING SPEAKER HUNTER: 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. A08371-A, Rules

Report No. 585, Kelles. An act in relation to authorizing the Town of Ithaca to alienate and discontinue the use of certain parklands.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A08419, Rules Report No. 586, Conrad, Schiavoni. An act to amend the Agriculture and Markets Law, in relation to retail food store, food service establishment and food warehouse licensing.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: 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. A08459, Rules Report No. 587, Solages, Steck. An act to amend the Mental Hygiene Law, in relation to Statewide opioid settlement agreements.

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

THE CLERK: Assembly No. A08463-E, Rules Report No. 588, Lee, Kim Taylor, Burdick, Glick, Levenberg, Colton, De Los Santos, Zaccaro, Solages, Buttenschon, Epstein, González-Rojas, Reyes, Braunstein, Kassay, Rozic, Rivera, Paulin, Bores, Burroughs, Weprin, Rajkumar, Romero, Hooks, Jackson, Simone, Griffin, Chang, Raga. An act in relation to authorizing the Commissioner of Education to conduct a survey regarding instruction on Asian American, Native Hawaiians and Pacific Islander history within the State; to amend the Education Law, in relation to establishing an Asian American, Native Hawaiians and Pacific Islander History Advisory Committee; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A08675, Rules Report No. 589 --

ACTING SPEAKER HUNTER: On a motion by Mr. Braunstein, Rules Report No. 8 -- 589, Bill No. A08675, the

amendments are received and adopted.

THE CLERK: Assembly No. A08676, Rules Report No. 590, Lee, Hevesi, Cruz, Zaccaro, Weprin, R. Carroll, Lasher, Fall, Bichotte Hermelyn, De Los Santos, Davila, Pheffer Amato, Burke, Braunstein, Jackson, Seawright, Glick, Tapia, Benedetto, Dais, Burdick, Rozic, Wright, K. Brown. An act to amend the General City Law, Chapter 772 of the Laws of 1966, relating to enabling any city having a population of one million or more to raise tax revenue, and the Administrative Code of the City of New York, in relation to authorizing credits for relocation and employment assistance and making available relocation assistance credits per employees; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A08680-A, Rules Report No. 591, Burke. An act to amend the General City Law, in relation to requiring additional notice prior to the discontinuance of drinking water fluoridation.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A08684, Rules Report No. 592, Taylor. An act to authorize Jonathan Montalvo to be placed on the eligible list for employment as a full-time University Police Officer for the State University of New York Police.

ACTING SPEAKER HUNTER: On a motion by Mr. Taylor, 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 HUNTER: 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. A08699-A, Rules Report No. 593, Bichotte Hermelyn, Lasher. An act to amend the Executive Law, in relation to clarifying the standard for when a practice has a discriminatory effect.

ACTING SPEAKER HUNTER: On a motion by Ms. Bichotte Hermelyn, the Senate bill is before the House. The Senate bill is advanced. This bill is laid aside.

THE CLERK: Assembly No. A08785, Rules Report

No. 594, Septimo. An act to amend Chapter 363 of the Laws of 2010, amending the Judiciary Law relating to granting the Chief Administrator of the Courts the authority to allow referees to determine applications for Orders of Protection during the hours family court is in session, in relation to the expiration thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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. A08795, Rules Report No. 595, Woerner. 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 HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: 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 12, Rules Report No. 590, the Clerk will read.

THE CLERK: Assembly No. A08676, Rules Report No. 590, Lee, Hevesi, Cruz, Zaccaro, Weprin, R. Carroll, Lasher, Fall, Bichotte Hermelyn, De Los Santos, Davila, Pheffer Amato, Burke, Braunstein, Jackson, Seawright, Glick, Tapia, Benedetto, Dais, Burdick, Rozic, Wright, K. Brown. An act to amend the General City Law, Chapter 772 of the Laws of 1966, relating to enabling any city having a population of one million or more to raise tax revenue, and the Administrative Code of the City of New York, in relation to authorizing credits for relocation and employment assistance and making available relocation assistance credits per employees; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect July 1, 2025.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lee to explain her vote.

MS. LEE: Thank you, Madam Speaker.

I am the proud State representative for Lower Manhattan, including Chinatown, the Financial District and the Lower East Side; some of the most dynamic and historic neighborhoods in

the State and the country. And today we are taking action to help secure the economic future of New York City.

Lower Manhattan is home to the financial capital of the world, but it's also a community of family-owned businesses, immigrant entrepreneurs and resilient storefronts that have anchored our streets for generations. These businesses are still recovering from the impact of COVID, grappling with skyrocketing costs and navigating a rapidly-changing commercial real estate market. The Lower Manhattan Relocation and Employment Assistance Program has long been a critical tool, helping businesses relocate, expand and reinvest in our communities. And now through this renewed and expanded program, we are creating new incentives to attract businesses, fill office vacancies, and keep our commercial corridors active and vibrant. But this is about more than just office space. It's about keeping New York competitive, creating jobs, stabilizing the economy and building a vibrant community.

Thank you to the advocates, businesses and community members who stood with us to make this possible, and thank you to my colleagues for helping ensure that Lower Manhattan remains a place where businesses can thrive and families can build a future.

I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Ms. Lee 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: Madam Speaker, we are going to continue our floor work this early evening with Calendar No. 65, bills on debate. We're gonna start with Rules Report No. 196 by Ms. Paulin, followed by Rules Report No. 265 by Mr. Cunningham, followed by 292 by Mr. Rivera, followed by Rules Report No. 415 by Ms. Rosenthal, and then we're gonna go to 423 by Ms. Pheffer Amato. In that order, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Page 7, Rules Report No. 196, the Clerk will read.

THE CLERK: Senate No. S00123, Rules Report No. 196, Senator Cleare (A00268, Paulin, McDonough, Seawright, Dinowitz, Weprin, Simon). An act to amend the General Business Law, in relation to prohibiting the sale of infant walkers and restricting the use of such infant walkers in certain settings.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Paulin.

MS. PAULIN: Yes. The bill bans the sale of infant walkers and restricts their use in certain settings.

ACTING SPEAKER HUNTER: Mr. Gandolfo.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. PAULIN: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: Thank you.

So we debated this bill last year as well. Have there have been -- been any changes in the bill at all or is it the same as last year?

MS. PAULIN: Only in that the Senate passed it this time.

MR. GANDOLFO: Okay. Okay.

Now, what is the reason for banning the sale of infant walkers?

MS. PAULIN: They have been -- they have been indicated by the pediatricians and in surveys that have been done with emergency room visits that young babies who use these are injured and they -- the pediatricians, the American Academy [sic], has indicated that they believe they should be banned. So that's why we have this bill.

MR. GANDOLFO: Okay. And how -- what are these injuries? How are they happening? Is it equipment failure? Is the -- the walker breaking down?

MS. PAULIN: I think that from what I've read it's very common because the -- the child can walk quickly. You know, they wheel. And that they -- they fall down stairs and -- and they've

been injured mostly because of that.

MR. GANDOLFO: Okay. So, fall injuries?

MS. PAULIN: Yeah.

MR. GANDOLFO: Okay. Is that something in terms of stairs that could be solved by a baby gate?

MS. PAULIN: I guess it can, but because of they're seeing more than 3,000 injuries a year, they believe that this should be banned.

MR. GANDOLFO: Okay. And 3,000 injuries per year, is that in the State of New York or is that nationwide?

MS. PAULIN: The -- the last data that we have, you know, it's a little old, you know, because it's done and then you see it a couple of years later, is from 2023.

MR. GANDOLFO: Okay.

MS. PAULIN: And in 2023 the -- it was, I think, 3,100 or 3,200 injuries across the country.

MR. GANDOLFO: Okay, so nationwide. All right.

Now, the infant walkers themselves, I believe there's safety features that are mandated by the Federal Government. Those include a braking feature so that you can't -- well, not you because we're not in the walkers -- but a child can't get over a ledge that's more than about an inch or two high. And I believe they also have to be wider than 36 inches to prevent them from going through a standard doorframe. So those safety features are not sufficient?

MS. PAULIN: No. And, in fact, it's believed that

they don't even help and assist a young child learning to walk. So they seem to serve no purpose and cause injuries in the process.

MR. GANDOLFO: Okay. Thank you.

Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, of course no one wants to see children, especially infants, getting hurt. However, infant walkers have been in use for hundreds of years. The rate of injuries stemming from infant walkers has declined significantly since the Federal Government enacted certain safety standards on these devices, and I wouldn't agree with the assessment that they serve no purpose. A lot of people in here might have used them or been in them when they were little. But just speaking from a personal standpoint, when I'm up here hanging out with all of you guys -- which I love doing -- especially when my kids were little, my wife was at home and the infant walker was a Godsend for her. When she was trying to get herself ready for work in the morning, she was able to put our infant in the infant walker in our den from which he was unable to leave the room. But if you did not have that infant walker he would be able to crawl right out right over the step and get out of there.

If you look at statistics there are plenty of ways that children unfortunately do get hurt. Infant walkers are not a top cause. If you -- the data that I've seen says more children just fall down the stairs, unrelated to an infant walker, each and every year. More

children are injured from falling off of furniture, things like changing tables and other elevated furniture. So, unfortunately, in our daily life there's a way that children get hurt. It happens. We try to mitigate it. But I just feel that doing this, preventing anyone from using an infant walker, taking away a parent's discretion and what they think is best for their family is not the right course of action.

So I will be voting no on this and I encourage my colleagues to vote no as well. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you very much, Madam Speaker. The Minority Conference will, generally speaking, be in the negative on this piece of legislation. But if anybody wishes to vote affirmatively, now would be the time to do so at your seats.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

Mr. Sempolinski to explain his vote.

MR. SEMPOLINSKI: Thank you, Madam Speaker.

I'm gonna be voting in the negative on this. And I -- I think about my daughter who, due to her developmental disability, a lot of things were slower for her. And one of the things that she was the slowest at developing with was walking. It took her a long time -- she never really learned to crawl, she sort of learned to scoot. And eventually through much persistence and physical therapy she, you know, she walks and runs around now. But it -- it was very, very hard for her. And so one of the things that she very much enjoyed and helped her learn sort of the body control and gain physical strength was using a walker.

So I think this is sort of too broad across the board. We obviously want children to be safe, but I would argue there is a very tangible, real reason why you might want to have a child in a walker. So I vote in the negative.

ACTING SPEAKER HUNTER: Mr. Sempolinski in the negative.

Mr. DiPietro to explain his vote.

MR. DIPIETRO: Thank you, Madam Speaker.

Just that I would wish that sometimes this Body would be concerned about the babies when they're in the womb as much as they're concerned about them when they get outside the womb.

I'll be voting in the negative. Thank you.

ACTING SPEAKER HUNTER: Mr. DiPietro in the negative.

Ms. Jackson to explain her vote.

MS. JACKSON: Thank you, Madam Speaker.

I've had the privilege of raising two kids of my own, neither of which had a walker. Kids can learn how to walk without one. We know that there's safety issues and concerns with it. I would say that walkers should not be used to monitor our kids. We should actually be spending time with our children and raising them and helping them take their first, second and third steps.

So I'll be voting in the affirmative and I say thank you to the sponsor for bringing this bill forward.

ACTING SPEAKER HUNTER: Ms. Jackson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 265, the Clerk will read.

THE CLERK: Assembly No. A04502-B, Rules Report No. 265, Cunningham, Jackson, De Los Santos, Yeger,

Anderson, Shimsky, McDonough. An act to amend the Social Services Law, in relation to access to educational activities by public assistance recipients who are subject to work participation requirements.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Cunningham.

MR. CUNNINGHAM: Thank you, Madam Speaker.

This bill would allow people who are using coursework and using college to receive public assistance.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

MR. CUNNINGHAM: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much.

So a few questions about how this actually works. Could you give a bigger picture viewpoint for us about what the rules are currently, before this bill, surrounding the idea of work requirements and public assistance for these 18- and 19-year-olds.

MR. CUNNINGHAM: Absolutely.

MS. WALSH: Thank you.

MR. CUNNINGHAM: What this -- what currently happens is people with two-year degrees are allowed to use coursework towards their public assistance benefits. What we do

know is that people who intend to receive a bachelor's degree have a higher percentage of earning their wages. So we want to make that caveat which allows them to not only just for a two-year degree, but also for a four-year degree, as well as the coursework they do while doing their degree.

MS. WALSH: Okay. So a question for you was I saw that it also talked about vocational educational activities, because we know that not --

MR. CUNNINGHAM: Absolutely.

MS. WALSH: -- not every young person is on a college path, two-year or four-year. Maybe they might be on more of a vocational path. How does that line up with the requirements for working to receive public assistance?

MR. CUNNINGHAM: Well let me just say, over 35 states currently, both Democrats and Republican states, use this philosophy. Why we're moving in this direction is because obviously the workforce has changed quite a bit. There are green-collar jobs, they're jobs that didn't exist five or ten years ago. And we want to make sure that the workforce is ready and available and they're ready to work. So if that means vocational training, we wanna make sure that we have the best and brightest workforce, whether they do blue-collar work or white-collar work.

MS. WALSH: Yeah, and I completely agree with that. I think most of us here would. I think -- right now, what is the number of hours per week that is for -- for those 18- and 19-year-olds

that are required to show that they're working a certain number of hours per week? How many hours do they have to do under the existing law?

MR. CUNNINGHAM: Under existing law there's a minimum of 20 hours.

MS. WALSH: Twenty hours. Okay. And some other -- some things that count, I think, but I want -- I want to just verify, that count towards that 20 hours a week could be job search, job training, education, and other activities that the individual -- that will help individuals to gain employment; is that accurate?

MR. CUNNINGHAM: That is correct.

MS. WALSH: Okay. And so what this bill then does is it says that if you are doing homework in pursuit of a four-year degree, that that also will count towards your 20 hours a week requirement; is that correct?

MR. CUNNINGHAM: That is correct. Absolutely. I think we all know in this Chamber that homework is a part of a successful academic life, as well as many of us who do research in our bills spend time outside of the Chamber working on that. So I believe that does count towards coursework.

MS. WALSH: Okay.

So now could you talk a little bit about the issue of whether that homework has to be supervised or it could be unsupervised in order to count?

MR. CUNNINGHAM: In the bill we've given some

provisions to allow supervision with -- with an opt-in for local municipalities to opt -- in that option. It's not required in the bill, but it does give the opportunity for locals to opt into that.

MS. WALSH: So if a local --

MR. CUNNINGHAM: College.

MS. WALSH: -- social services department had an -- had an ability to provide supervision of homework in order for it to count, they could opt in and do it that way. But they need to have the -- the manpower to be able to provide that supervision. Is that -- is that true?

MR. CUNNINGHAM: Absolutely. Obviously there are a lot of teacher assistants who also can help support that on college campuses. We know that a lot of kids who are in these programs also can go to a library and get their coursework signed off on as well. So there is built-in mechanisms in our colleges, but we did leave an opt-in for an optional opt-in.

MS. WALSH: Okay. But -- and -- and just for clarification, if the local social services department or district did not opt in to doing it that way, then would unsupervised homework time count for these 18- and 19-year-olds in their 20-hour-a-week requirement?

MR. CUNNINGHAM: I think one of the benefits here is that we know that every student that takes coursework needs to receive a C or better, meaning they would need to have completed homework and coursework in order to receive a minimum of C in that

course.

MS. WALSH: Okay. But in answer to my question as far as the -- the super -- the supervision requirement, it -- it -- the homework doesn't have to be supervised in order to count towards that 20 hours, correct?

MR. CUNNINGHAM: No, it doesn't have to be.

MS. WALSH: Okay. All right. And so does the -- does the -- the young person, the 18- or 19-year-old recipient, do they self-certify how many hours of homework that they're doing each week in order to qualify?

MR. CUNNINGHAM: They would self-certify in most cases.

MS. WALSH: They'd self-certify. Okay. All right. And -- just making sure if I got all my questions answered. Okay.

And can -- could -- so is it -- is it your vision in developing this framework that if you have a 20-hour-per-week requirement, is it your understanding that a portion of that time would be going to class and whatever, maybe online, maybe in person, and some of it would be homework time and that you'd patchwork together and come up with the 20 hours?

MR. CUNNINGHAM: Yeah, my vision for this bill is really simple; it's to make sure that young people who want to scale up, level up to go to school and prepare themselves for the new workforce can do so by using college credits, college homework and the other things described previously to allow them to do that.

MS. WALSH: Okay. And then once that person turns 20, what happens then in terms of these requirements? Does it only -- does it only apply to 18- and 19-year-olds? So if they have not obtained their degree by 20, do they have to just meet whatever other requirements that there are?

MR. CUNNINGHAM: The benefit wouldn't stop at 20.

MS. WALSH: I'm sorry, I couldn't hear you.

MR. CUNNINGHAM: No worries. The benefit wouldn't stop at 20.

MS. WALSH: It's a little loud up there.

ACTING SPEAKER BUTTENSCHON: Colleagues, we're on debate, please.

MS. WALSH: I apologize. I'm sorry, I couldn't hear you.

MR. CUNNINGHAM: Not a problem.

MS. WALSH: Thank you.

MR. CUNNINGHAM: It would not stop at 20. They can continue until they complete their coursework.

MS. WALSH: Oh, okay. That's -- that's interesting. Okay. So -- so how long could that go forward? I mean, what if it takes you until 24 to get your college degree? Can you just continue to just carry this forward?

MR. CUNNINGHAM: Currently, young people are allowed to stay on their parent's health insurance until 26. So there

are young people who do go to school part-time. There are young people who are trying to reemerge back into the workforce and may be older than that age. They may enter college later. So yes, this would count.

MS. WALSH: Okay. Okay. And then -- and then you mentioned that there was a grade requirement of a C or better, was it?

MR. CUNNINGHAM: A C or better. We've had a few presents with a C grade.

MS. WALSH: Yeah. No, I -- I definitely have kids, I understand that a -- a C is okay in some -- for some courses for sure.

MR. CUNNINGHAM: The more they study I think they'll get A's.

MS. WALSH: Yeah, that's right. I hear ya. Okay.

Well, thank you very much for answering my questions. I appreciate it.

And, Madam Speaker, on the bill.

ACTING SPEAKER BUTTENSCHON: On the bill.

MS. WALSH: So I think that, you know, whoever you are in this Chamber, we all share the similar belief and the desire that we want to promote self-sufficiency and reduce dependency on public assistance. But we also need to give an opportunity for people to receive the kind of training that they need in order to hopefully become not just gainfully employed, but, you know, well-employed to be able to support themselves. So I think we all agree on that.

I think some members may have difficulty, though, supporting the bill because we already do quite a bit to support 18- and 19-year-olds who are in an educational program and maybe feel that giving a one-hour per for one hour of credit for doing -- what could be unsupervised homework that's just being self-reported, that it could lead to -- it's just a little bit too much. Maybe it just takes what is a good idea and a good aim and mission maybe just a little bit too far. So I -- I would expect that some of our members may feel that way.

I do thank the sponsor for answering the questions that I've had and, Madam Speaker, thank you so much.

(Pause)

ACTING SPEAKER BUTTENSCHON: Majority Leader Peoples-Stokes on the bill.

MRS. PEOPLES-STOKES: I would like to ask the sponsor a question.

ACTING SPEAKER BUTTENSCHON: Will the sponsor yield?

MR. CUNNINGHAM: Absolutely.

MRS. PEOPLES-STOKES: Thank you.

Can you tell me if you know of any other counties or cities or even states that implement some level of training opportunity like this in order to decrease their social service rolls?

MR. CUNNINGHAM: There are about 34 states. Should I read all 34? I'll start with Florida, Georgia, Indiana, Alaska,

Mississippi, Missouri, New Hampshire, Arizona, California, Hawaii, Illinois. There is a variety of states all across the State -- or the country from the east to the west from the south to the north.

MRS. PEOPLES-STOKES: Thank you.

And have there have been any analysis or data collected on the success of these folks being able to free will? Being able to do whatever it takes to get through the curriculum that they've been assigned.

MR. CUNNINGHAM: Absolutely. We know that these programs, when young people are allowed to fully thrive and fully implement (indiscernible) themselves in their schoolwork, their grades are increased and their outcomes in terms of income increases dramatically.

MRS. PEOPLES-STOKES: Okay. And are we aware of any organization -- any institutions within the State of New York that may be able to offer these type of opportunities to TANF recipients?

MR. CUNNINGHAM: I mean, clearly our SUNY and CUNY system would be a -- a good -- better (indiscernible) for that conversation.

MRS. PEOPLES-STOKES: Okay. Thank you.  
Thank you, sir.

On the bill, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: On the bill.

MRS. PEOPLES-STOKES: I -- I know it's

sometimes challenging for us to even conceive the fact that we might have to help somebody in order for them to live a better life and do better in their life. But sometimes we will have to help people in order for them to be able to do that.

And I also want to say, you know, we are living at a time when our society is quickly becoming either you're rich or you're poor. And if we don't do the things that will continue to build a middle class, or not even a middle class, a lower middle class, then we will have one people in this society.

It was not that long ago when we could look at TV and see people in lines across America trying to eat, trying to find food as we went through a pandemic. We don't know if we're ever gonna go through that again. But what we do know is we want our people to be prepared to work. We want our people to be prepared to work. This legislation provides that opportunity. And I hope that people will look at it like that as opposed to an opportunity to deny somebody something, look at it as an opportunity to deny people a hand up.

And I want to thank the sponsor for introducing it and I look forward to voting in support of it.

ACTING SPEAKER BUTTENSCHON: Read the last section.

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

ACTING SPEAKER BUTTENSCHON: A Party

vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will, generally speaking, be in the negative on this piece of legislation. But if there are people that wish to vote yes they may do so now.

Thank you.

ACTING SPEAKER BUTTENSCHON: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Democratic Conference is generally gonna be in favor of this piece of legislation; however, I -- there may be a few that would desire to be an exception, then they should feel free to use their right at their seats.

Thank you.

ACTING SPEAKER BUTTENSCHON: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Madam Speaker, for an opportunity to explain my vote.

I want to commend the sponsor on this legislation. I had a opportunity to look through it and it's truly about self-sufficiency; providing resources for individuals to be a better version of themselves. It's not about supervision. It's not about

having an overseer mindset. It's about meeting people where they are and giving them a opportunity to thrive.

So I'll be voting in the positive. Thank you.

ACTING SPEAKER BUTTENSCHON: Mr. Meeks in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

Page 17, Rules Report No. 423, the Clerk will read.

THE CLERK: Senate No. S00946, Rules Report No. 423, Senator Jackson (A03295, Pheffer Amato, Tapia, Steck). An act to amend the Civil Service Law, in relation to authorizing the removal of police officer candidates from an eligible list when such candidate does not meet psychological fitness requirements or lacks good moral character standards.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Pheffer Amato to explain her vote.

MS. PHEFFER AMATO: Thank you, Madam Speaker.

This is a very important bill in the process of hiring candidates for our police forces. This bill allows the sheriff and police chiefs to remove police officer candidates from the eligible list if they do not meet psychological fitness requirements or lack of good moral character. It authorizes the removal of police officer candidates from this list where they do not meet these -- meet the guidelines. We will still be following the -- the list, but we take out that disqualified candidate. I think this is an opportunity to find the most qualified candidate for a police force.

So thank you for the opportunity to explain my vote.

ACTING SPEAKER BUTTENSCHON: Ms. Pheffer Amato in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 292, the Clerk will read.

THE CLERK: Assembly No. A01529-A, Rules Report No. 292, Rivera, Benedetto, Bronson, Clark, Colton, Conrad, De Los Santos, Dinowitz, Glick, González-Rojas, Hevesi, Jackson, Jacobson, Lunsford, McDonough, Meeks, Peoples-Stokes, Reyes, Rosenthal, Seawright, Septimo, Simon, Steck, Taylor, Stirpe, Stern, Walker, Kelles, Burdick, Santabarbara, Shimsky, Zinerman, Cunningham, Forrest, Levenberg, Epstein, Gallagher, Otis. An act to amend the Real Property Law, in relation to requiring the disclosure of lead-based paint test reports in real estate transactions.

ACTING SPEAKER BUTTENSCHON: An explanation has been requested.

Mr. Rivera.

MR. RIVERA: Thank you.

Before us is a bill that we've passed on a few occasions in this House in my short tenure here in the Assembly. It looks to provide incoming homeowners with a complete set of information around lead safety of their homes. And I'm here for any questions.

ACTING SPEAKER BUTTENSCHON: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker.

Before I ask the sponsor to yield for some questions, I'm wondering if we can get a little bit of quiet here so I can really hear the -- the sponsor.

SERGEANT-AT-ARMS: Quiet, please.

MS. WALSH: Thank you so much.

Would -- would the sponsor please yield for some questions?

ACTING SPEAKER BUTTENSCHON: Will the sponsor yield?

MR. RIVERA: Yes.

MS. WALSH: Thank you very much. And since you are so far away and you -- you're a little soft-spoken and maybe I'm a little hard of hearing, I hope that -- I really do want to hear what you have to say on this bill.

MR. RIVERA: Sure.

MS. WALSH: I -- I wanted to ask you first because I -- I had a question about it. Which -- which properties, which homes the age of which are covered under this particular piece of legislation?

MR. RIVERA: Sure. So it defines real estate purchased after 1970 -- I'm sorry, real -- real estate that has been constructed after 1972.

MS. WALSH: It was constructed after 1972?

MR. RIVERA: Yes.

MS. WALSH: Okay. So if you have a home from --

MR. RIVERA: I'm sorry. Forgive me, it's 1978.  
Forgive me, I misspoke.

MS. WALSH: 1978. Okay. So if I had a home from 1840, which I used to own, is that covered under this legislation?

MR. RIVERA: It would be a piece of property that would have to be inspected, yes.

MS. WALSH: That would have been inspected?

MR. RIVERA: That -- that would need to be inspected.

MS. WALSH: That would need to be inspected.  
Okay.

What about a home that's from 1990? Does that home need to be inspected?

MR. RIVERA: No, because it's after 1978.

MS. WALSH: Because it's -- okay. I just wanted to

be clear about that. If -- if it's constructed after 1978 it is not covered by this legislation.

MR. RIVERA: Yep.

MS. WALSH: Okay.

Now if you don't mind and just indulge me, could you just point me to where in the bill it specifically says that? I would really appreciate that because I'm having a little hard time finding it.

MR. RIVERA: Article 16, line 7. It might be a different page number for me, but that's where I have it.

MS. WALSH: Yeah. So that's all like the -- it's like almost like a preamble where you have legislative findings and, you know, it goes -- and then I saw the actual bill text starting on page 3 where you insert a new Article 17.

MR. RIVERA: Sure.

MS. WALSH: So I'm just trying to put that all together.

MR. RIVERA: Well, this is the section of the bill that speaks to the definitions. The definition of a -- residential real property shall mean real property improved by a residential dwelling erected prior to the year 1978.

MS. WALSH: Prior to 1978. Okay. So and -- that's very helpful to know.

MR. RIVERA: Sure.

MS. WALSH: Okay. Because what I didn't want to have happen is somebody that's got something that's relatively new

construction --

MR. RIVERA: Sure.

MS. WALSH: -- we don't use lead paint anymore and it's been banned -- would have to go through the process of being tested and certified and everything. So I'm grateful that that's the case. Thank you for that clarification.

What is the, would you say, is the average cost of doing a lead paint test in -- in a home?

MR. RIVERA: Sure. So in the process of preparing for the bill, I met with multiple folks that are in the industry of lead remediation and lead inspection, and even met with a company in my neck of the woods, conveniently, that not only does lead inspection but actually trains people and certifies companies to lead inspections. They range -- you know, the cost of a lead inspection really is done usually within an hour to two hours. Nowadays lead inspections are done with what's essentially -- what looks similar to what we would use -- would use for, like, a thermometer gun to determine, like, a temperature. But that -- that gun, we'll call it, is directed at a surface, let it be a windowsill or a wall, and very quickly they could determine what the lead rate level is on their digital reading. So that process can be done quite quickly. The average cost of it is less than \$500.

MS. WALSH: Okay. That's so interesting that they have a device. I'm glad because my understanding with lead paint, having owned older homes in -- in my life, is that as long as it's not peeling or chipping, you know, if it's -- I would -- I wouldn't want

them to be testing it by potentially taking chips and then testing them or anything like that. We want to just leave it right where it is --

MR. RIVERA: Correct.

MS. WALSH: -- leave the paint right where it is, hopefully not chipping or peeling or anything and just use a device to test whether it's got any lead content in it. So that's -- that's also good to know. Okay.

How many -- is it projected how many properties are transferred each year which would be subject to needing this type of testing?

MR. RIVERA: It would be difficult to make that kind of number because the housing market is so up and down and it's often regionally specific where in certain regions the housing market could be picking up and other regions less. And it's also a matter of, you know, as years ago on this is gonna be needed less -- needed less and less because as more units come on the market, every new unit will never have to be tested because it would be built after 1978. And once a building or -- or a residence is -- is, you know, reviewed once, it doesn't have to be reviewed again. So, you know, over time the numbers will dwindle. And, you know, that being said, there's a reason why we have this concern around lead paint. New York State has the oldest housing stock in the country. I live in -- in the City of Buffalo, which has the oldest -- the city with the oldest housing stock in the country. And it's an epidemic that -- that we see not just in Upstate New York, but in the City as well, and its -- its damage,

especially on children, is permanent. So we feel like it's -- it's something we have to tackle now. And the way that we do it, we believe, is there's no silver bullet, but one of the ideas we have to pursue is making sure that when people purchase a home that they're made as aware as they can be on the safety hazards that they could be living in.

MS. WALSH: Okay.

Now you mentioned, and of course I know, about the -- the impact of lead poisoning and exposure to -- to children. That's -- that's obviously a very big concern. Does the -- does your bill make any adjustments for homes that are not going to be home to -- to children that would be potentially exposed to it, or it's just a blanket requirement based on just simply the age of the property?

MR. RIVERA: It's based on the age of the property regardless of the age of the owners or tenants.

MS. WALSH: Okay.

Now I did see that there were some exemptions in the bill. There's some properties that don't require this testing to occur. Could you just run through those quickly and just indicate, you know, who's being exempted and maybe a little bit about why?

MR. RIVERA: Sure. Sure.

MS. WALSH: Thank you.

MR. RIVERA: It's -- it's pretty lengthy there. In Section 2 it lays out what's in or what's out. But, you know, it -- it -- the key thing to remember is that it's -- it's a sale of a property

between two people. So I guess the other thing I'd -- I'd also preface is that this bill doesn't speak to encapsulation -- well, it doesn't speak to encapsulation or remediation. So the burden of the -- that expense isn't necessarily put on anybody in this bill. What it does is it makes it so that the incoming owner would be able to have a full set of information in front of them when they were gonna pursue the -- the -- the purchase of a home. So, I mean, that just goes to the -- the cost point you made earlier. But, you know, there's a list of exemptions there and, you know, what's in or what's out. But it -- it -- it's -- it more or less is if you -- if you live in a single-family home -- there's an accommodation in there for multi-unit, but that's -- that's not gonna be, you know, too intrusive. It's -- if you live in a single-family home and looking to turn it over or sell it in a normal transaction between two people, you know, that's where it would fall.

MS. WALSH: Would you say that the exemptions kind of center around more, I would call them maybe more, like, close transactions between people who are more familiar with each other who might already have some knowledge, where your bill would -- would apply more in transactions where you have, I would say, two strangers dealing with each other, or am I being overly simplistic with that?

MR. RIVERA: No. I mean, for example, you know, a certificate that such property has been tested for lead is not gonna be needed -- should not be required in the case of a transfer to a beneficiary or a deed or a trust, because those aren't really two people

that are selling a property if it's involving that. A transfer done by a county sheriff. Sometimes if -- if it's in obscure situations where a local government transfers a property, that wouldn't -- that wouldn't be the case. It's really meant for transactions between two individuals.

MS. WALSH: Very good.

How does this bill line up against any Federal requirements that are out there as far as lead paint testing?

MR. RIVERA: Sure. Sure. So in the early '90s the Federal Government, starting with the Congress, passed a -- a bill that essentially made it so that everybody had essentially a right to know where lead was in their homes. What's that -- what that's turned into was never really the full achievement of the intention of what those Congress people meant to do. What it's turned into today is if you're gonna buy a home -- or I should start from the seller. If you're gonna sell a home, there's a one-page form that we all sign that essentially says, *To the best of my knowledge there's no lead in my house*. And that's essentially a one-sheet piece of paper in a stack of documents that if you've ever closed on a house could be quite a lot, and it often gets lost in the shuffle. And truthfully, when it's -- most -- most of the time when it's used, a person is essentially without any proactive understanding or pursuit of information. They're essentially just saying, *To the best of my knowledge there's no lead in this house*, signed, done. And what happens is then that -- that same house transfers to another person, and that person, eventually when they sell it they sign a very similar form. And what it doesn't do is it doesn't

address whether it, in fact, has lead. It only relieves the seller of any sort of, I don't want to say liability, but any assumption that there might be lead somewhere. They're just essentially saying, *To the best of my knowledge there's no lead here*. But the truth is, if a house was built before a certain year, and especially if it's in a certain part of the -- the world, there's a high probability that there's lead. But a family that's coming in and buying their -- potentially their first home and starting a family, they don't realize that they're exposing their children to lead, potentially. And it's just a cycle. So we've stopped making lead paint in this country in the '70s, but still we have cases all over the country and especially here in New York where our children are being poisoned by lead. It's because we transfer these properties without the full understanding or disclosure of where lead could be.

MS. WALSH: And I appreciate your answers to that. I think -- I'm familiar -- I've done a few real estate transactions and I am familiar with that one-page document that you're talking about. There's also, and this is a more recent thing, is the whole property disclosure -- property condition disclosure statement, or PCDS, which contains known defects regarding the property that's for sale. That, as I recall from transactions that I've done, that's a pretty lengthy document. That goes into a whole bunch of different things that you're disclosing to the seller's best knowledge, including the age of the house, which should be pretty -- you know, pretty well-known even in the -- in the listing for a home or anybody that's really looking at a home you can kind of tell if it's -- if it looks like it's something

from the pre-1970s kind of period. But if -- if you don't, I mean, that property condition disclosure statement is gonna alert the buyer to the -- at least the age of the home. And if they're represented certainly by a real estate agent, the real estate agent will be, I would think, if they're doing their job and they do a great job, you know, encouraging people to investigate if it's an older home, whether there is a presence of lead. So how do you really -- I mean, if we've already got the property -- are you saying that you don't think that the property condition disclosure statement adequately raises the awareness of a potential purchaser to the possible presence of lead?

MR. RIVERA: I don't. I think all that does is satisfies the seller's -- it essentially gives the sellers clean hands when they transfer the property. In reality, it could be a scenario where a person who is selling a property and they are fully unaware that there's lead in their home, and whether they're aware or unaware doesn't change the fact that the incoming owner is just as unaware. So what are we doing to proactively make it so that the incoming family or person buying a home has the full knowledge of it? You know, nowadays we do radon testing, we do full inspections, we do appraisals. The -- the time it would take to do a lead inspection of a home, like I said, averages about two hours, three hours. And the -- I don't have to tell anybody here that's bought a house, the length of time it could take to buy a house from the first time you do your first walk-through to the actual closing, often it's months. So this is not a matter of it taking too much time, and -- and certainly not a matter of

the cost. So why would we not make every best effort possible to make sure that the homes that we are bringing our families into are safe as they can be?

MS. WALSH: I can understand your point. And one other thing I would just add to that is that a lot of -- in this housing market right now, it's -- from what I've heard from kids of mine that are looking to purchase their first home, there's a -- there are a lot of people, even on older homes, that are waiving inspections to -- to make a more attractive offer, which I -- this is my editorial comment -- but I think that that's just insane. I think especially with a house that's got some age to it, they really ought to be doing inspections. But that's -- that's just my editorial comment on that.

MR. RIVERA: I'd agree with you.

MS. WALSH: A question for you, I guess, is if you -- let's say you've got a home and it meets the -- the criteria that you've said of a certain age and it needs to be tested and it is tested and then the property is transferred, and then five years later those owners want to then sell. Does the property have to get retested at that point?

MR. RIVERA: Nope. Any property only has to be certified once.

MS. WALSH: Okay. I thought you had said that.

MR. RIVERA: Yeah. If the house is sold in a couple years or transferred in some way then, yeah, no. It -- it -- the record of that inspection is kept both with the local county health department, but then also could be attached to the property in itself in whatever

way they make it so.

MS. WALSH: Okay. I think you've answered all of my questions, and I appreciate that.

MR. RIVERA: Sure.

MS. WALSH: Madam Speaker, on the bill.

ACTING SPEAKER BUTTENSCHON: On the bill.

MS. WALSH: Thank you.

So, I -- I do appreciate the opportunity to discuss this bill which we have talked about before. Fundamentally, I would just point out that the question of what properties this requirement would apply to is not as clearcut as I believe came out in the debate. And -- and the reason is that for those -- you know, for those of us who are reading -- you know, reading the bills, the bill starts out with sort of, like, preamble language and legislative intent language. And that's the part that the sponsor referred to, talking about a residential property built prior to 1978. But if you actually read the underlined portion of the bill that we are debating today, there is no, that I -- that I saw, I don't believe it is there and it's not my reading -- that it only applies to homes that are -- that have been constructed prior to 1978. I believe it's '78 or '74. It -- it just doesn't say that in -- in that part of the language. So I don't know if that needs to get cleaned up in some kind of a chapter amendment. I mean, I would encourage that because my -- I mean, my reading, and I did read it, just doesn't say that it is so limited.

I do think that none of us here want to see any

children, elderly, anybody harmed by lead paint. And when two parties come together for a transaction like a real estate transaction -- which is in many instances one of the most expensive things that the average family will do is to purchase a home -- I'm very troubled by people who are just -- really just waiving inspections. If they have any -- if they're represented by attorneys, and they ought to be, those attorneys, those real estate agents that are representing them ought to be really encouraging anybody who is purchasing a home that's -- that's older, an older home, to be not waiving inspections and doing these inspections. Because as the sponsor said, they're -- you know, they're around maybe 500 bucks, but for a property that -- we know what property prices are looking like these days, it's such a huge investment, to me, that it is penny-wise, pound-foolish to not take a look at whether a property contains lead.

I do think that we do have a property condition disclosure statement, and it needs to get filled out. If it doesn't get filled out then that's chargeable against the seller of the property. But I think, you know, there -- there is an idea of caveat emptor. There is an idea that people need to come into a real estate transaction with good advice from people that they've retained, whether it's a real estate agent, and hopefully they have a real estate agent. Hopefully they're represented by an attorney. If they're going it alone, they ought to be smart enough to break out the Google and figure out that if the property's older it could very well contain lead paint. Particularly in the Northeast because we have do have such older housing stock.

So I -- I don't know. I think that there are some people who will support this bill as -- as a way to ensure that these properties have been all tested. Some may find that it is more of an onerous burden and that people who are coming into what is a very expensive transaction ought to have the -- the smarts and the advice to do this testing on their own. And certainly it's not -- it -- it's -- it's a -- it's a wise choice to have a place that is tested for lead beforehand before you make such a major purchase.

So there will be, I -- I would expect, a -- votes on both sides of this. And I do appreciate the sponsor for taking on the questions that I've asked, and I'll say thank you, Madam Speaker. Thank you.

ACTING SPEAKER BUTTENSCHON: Thank you.

Mr. Durso.

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

ACTING SPEAKER BUTTENSCHON: Will the sponsor yield?

MR. RIVERA: Yes.

MR. DURSO: Thank you, Mr. Rivera.

So just to clean up on a couple of things that my colleague was asking. You did state if the house was built to 19 -- from 1978 and prior, it would have to be inspected for lead paint, correct?

MR. RIVERA: Correct.

MR. DURSO: Okay. And when did they outlaw the use of lead paint?

MR. RIVERA: 1976, I believe.

MR. DURSO: I -- I have it as '78, but --

MR. RIVERA: I'm sure you're right.

MR. DURSO: Don't say you're sure I'm right.

MR. RIVERA: You'd never steer me wrong.

MR. DURSO: I -- I would try not to. Okay. So now, that's for the construction of the home, correct? So when the home was originally built.

MR. RIVERA: Correct.

MR. DURSO: So what if I had a small cape home on Long Island, three beds, one bath, one floor, and I did an extension or a second floor in 1981, right? So is the second floor portion of it -- or let's say the house was built in '79 and then -- either way, whatever you want, if there's an extension to the home, is it the original structure that is what's counting as the year? Because again, I could have built it in 1979 and covered the whole house in lead paint. You know, the -- the whole house could be different. It's the second floor, an extension, a garage or this or that.

MR. RIVERA: Well, it's -- it's defined as the house being built after 1978. So if it was built in 1980 then it doesn't.

MR. DURSO: Correct. But --

MR. RIVERA: If you (indiscernible) -- if you bought a house that -- if you were selling a house that was built in 1950 --

MR. DURSO: Right.

MR. RIVERA: -- and you built a second floor to it, let's say, when you're selling the house you're not just selling the second floor so you'd have to inspect the whole house.

MR. DURSO: Agreed.

MR. RIVERA: So if it was built before 1978, then yes, it would be -- it would have to be tested.

MR. DURSO: Okay. So with that being said, you -- you had actually answered the one question that I did have, and I thank my colleague for asking it. You did say once there's an inspection done on the house one time for lead paint, the next seller or the next person does not have to go through that again, correct?

MR. RIVERA: Correct.

MR. DURSO: And where does that get filed, the inspection?

MR. RIVERA: The county health department of the local county.

MR. DURSO: And once that inspection is done, who has to file it? Is it the realtor? Is it the inspector? Is it the homeowner?

MR. RIVERA: It would be filed along with the closing documents. So depending on how you close --

MR. DURSO: So it -- it's not a separate filing. It's all going with the closing documents.

MR. RIVERA: Correct.

MR. DURSO: Okay. And is there a separate fee, do you know, for that to get filed with -- if it's the county clerk, if it's the health department?

MR. RIVERA: I would say it's -- it's part of whatever filing fee you have with the rest of your closing documents.

MR. DURSO: Okay. And now if this is not done and there is no inspection done, is there a fine for that?

MR. RIVERA: The closing just wouldn't take place.

MR. DURSO: So the -- okay. That was my next question.

MR. RIVERA: There's no waiving of this, either.

MR. DURSO: So you -- you cannot waive this at all.

MR. RIVERA: Correct.

MR. DURSO: So -- and -- and as my colleague asked, if there was a waive of inspection all together on the home, this is separate and apart. This is now not part of your inspection. This is completely different.

MR. RIVERA: Correct.

MR. DURSO: Even if you want to have no inspection on your home, you have to still have the lead paint if it's not already filed.

MR. RIVERA: Correct.

MR. DURSO: Okay.

Last question for you, sir. So if I'm renting a home -- so I already own my home. It was built in 1960, right? But I'm going

to rent my whole home out to somebody. As a landlord, do I have to have my home inspected for lead paint if I'm going to rent it?

MR. RIVERA: You're going to --

MR. DURSO: Is this only for sales?

MR. RIVERA: It's -- it's for sales primarily. But there's also, you know, if you have, for example, a lease with an option to purchase or a lease with an obligation to do a purchase agreement, so if you're doing, like, a rent to own.

MR. DURSO: Right. But not -- not just a straight rental. If I have a one-year lease with somebody, not an option to purchase, if I'm just renting to a family with three small children, my house was built in 1950, I don't have to get a lead paint inspection?

MR. RIVERA: Correct.

MR. DURSO: Okay. So this is strictly for a sale, not for a rental.

MR. RIVERA: Unless it's one of those options that I just said.

MR. DURSO: Right. With -- with a -- with an option to purchase.

MR. RIVERA: Yeah.

MR. DURSO: Okay. And my -- my last question is, it -- it was for structures that were built prior to 1978 residential, correct?

MR. RIVERA: Not commercial.

MR. DURSO: Not commercial.

MR. RIVERA: Correct.

MR. DURSO: So now if I had a commercial property that was built in 1975 and then in 1985 I went and got the survey changed -- or not the survey, the word is escaping me right now -- but it went from residential -- I mean, commercial to residential.

MR. RIVERA: Mm-hmm.

MR. DURSO: Does it then now have to have an inspection? Because originally it was commercial, not residential, when it was built.

MR. RIVERA: If it's a residential unit at the point of sale and it was built before 1978, then, yes.

MR. DURSO: So just -- and just so I'm clear, it's me. I own a building, right, that is -- is -- is zoned commercial, right?

MR. RIVERA: At the point of you buying it?

MR. DURSO: Correct.

MR. RIVERA: Yep.

MR. DURSO: And then I get it rezoned through my town and they're gonna rent it -- you know, I'm gonna make it residential and put apartments in. Does it have to have a inspection?

MR. RIVERA: Yes, because at the time of sale it is a residential piece of property.

MR. DURSO: Oh, okay.

MR. RIVERA: You're selling it as a residence.

MR. DURSO: So when I purchased it it was

commercial, it was built in 1950. But once I change it to residential --

MR. RIVERA: Correct.

MR. DURSO: -- then it has to have an inspection?

MR. RIVERA: Correct.

MR. DURSO: Okay. Thank you, Mr. Rivera, for answering my questions. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bologna.

MR. BOLOGNA: Thank you very much, Madam Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Sure thing.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you, Mr. Rivera.

As a former constituent of yours and former North Buffalo resident --

MR. RIVERA: Yeah.

MR. BOLOGNA: -- I know the area that you're speaking of -- of well. I just had a quick question for you on the rental portion. And I'm not sure if our pages are gonna line up, but I'm on page 7 of the bill.

MR. RIVERA: Mm-hmm.

MR. BOLOGNA: The portion that says disclosure of lead-based paint hazards prior to executing a residential lease or

residential agreement with tenant. That portion right there.

MR. RIVERA: Mm-hmm.

MR. BOLOGNA: So you're saying that portion only applies to situations in which a -- it's a rent-to-own or is this -- I guess I'm confirming the fact that this is only rent-to-own situations and not all rental situations.

MR. RIVERA: Yeah. In Section 6 the definition says is a real estate purchase contract shall mean the following. And then I -- a contract which provides for the purchase and sale of an exchange for residential real property, lease with an option to purchase the residential real property, lease with an obligation to purchase agreement for residential real property.

MR. BOLOGNA: Got it. Okay. Thank you for clarifying that for me. So in that situation, let's say a landlord currently has tenants that are working to -- to purchase or in that type of agreement. When does the -- when does it have to take -- when does the test have to take place? Does it have to take place immediately?

MR. RIVERA: As part of the closing.

MR. BOLOGNA: So before the actual closing of the sale.

MR. RIVERA: Yeah.

MR. BOLOGNA: Okay. That was it. Thank you very much. Appreciate it.

MR. RIVERA: Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Bailey.

MRS. BAILEY: Thank you, Madam Speaker.

Would the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. BAILEY: Thank you very much.

I do have -- I just am looking for some clarity. I -- I believe you had mentioned to Mr. Durso that residential means a single-family dwelling, correct?

MR. RIVERA: No, there's -- there's a -- there's scenarios where there's a multi-family unit as well.

MS. BAILEY: Okay. So are we looking at a residential one- to two-family, one- to four-family or just residential by itself?

MR. RIVERA: No, it's -- the way that a residential dwelling is defined is a single-family dwelling including attached structures such as porches, stoops of a single-family residence, dwelling unit used or occupied or designed to be used or occupied wholly or partially as a home or residence of one or more persons, whether or not it was -- it was or will be occupied. So it's -- it's -- it's predominantly gonna be for single-family units, but there is a scenario where there's multi-family.

MRS. BAILEY: Okay. And the only reason I asked for clarity is there are two classifications of residential which can go up to four units. So I was just looking for that clarity.

MR. RIVERA: Sure. In the section where it discusses what needs to be certified, it speaks to how you would handle a certification if there's a multi-family unit.

MRS. BAILEY: I'm sorry, what was that? If there's what?

MR. RIVERA: It speaks to how you would certify a space when there's multi-units. So it speaks to it there.

MRS. BAILEY: Okay. Great. Thank you.

I -- I also believe you said that if a test was already administered --

MR. RIVERA: Yep.

MRS. BAILEY: -- and that paperwork was filed with the department of health and which ultimately would end up being the county clerk in those counties, then that information should be in the abstract of that property. So for any future sales, if I'm selling my home to you, it says that I need to supply a copy to the contract and then also produce that at the time of closing to be to be -- to be filed in the county clerk's office or is it just have to be shown at the time of closing in the clerk's office when you're filing the paperwork?

MR. RIVERA: It has to be furnished to the incoming buyer. So the person who is going to be purchasing the property, they're gonna receive a copy of it, and it gets filed with the county

health department.

MRS. BAILEY: It gets filed with the county health department?

MR. RIVERA: Correct.

MRS. BAILEY: Okay. I do believe there's text in the bill that indicates that the office in which it's being recorded that the transfer of the property that -- bear with me just a minute. I moved it up. So that the residential real property pursuant to this shall deliver to a buyer attached to the contract that it's been tested and that the seller shall attach a copy of the certificate containing the signature of the seller and any report of a test for lead -- lead-based paints to the real estate purchase contract. The seller shall then submit a copy of that certificate of the test to the office authorized under Section 372 of this chapter to register the title in the county which the real property is located, and such office shall not accept for filing an instrument or transfer of title unless accompanied by such certificate where applicable.

So my question is, if I am receiving those documents across the counter, how do I know that is needed for that purchase?

MR. RIVERA: The report, the results of whatever the exam is, the certified, you know, testing, that's provided to the buyer. The certificate to confirm that the house has been tested, that gets filed with the county clerk.

MRS. BAILEY: Understanding.

MR. RIVERA: And in future reference, whenever

that -- whenever that house then goes on the market again, evidence of that would be included in all the paperwork. So the certificate that it's been tested already will already be on file with the county.

MS. BAILEY: Okay. So my concern being -- and -- and maybe I'm misunderstanding this -- it states that it cannot be recorded unless that's accompanying to it. How would I know the age of that home if I am a clerk in any one county clerk's office receiving this documentation as to whether or not that document should be provided to me or not because I don't know the year that home was built?

MR. RIVERA: The county clerk's office in -- in its -- I'd say in every county that I've ever interacted with, they have a -- a vast record of every parcel of property in their county and they know the age of structures already.

MRS. BAILEY: So the expectation is that the county clerk's office is going to do the research at the time that closing papers are coming in to ensure this home was built --

MR. RIVERA: No. They -- they don't have to --

MRS. BAILEY: -- pre- or post?

MR. RIVERA: They don't have to do any research. When you pull the title of a property it'll say when it was built. So they already have that on every piece of property they ever will touch.

MRS. BAILEY: Okay. Being a former county clerk, at the time of recording I'm not pulling up anyone's prior transaction while I'm putting that closing on record.

MR. RIVERA: But as part of the closing, don't you have evidence of when the house was built?

MRS. BAILEY: It's, not to my knowledge, on any of the forms that are received. I'm thinking that the RP-5217, the TP-584 or the deed itself, and in nowhere in there am I remembering seeing a year that the home was built.

MR. RIVERA: Yeah. In my experience in my -- I might have bought or sold -- I'm on my fifth house maybe. Every time I've been to -- you know, attended my closings in person and have dealt with my county clerk multiple times in my own town and county government, it's my experience that the county -- the county clerk's office has not just documentation at point of closing to determine the year of the property, but also in their internal systems can determine to ensure that the -- that the paperwork in front of them is legitimate, because how would they know that the person who is even selling the house is the correct seller and owner of the house if they don't have the title information in front of them?

MRS. BAILEY: So I -- I can agree to disagree at this time.

Have we consulted with the County Clerks Association when we were drafting this legislation?

MR. RIVERA: I have spoken to my County Clerk. And this bill has passed three times, and I believe it might have passed prior to my time being here. To date, no interaction or concern from any county clerk or County Clerks Association.

MRS. BAILEY: Okay. Thank you very much.

MR. RIVERA: You got it.

MRS. BAILEY: Just a couple -- one more question.

Going back to the fee. So you had indicated that it would be custom however it's going to be recorded. So that could be done in a few different ways. It could be a page attached, so on and so forth. My question would be is many times when you see a closing come forward and there may be a subdivision map or a map of reference to that property on record, you will see that reference often in the -- the terminology or in the body of the deed itself. If this certificate is recorded in a clerk's office, it would have a document number, a book or page, whatever it might be. Would it be sufficient if that is referenced in the body of the deed itself to tie back to that original filing that was done in their office when the initial test was submitted?

MR. RIVERA: I would say as long as the county clerk has received the certificate, how they determine how they record the receiving of that certificate is up to that county clerk.

MRS. BAILEY: Thank you very much. I appreciate your answers.

MR. RIVERA: Thanks.

ACTING SPEAKER HUNTER: Mr. Ra.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield.

MR. RIVERA: For you, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. RA: Thank you. I appreciate that.

So just a couple of questions. And I know -- I mean, this was discussed earlier, but I'm wondering if you can just walk me through this piece. The -- so the -- the pre-1978. Looking at the bill, right, it -- when it spells out what the disclosure statement looks like, it talks about 1978 and the obligation under State law which would be imposed by this of having this test. But then there's the section, which is Section 3, of the bill which creates that obligation, and that does not in any way explicitly say it's only required prior to 1978. Am I reading it wrong? Am I missing something?

MR. RIVERA: I guess that's -- that's your take on it. I mean, I think that the definition is clear on what a real estate purchase contract is, and it only -- it says clearly that it's only for properties built after 1978.

MR. RA: Okay. So you're -- so really, what you're saying is it says it's not so much in the bill as it's because of where it exists in -- in current law. Is that what you're saying?

MR. RIVERA: I'm saying that it's making it clear that the only time a certification is needed is only when contracts are done and only when contracts are done on buildings built after 1978.

MR. RA: Okay. Thank you. Thank you for that clarification. I -- I still do think it could be clearer, but thank you for

that clarification.

My other question is, do you know, generally, what the cost of this type of inspection is?

MR. RIVERA: Sure. From the conversations I've had with lead inspection companies and lead inspection certifiers, the average cost is somewhere between \$4- and \$500.

MR. RA: Okay. So I know that within the text there's a credit against taxes that are paid. I believe it's \$400 per unit tested if it's a multi-unit dwelling, correct?

MR. RIVERA: Correct.

MR. RA: And then \$500 for a single-family home.

MR. RIVERA: Correct.

MR. RA: Okay. So I've -- there -- I have seen the concern expressed that -- that oftentimes the test may cost more than that. But you think the -- this credit is commensurate with the cost of doing this type of test?

MR. RIVERA: Sure. I mean, there are tests that folks can do in their home today that they don't receive a credit for; radon, for example. A lot of people are doing that prior to a closing or prior to a -- or prior to a purchase. I feel as though this is, you know, it speaks to not just the necessity of it but taking into account that there's a cost to it. And we believe that this is a -- a public health problem. And, you know, if there's a way that we can mitigate a bit of that for the seller, then -- I mean, remember, this is a cost the seller's gonna incur, not the buyer. So it's -- you know, if -- if the seller's

already gonna be making however much money they make in the -- in the purchase, this small cost is a bit -- and I imagine in most cases it would be a bit of a needle in -- in a haystack. You know, considering -- or a drop in the bucket, I should say. So yes, I -- I believe the credit is, you know, an effort by which we're -- we're sort of saying we don't want to, you know, add an additional burden to -- to the cost.

MR. RA: All right. Thank you, Mr. Rivera. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Meeks.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MRS. PEOPLES-STOKES: Thank you. I'm gonna first of all say that I appreciate your work on this. It's a very important, very important topic.

So I guess the first thing is, this -- your legislation says that landlords and/or homeowners have a legal obligation to disclose that there is lead paint here or there -- they have to prove that there's not lead paint here?

MR. RIVERA: It -- the -- the certification would

demonstrate that -- where lead is. In many cases, if a house was built before 1978, it sort of broadly assumes that there is lead. But this makes it so that the seller is -- must disclose where it is in the home.

MRS. PEOPLES-STOKES: All right. So if it was built before 1978, it probably does either have lead in it or already or you've had it remediated so that you don't have lead anymore. So you have to prove that what you're selling it.

MR. RIVERA: Correct.

MRS. PEOPLES-STOKES: That's fair.

Do insurance companies require some knowledge on whether or not there's lead in these homes or not?

MR. RIVERA: I don't believe so, no.

MRS. PEOPLES-STOKES: I'm sorry?

MR. RIVERA: Insurance companies, no.

MRS. PEOPLES-STOKES: No. I mean, I -- I do recall, I want to say at least maybe six or seven years ago there was a law firm that had an ad in *The Buffalo Challenger*, which is a African-American newspaper that comes out weekly, on "Call us if your child gets lead poisoning." These are personal injury attorneys. And so I'm -- I'm wondering, is that still the case? Are personal injury attorneys seeking families whose children have been lead poisoned either in a rental or a home that they own, seeking lawsuits?

MR. RIVERA: Funny you mentioned that, and a going statement in these halls is that I have a bill for that.

MRS. PEOPLES-STOKES: You have a bill for that.

MR. RIVERA: There -- there -- you know, currently in State law there's an exemption for lead poisoning. So hypothetically, if you have a child who unfortunately hurts themselves on a trampoline or falls down the stairs and you're a tenant in a home, you can seek -- you cannot seek damages against a homeowner's policy because currently, homeowner policies have an exemption for lead. Most states don't have this exemption; we have it in New York State, which was done, from what I'm being -- what I've always been told is by Executive Order of many governors ago. But at the end of the day it speaks to, you know, what we've done to sort of pretend as though this problem doesn't exist. And we know that there's such a clear overlap, whether it's communities of poverty, especially in communities of color, or communities where there are new Americans or communities where, you know, awareness might not -- might not be there. Communities where there are language barriers or, you know, minimal access to healthcare, truthfully. All these communities there's an overlap of these sort of statistics with lead paint poisoning. So it's absolutely true that there are times where people are afraid to -- to ask their landlord -- or notify their landlord that there is -- that there's -- that their children have been lead poisoned because they're afraid of being evicted or -- or whatever. But you're -- you're right to bring it up because, you know, if you've -- well, I'm sure you've heard but I don't know, I can't speak for everyone here, there's been countless stories that I've heard of children being poisoned by lead, and parents just not having the answers, the direction. Not knowing

what to do. How they -- how they can seek, you know, help and such. But it's true that there's -- there's a lot of effort in a lot of communities, including the legal community, to bring this to light and there are children suffering from it every day.

MRS. PEOPLES-STOKES: I -- my next question is as it relates to asbestos. Is this legislation in any way -- any way similar to what we had to do as a society years ago once we understood the damages that asbestos could cause a person and/or child living in a home where it was there?

MR. RIVERA: Yeah. I mean, as it stands today, you know, similar to -- to lead, we don't manufacture it and use it in homes anymore, you know, with a case of asbestos. But somewhat similarly, I mean, there are -- there are cases in residential trans -- I'm sure in residences that were built around the time mine was and yours -- yours is that, you know, there's definitely lead and there's definitely asbestos in one form or another. And again, those aren't things that are necessarily proactively laid out for incoming buyers, and people are living in homes with both those to this day still.

MRS. PEOPLES-STOKES: Okay. Thank you.

So I guess lastly, I would just thank you. I appreciate you responding to those questions.

MR. RIVERA: Sure, sure.

MRS. PEOPLES-STOKES: Lastly I will mention that both asbestos and lead paint were at some point determined to be valuable to us as a society, and particularly to business. And so that's

why it became so prevalent. That's why it became so readily available in people's homes. It made business easy. And so I -- I understand the importance of making things easier for business. But it's also the reason why we should also know if it's important for business, what is going to be its impact on our people before we implement it. We -- we don't do -- thank you, that's the end of my questions.

We don't do a good job of that in America. We look for the fastest way to make money first before we think about what the impact will be on the people. And these are just two examples of what we have to deal with when we don't look for what the implications could be later on to the human body, whether it be an adult or a child. And I will say that in 1940, Cuba decided that lead paint was not gonna be in their society because it was not good for people in the future. Not good for children in the future. Why is that here we are, the smartest people with the most ingenuity, the best scientists, the best research schools, but we still will allow business to come up with ideas that will make them a lot of money quick, but in the long-range hurt the people. At some point we gotta come to grips with that. We -- we must deal with it as the challenge that it is and figure out how to say, *Okay, this is a great idea that you have*. As a matter of fact, I want to say my colleague on the other side mentioned this earlier today on another piece of legislation. *It's a great idea. I'm glad you wanna look at it like this because we do need to look ahead to how it's gonna impact us in the future*. I wish we had done this with lead as a society, but we didn't. And so now we have to catch up

because the fact of the matter is, lead poisoning is the most preventable and the most prevalent thing that's negatively impacting children. Not car accidents. Not as some people think, gun violence. Not -- it's not homicides. It's not food poisoning. It's lead poisoning. And not only does it impact their health quality, but it impacts their educational capacity. And so at some point we gotta stop saying no to ways on how we can fix this and say yes. You can't complain about the increasing dollar and educating people when you know that you're doing some things to impact the negativity of their ability to learn. It's -- it's only fair that we begin at some point to do what's right. Not just for business, we need business. We're not gonna to survive without it. But they're not gonna survive without us as consumers as well. And they need to be respectful of that and we need to help them understand that they have to be respectful of that.

So I -- I think this is great legislation. I have voted for it in the past. I look forward to voting for it today, and I hope that soon we will be in a space where we can say we don't have lead poisoning in our children in a -- in a society that we live in, the richest country in the world.

Thank you, Madam Speaker, and thank you to the sponsor for this legislation.

ACTING SPEAKER HUNTER: Thank you.

Mr. Meeks.

MR. MEEKS: Thank you, Madam -- Madam Speaker. Thank -- thank you. Would -- would you -- would the

sponsor yield to --

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes.

ACTING SPEAKER HUNTER: Sponsor yields.

MR. MEEKS: So, as it relate [sic] to the -- this legislation, I commend you on this legislation. We've seen some major challenges with lead-based paint in Western New York and all across the State of New York and I commend you on the work that you're doing in the region to fight the good fight on this challenge.

Can you speak to some of the symptoms or challenges that our children have experienced as it relate [sic] to lead poisoning?

MR. RIVERA: Sure. Sure. You know, the -- the science is -- is -- is so clear that the effects of lead poisoning are truly permanent. That it's not a matter of a cure or medicine, it's just a matter of management of the effects. And, you know, I -- I -- I've been to your district, you've been to mine and, you know, neighborhoods like ours it's -- it's sort of everywhere, in reality. In part of the aging of the homes, but, in part, because of the nature of, I guess, we'll say real estate in -- in -- in our neck of the woods. But all that being said, you know, we often forget, at the end of the day, we're really talking about children, children's health and -- and what that means for future [sic]. So, a child that's -- that's affected by lead today at one, the parents don't realize, one, maybe that their children are --

have been affected by it, but then they also don't realize the ongoing cost of what that looks like. So, not to make it about dollars and cents, but what that -- the -- the cost on, you know, medical treatment, the cost on additional therapies the children will need, the cost of, you know, figuring out what sort of educational remedies are going to be needed for -- for countless affects. You know, I -- the -- the saddest story that I've heard so far was -- was a young kid who's now in high school, his name is Cooper Burkett, and, you know, in a neighborhood not -- nowhere ours, actually, in Manhattan. And his parents, very nice people, they had their son crawling on the ground and enjoying his -- his life as a -- as a toddler and they're -- meanwhile, they're absolutely unaware, despite all the assurances of their -- of the owner of their property saying that, *no, there's no lead here*, construction takes place in a unit below theirs, dust from that construction goes into their unit and covers their entire apartment. You know, 15 years later, almost 20 years later, Cooper is a kid that's still dealing with all kinds of tough, tough (indiscernible), you know, health consequences. And right now, he's an advocate for this issue and kind of going all over the country about it and -- which I admire greatly, but if you think about a story of being one year's old and still dealing with something later -- way later in life, you just think, what could we have done to avoid that? You know, how -- how are we setting our kids up for failure if we're just not doing anything -- or, not doing enough, to -- to be -- to prevent it. And it's a life sentence that kids are just going to be burdened with for the rest of their lives. So, you know, I'm a deep

believer in this, as many of you know, and I -- I work hard to try to bring -- to shine light on -- on this issue. I'm hopeful that, you know, we'll be able to put an end to it.

And I also want to just commend my colleagues from Rochester. The City of Rochester, of every municipality in the State of New York, has done the best with tackling lead. They have a -- a fantastic proactive rental inspection program that is -- should be a national standard. And they make it simple for folks that are -- that they're just wondering where the dangers are in their home. So, I thank you for your leadership and -- and my colleagues from Rochester, sir.

MR. MEEKS: Thank you.

MR. RIVERA: Yes.

MR. MEEKS: So, as it relate [sic] to inspections, is it the current practice that when a person is purchasing a home, that an inspector goes in the house and gives a -- a report on different items within the house?

MR. RIVERA: No. In -- in the majority of closures, on almost all closings of a home sales, an inspection is never done. The -- the outgoing resident, or the seller, essentially, stipulates that to the best of their knowledge there's no lead, when in reality, lead is clearly in the home just by the nature of the age. So, we relieve the seller of a burden, but we transfer the burden of not knowing onto the buyer, who, for all they know, they're just buying a home with all their joy and all their happiness and excitement, not really realizing that

they might be exposing their children to lead.

MR. MEEKS: Thank you.

MR. RIVERA: Yup.

MR. MEEKS: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MEEKS: As it relate [sic] to the challenges of -- of lead paint, there's so many symptoms that our children enduring [sic] and -- and are challenged with. From developmental delays, learning disabilities, irritability, loss of appetite, weight loss, sluggishness, fatigue, abdominal pain, vomiting, constipation, hearing loss, seizures, Pica and the list goes on and on. As it relate [sic] to symptoms of newborns, they may be born prematurely, have lower birthrate -- lower birthweight and have slow growth. And for us as adults, this poisoning -- lead poisoning symptoms may consist of: high blood pressure, joint and muscle pain, difficulties with memory or concentration, headaches, abdominal pain, mood disorders, reduced sperm count and ab -- abnormal sperm, miscarriages, stillbirth and premature birth in pregnant women. There's a number of challenges that come about by way of lead poisoning, and I couldn't imagine a worse buyer's remorse than to be a family that purchased a home, planning a great future for one another and realizing that in that new space that you're creating these great memories, you're being poisoned at the same time; everyone from the children to the adults to the unborn children. This legislation is necessary to protect New Yorkers, to protect families and do right by our future generations. Again, I

commend the sponsor on this legislation. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the sponsor yield for just a couple of questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Sure.

ACTING SPEAKER HUNTER: Sponsor yields.

MR. RIVERA: Sure.

MR. GANDOLFO: Thank you.

So I just wanted to clarify something here. So, with this bill, is it strictly a testing and disclosure requirement? Or, is there any duty to remediate any lead --

MR. RIVERA: Yup --

MR. GANDOLFO: -- paint that's present?

MR. RIVERA: No duty to remediate or incapsulate.

It is --

MR. GANDOLFO: Okay.

MR. RIVERA: -- simply an inspection, certification and then the provision of that information to the incoming buyer.

MR. GANDOLFO: Okay. So they would notify the incoming buyer, then they would negotiate that however they saw fit?

MR. RIVERA: Yeah. I mean, they -- they -- it -- it -- you know, the incoming buyer could just be made aware and that

buyer could say, *well, you know, when I move in, I'll have to take care of these and this and that.* Or -- or it could be that it's tested and nothing is of concern.

MR. GANDOLFO: Okay. If a -- say it's tested and it's found and -- maybe in one of the rooms of the -- the home, it's already peeling, which would -- obviously, that would be a problem. In that case, it's still just a disclosure that would --

MR. RIVERA: One hundred percent.

MR. GANDOLFO: Okay.

MR. RIVERA: Yeah.

MR. GANDOLFO: All right. That was my only question. Thank you --

MR. RIVERA: Yeah.

MR. GANDOLFO: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect August 1, 2026.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will be in the negative on this piece of legislation, but there may be some exceptions. If you want to vote yes, you can certainly so do now at your seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is gonna be in favor of this piece of legislation; however, there may be a few that will 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. Lunsford to explain her vote.

MS. LUNSFORD: Thank you very much, Madam Speaker.

As a member of the Rochester delegation, I want to thank the sponsor for this bill. You know, he complimented Rochester, but one of the reasons Rochester has such a -- a progressive program is because of our tremendous need. Because of the reality of how many kids we see with lead poisoning, despite all of the interventions we put into place medically. And it was our current DOH commissioner that said to me in a joint budget hearing one time, that we need to stop treating children's health as indicators of environmental problems. Because that's what this is. We determined that there are lead problems and we find lead in our children. And I don't think we should be using children as litmus paper. When we consider the ramifications of lead poisoning, the increased medical costs, all of the Special Ed services these kids are gonna need for the

rest of their lives. So many people in this room care about early intervention; each and every one of these kids ends up needing early intervention services. The economic cost of this greatly outweighs the cost of implementing the program. This is a smart, proactive bill and I'm happy to vote in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Mr. Lunsford in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 415, the Clerk will read.

THE CLERK: Assembly No. A01417-B, Rules Report No. 415, Rosenthal, Burdick, Lasher. An act to amend the General Business Law, in relation to the use of algorithmic pricing by a landlord for the purpose of determining the amount of rent to charge a residential tenant.

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

An explanation has been requested.

Ms. Rosenthal.

MS. ROSENTHAL: This bill would provide that use of an algorithm or algorithmic device to adjust rental price levels is unlawful collusion.

ACTING SPEAKER HUNTER: Mr. Fitzpatrick.

MR. FITZPATRICK: Yes. Madam Speaker, would the sponsor yield for --

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROSENTHAL: Yes.

MR. FITZPATRICK: -- for a few questions?

ACTING SPEAKER HUNTER: Sponsor yields.

MR. FITZPATRICK: Thank you very much. Thank you, Ms. Rosenthal.

The -- I -- I read in your justification for this legislation that a recent investigation was conducted by a group called ProPublica, which is a left-leaning donor -- donor-funded news outlet. And I found that software companies are collecting propriety information from landlords across the country. Why is -- why would that be a problem? There are -- there are -- there are software companies that collect a whole host of information to influence elections, for ancestry, a -- a whole host of things. Why would this be a problem? Just collecting information.

MS. ROSENTHAL: Well, that's not just what -- what the issue is. It's collecting public and private information, with landlords colluding on an algorithm to artificially set prices high. And that is collusion which is not legal under the Donnelly Act if it were you and I speaking about it and plotting together. So this extends it to using AI.

MR. FITZPATRICK: Do you have any evidence --

MS. ROSENTHAL: Oh. There's --

MR. FITZPATRICK: -- of this collusion or... I mean, you're -- you want to prohibit any kind of coordination or agreements, and I get -- I get that, but do you have evidence? And would -- would an organization, for example, like the Real Estate Board of New York or the group formally known as the Rent Stabilization Association, these are groups that -- of -- of like-minded people in the same business just like any other organization. Are you -- are you making the argument that membership in a group like REBNY or RSA would be an attempt to coordinate or --

MS. ROSENTHAL: It's -- it's the use of software to set prices artificially high, which is anti-competition. In August, the Department of Justice together with eight State Attorneys General --

MR. FITZPATRICK: Could -- I'm sorry. Could you speak a little louder?

MS. ROSENTHAL: Sure. In August, the Department of Justice, together with the eight State Attorneys General, filed a lawsuit against technology company, RealPage, for its alleged monopolization of the market for software landlords use to price apartments for decrease in competition among landlords.

MR. FITZPATRICK: Okay. You -- you use the word "allegedly". So, is anything --

MS. ROSENTHAL: Okay. I'm discussing -- it's a lawsuit.

MR. FITZPATRICK: -- has anything been -- so, a

lawsuit has been filed, you're saying?

MS. ROSENTHAL: Yes.

MR. FITZPATRICK: All right. Has it been adjudicated?

MS. ROSENTHAL: You know, working with the Governor's office --

MR. FITZPATRICK: Has anybody been proven guilty of this?

MS. ROSENTHAL: -- and -- no, but we know that this can happen. It has happened in other states. And working with the AG and the Governor, this bill is produced, which would ban what is illegal for humans talking together, ban it if it's used through an algorithm or artificial intelligence.

MR. FITZPATRICK: But you don't have any evidence --

MS. ROSENTHAL: I've got plenty of evidence.

MR. FITZPATRICK: -- that this is occurring. By a lawsuit? There -- there's --

MS. ROSENTHAL: We're -- we're giving the AG a tool that they need to go after those who violate the antitrust Donnelly Act.

MR. FITZPATRICK: I understand. But you -- do you have any evidence that this is occurring now or has occurred? Or, are you just attempting to get in front of something you believe might happen? Where is the evidence that this is occurring? Because based

on your legislation, just membership in an organization would be colluding --

MS. ROSENTHAL: Okay. So I'll give you --

MR. FITZPATRICK: -- possible attempt to collude.

MS. ROSENTHAL: -- some evidence of it happening in other places.

MR. FITZPATRICK: What -- what -- other places?

(Cross-talk)

MR. FITZPATRICK: Whoa, whoa, whoa --

MS. ROSENTHAL: I will -- I will tell you --

MR. FITZPATRICK: -- time out. Time out. Other places? You mean other states, or in the State of New York?

MS. ROSENTHAL: If you let me finish, I will explain it to you.

MR. FITZPATRICK: Okay.

MS. ROSENTHAL: Attorney General Brian Schwalb announced that William Smith will pay over \$1 million and reform its business practices to resolve allegations that it conspired with other district landlords, using pricing software from RealPage to inflate rents at over 50,000 units across D.C.

MR. FITZPATRICK: And that Attorney General in what state?

MS. ROSENTHAL: For the District of Columbia.

MR. FITZPATRICK: District of Columbia. Okay, that's not New York State. So, we don't have any -- we don't have any

evidence that this is occurring here in New York State right now?

MS. ROSENTHAL: Jersey City, Philadelphia, Minneapolis, San Francisco, Providence, Rhode Island, have all passed laws banning price fixing. So this is something that does occur. This is something that the Attorney General needs more tools to go after. I can't imagine that anyone would approve of violating the antitrust Donnelly Act, which is what we are saying, using algorithms and AI.

MR. FITZPATRICK: Okay, but --

MS. ROSENTHAL: And -- and we're giving the AG tools to investigate concerns that are arising in New York State.

MR. FITZPATRICK: Okay, but you don't have any hard evidence that this is occurring or has occurred. There's no -- there is no lawsuit or no judgment or there's been no trial.

MS. ROSENTHAL: This is something the Attorney General needs. They need the tools, because right now it is unclear if using AI or an algorithm to go after those who would collude to artificially set rents if that -- if they can go after them. So they can if it's physical people together, people. This extends it to algorithms. It is happening. It's happening outside New York, it's happening in New York and the AG needs these tools.

MR. FITZPATRICK: Well, we have -- we have some very strict rental regulations here in New York, as we're both aware. Where -- where do you believe this is happening?

MS. ROSENTHAL: It -- it doesn't -- so --

MR. FITZPATRICK: Are we talking -- we're -- we're certainly not talking -- you're talking unregulated or market rents. Is that what you're referring to here?

MS. ROSENTHAL: No, and -- and in the bill, it specifically exempts rent-stabilized units, other regulated units, affordable housing units that are monitored through DHCR or HPD. What we do know is that this is occurring throughout the nation and these companies operate in New York State.

MR. FITZPATRICK: All right. So how -- how far back? When was this first discovered or alleged to have happened? Where -- when was the first lawsuit in any other state? How -- how long has this practice been going on?

MS. ROSENTHAL: It was -- well, 2023 was the first lawsuit, but this has been going on throughout the nation for quite some time.

MR. FITZPATRICK: Quite some time. So -- all right, so by 2023 was the first lawsuit that was brought against these supposed companies. So are you aware of any other use of, as you describe it, artificial intelligence to run or set prices in any other industry? Any other consumer products or anything else? Why are we focusing just on housing? Why not make this kind of activity illegal for any other product? I mean, we could either -- I mean, there's also --

MS. ROSENTHAL: Yes, you are right. You are right.

MR. FITZPATRICK: -- there's also coordination, for example --

ACTING SPEAKER HUNTER: Colleagues, we need to make sure one person speaks and the other person answers. Thank you.

MR. FITZPATRICK: I know, Madam Speaker, I know. I -- I don't like to be interrupted and I -- I would like to ask the question, but, Ms. Rosenthal, today outside we had a demonstration. There is a network of coordinated events occurring arguing against what the Federal Government is doing now. So there's certainly the use of artificial intelligence or computer software to coordinate activity that's leading to the destruction of private property. That is illegal. Why are we -- why are we not moving against that kind of coordination or use of artificial intelligence or computer software to network a series of activities that are leading to the destruction of property?

MS. ROSENTHAL: Okay, but -- but --

MR. FITZPATRICK: The point I'm trying to make is there is -- there -- people use artificial intelligence or computer software to run their business, to coordinate their activities. So why are we focusing only on housing when we know that there could be price fixing or other types of illegal behavior by using the same tools? But yet, we're not moving against that type of activity. You seem to be focusing only on housing.

MS. ROSENTHAL: Well, I am the Chair of the

Housing Committee.

MR. FITZPATRICK: Yes, but --

MS. ROSENTHAL: So, this is something that is of interest to me, has come to my attention, that I can do something about. The activities you described outside about coordinating a demonstration has nothing to do with violating the Donnelly Act and the Sherman Act [sic] on the Federal level.

MR. FITZPATRICK: I understand. But, there's other -- there's the use of -- the use of tech --

MS. ROSENTHAL: You know, there's next session --

MR. FITZPATRICK: -- the use of technology for all sorts of activities that are not legal is -- is going on as well. Yet, we don't seem to take any action against that.

MS. ROSENTHAL: Well --

MR. FITZPATRICK: The argument -- the argument I'm trying to make here is that, we are, again, and we do this so well in this Body, using the power of government to interfere into or interfere in the operation of -- of the private sector.

MS. ROSENTHAL: You know, so a couple of things. There's always next session -- next year to introduce more legislation. You are free to introduce legislation about those items and we did pass in the budget some measures that banned coordination on -- on different issues. So we have addressed it, it is an evolving technology, it is an evolving tool. And we want to be

prepared that when collusion that has happened in other states hits New York, which it already is doing, I'm sure, that we have the tools to prosecute.

MR. FITZPATRICK: Okay. So -- so rather than -- all right. I -- I understand you would like to maybe get ahead of the -- ahead of the curve here in a sense, but is it not -- would it not be preferable to wait for an actual occurrence of this or -- or, you know, an occurrence of this before we take that kind of action? Because, you know, in New York we have the strictest rent regulation and housing laws than any other state. So what happens in other states generally doesn't happen in New York because we are so strictly regulated. So, you know, some of these companies may not be conducting this practice in New York State because they know how regulated the housing market is in New York. So, what I'm saying is, you are again, this is another example, I believe, abusing the power of government to interfere in the operation of the private sector. We already -- you know, property owners are already under tremendous stress because of what this legislature has done to prevent them from recovering the cost of operating their buildings.

MS. ROSENTHAL: Okay, but this has nothing to do with this bill.

MR. FITZPATRICK: But what we have done is we are now incentivizing these property owners to take units off the market --

MS. ROSENTHAL: No, no, no.

MR. FITZPATRICK: -- because they can't recover the cost of keeping these units on the market. So here we have another example of government interfering in the operation, just, you know -- your legislation would simply make membership in an organization an attempt at colluding or trying to manipulate the market.

MS. ROSENTHAL: No, it would not.

MR. FITZPATRICK: I believe it would.

MS. ROSENTHAL: Okay. Let me tell you a few things. In order to meet the standard here of a coordinating function, these three items would have to happen. And before I -- I speak them, rent-regulated units are not part of this bill, as I said earlier. So this concerns market rate when there is collusion that is forbidden under the Antitrust Law that we've had in this State since 1899. Surely you're not suggesting that it's permissible to skirt the law if it's an algorithm as opposed to two humans, or three humans. But let me tell you about a coordinating function. Collecting historical or contemporaneous prices, supply levels, or lease or rental contract termination and renewal dates of residential dwelling units from two or more residential rental property owners or managers. And, analyzing or processing the information using a system, software or process that uses computation including by using that information to train an algorithm and recommending rental prices, lease renewal terms, ideal occupancy levels, or other lease terms and conditions to a residential rental property owner or manager. Those three functions

have to occur in order for the AG to pursue any action against them.

MR. FITZPATRICK: Okay. So, again, I ask, do you have evidence of this occurring in New York State? It appears you do not.

MS. ROSENTHAL: As I said earlier, the companies that operate in New York State have been doing this in other states. In response, the U.S. Department of Justice has followed suit. And other states have enacted rules and other provisions against price fixing, which this is.

MR. FITZPATRICK: Mm-hmm. So, we -- price --  
Do I have another 15, or? I do, okay.

So, Ms. Rosenthal, is -- is price fixing already illegal in the State of New York?

ACTING SPEAKER HUNTER: Mr. Fitzpatrick is taking his additional 15 minutes.

MR. FITZPATRICK: May I -- may I continue to ask questions?

ACTING SPEAKER HUNTER: Yes.

MS. ROSENTHAL: Price fixing is illegal --

MR. FITZPATRICK: Okay.

MS. ROSENTHAL: -- in New York State.

MR. FITZPATRICK: It is.

MS. ROSENTHAL: However, algorithms and AI are new technology that's hitting the market and affecting all our lives, is not included in that definition. So this bill would include algorithmic

devices and those three provisions that I just said, in order to pursue any action against landlords who are colluding or software companies that are part of the collusion.

MR. FITZPATRICK: So, why -- why -- why is using an algorithmic method wrong? What is --

MS. ROSENTHAL: It's not about using it, it is about performing these three functions.

MR. FITZPATRICK: Mm-hmm.

MS. ROSENTHAL: If a landlord uses their private information, public information, this building owner does it, that building owner does it, they get together, they use the algorithm to set artificially high prices and tamp down competition, then that would be price fixing and illegal.

MR. FITZPATRICK: Mm-hmm. You know, it's kind of interesting, isn't that -- isn't that a similar system like that is already being done or performed in -- in pricing just residential real estate?

MS. ROSENTHAL: No, it's not. No, it's not.

MR. FITZPATRICK: When you -- when you -- when you look at comparable values of homes that sell in your neighborhood, you know, a similar home and -- and apartments are very similar --

MS. ROSENTHAL: It's not the same.

MR. FITZPATRICK: -- but a similar home sells for this much a block away or that much a couple of blocks away and

you're using comparable sales, why is that okay in residential real estate but not okay in establishing a price for a rental apartment?

MS. ROSENTHAL: Combining information from potentially hundreds of properties is a powerful tool for price fixing. You and your neighbor sitting around talking about, hey, I got 4,000 for this and them saying, wow, I could get 4,000 is not the definition of price fixing and collusion. What I'm describing is, it's done to raise -- raise prices as RealPage has suggested to its users, and I can provide you with a lot of documentation about how RealPage, which has the majority of the market on this and various other such tools, orchestrate this. Collusion is already illegal in New York State. What we are clarifying is that using an algorithm is also collusion.

MR. FITZPATRICK: Interesting. Okay, so then, if there is -- if there's use of any algorithm or any other type of software in performing a real estate evaluation say, in the residential real estate market, then that should also be deemed illegal or be made illegal as well, because you're simply using comparable values to establish what I can get for my property, is no different than what building owners do in -- in using market conditions to establish prices to rent their properties.

MS. ROSENTHAL: Okay, it's -- it's -- it's different --

MR. FITZPATRICK: How is that collusion when you're using comparable values and market conditions? That's what everybody does to set a value for their property. Why are -- why are apartment owners --

ACTING SPEAKER HUNTER: Ms. Rosenthal, please let him finish his comments.

MS. ROSENTHAL: Okay.

ACTING SPEAKER HUNTER: Thank you.

MR. FITZPATRICK: Why are apartment owners being singled out for doing what other people do to establish a value for their property?

MS. ROSENTHAL: As I explained earlier, there are three functions that have to be met --

MR. FITZPATRICK: Mm-hmm.

MS. ROSENTHAL: -- in order for this to become a tool to go after price fixing individuals and software companies. RealPage and others suggest prices. If all the building owners in the neighborhood and across town all set their prices at that level, which is artificially high, that changes the market. And I understand free market, this is not free market; this is price fixing. To artificially inflate rents.

MR. FITZPATRICK: Very well. All right, thank you, Ms. Rosenthal.

MS. ROSENTHAL: Thank you.

MR. FITZPATRICK: Appreciate it.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. FITZPATRICK: I understand what the sponsor is trying to accomplish here. However, again, this is -- and we've seen

this for years around here, another attempt by government to intervene in the private sector, in a sense, to fix prices as well. That's what -- that's what rent stabilization and rent control were actually market manipulation techniques employed by government to artificially depress rents, preventing owners of property to recover the cost or to meet the costs of keeping their apartment units open. The sponsor does not provide any evidence of this happening in the State of New York and is using examples from other states that don't have laws regarding housing as strict as New York's, and that's probably why you're not seeing that kind of activity here in New York now.

So I just don't believe that this legislation is necessary, maybe in the future when we have cases of this happening, but it hasn't happened yet. And I don't think we need to get out ahead of something that doesn't exist yet. It will be a further intervention of government into the private sector, making housing unnecessarily more expensive and may take even more units off the market, which is a problem now because owners can't recover the cost to operate their buildings. So, again, this is unnecessary, another attempt at government to interfere in a market that will function fine if left alone and I would urge my colleagues to really consider rejecting this bill as unnecessary. Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bologna.

MR. BOLOGNA: Thank you very much, Madam Speaker. Would the sponsor yield for a few quick questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you very much, Ms. Rosenthal.

I want to kind of harp in on the three points, the three criteria that in this scenario -- or I guess, in the -- in the bill, you would describe as collusion. Would you mind going through those three criteria for me?

MS. ROSENTHAL: Certainly, and that is -- that is in the bill --

MR. BOLOGNA: Yup, I'm looking at it right now.

MS. ROSENTHAL: So it's about coordinating function, performing all of the following functions: collecting historical or contemporaneous prices --

MR. BOLOGNA: Yup.

MS. ROSENTHAL: -- supply levels, lease or rental contact terminations and renewal dates of residential dwelling units from two or more residential rental property owners or managers.

MR. BOLOGNA: You didn't have to -- you didn't have to read the whole thing, I just think the first -- the first line of each one. So --

MS. ROSENTHAL: Well, you -- well, you asked me what is was. In addition, analyzing the information --

MR. BOLOGNA: Yup.

MS. ROSENTHAL: -- using a system, software, or process that uses computation, including by using information to train an algorithm --

MR. BOLOGNA: Mm-hmm.

MS. ROSENTHAL: -- and then recommending rental prices, lease renewal terms, ideal occupancy levels, or other lease terms and conditions to a rental property owner or manager.

MR. BOLOGNA: Okay. So with those three things in mind, I'm gonna lay out a scenario for you that -- that I actually think is more frequently used than you might imagine and not necessarily by folks that own, you know, multiple buildings, multiple units that -- that are more mom-and-pop stop -- mom-and-pop style landlords. There are three tools online or that you could subscribe to: ChatGPT, AlphaSource, Datarails, **Appin**, that are all AI programming tools. And what you can do is, you can upload data that's all public, you can go to, you know, whether it's Redfin, Zillow -- you can take all this information that is public and/or private and you can upload that into the program, which I would -- I think would satisfy number one and number two. Number one is analyzing and processing data information -- I'm sorry, number one is collecting historical or contemporaneous prices and supply levels. So you're collecting that data. Two, you're analyzing or processing that data in data software, and then because that information is collected from a number, you know, of landlords and market data, that would satisfy.

Three is recommending prices. So I guess what I'm saying is -- is if a landlord were to ask one of these software programs, what is the maximum rent I can get for a property at this location, at this spot? You know, with these trends in mind, is that considered collusion, even though that individual landlord hasn't actually talked to any other individual?

MS. ROSENTHAL: So, if you're using your one landlord, using their own private information and public information themselves, is not actually colluding with other landlords.

MR. BOLOGNA: Okay.

MS. ROSENTHAL: So you -- you want information on how to set a price for your building, go ahead. I think people do that already. This concerns cases where there is collusion, so that every owner sets the same rent based on information such as lease renewal time, square footage, who lives there, all sorts of proprietary information. When they get together and use the algorithm to figure out what they want to charge in the entire neighborhood or through those portfolios, that is different than you personally trying to figure out what you should charge somebody.

MR. BOLOGNA: I understand that and I -- and I agree with you that -- that collusion, as you described, it is not good. I guess what I'm drawing to your attention is that, that actually might be happening via AI because AI, whether it's ChatGPT, actually searches the internet for the various data that -- that you're describing. So what's actually happening is inadvertently people are communicating

with proprietary data with one another, because AI is able to actually take that information from the internet and spit it back to you after you ask a question. Does that make sense?

MS. ROSENTHAL: So it depends on the circumstance, but that may fit the profile of price fixing, but I think you're talking about recommendations about getting an estimate. Not a recommendation, not an agreement where everybody gets their --

MR. BOLOGNA: Correct.

MS. ROSENTHAL: -- trades their private information and public information and then gets a recommendation on what rents to charge and therefore artificially inflating the market and that's called price fixing.

MR. BOLOGNA: So what --

MS. ROSENTHAL: And that's illegal whether it's humans or -- or, you know, using machine intelligence. It also says in -- in this bill that it's knowingly or with reckless disregard.

MR. BOLOGNA: Okay.

MS. ROSENTHAL: So that's an important component of the bill as well.

MR. BOLOGNA: Okay, the reckless disregard. Okay. Ms. Rosenthal, thank you very much. I appreciate it.

MS. ROSENTHAL: Thank you.

ACTING SPEAKER HUNTER: Read the last section.

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

day.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will be in the negative on this bill. If anyone wants to vote yes, they may do so now at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: 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 use their right. Thank you.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Gallagher to explain her vote.

MS. GALLAGHER: Thank you, Speaker [sic].

I am very grateful for this bill. I live in a district where rents have risen over 40 percent based on opportunities that landlords have taken to really maximize profit at the cost of my community members' livelihoods. And many of these landlords are not, "quote unquote, mom-and-pop landlords"; they are international private equity firms that are using this as a way to exploit the market. Housing is for people, it is for communities and it is to build

connections and continue lives and I'm grateful to the sponsor for passing this bill that will help keep rents in a reasonable level for people who live in our State. Thank you. I am voting yes.

ACTING SPEAKER HUNTER: Ms. Gallagher in the affirmative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Madam Speaker, to explain my vote.

Upon passage and signage, this would be a first in the nation comprehensive measure that will be of great use to the Attorney General. I would like to single out the Housing staff of this committee for their yeoman's work on this throughout the budget process. Christana Majekodunmi, Meghan -- Meghan Furcick and Fletcher Whyland spent months perfecting this bill. I'd like to thank the Attorney General's Office, I'd like to thank the Governor's Office and I'd like to thank the Senate for passing this and ushering in a way to contain violations of the Donnelly Act, which has been the law in this State since 1899. As technology matures and grows, we have to keep up with it and this bill does just that. And I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Rosenthal in the affirmative.

Mr. DiPietro to explain his vote.

MR. DIPIETRO: Thank you, Madam Speaker.

As a landlord myself, this bill does nothing but kill --

kill the housing market because it takes -- it disincentivizes anyone who's a landlord from fixing their property. When you look at a property, you look at how much it's going to cost to rehabilitate, how much are the taxes, how much are the expenses, what's it going to cost? With this, you're going to be stuck and no one -- what happens is it takes away the investment. No one's going to want to invest in housing. The problem with housing in New York State is it's been so regulated that the people who want to actually invest in those markets walk away and will not. So the housing market actually dries up. It's a matter of capitalism, which actually doesn't work in New York State. Rent control has killed the housing market in the City. When you take away an incentive to make a profit and you tell a landlord they can't make any money but yet they have to keep up the maintenance and the taxes, what do they do? They abandon buildings. Under true capitalism, the people, if there was -- if there's a -- a market for housing, they will build the housing because they will get a return on their investment. This does nothing but kill the housing market. It does nothing but tell landlords not to invest in New York, no way we're going to keep up -- we're going to use this and tell us what we can or cannot make on our units.

So, with this, I'll be voting in the negative and I'd encourage all of my fellow compatriots to do so also.

ACTING SPEAKER HUNTER: Mr. DiPietro in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to explain my vote.

As a landlord as well, I would say that, you know, I think that this bill makes a lot -- a lot of sense because you don't want people unscrupulously targeting an opportunity to make sure that you have to pay their level of rent as opposed to what you can afford. But at the same time, we have to remember this is about technology. And it's moving fast. And so whatever we create now or try to stop it, guaranteed, people who want to be unscrupulous will find a way to get around it. So I support the desire and what our sponsor here has to do and I certainly favor voting for her legislation. But I assure you that it's -- it's an industry that we yet do not understand and I think, as was mentioned earlier by my colleague on the other side of the aisle, there is an opportunity to look at what AI in its full potential can do to us as a society and I think that we should focus on that. Thank you for the opportunity to explain my vote and it is a yes.

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

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you could now call the House -- the House at ease.

ACTING SPEAKER HUNTER: On

Mrs. Peoples-Stokes' motion, the House stands at ease.

(Whereupon, at 5:26 p.m. the House stood at ease.)

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(Whereupon, at 7:18 p.m. the House was called back to order.)

ACTING SPEAKER HUNTER: The House will come to order.

MRS. PEOPLES-STOKES: Thank you. If we could continue our floor work. Colleagues, we're gonna go right to Rules Report No. 425 by Mr. Simone, followed by Rules Report No. 463 -- no, Rules Report No. 480 by Ms. Paulin, and then Rules Report No. 482 by Ms. Solages, Rules Report No. 488 by Mr. Otis, and then Rules Report No. 463 by Mr. Epstein. In that order, Madam Speaker, and thank you.

ACTING SPEAKER HUNTER: Thank you.

Page 17, Rules Report No. 425, the Clerk will read.

THE CLERK: Assembly No. A03665-A, Rules Report No. 425, Simone, Weprin, González-Rojas, Dinowitz, Epstein, Glick, Tapia, Reyes. An act to repeal paragraphs (e), (f) and (g) of subdivision 5 of Section 36 of the Municipal Home Rule Law, relating to limitations on the submitting of a question to the qualified electors of a city when there is a question submitted by a charter commission.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Simone.

MR. SIMONE: The purpose of this bill is to remove the bumping powers of a mayor when it comes to amending a city charter. City charters may currently be amended through voter referendums or charter revision commissions created by city councils. However, current law allows a mayor to bump proposals from either of these simply by proposing their own proposals no matter the content or scope. They could even just put a comma on the ballot and bump a city council proposal. This bill ensures no mayor would have the power to block the ability of New Yorkers and their representatives from having an issue considered by voters.

ACTING SPEAKER HUNTER: Mr. Reilly.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. SIMONE: Yes, I yield.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. REILLY: Thank you so much, Mr. Simone.

So would -- would this apply to all mayors in New York State?

MR. SIMONE: It would apply for the entire State, yes.

MR. REILLY: Okay. So when it comes to the -- the bumping the question, right, how does that get trig -- triggered?

MR. SIMONE: So, it's been known in the past several mayors have abused this and have used the bumping provision. For instance, when Mayor Giuliani was mayor, there was a referendum on Yankee Stadium the Council presented. He simply bumped it by adding his own referendum. This would change it, and in other words, allow both ballot measures to be on the ballot, and the one with the most votes would -- would pass, the most voters.

MR. REILLY: Okay. So being that both -- there's a potential for both proposals to be on a ballot, do we think that may be confusing to voters?

MR. SIMONE: I don't think so. And clearly, we need voter education like my bill I just passed the other night about having a full ballot mailed to voters and also be on line 12 days before early voting. So plenty of time for them to read. And clearly, it'd be up to those who put it on the ballot to educate voters. This empowers voters. This also prevents from voter referendum after getting tens of thousands of signatures to not be bumped off simply because the mayor doesn't like something that happened in the past under Mayor Bloomberg when they tried to put a referendum on class size.

MR. REILLY: Hmm. So I'm thinking back to our past. Not too long ago we had an election and we had about five proposals on a ballot, and there was a lot of misinformation and things that were confusing to some of our -- to some of the elect -- you know, those in the electorate and they -- there was a shortfall in the communication piece. What could we do to ensure that that won't

happen if this bill passes?

MR. SIMONE: That's a good question. I do think in -- in the prior ballot proposals in the last election there wasn't enough information out there for voters and not enough organizing around informing what those provisions actually did. And this is not to single out any mayor. This has been abused by many mayors in the past. But the last proposals were about government efficiency, and I read them several times and even had my predecessor, who's been the sponsor of this bill for decades, was confused on what those ballot measures even meant. And it seemed that the current mayor used it just to bump off the City Council proposals.

MR. REILLY: So what -- how old -- how old is this bill in -- has -- has it been -- when was the first time it was introduced?

MR. SIMONE: That was a different form of this bill. This bill only has the bumping provision. The prior bill had a timeline as well. So this is the first origin of the new bill which only gets rid of the bumping provision. There's no timeline.

MR. REILLY: All right. So one of the things that came to mind as I was researching the bill is when it comes to, I guess, interest groups advocating for the possible proposals that are going to be rivaling each other, is there going -- does this bill have anything to safeguard how that happens?

MR. SIMONE: Could you repeat that? I didn't understand your question.

MR. REILLY: So basically, politicizing the two proposals. Is there anything that could be put in place to streamline who's behind each proposal, who's backing them?

MR. SIMONE: I -- I -- yeah. This -- this legislation just says it shouldn't only be the mayor who gets to pick what's on the ballot.

MR. REILLY: So if this -- if this is passed and it moves forward and gets signed into law and the -- the bumping rule is -- is no longer in existence, would that mean that there's -- there's potential for more frequent ballot questions without a charter commission?

MR. SIMONE: Sure.

MR. REILLY: So how often could that happen?

MR. SIMONE: I -- I believe it could happen every election if they have the signatures to get it on the ballot.

MR. REILLY: Okay. How often do we have a charter revision?

MR. SIMONE: A lot. As a matter of fact, mayors use it now to bump off other charter commissions working on issues that voters care about.

MR. REILLY: Okay. What kind of impact could it have on boards of elections? Financially, what kind of impact?

MR. SIMONE: There's no fiscal impact.

MR. REILLY: There's no fiscal impact at all?

MR. SIMONE: We don't think so, no.

MR. REILLY: For -- what if there's multiple proposals on a ballot?

MR. SIMONE: It's just like now, they still have to present one ballot by a deadline.

MR. REILLY: Okay. All right.

(Pause)

So getting back to what -- what I started with earlier about the two proposals that may be contrary to each other, right? How would that -- are we going to ensure that there isn't a mistake where people vote for both proposals?

MR. SIMONE: Well, in the end the one with the most affirmative votes would pass and the other one wouldn't.

MR. REILLY: So is there -- is -- in the bill is it gonna be delineated that there has to be a Column A, Column B? Or what if there's three proposals? How will we --

MR. SIMONE: That's already existing State law.

MR. REILLY: How -- how does that work now?

(Conferencing)

MR. SIMONE: It -- it simply says the provisions just appear on the ballot if they've got enough signatures to appear on the ballot, and then whichever gets more votes passes.

MR. REILLY: So if every voter walks in and votes on, say there's three proposals, right? One and two are contradicting each other and there's a third, and all three proposals get the same amount of votes. What happens?

MR. SIMONE: I mean, it could -- it would probably go to court.

MR. REILLY: Okay. All right.

MR. SIMONE: If it was tied, but the chances of that are -- it hasn't happened yet.

MR. REILLY: Because I'm thinking about the last time we've had the five proposals. There wasn't anything that really went against each other, right? So is there -- that's the -- that's the piece that's very confusing, right, that now we're gonna have contradicting proposals. It could confuse the electorate.

MR. SIMONE: Sure. That's why you need more voter education, like my bill to put the ballots out 12 days before.

MR. REILLY: All right. Is there any funding for -- for that?

MR. SIMONE: Is there what?

MR. REILLY: Is there funding for that?

MR. SIMONE: There's no fiscal impact for that, either, because right now they have to transmit candidate information before a certain time. The bill that passed the other night about the 12-day notification just clarifies that that's 12 days before early voting. We just changed it for folks to know that it has to be in time for the State Board of Elections 12 days prior to give more time so voters can read the ballot.

MR. REILLY: So if we have multiple proposals and they're contradictory, you don't think there's a fiscal impact to boards

of elections or...

MR. SIMONE: No, because now mayors can have multiple proposals now, already.

MR. REILLY: Would there be contradicting proposals on that if a mayor puts it out from a -- from a charter revision commission?

MR. SIMONE: I mean, it just gives the voters more choice. So if the mayor puts contradicting proposals, the voters need to educate themselves on which proposal they prefer.

MR. REILLY: Has a mayor ever done that in the history of New York State?

MR. SIMONE: It's a -- it's a long history. We can get back to you on that.

MR. REILLY: All right. In recent -- in modern history, have you -- let's go back to 2005 when a version of this bill, right, was introduced. Has there ever been a charter commission that put on two proposals that actually contradicted each other?

(Conferencing)

MR. SIMONE: It's a Statewide bill, so I can't speak to every city if they've done that or not.

MR. REILLY: Okay. All right. So is there -- is there anything that could be done to ensure that a clear, delineated method and process for our Board of Elections to follow so we could reduce and make it more clear for voters? I know that you mentioned that earlier a little bit. Can you go into a little bit more depth on that?

MR. SIMONE: There's a clear -- clear process now, but clearly we're open to clarify further in the new legislation if we made -- make it clearer.

MR. REILLY: So just to give us a little baseline of what that may entail, can you give us an example? Just any -- any ideas there?

(Conferencing)

MR. SIMONE: We'll enact this bill first and see if it's signed, and then we can go back and amend it if we feel there's further confusion.

MR. REILLY: Okay. Thank you, Mr. Simone.

MR. SIMONE: Thank you.

MR. REILLY: Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. REILLY: So -- so I think part of the -- the issue is that there's no real clarity of how we're gonna delineate when there's multiple proposals on a ballot, potentially, that contradict each other. And we're always talking about making sure that we give the benefit of the doubt to voters and we -- we make things clear to them. I think this -- this specific piece of legislation may be muddying the water there. And I think we should just take some time to -- to really look at this and see how maybe potentially coming up with a plan where I've heard in discussions that we have multiple people in cities -- in city government appoint people to a commission and get to a point where possibly they come up with a charter revision committee where you

give maybe the city council, a mayor, in New York City maybe the borough presidents, the opportunity to put someone on that commission. So then you get a more fair and balanced legislative process and introduce it to the voters. So I'm hoping that maybe that discussion can continue.

Madam Speaker, thank you so much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. SIMONE: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. TANNOUSIS: Thank you, Mr. Simone. I just -- just to -- for clarity purposes.

So without the enactment of this legislation, when the charter revision commission makes some kind of recommendation, that recommend -- that potential ballot question would be the only one that would show up on that ballot, correct?

MR. SIMONE: Correct.

MR. TANNOUSIS: And with this law that you're trying to pass tonight, it would allow for potentially multiple question -- ballot questions to be appear on a ballot, correct?

MR. SIMONE: Correct. And that -- currently, the

mayor can put several proposals at once.

MR. TANNOUSIS: But this, Mr. Simone, would also allow other entities beyond the mayor to submit questions, correct?

MR. SIMONE: Yes.

MR. TANNOUSIS: Including the New York City Council?

MR. SIMONE: Correct.

MR. TANNOUSIS: Now, this is a law, obviously, that affects the entire State. But you yourself, Mr. Simone, represent Manhattan.

MR. SIMONE: Correct.

MR. TANNOUSIS: Correct? So is it fair to say that you had New York City in mind tonight in passing this legislation?

MR. SIMONE: Yes, because prior mayors have abused this power.

MR. TANNOUSIS: Say that again?

MR. SIMONE: Because prior mayors in New York City have abused the bumping power. It only actually existed after 1958 because of the Tammany Hall dispute. It wasn't meant to be permanent.

MR. TANNOUSIS: Okay. So it led me to my other question, which is what led you to this piece of legislation tonight, which you just answered. Can you please elaborate in instances where you have yourself have seen that abuse?

MR. SIMONE: Sure. What led this -- my predecessor carried this bill, Dick Gottfried, along with Senator Liz Krueger in the Senate. Basically, we don't think it's ever a wrong time to ensure that there's a balance of power. The mayor clearly in New York City has much more power than the City Council. But we've seen it be abused where there's been actual legitimate substantive proposals by the City Council, the Mayor just bumps, for instance, recently, about confirming commissioners like Congress does and state legislatures do, and the current mayor just bumped that because he didn't like it.

MR. TANNOUSIS: Okay. So this is basically in response to the actions of the current mayor, Mayor Adams?

MR. SIMONE: No. It's not in response to any one mayor.

MR. TANNOUSIS: Okay. But you just referenced certain actions that occurred. Were you referring to the actions of Mayor Adams?

MR. SIMONE: Sure. It was an example of how they use the bumping provision.

MR. TANNOUSIS: And when you are referring to these examples, are you talking about the current commission that is currently in place and currently active?

MR. SIMONE: I am not.

MR. TANNOUSIS: You're not?

MR. SIMONE: No.

MR. TANNOUSIS: Okay.

Obviously we have elections coming up in New York City, Mr. Simone, correct? And we still don't know at this point who the new mayor, potentially, of New York City will be come January, is that right? So what law you pass today will affect whoever that individual may be that' elected the next mayor, whether it's Mayor Adams or anyone else.

MR. SIMONE: So it would depend on when the Governor signs it. She would have to sign it this summer. This most likely wouldn't go into effect until 2026.

MR. TANNOUSIS: Okay.

Was the Office of the Mayor in favor of this piece of legislation?

MR. SIMONE: We haven't heard from them.

MR. TANNOUSIS: Okay. Well, it's fair to say that they are not, right, Mr. Simone? Okay. Is the Conference of Mayors in favor of this piece of legislation?

MR. SIMONE: I haven't talked to them either.

MR. TANNOUSIS: Okay. Are you aware that they came out against this piece of legislation, stating that allowing multiple charter amendments to be placed on the same ballot would be used by some as political opponents to sabotage proposed charter amendments by creating confusion about such amendments that a majority of the City's residents would other -- otherwise support?

MR. SIMONE: Look, I have faith in the voters. I

represent a very educated electorate. It's clear when I read the last ballot measures and my husband, who's not politically active as I am, but a pretty smart guy, that those ballot measures that were put on by this current mayor, as previous mayors, simply to bump what the City Council was trying to push, representing their constituents. I think in a true democracy you should expand more options for folks to put on the ballot, not less.

MR. TANNOUSIS: Okay. Threw me off.

(Laughter)

MR. SIMONE: Happy colleague.

MR. TANNOUSIS: So -- okay. So just to be -- and -- and I -- but I just want to be clear, and I appreciate your responses. This piece of legislation, you would admit, limits the powers of the mayor?

MR. SIMONE: Sure. And I think the -- it would -- the Mayor of New York City specifically, as an example, still has a much unbalanced, much more power than the City Council.

MR. TANNOUSIS: All right. Thank you so much for your time.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. TANNOUSIS: This piece of legislation is a direct response to certain events that are occurring in the City of New York, including the current Charter Revision Commission that is partaking in New York City. I have made no bones about the fact that

sometimes I happen to agree with certain things with the Mayor, sometimes I certainly do not agree with the Mayor. And I certainly did not have a great relationship with the prior Mayor, prior to this Mayor, Mayor de Blasio. Putting that aside, I think that this piece of legislation is confusing. And I think there is a reason why the mayor of the City of New York, no matter who that person may be, has certain powers vested in him or her. And I do not believe that strengthening, potentially, other entities such as the New York City Council and putting -- giving them this amount of power in terms of putting a potential ballot in front of the voters even keel with the mayor of New York I think is a good idea in terms of how New York City is run, how New York City government operates.

I will be voting against this piece of legislation.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Weprin.

MR. WEPRIN: On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. WEPRIN: I served in the New York City Council from 2002 through 2009. And we had many very valid, very good proposals in the City Council, and every one of them was bumped by at the -- by Mayor Bloomberg at the time. But they were not for substantive reasons. They were done to -- just to not allow our proposals to be aired.

This is a very democratic proposal. It allows for

voter input to -- to a wide variety, and I think that this is something that we -- we can use Statewide, but certainly it's something that is a democratic proposal to allow many, many different proposals to be aired and be voted on by the voters.

So I strongly support this bill.

ACTING SPEAKER HUNTER: Thank you.

Mr. Yeger.

MR. YEGER: Thank you, Madam Speaker.

I, too, served on the New York City Council --

ACTING SPEAKER HUNTER: Are you on the bill, sir?

MR. YEGER: On the bill, Madam. Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. YEGER: I, too, served on the New York City Council. Not as long as the previous speaker, slightly shorter, but also at a different time and a different moment. And I think it's fair to say that the Council that the gentleman served in had a reputation of being slightly more responsible than the Council that I left. There's a reason -- of course, there's a reason that the mayor, is a prophylactic measure, a stopgap, a finger in the dam, to stop the insanity of the City Council when it wants to do something to destroy New York City, which has been its position as a general rule for the last several years. And it's not necessarily anti-democratic to have a chief executive officer be able to preside over a city and stop bad things from happening. I think that's what we expect of the mayor. The City Council can pass

legislation, can send it to the Mayor for signature. He can approve it, he can veto it, just like what we have up here, and then the Council can override, which in the time of the gentleman, that was done and also in the time that I left the Council that was done. So there is democracy, if you will. But you do need to have a tiebreaker when the Council, as it will and as is its way, does something irresponsible. You gotta have a guy who says there's a way to stop it. That's why we have the bumping provision in the statute in New York State law, so that municipalities can't just have chaos. And they can't just have anything put on the ballot whenever. There has to be a tiebreaker, an umpire. And the statute was designed to create the umpire position and give it to the Mayor. I don't think right now, at this time, given the current City Council that we have and perhaps if the mayor is a different mayor next year, we may have a different conversation and I may have changed my position. But as it stands right now with this City Council and this Mayor, this provision and statute, we need it. We need it in New York City. As a New York City resident, I'm telling you, it's something that I need, something that my constituents need. I'm glad it's there and I have to vote no on this bill.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Carroll.

MR. R. CARROLL: On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. R. CARROLL: Thank you so much.

Clearly, there's an issue in New York City when it comes to ballot proposals. It is impossible for the Council or for average citizens to put a meaningful proposal forward to the voters. We have that power here in this House and across the hallway in the Senate. We should make sure that there is a way for the voters of New York City and for the New York City Council to have that same power and to be able to perform their own civic duty.

That being said, I do think there is vagueness in this bill. And there needs to be some stricter guidelines to make sure that there's some rules of the road so that we do not confuse voters, we do not have ballot initiatives that run in the dozens.

That being said, I still am in favor of this bill and I will be voting for it and I look forward to working with the sponsor, working with advocates and everyone here to make sure that we perfect it in the future. But I support this proposal and I hope the other members of this Body do the same.

Madam Speaker, thank you so much.

ACTING SPEAKER HUNTER: Thank you.

Ms. Glick.

MS. GLICK: Thank you, Ms. [Sic] Speaker. The measure before us --

ACTING SPEAKER HUNTER: On the bill?

MS. GLICK: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. GLICK: The measure before us is important.

We have had prior mayors, I would say, almost abuse this, their ability to put things on the ballot by bumping other measures that were put by the representatives of the people, the Council, to get them off the -- off the ballot. In addition, in the last few years the current mayor has engaged in a process of putting measures -- commissions together to put measures on the ballot in a way that is totally antithetical to what had happened in the past. There would be a Charter Commission revision. There would be presentations to every community board. Questions could be asked at the community boards. This has been three hearings in the dead of the summer when nobody is around, with very little notice, and almost an impossibility to find out information about where and when they were happening.

So this has been an executive overreach that needs some counterweight. So I appreciate my colleague bringing forth -- forth this bill to restore a little bit of checks and balances which we see across the country being eroded by high-handed executives from Washington to New York City.

So I appreciate the ballot initiative discussion, but I have confidence that the way in which the bill has been drafted and the fact that people will be able to engage, perhaps, a little bit more than what has happened under the current mayor that we will see more democratic input under this measure than we have seen in the last number of years under the current mayor.

I urge a yes vote.

ACTING SPEAKER HUNTER: Thank you.

Mr. Lasher.

MR. LASHER: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. LASHER: I appreciate the sponsor's good work on this bill, and I share some of the concerns that have been expressed with regard to the way that mayors of the City of New York have used their bumping power in ways that may not be in the public interest.

I think it is a hard thing to know whether at any given time a mayor or a City Council is going to be more or less responsible, and I think it's hard to legislate on that basis. But I do have some concerns about the bill, nonetheless. First, I think that the way that the current law that this bill would amend deals with the prospect of conflicting amendments basically says whichever -- whichever proposal gets the more votes, that one prevails. That suggests that you're gonna have multiple proposals that are sort of directly competing. That it's either A or B. But the reality is that you're probably gonna have proposals that are sort of more complexly clashing with one another. Maybe amending the same part of government in slightly different ways. And the notion of how a court would sort that out, we haven't tested it because we haven't had this problem because of the bumping provision. And I think when you get rid of that, I think we are gonna enter into a world of litigation over very serious issues and it's gonna -- that's not gonna be great.

The -- my bigger concern is that whether or not the

Council or the mayor is more responsible at any given point, what this bill will have the effect of is more referenda. And I think that the experience, certainly in California, I don't think the people of California -- I'm not an expert on California governance, but have benefitted a great deal from their constant back-and-forth battling referenda one year to the next, passing things, repealing them, it's not -- that has not been healthy for democracy there. And so without knowing whether a mayor is going to be more or less responsible at any given point, the notion that we're just gonna open the aperture and kind of encourage more referenda -- and we've seen that, by the way. We've seen very wealthy people in New York City buy their way onto the ballot. That's how we got term limits in New York City. I -- I just -- I -- it's just not -- it doesn't seem great to me.

So with appreciation that there are real problems that this bill is trying to address, I worry that it will create more problems than it solves. And so I will be voting in the negative.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Good evening, Madam Speaker. The Republican Conference will be in the negative on this particular piece of legislation. But any yes votes can be cast at the desk now.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, the Majority Conference is gonna be in favor of this piece of legislation; however, there may be some that would desire to be an exception. They should feel free to do so.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Yeger to explain his vote.

MR. YEGER: Thank you, Madam Speaker.

I think the last speaker had it right. New York City shouldn't become California. And we're at a crossroads in the City. It's the city I love, it's the city I grew up in. And it's a city that has had its incredible challenges for the last several years, and particularly the last two or three.

This will lead to more chaos in our city. And I'm asking folks who, maybe you don't care because you're not a New York City resident. Maybe this is not your -- your thing. And you defer to the sponsor who is, and that makes sense and I get it. Then there are other sponsors who are New York City residents. I'm asking you to defer to -- as you see on the board there are some New York City residents who are seeing it the other way. Give us a chance to try to keep what's left of this City that -- that we live in from -- from

completely falling to the ground, and this is one of the few ways we can. One office holder that -- the finger in the dam and stop the chaos of a runaway City Council that is highly, highly intent on burning the place to the ground.

Please, please help us save our City. Thank you very much. I'll be voting no.

ACTING SPEAKER HUNTER: Mr. Yeager in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 480, the Clerk will read.

THE CLERK: Assembly No. A00536-A, Rules Report No. 480, Paulin, Septimo, Magnarelli, Jacobson, McDonough, DeStefano, Durso, K. Brown, Weprin, Santabarbara. An act to amend the Insurance Law, in relation to summaries of readable and understandable insurance policies.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Paulin.

MS. PAULIN: Of course. This bill requires insurers to provide auto and homeowners policy holders -- holders with a summary document summarizing coverage if asked.

ACTING SPEAKER HUNTER: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the sponsor please yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. PAULIN: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: So I guess my first question is, this new disclosure that we would be requiring from the insurance carriers. How exactly does it differ from a declarations page that you would find in a policy?

MS. PAULIN: Well, I will say, you know, I think it's important to point out who brought this to my attention, and that is the Deputy Commissioner of the Department of Insurance right before it was changed to the Department of -- DFS, because he was partly responsible for looking at all of those declarations and realized that they were, you know -- I don't know whether -- it's really even hard to see even with my glasses and read them and very confusing. They go on for pages. And at a glance it's very hard for someone to -- even though we passed a law to ensure that it would be clearer, it's still not clear. And in his view, the only way we were gonna be providing information to consumers was to be giving a -- a summary -- you know, we're very specific in the bill with what that summary would include -- in large print and to be given separately so someone at a glance could see what is the coverage, what is -- what is not in the coverage. And -- and it's a limited document that would be very clear.

MR. GANDOLFO: Okay. So I guess it's more -- you

would say it's more simplified than the declarations page?

MS. PAULIN: Yeah, it's a summary.

MR. GANDOLFO: Because my understanding is that that information is already in the declarations page.

MS. PAULIN: I don't disagree that it's -- it's most often in the declarations, it's just hard to find.

MR. GANDOLFO: Okay. So just from your comments, is it more of an issue of, I guess, readability, font, or is it just are consumers finding that declarations pages just aren't easy to follow? Is that --

MS. PAULIN: I think it's important, you know -- - you know, when -- when you buy a new home you get homeowners insurance. But you don't really know what you're getting. You call up an insurant [sic] agent -- insurance agent and you get a policy that they recommend, and you usually just buy it. But you really don't know, you know, what the key elements are, and then hopefully you don't have a -- a -- ever an occasion to use it. But if you saw at a glance, for example, that you were in an area that had a lot of recent hurricanes or other -- or other water damage, flooding of any sort, you might perk up if you saw that that policy didn't cover something and you really had to comb through it to figure it out. So this is -- yes, so is it a matter of font? Yes. Is it a matter of clarity? Yes. And just simplifying it so that when you buy a policy you know what you're getting.

MR. GANDOLFO: Is there any concern that by, I

guess, making a one-pager out of this and really simplifying what's contained in your policy that an insurance carrier might not be able to adequately fit a summary of the policy onto one page and it might mislead the customer a little bit?

MS. PAULIN: So, you know, that's why we put that panel together in the bill. You know, a panel of people who are very familiar so that they can scale it down to a -- a manageable amount of words. And, in fact, here again I'm gonna point to the person who brought it to my attention, he's, you know, the Deputy, you know, of Insurance, you know, is very aware of, you know, what -- you know, what would be of value to a consumer because they get all the complaints.

MR. GANDOLFO: Okay. Fair enough.

Now, looking at the language I think there's a provision in here that says that a carrier can use the declaration page to satisfy this new requirement. Do I have that correct?

MS. PAULIN: Just point me.

MR. GANDOLFO: Yeah, I'm looking for the language now. Just bear with me one second.

(Pause)

MS. PAULIN: Line 14.

MR. GANDOLFO: Yes, there it is.

MS. PAULIN: Yeah.

(Pause)

Yes, you can.

MR. GANDOLFO: So how exactly would that work? Would that just be a matter of changing the font to size 12 red front on the declarations page?

MS. PAULIN: Yeah, so that someone with glasses can read it.

MR. GANDOLFO: Okay. Because I'm just thinking, if you now just add another summary to the declarations page, is that now gonna kind of snowball into a more confusing declarations page with, I guess, a summary and then a more concise summary?

MS. PAULIN: If -- if you look at the, you know, the requirements that we have in the bill, you know, that -- you know, what needs to get pulled out, it -- it's just very basic information. And so I don't think, frankly, it's gonna to be that much or that hard, but probably the key information to a consumer. So it's just -- it's almost like having, you know, in a -- in a legal brief, right, you have a summary, you know, or you see it in -- you know, you have the summary of provisions so that you can -- or any -- you know, any -- any document or any research paper, usually. You know, when we write stuff, you know, here's the summary and here's the rest. It's really about that so that at a glance -- you know, not everyone's gonna read -- it's humongous pages long. You know -- you know, people aren't gonna read all of it and they could miss something important to them. So this way it gives them some reason to read the rest or not.

MR. GANDOLFO: Now, in my research on this, there's not necessarily a declarations page required by law, but the

requirements on an insurance carrier to give the details of the policy exist through various different laws and regulations. Is this not something that DFS could just regulate and change how a summarizing page, whether you call it a declarations page, must be delivered by a carrier?

MS. PAULIN: So apparently the -- the executive who brought it to me, who's also a lawyer, didn't think so. That's why -- that's why he asked me to carry the bill.

MR. GANDOLFO: All right. Fair enough. Thank you.

Madam Speaker, on the bill briefly.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: I appreciate the -- the sponsor answering my questions here. Of course, like most of us in here, we want more consumer-friendly policies, especially when it comes to insurance. It's such an important part of our lives and protecting our property that you want people to clearly understand what they are paying for and what they are supposed to receive. But in my reading of this it -- it almost seems like we're just kind of reformatting the existing declarations pages, which is just creating a little more bureaucracy for DFS, spending more State resources on it. And if it's a page that must be included in addition to a declarations page, I'm worried that it's almost gonna be, like, an information overload situation that we see so often where a consumer is bombarded with different sheets with different information. A lot of it might be

exactly the same information to the point that people might just tune out and not read it because they opened the packet and a thousand pages fall out.

So for that reason I will be voting in the negative. I do think the declarations pages do provide everything that a consumer would need to understand what is in the policy.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Eachus.

MR. EACHUS: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. EACHUS: I want to thank the sponsor for this.

July 9, 2023, a terrible storm hit my district. Now, my district is very mountainous, so many of the homes are on the side of a mountain. And yet this storm, a rainstorm, caused tens of millions of dollars of damage. All of the folks who had damage done held insurance policies. Okay? Homeowners insurance policies. But of the almost 600 homeowners, only five were able to collect any money from the insurance companies. And it was because only those five existed in a floodplain area. The rest of them on the mountains with some of the houses being washed right off their foundations, didn't collect a red cent. I am so glad that this bill condenses what the policyholders need to know. I do not wish for any of you to experience what I had to experience two years ago. And I think this will help. People will understand that floods are not actually covered

by homeowners insurance, because the insurance companies define what a flood are [sic].

Now, the hilarity of the situation is that of those hundreds of homeowners, most of them have now applied for flood insurance. Guess what? They can't get it because they don't exist in a floodplain. And so what we can do to help these consumers understand their policies better is the least that we should do. And again, I thank the sponsor very much for bringing this forth and I encourage everybody to vote yes on this bill.

ACTING SPEAKER HUNTER: Read the last section.

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

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. Any affirmative votes could be cast at the desks now.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is gonna be in favor 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 seats.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blankenbush to explain his vote.

MR. BLANKENBUSH: Thank you, Madam Speaker.

First of all, by putting more wording on a declaration page is not gonna clarify or help any of our clients look at it. The more they have to read, the less they are gonna to read.

Second of all, insurance companies don't define what a flood zone is. The flood zones are Federally picked in a -- in a flood zone area. So an insurance company doesn't go in and say this is a flood zone and this isn't a flood zone. That's a Federal -- a Federal issue. They're the ones that pick the flood zones.

And so I'll -- I'll be voting in the negative. Thank you.

ACTING SPEAKER HUNTER: Mr. Blankenbush in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to explain my vote.

I -- I think it's critically important as we move forward in society that we make things readable and understandable. Many times the paperwork that comes with your credit card, what

comes with insurance, what comes when you buy something new, is written in a language by, I would say counsel or attorneys. And some of it is actually written in a way because they don't -- really don't want you to read it. When people are spending their money, we should make sure that they are able to understand what it is they have purchased, what is they now own.

And another thing I think is sig -- significantly important for us in this day is to be conscious and aware of the fact that only 21 percent of high school graduates in the class of 2023 met the college readiness benchmarks in all four subjects; that's including English comprehension. So it's critically important not that we dumb things down, but that we write them in a way that's understandable and clearly able to be read by the average person.

Thank you. I vote yes.

ACTING SPEAKER HUNTER: Thank you. Mrs. Peoples-Stokes in the affirmative.

Mr. Hawley to explain his vote.

MR. HAWLEY: A very brief statement. I'd love to be able to ask everyone here to raise either their right or their left hand if they read their insurance policies today. Don't do it, because we can't. And that I'd love to, after this legislation passes, which it will, then ask if people will actually read their policies when it becomes more clearer. But I won't. What I will say is that most people do not read their policies. Most people actually call their agent and have them explain it or answer their questions. So I think we have to have

some personal responsibility here and take advantage of our agents.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Hawley in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 482, the Clerk will read.

THE CLERK: Assembly No. A00836, Rules Report No. 482, Solages, Rosenthal, Simon, Colton, Otis, Lupardo, Santabarbara, Shrestha, Kelles, Epstein, Seawright, Septimo, Reyes, Simone, Jacobson. An act to amend the Public Service Law, in relation to utility intervenor reimbursement; and to amend the State Finance Law, in relation to establishing the Utility Intervenor Account.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Solages.

MS. SOLAGES: Thank you, Madam Speaker.

You know, today customers shouldn't be a GoFundMe to fight unfair rate hikes. And so this bill would establish a Utility Intervenor Account, allowing participants to apply for funding for utilities to cover the cost of participating in certain proceedings and allowing citizen groups and non-profits to apply for DP -- sorry, the Department of Public Service reimbursement for cost

incurred by participating in the Public Service Commission.

ACTING SPEAKER HUNTER: Mr. Palmesano.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. SOLAGES: Yes, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Thank you, Ms. Solages. I know we have discussed this bill on the floor for a number of years. In fact, in 2022, 2023 and last year we debated this bill and it passed the Assembly but the Governor vetoed it. And when she vetoed it she said -- last year, she said, This bill is identical to legislation I vetoed in 2022 and 2023. Since it's duplicative of existing consumer protection efforts within the Department of Public Service and the Department of State, it could also lead to the cost being passed on to ratepayers, raising utility rates at a time when affordability is a top priority for most New Yorkers. Has this bill changed since last year or 20 -- since 2022 or is it the same bill as in the past?

MS. SOLAGES: I'm kind of shocked that you are in agreeance with the Governor for once.

MR. PALMESANO: There are times.

MS. SOLAGES: So, you know, when utilities ask for rate increases they send us the -- the bill for their advocates. And in this bill, it's really time for the customer to have an advocate, too.

And it's not just paid for already by -- by us, the ratepayers. And so I believe that this bill-in-chief is a -- a good bill, and we are going to advocate for it and hope that the Governor agrees with us. Because at the end of the day -- at the end of the day, we don't want utilities writing a blank check for their pockets while consumer voices are not heard. And we need to make sure we're taking a regional approach, allowing different citizen groups to be reflective of their region and being able to advocate for their community.

MR. PALMESANO: Sure. And, believe me, we're gonna talk about consumers during this debate.

So yesterday on this floor, I think you were here during the debate, we had another bill on the floor. It was for a utility consumer advocate. Do we need both? How is this bill different from the other bill?

MS. SOLAGES: I -- I see multiple rate -- rate increases all around this State. And so I want to ensure that the ratepayers, which is [sic] our constituents, have a large voice. And so, you know, I hope that we're not saying that we should only advocate for the utilities and that the utilities can get reimbursement from the State, but we should make sure that we're advocating for citizen groups, individuals, non-profits, to be able to participate in these rate proceedings.

And so all this bill says is that we create a fund, the Public Service Commission -- or sorry, the Department of Public Service, thank you, would create a -- a fund. They would determine

how much the fund is, and they would be allowed -- individual groups and organizations would be allowed to apply. So this is not like a blank check. This has checks and balances. And so what I'm saying is that we should allow the voice of the people to be the loudest, not utilities.

MR. PALMESANO: Sure.

MS. SOLAGES: And right now the utilities have a blank check. They can get re -- their fancy lawyers can get reimbursement from -- from, you know, the taxpayers from the ratepayers while, you know, citizens' groups can't.

MR. PALMESANO: And, believe me, we'll get into that discussion over the next 30 minutes.

MS. SOLAGES: Oh my God, 30 minutes?

(Laughter)

I do not (indiscernible/cross-talk)

MR. PALMESANO: Maybe 30 minutes. Who knows. At least. Who knows.

So right now, as we mentioned yesterday, there are numerous agencies currently operating on behalf of the ratepayers; you have the Department of Public Service's Office of Consumer Services, which represents the voice of consumers for all activities overseen by the Commission. In 2020 we had this -- it was -- the Governor created the Statewide Special Counsel for Ratepayer Protection, who has the ability to participate in proceed -- PSC pro -- proceedings dealing with hearings and investigation and rates. You

also have the Utility Intervention Unit on behalf of the Department of State. Division of Consumer of Protection, who already operates with taxpayers funds on behalf of consumers. And the Utility Intervention Unit submits formal complaints on proposals and regulations, and provides testimony to the PSC. And you also have the -- the Public Utility Law Project, which receives taxpayers funds to advocate on behalf of our ratepayers. And of course the Attorney General.

Is it your belief, your opinion of the Majority that these do not do enough to represent the voice of the ratepayer here in these proceedings, and if not why?

MS. SOLAGES: Madam Speaker, I believe that the voice of the people should be the loudest. So if we give multiple avenues for individuals to have a say in the process, I -- I think that's a good thing, that -- ratepayers having a larger voice. You know, I don't know why we are not, you know, allowing that, and that's why I put in this bill. Because I want to ensure that citizen groups, non-profits from different regions, different places, different spaces from Buffalo to Montauk can be able to participate in these rate proceedings. And I think the more the merrier. I don't want to suppress the vote. If there's a smaller non-profit that is working to help people with utility arrears and they're currently not participating, we should allow them to participate. And this fund would create a paradigm in which people can participate in that.

MR. PALMESANO: Okay.

MS. SOLAGES: And so, you know, this bill is

allowing more individuals to advocate on behalf of low-income customers and small businesses and ensure that their interest is represented. So this is about making the voice of the ratepayer louder so that they can participate in these rate proceedings. Because I know -- I -- you know, I can tell you that these rate increases are really difficult on folks, and so we need to ensure that people have an avenue to speak.

MR. PALMESANO: I agree a hundred percent. These rate increases are difficult on the public, on our families, our small businesses, our farmers. No question about it.

So I know you -- the -- I mentioned in the debate we had yesterday. How is your different bill -- how is your bill different from the bill we did yesterday? Do you recall?

MS. SOLAGES: So my bill basically, the bill that is in-chief, it requires that all advocate fees, expert witnesses fees and all the out-of-pocket expenses directly incurred by the participant directly related to participating are reimbursed upon approval, and giving discretion to the PSC to determine that. And so this is different because we are allowing citizens, individuals, citizen groups, I mean, non-profits to participate in rate proceedings.

MR. PALMESANO: Sure.

MS. SOLAGES: So this is different from a -- a governmental agency or -- or entity that's tied to utilities. This is about independence. It's about transparency, accountability and giving people the avenue to participate.

MR. PALMESANO: So the bill yesterday, as I recall from my debate with the sponsor, talked about the fact that the State taxpayers will pick up the cost of that bill. I still argue that it's the ratepayers picking up, because the PSC and their operations, a lot of it is funded through the 18-a assessment charge. But neither here nor there. So that bill deals with that. How is your bill funded? Because the reason I ask the question is your memo says there is -- when I -- when I asked about the cost it says there's none to the State. Your colleague on the bill yesterday said it's undetermined. So if it's none to the State, then who pays for it? The utility?

MS. SOLAGES: Yeah. So, look, we wanna put the "public" back in the Public Service Commission. And so this money is gonna be a fund that's established through the Comptroller, and it -- it is ratepayer money, but think about it. It's raterpayer money that's going back to the lowest level citizen groups and non-profits to be able to participate. Not fair to utility lawyers. Because right now, utility companies are -- they have a megaphone and they have unlimited reimbursement while regular groups that speak for the people don't have access.

MR. PALMESANO: Right.

MS. SOLAGES: And so for me, this is about leveling the playing field --

MR. PALMESANO: Sure.

MS. SOLAGES: -- so that individuals can participate. Because as I said before, customers don't -- customers

shouldn't need a GoFundMe to fight unfair rate increases.

MR. PALMESANO: Sure. And then I -- I can appreciate your interests in the ratepayer. So as you said, this goes on the utility and you said the ratepayers are paying for this; is that not correct?

MS. SOLAGES: Yeah. And right now, utilities, they're billing us twice for -- well, they're billing us for utilities, electricity and such, and then their lawyers.

MR. PALMESANO: Sure.

MS. SOLAGES: So this will allow the ratepayer to at least get some of their money back in their pockets.

MR. PALMESANO: I -- I -- I hear what you're trying to do here, but that's fine. And at a time when our utility rates are some of the highest they've ever been, probably the high -- one of the highest in the country, you'd think that it's even better to put more increases on the ratepayer?

MS. SOLAGES: Look, I -- I -- I don't have to think, I could look at best practices. Idaho and California both have passed this fund. And you've seen that they save the ratepayers money. They were able to have citizen groups come and participate in the rate proceedings and actually fight against increases. So we're putting money back into people's pockets. So I believe in California they saved about \$19 million, per se. And, you know, for a state like Idaho to be able to have something like this, I think the Empire State, which is the greatest state in the nation, can (indiscernible) as well.

MR. PALMESANO: Sure.

So also, on page 2 you talk about other reasonable costs relating to out-of-pocket costs. Do you have any estimate what this is gonna cost ratepayers? Have you -- have you determined -- I know you said in your memo that there's none to the State, but have you determined how much this bill is gonna cost ratepayers or you just -- or is it your belief and opinion that this bill is gonna save money because they're gonna go and advocate for ratepayers in these hearings and things like that?

MS. SOLAGES: So, the -- the paradigm -- the Public Service Commission would create a -- a framework and paradigm to create checks and balances and allow, you know, organizations and non-profits to participate. So we're allowing them -- you know, we're not necessarily legislating it within this -- this bill right here, but we're allowing for a framework to be built.

MR. PALMESANO: Okay. So the PSC is gonna make that determination on how much can be spent?

MS. SOLAGES: Yes, of course.

MR. PALMESANO: Oh, okay.

MS. SOLAGES: That is -- like I said before, this is not a --

MR. PALMESANO: We're basically giving a -- a -- a blank check to the PSC to spend?

MS. SOLAGES: No. Like I said before, this is not a blank check, because --

MR. PALMESANO: Well, the PSC gets to decide, right?

MS. SOLAGES: I'm sorry, (indiscernible/cross-talk)

--

MR. PALMESANO: The PSC gets to decide, right?

MS. SOLAGES: -- repeat the question?

MR. PALMESANO: My question is, the PSC gets to decide how much to spend on this program, correct?

MS. SOLAGES: So currently right now, they're giving the utilities a blank check for their lawyer. So right now we're not only paying for electric --

MR. PALMESANO: I under --

MS. SOLAGES: -- but we're also paying for the fancy lawyers to fight for rate increases.

MR. PALMESANO: I understand.

MS. SOLAGES: So why not have that -- and this is not a blank check. Obviously, there's a fund created, a dynamic's gonna be created. And so, there is gonna be a limited amount of money for that. So it's -- it's a paradigm that -- that is not gonna be (indiscernible) legislated, but it's going to be --

MR. PALMESANO: But --

MS. SOLAGES: -- a fund is created and the fund is not gonna have unlimited money.

MR. PALMESANO: But this fund will be created and determined at the authority and in the discretion of the PSC to say

whether it's gonna be 10 million, 50 million, 100 million, right? It's the PSC's discretion based on the language of this bill, correct?

MS. SOLAGES: Are you questioning the PSC's ability to determine if they can create a fund that's reasonable?

MR. PALMESANO: Yes, I am, actually. Because, you know, in July of 2023 -- and that's one of my questions coming up -- the PSC approved \$43 billion in future ratepayer increases to pay for the green energy mandates that this House has advanced. So, yes, I do. So --

MS. SOLAGES: And so what I'd say to that is that at least we're giving the ability for the ratepayers to get that money back in their pockets so that they can fight against --

MR. PALMESANO: And -- and --

MS. SOLAGES: -- the rate increase and raising their voices. This is not going towards, you know, a fancy attorney.

MR. PALMESANO: Sure.

MS. SOLAGES: This is actually going to the people who are gonna fight and advocate for the average ratepayer. And we're talking about ratepayers across this great State.

MR. PALMESANO: So my question, so there's no cost estimate that you have. There's no cap on the amount of funding intervenors can get -- get, correct?

MS. SOLAGES: So this creates a paradigm. So --

MR. PALMESANO: I know it creates --

MS. SOLAGES: -- when you create a fund, the fund

is gonna have a finite amount of money. So this -- we're not directly allocating a certain -- certain pool or dollar. All we're saying is create a fund and we're allowing the PSC to come --

MR. PALMESANO: I -- I understand you're creating a fan -- fund. I understand you're creating a paradigm. But you've also said you're giving the discretion to the PSC. You have also said there's no limit on the funds. You've also said --

MS. SOLAGES: In this legislatively.

MR. PALMESANO: -- there's no cap on the funds to intervenors, correct? There's no cap on the funds to intervenors, correct?

MS. SOLAGES: Well, I wanna -- I wanna clarify.

MR. PALMESANO: Well, please do.

MS. SOLAGES: There -- what -- the bill language does not dictate the fund, but the PSC, which I think is going to come up with a fund and rules and regs --

MR. PALMESANO: Sure.

MS. SOLAGES: -- around this, will create a paradigm so that there are checks and balances and also ensure that there's not just one entity sucking the money out. That actually, this is a fair process where people can apply and participate --

MR. PALMESANO: Sure.

MS. SOLAGES: -- and be held accountable and that it can be transparent.

MR. PALMESANO: And I totally understand your

intent behind the legislation. So we've -- we've already asserted that there is no cost estimate from this bill. We've already asserted that there's no cap on funding allowed to intervenors. The PSC is gonna have full discretion. The PSC is gonna be able to determine how much this program's gonna cost. We've already determined that. How about -- is there a cap for the number of intervenors that could be a part of this process? So we can have a whole lot of different intervenors, now that this is a new program, participating in this process. Is there any cap on the number of intervenors that can participate in this process? That's gonna to be determined by the PSC, correct?

MS. SOLAGES: Yeah. So when we say we created -- in this it says reasonable recovery of expenses. We also say that --

MR. PALMESANO: But there's no definition of "reasonable." What's the definition of reasonable in your opinion?

MS. SOLAGES: And so the -- the intervenors would have to apply for funds --

MR. PALMESANO: I understand.

MS. SOLAGES: -- and the PSC can also combine groups or combine organizations.

MR. PALMESANO: Good. That's (indiscernible/cross-talk) --

MS. SOLAGES: So they will have to discretion to determine --

MR. PALMESANO: You might have --

MS. SOLAGES: But right now our utilities -- and I would also --

MR. PALMESANO: Sorry.

MS. SOLAGES: -- I would hope you feel the outrage that our utilities have the ability right now to have unchecked money to -- to fight for rate increases, whether it's gas, electric. You know, other, water, you know, internet. Like, they have an unlimited checkbook. And so, you know, I hope that we're not suppressing New Yorkers' voices and that we can actually have a conversation about how we can amplify and fight against rate increases together.

MR. PALMESANO: Sure. And I -- and I would like to get into the rate increases. So we've established there's no cost estimate. We've established that there's no cap on the amount of funding (indiscernible). We've established there's no cap on the number of intervenors. That's all gonna be at the discretion of the PSC. And all those costs will, in fact, be borne by the ratepayers, correct?

MS. SOLAGES: So, I mean, what -- and I think that what's being lost upon in this conversation is that these are small intervenor groups. These are community-based organizations that focus -- that have unique focus and expertise compared to, you know, the other, you know, like the Department of Public Service Utility Consumer Advocate, the UIU, the DPS. And so what we're saying is that this would allow, you know, a broker and individuals to have -- to be part of these conversations.

MR. PALMESANO: Sure.

MS. SOLAGES: So, to me, this is about making sure that we have the participation which hopefully can amplify the voices of the people.

MR. PALMESANO: I understand.

MS. SOLAGES: And utilities use millions of dollars of ratepayer funds to pay for their advocacy --

MR. PALMESANO: Sure.

MS. SOLAGES: -- policy cases and other activity.

So --

MR. PALMESANO: So I have another question. So we've established this intervenor fund that's basically at the discretion of the PSC. What, in fact, can these intervenors intervene on? Are you suspecting them to intervene on rate increases, rate proposals? Can they intervene on the green energy mandates that this House has advanced and advancing forward? Do they have any say in that? Do they any say on the conversion costs to convert your home over from natural gas to full electrification? Will they be able to intervene on that?

MS. SOLAGES: So, they would be intervening on the -- the rate increases. And I know --

MR. PALMESANO: Just the rate increases, right?

MS. SOLAGES: Yes.

MR. PALMESANO: Okay. And so when the PSC in July of 2023 approved \$43 billion, with a B, of future ratepayer

increases to pay and it was determined at a hearing for the green energy mandates. Would they have been able to intervene on that process?

MS. SOLAGES: Would there have been a request for rate increases within that?

MR. PALMESANO: Well, it's future rate (indiscernible). So they've already signed off on \$43 billion (indiscernible) future increases. But that's near here nor there.

So, I do want to talk about --

MS. SOLAGES: Is that the utility? I just want to clar -- I don't wanna move away from this so I wanna just clarify. Is that the utility requesting that?

MR. PALMESANO: Well, that's what the utilities. I mean, if you hear -- if you see the rate increases that are going on around the State, every one of them are saying it's to pay for the green energy mandates that this House has passed, that your side of the aisle has advocated, that Governor Hochul has advocated for that's gonna increase rates.

(Indiscernible/cross-talk.)

MS. SOLAGES: I -- I -- I would -- I think that we're straying away (indiscernible/cross-talk) --

MR. PALMESANO: I don't we're straying away --

MS. SOLAGES: But the chief in bill [sic] right now is strictly talking about rate increases.

MR. PALMESANO: Sure.

MS. SOLAGES: And rate proceedings. And so anything of -- anything else would be --

MR. PALMESANO: So I guess I'll ask --

MS. SOLAGES: -- straying away from the conversation.

MR. PALMESANO: I guess I'll ask you the question. So when the utilities go before the PSC for a rate increase, they're paying for a portion of the bill. Because about 50 percent --

MS. SOLAGES: When you say "they", you mean the ratepayers?

MR. PALMESANO: The utilities. The utilities when they go before the rate -- the PSC for a rate increase, they are going for a portion of the bill. Because 50 percent is supply, it's pass-through. About a third of it is taxes and fees and assessments, another or 30 or 25 percent is for the supply and delivery. So when they go for that, that's the -- that's what the utilities have been saying, the reason they're asking for these really -- they're high increases. I'm not arguing with -- they're high increases. It's to pay for these green energy mandates. That's what they're saying. You disagree with that?

MS. SOLAGES: And so what I'm saying is that let the intervenors and the community have a conversation and be part of the proceedings.

MR. PALMESANO: Okay, that's fine.

MS. SOLAGES: You know, we could sit here and talk about examples and nuances. But the real conversation is just

allowing people to have a voice in this --

MR. PALMESANO: I understand.

MS. SOLAGES: -- and to not -- to also make sure that utilities don't have just unlimited money to pay for attorneys and lawyers, and not the average person can get some of that ratepayer money to help advocate for that. And I don't think that's wrong. That's putting money back into people's pockets to ensure that --

MR. PALMESANO: I --

MS. SOLAGES: -- they could fight against --

MR. PALMESANO: I -- I hear you.

MS. SOLAGES: -- the rate increases, versus the utilities who already, you know, has -- you know, is already charging us. So they're getting two bites of the apple while the average --

MR. PALMESANO: And -- and I do understand.

MS. SOLAGES: -- ratepayer is struggling.

MR. PALMESANO: I understand. It's just, especially with the utilities, you know, they're all designated to a certain territory, they're all guaranteed a rate of return on their regulation. But this also applies to cable and internet providers which operate in an open competitive market. Do you think this is applicable, we should be applying it to them when they're open -- operating in an open and competitive marketplace? Especially when our cable and our internet providers are trying to provide broadband to our -- especially our rural areas. You think that's a good place for this to be as a law on this intervenor fund?

MS. SOLAGES: I -- I just make wanna make sure for the record that this would only apply to cases relating to the price of gas, steam, electric services, as well as cases about some metering and metering on residential premises. So I just wanna just clarify --

MR. PALMESANO: Okay. Fair enough.

MS. SOLAGES: -- the record. And it's residential. That's -- residential, that's our New Yorkers that we fight for every day; your constituents, my constituents.

MR. PALMESANO: That -- that's fair enough. I do -- I appreciate that clarification.

MS. SOLAGES: Is it 30 minutes yet?

MR. PALMESANO: No, we've got about ten left.

So, should intervenors who are participating in this process -- like, so the PSC has the ability to combine intervenors if they're all in the same interest? They can combine intervenors in the process, you said?

MS. SOLAGES: Yes, Madam Speaker.

MR. PALMESANO: Okay. So if there are organizations that are receiving taxpayer funds, would they still be able to receive intervenor funds? Like, for example, the Public -- Public Utility Law Project, they get taxpayer funds to advocate. Would they also be eligible for these intervenor funds?

MS. SOLAGES: I'm glad that you mentioned PULP, which is a great, great advocacy group that really goes into communities and provides support and help for individuals. So they

may be able to access some of this fund as well. But again, the -- the -- there's an entity that will be vetting and looking at who is participating, how they're participating, and determine if they should be getting reimbursement.

MR. PALMESANO: Okay, great.

Do you see any conflict in funding a segment of ratepayers who are interested or who are in conflict with other ratepayers at large, which might have cost shifts shifted on upon them?

MS. SOLAGES: Madam Speaker --

MR. PALMESANO: For example, I -- what I'm saying is -- is wind and solar advocates are obviously advocating for wind and solar projects. We have offshore wind projects being done, advocating down on Long Island where those individuals who are opposed to wind and solar off the coast of Long Island, or those who are opposed to wind and solar be eligible for these intervenor funds to advocate against this funding?

MS. SOLAGES: So, that would be determined by the -- the governing Body, and they would look at each and every entity that is applying for funds and determine their level of participation and also determine if there are like-minded groups that can collaborate and work together. So this bill does create guardrails for folks. And so, you know, we're just making sure that we're allowing non-profit organizations, groups of individuals that represent the interests of a significant number of residential or small business

utility customers, allowing them to apply for the reimbursement of reasonable fees and the other costs associated with participating in a utility rate case and other policy proceedings before the Public Service Commission.

MR. PALMESANO: Okay. Well, thank you, Ms. Solages. I appreciate your time.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: I certainly appreciate the sponsor's intent. When we were discussing the bill she cited the high cost of the utility bills that all of our customers and consumers are facing. You know, I also appreciate her perseverance on a bill that's been vetoed several times, and most likely, in my opinion, probably be vetoed again. But that's not neither here nor there.

Yesterday we debated a utility advocate bill, and I think how many bills do we need? Do we really need both? Do we need either? I say no. I believe it's duplitic -- duplicative, unnecessary and costly. They are a number of different organizations that are advocating on behalf of the ratepayer. We have the Department of Public Service Office of Consumer Services. You have the -- the Utility Intervention Unit at the Department of State, and then the Division of Consumer Protection already operates with taxpayer funds on behalf of consumers. The Utility Intervention Unit submits formal complaints on proposals and regulations, and provides testimony before the PSC. You have the 2020 -- the Statewide

Special Counsel for Ratepayer Protection, who is -- may participate in PSC proceedings, hearings and investigations. You also have the -- the Public Utility Law Project, and we have Office of the Attorney General.

Now, when the Governor vetoed this bill several times, for the last time she vetoed the bill, I said at the beginning, she said, *This bill is identical to legislation I vetoed in 2022 and 2023. And since it is duplicative of existing consumer protection efforts within the Department of Public Service and the Department of State, it could also lead to the cost being passed on to ratepayers, raising utility rates at a time when affordability is a top priority for most New Yorkers.*

During this discussion, we already established there is no cost associated with this program, it's gonna be determined by the PSC. There is no cap on the cost with this program. It's gonna be determined by the PSC. There's no cap on the number of intervenors. That's gonna be determined by the PSC. And how much discretion are we gonna give the PSC? At the end of the day, this will be borne by the ratepayers with higher rates at a time when rates are some of the highest in the nation and our -- our residents and our small businesses, our manufacturers and our farmers are already struggling with high utility costs. They know it. All you have to do is listen to the phone calls that come into your office. And I'll discuss some of those costs. Right now, one-third of your bill is already made up of taxes, fees and assessments that have been placed on utility bills by

this House to pay for many of these green energy mandates.

So we've already talked about the fact that you have five different organizations out there -- you know, I mentioned that. And as I said yester -- yesterday during the discussion, this will not reduce utility rates for customers. They're already high.

I -- and I appreciate the effort of the sponsor. I know she's very persistent about it. I know she wants to help the ratepayer. But I think what's continuing to happen in this House with the bills that are being advanced, it continues to be a failure to recognize it's the policies on your side of aisle, it's the policies of this Governor that continue to drive up the rates and costs to families and businesses in the State of New York. Again, as I said a few minutes ago, about approximately 30 percent or one-third of your bill is made up of taxes, fees and assessments to pay for these green energy mandates. But yet when we have legislation to say let's be -- let's be (indiscernible) disclosure to the ratepayer about these costs, it gets defeated in committee because they say it's not appropriate.

Yes, we can have an intervenor to intervene. But what can they intervene on? Can they intervene on the green mandates that this House has advanced? The CLCPA? Can they intervene on the one-third of the -- of your bill that's taxes, fees, and assessments? Can they intervene on the cost of the conversion from full -- to full electrivation [sic] from natural gas, considering 60 percent of New Yorkers heat -- use natural gas to heat your homes? Forty percent of our generation comes from natural gas. These are --

these are the problems that New Yorkers care about. You don't really need an -- an -- a utility intervenor to address that problem or to recognize that problem. All you have to do is look at the policies that come out of this House. And what have these policies done? As I mentioned yesterday, if we don't change the methodology to measure emissions from 20 years to 100 years, prices at the pump will increase (indiscernible) for New Yorkers by 63 cents a gallon. Natural gas home heat increase -- will increase by 79 percent. As I said, in July of '23, the PSC approved \$43 billion in future ratepayer increases -- \$43 billion -- to convert your home over from natural gas to electric. Several different estimates said it would cost on average \$35-plus-thousand. The Climate Action Council study, the Consumer Energy Alliance and in others, this is...

We talked the electric school bus mandate, the mother of all unfunded mandates, costs \$150,000 versus \$400,000 for an electric school bus. \$8- to \$15 billion in replacement costs. That doesn't even get into the EV charging station -- EV charging that's needed for our schools. It doesn't get into -- into the upgrades that are needed for our electric infrastructure for our schools. One school district said it would cost them \$30 million, another said it was \$10 million, just to bring the power in from the grid.

We've got the ACT regulation, which will devastate the trucking industry. The Advanced Clean Car rule, which will devastate the auto industry in the State of New York. And the fact of the matter is that in 2019 the -- the residential electricity rate was 17

cents per kilowatt hour, now it's 26 cents per kilowatt hour, more than 40 percent higher than the national average. I mean, it just shows time and time again, the pol -- the energy policies, the climate policy in this State is simply designed to dismantle the affordable and reliable natural gas infrastructure supply and delivery system. It's totally designed to take away consumer choice on how you heat your home, cook your food, power your building and --

ACTING SPEAKER HUNTER: Thank you, Mr. Palmesano.

MR. PALMESANO: For this and many other reasons, Madam, Speaker, I will be voting in the negative on this bill and I urge my colleagues do the same thing.

(Applause)

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

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

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, but if there are members wishing to vote in the affirmative they may do so now.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, the Majority Conference is gonna be in favor of this piece of legislation.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 488, the Clerk read.

THE CLERK: Assembly No. A02611, Rules Report No. 488, Otis, Seawright, Simon, Stirpe, Sayegh. An act to amend the Real Property Law, in relation to requiring landlords to mitigate damages when commercial tenants vacate premises in violation of the terms of the lease.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Otis.

MR. OTIS: Thank you, colleagues.

The bill before us today is to restore the duty to mitigate damages in cases of commercial tenants and commercial leases. That was the law of New York State before 1995 when a Court of Appeals decision removed that obligation, which is generally in common law with the practices around the country. In 2019, we

restored the duty to mitigate damages in the cases of residential leases and had language in there that would be used in -- in the case of this bill that has the burden pretty low in terms of just a duty to try and find another tenant for that space.

This is a good bill for small business, especially to -- in retail spaces to not make it so easy for a -- a commercial landlord to leave a space vacant, which could hurt other retail businesses in a retail multi-business setting. And so, I'll leave it there.

Happy to answer any questions and talk in more detail, but I recommend support for basically restoring the law to what it was before 1995, making the law consistent to what we did in 2019 as it relates to residential leases. And more broadly, as a matter of jurisprudence, it's a principle in law that's longstanding and makes sense and New York never should have deviated from it. Thank you.

ACTING SPEAKER HUNTER: Mr. Molitor.

MR. MOLITOR: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. OTIS: Of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Thank you, Mr. Otis. I apologize for talking behind your back and over you at the same time.

(Laughter)

So, Mr. Otis, this bill has been around for a few

years. Has this bill changed substantially at all from last year's version?

MR. OTIS: No, it is exactly the same. We've passed this bill a number of times and moved this bill a number of times. And the Assembly -- the wiser House -- has chosen to pass this bill. The Senate has not come to that sense of wisdom yet, but I'm sure they will.

MR. MOLITOR: Would that make me wiser since I'm in the wiser House, Mr. Otis?

MR. OTIS: I think that's -- having gotten to know you, I think the answer is yes.

MR. MOLITOR: So all right. Mr. Otis, in the event a commercial tenant breaches a contract, the tenant, under this bill, would not be bound by a lease agreement that provided for liquidated -- liquidated damages upon a -- a breach of that contract; isn't that correct?

MR. OTIS: That's actually not -- not accurate. The -- the defaulting tenant would still be liable, but the landlord would have a duty to make an attempt to try and lease the space and -- and in that case, it may relieve the -- the tenant of that burden. But I should add at this juncture because the burden's rather low, and I'm gonna read from the -- the existing statute --

MR. MOLITOR: Mr. Otis, I'm sorry to interrupt you.

MR. OTIS: Okay.

MR. MOLITOR: Before you read, I think you -- I

think I might have misstated my question. Let me re-ask it.

MR. OTIS: Okay. I apologize.

MR. MOLITOR: If a commercial landlord and a commercial tenant negotiate a lease, and in that lease they agree that in the event of a breach of contract there would be liquidated damages where the tenant would have to pay the landlord for that breach, wouldn't this bill, if it becomes law, eliminate that? Those contracted terms?

MR. OTIS: Well, again the -- the last section -- the last sentence of the bill says, "Any provision in a lease that exempts a landlord's duty to mitigate damages under this section shall be void as contrary to public policy." So, the way I would interpret your -- your question is, a tenant who defaulted would not be relieved of the duty to pay damages, but a -- a landlord would still have a duty to make reasonable efforts to try and re-lease the property, in which case that may actually relieve the defaulting tenant of that obligation because that's what the point of mitigating damages is. And this is the point where I'm gonna read from another section, if you'll allow me.

MR. MOLITOR: Well, let me just, if I could, just ask

--

MR. OTIS: Okay. Sure.

MR. MOLITOR: -- a clarifying question. But in that scenario, the liquidated damages that were agreed upon in the contract in case of a breach, that provision of the contract would be null and void based upon that language that you had just read from the bill; is

that correct?

MR. OTIS: No, I don't think so. I think that -- I think that the obligation to pay damages is not relieved, but there is a duty to try and mitigate on the part of the landlord. And so I -- I'll differ on our interpretation of exactly how that works.

MR. MOLITOR: I understand.

MR. OTIS: Now -- now can I read my little -- I want to read it just because I want to show the burden's low for the -- for the landlord.

MR. MOLITOR: No, no. I understand. I -- I've read that part of the section. I'd like to --

MR. OTIS: But not everyone here has heard.

MR. MOLITOR: I -- I'm sure they have. I'm sure everyone has read your bill, Mr. Otis.

But the -- so I just want to be clear. The day that this bill becomes law, it would invalidate all those previously negotiated lease terms that provide for liquidated damages and/or require the breaching tenant to sublet and mitigate damages.

MR. OTIS: So again, my answer is the same, which is to the extent that those lease provisions would invalidate the duty to mitigate, those lease provisions would not be effective to that extent. But I do not interpret it as relieving the -- we'll take the scenario where someone has made a reasonable attempt to re-lease the property and been unsuccessful. The defaulting tenant would still be liable for their damages.

MR. MOLITOR: All right. Thank you, Mr. Otis.

Now, I -- I'm sure, as you know, in a commercial lease agreement the -- these are -- you know, both parties are represented by attorneys. The attorneys negotiate these lease agreements and, you know, they're -- they fine-tune them. Why should the State Legislature step in and undo those lease agreements that have been carefully agreed upon by well-represented and experienced parties?

MR. OTIS: Well, because the duty to mitigate, which is a principle that goes back hundreds of years in law, makes a lot of sense. And so even before 1995, attorneys for both sides negotiated lease agreements, and that would still be the case. But the principle and the benefit of having the duty to mitigate has a benefit in law that we chose to adopt in residential leases in 2019, and we should, in my view, bring on to commercial leases with this legislation.

MR. MOLITOR: But in the almost 30 years since the New York Court of Appeals relied upon precedent in holding that the duty to mitigate for commercial landlords does not exist, there -- there has not been any great burden placed upon our businesses who have been since that time negotiating and entering into lease agreements for all these years; isn't that correct?

MR. OTIS: Well, actually, I -- I would not agree with that assumption. In fact, when I first introduced this legislation I heard from tenants who were in this situation and felt strongly that the

duty to mitigate would be a good thing for businesses and for the law.

MR. MOLITOR: Well, I understand -- I understand the problem of having, you know, empty buildings. We -- you and I have talked about this, and how those empty buildings might impose, you know, a problem within the community. Aren't we creating a larger problem here with this bill in forcing a landlord, by law, to fix up and rent out a space instead of collecting damages from a breaching tenant?

MR. OTIS: No, I think to the contrary. Empty storefronts are bad for the economy, bad for other businesses. And this will be the place where I read the language that --

MR. MOLITOR: Go ahead, Mr. Otis.

MR. OTIS: -- that you -- you have read, which is, again, the burden is pretty low. The language in the law now for residential leases and would be for commercial leases is that the -- the duty falling upon the landlord is to in good faith and according to landlord's resources and abilities, take reasonable and customary actions to rent the premises at fair market value or to a rate agreed to during the premises at fair market value or a rate agreed to during the term of the previous tenant to mitigate damages. So it's -- when the residential right duty to mitigate was enacted in 2019, great care went into that the language to make sure that the burden was not too high on landlords.

MR. MOLITOR: Thank you for reading that section. I did want to focus on line -- the -- the very end of that clause that you

read. I'm gonna read it again, but I just want to focus on the very end of that clause, which is on line 12. So it says if a tenant vacates a premises in violation of the terms of the lease, the landlord shall, in good faith and according to the landlord's resources and abilities, take reasonable and customary actions to rent the premises at fair market value or at the rent -- at the rate agreed to during the term of the tenancy -- and this is the part I want to focus on -- whichever is lower. Don't you think it's unduly burdensome -- I mean, not only do commercial landlords now have to -- have to mitigate, right, they have to make reasonable efforts to try to find somebody to now rent this space. But if somebody comes along and says, *I'll give you more than fair market value*, or the fair market value is more than what the previous tenant paid, according to this bill language they couldn't accept that.

MR. OTIS: I'm not sure that I -- I read it that way. But this section is the existing law. That's the law for residential leases now. And the -- so I -- I think I do not agree with your -- your interpretation here that -- certainly, their duty to mitigate isn't going to -- should not benefit the defaulting tenant greater than what they would have had to pay had they still stayed in the space. I think that that's what that phrase is intended to address.

MR. MOLITOR: Well, you know, and I understand mitigating, you know, damages, right? It -- it benefits the tenant, you know, because then the tenant doesn't have to pay back as much of what they owe. My -- my concern is that language, which --

"whichever is lower" prevents the landlord from making, you know, more money if a better opportunity comes along in furtherance of the -- of the duty to mitigate. So I guess that's the only point that I would make and counter.

MR. OTIS: Surely. I mean, I'd just say that -- that is -- when the solution in 2019 was devised, this is -- these are the equities in the formula that was arrived at at that time.

MR. MOLITOR: I understand. Thank you very much for your time, Mr. Otis.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: I know that the -- that the sponsor of this bill has had to debate my predecessor numerous times, and I don't want to -- I don't want to, you know, shortchange him at all. And so I'd like to share a little bit of language from my predecessor about this bill, if I could, please.

So in other words, if the landlord has the duty to mitigate, the rent's going to be higher because the landlord is taking on more risk. And so we can't step -- we can't and shouldn't step in the middle and rewrite the lease agreements that have been carefully negotiated with lawyers between large companies to change the fundamental terms and conditions. As we mentioned, these lease agreements often contain a liquidated damage clause, and they say, *Look, if the tenant breaches, depending on how much time was left on the lease, the tenant agrees in advance to pay a certain amount.* That

helps both the tenant and the landlord. It limits the ability to the tenant to an amount they know, and it helps the landlord know what their revenue stream is going to be.

I would add to that that some landlords, based upon this legislation if passed by both Houses and signed into law, may wish to avoid the risk all together. They're gonna struggle with the sudden and disruptive removal of their negotiated lease agreements, and this bill may have a negative impact on the number of available spaces for commercial tenants in our State.

And so I'd encourage my colleagues to vote no on this piece of legislation. Thank you.

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 be in the negative on this piece of legislation. If there are votes in the affirmative they may be cast at this time.

Thank you so much.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The Majority

Conference is going to be in favor of this piece of legislation; however, there may be a couple that want to be an exception. They should feel free to do so.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 463, the Clerk will read.

THE CLERK: Assembly No. A08160-A, Rules Report No. 463, Epstein, Rosenthal, Colton, Shimsky, Seawright, Reyes, Levenberg, Burdick. An act to amend the Environmental Conservation Law, in relation to directing State agencies to adopt a waste diversion plan.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Epstein.

MR. EPSTEIN: Thank you. This bill creates a legislative process to deal with Executive Order 22 on waste remediation, waste management. In 2022 the Governor signed an Executive Order to reduce waste in government-owned properties. This creates -- creates a statutory obligation to do that in our government-owned properties.

ACTING SPEAKER HUNTER: Mr. Simpson.

MR. SIMPSON: Madam Speaker, will the bill sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. EPSTEIN: Happy to.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SIMPSON: Well, thank you. So as you said, as you mentioned, the Governor did this through Executive Order 22. And so my first question is, why are we passing a bill codifying it in law? Isn't the Governor's Executive Order sufficient?

MR. EPSTEIN: Well, you know, as you are well aware, governors can issue executive orders and retract them at any moment, versus legislation will have the full force of the law of the State to create obligations. And there are some, you know, slight differences within our bill than the Executive Order. But it just really requires codification of a mandate to do waste reduction across our State-owned properties.

MR. SIMPSON: Okay. And I see that your bill, just like the Governor's Executive Order, calls for a report to be issued. It appoints a Green -- New York -- a Green New York Council. And your bill does the same, it continues with that.

MR. EPSTEIN: Yes. So the Governor has the Green Council. They meet quarterly. They have leadership from all -- a bunch of agencies who meet regularly to talk about how we reduce waste in our government-owned properties.

MR. SIMPSON: All right. I -- I did do a search and I looked up the -- the report, as you suggested. And actually, I think that they have made significant improvements in the amount of waste. This bill calls for a overall goal of 75 percent reduction, 10 percent every five years. What happens when we reach the 75 percent reduction?

MR. EPSTEIN: What happens when we reduce the waste by 75 percent --

MR. SIMPSON: Yeah.

MR. EPSTEIN: -- and we do diversion and less single-use items? I mean, I think we applaud our effort to be successful and show New Yorkers that when government functions in an appropriate way, we actually can do what we ask other people to do.

MR. SIMPSON: Well, in that report there were some of those percentages of accomplishment that were in the 80s, 80 percent, 89 percent in some areas. So I'm just curious as to --

MR. EPSTEIN: Yeah. So most of that was not in the waste management area. It was -- most of that was, you know, across the board. The whole Green Council requires energy efficiency and waste reduction, and this piece is just a waste reduction piece. I know we've seen in some areas real success. In other areas like in composting and -- and using -- getting rid of single-use items, we've not been as successful and this (indiscernible) will encourage us to do a better job in those fields.

MR. SIMPSON: Okay. In that Executive Order Number 22, there were also other edicts, essentially. Reducing greenhouse gas emissions, which included, you know, moving to electrify houses, affecting construction. There were -- all affected entities, State entities, would have 100 percent of the light-duty non-emergency ve -- vehicle fleets be zero emission. Why is that not part of your bill?

MR. EPSTEIN: So what we're trying to do is grapple with a piece of this and, you know, obviously, the overall Executive Order will be, you know, the -- that's the order from the Governor and the State agencies will have to comply. This is just taking one piece of it and putting more legislative authority under it. But there are obviously other pieces that are not being covered here, but that doesn't mean they can't move -- aren't responsible to move forward pursuant to the Executive Order.

MR. SIMPSON: So another way I want to ask this question is, you know, we still have mandates on entities outside of the State agencies that fall under deadlines that they have to meet. Fortunately, we saw that the bus mandate was prolonged, you know, to give more time so that it could be effective. By not including that in your bill, are we also giving the State more time to accomplish these goals that were set forth?

MR. EPSTEIN: No, I don't think that changes anything or the obligations under the Executive Order. I think it just says we're drilling down on one section, which is really critical which

is the reduction of waste and do waste diversion and making sure that the State puts a real laser focus to it. Not to say that other things don't matter like energy efficiency. Those are critical components to overall getting to our CLCPA goals, but this is just one piece of the overall pie.

MR. SIMPSON: So where's the accountability with all of these? You know, I know that your bill pertains to one section. Is it the legislative Body that has oversight of this?

MR. EPSTEIN: On the Executive Order or on this?

MR. SIMPSON: On your bill.

MR. EPSTEIN: On our bill. So they require regular reporting and they have to make it publicly available. And right now under the current Green Council, these reports are -- are not required to -- in every year. And we also reassess the goals every five years under our -- under our bill. So it puts a -- a bigger microscope under the issues that -- that aren't really as required in the Executive Order. It allows us to really highlight our success, potentially, in this area.

MR. SIMPSON: So is it the Governor or the legislative Body that has the oversight authority over the goals and accomplishments of your bill?

MR. EPSTEIN: Well, the Governor as the, you know, the head of all those agencies will have -- continue to have oversight. But then we will be getting regular reports from them to be able to determine if they're being successful, what other -- if any other legislative requirements we might want to put into place.

MR. SIMPSON: Okay.

The one thing I didn't see in the report, and I may have missed it, were any costs associated with implementation of this program?

MR. EPSTEIN: So within the budget that we passed there were dollars set aside for agencies to comply with the Executive Order 22. So because this is really just in line with those requirements, there's no additional cost necessary in this bill.

MR. SIMPSON: Do we know what those costs are, though? I mean, it -- it sounds (indiscernible/cross-talk) --

MR. EPSTEIN: I don't know agency by agency what they allocated, but there were specific allocations set aside in the budget for it.

MR. SIMPSON: Okay. Well, I think that's all the questions I have on this bill.

MR. EPSTEIN: Thank you.

MR. SIMPSON: Thank you.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Madam Speaker. I rise

to explain my vote.

So, six years ago we stood in this Chamber and said we need to get to a better place on the environment, and we passed this sweeping Climate Leadership and Community Protection Act. And along the way we have the government needs to lead in these efforts. And one way to do that is to reduce our cap -- our -- our reliance on (indiscernible) fuels, but also do waste reduction here. And across all government buildings we have a responsibility just to do what we say we're gonna do and not just let the public do it. This is a good way, through this bill, to allow New Yorkers to lead through our government action. This allows agencies like OGS, who manages all of our government-owned properties, to be able to say, *Okay, we are responsible for doing waste reduction*, and there are specific timelines to get that done.

I encourage all my colleagues to vote in favor of this bill. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Epstein in the affirmative.

Mr. Chang to explain his vote.

MR. CHANG: Well, thank you, Madam Speaker.

This bill doesn't go far enough and, unfortunately, is one -- one area that always confound me is school food waste. Can we legislate kids not to waste their food? Every time I go to the school I see foods being dumped in the -- in the garbage and they are being -- not being eaten. So if we can do that, that would be one big

winning for this bill. We can find a way.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Chang in the affirmative [sic].

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if we can now go to Rules Report No. 503 by Ms. Simon, followed by Rules Report No. 541 by Ms. Mitaynes.

ACTING SPEAKER HUNTER: Thank you.

Page 19, Rules Report No. 503, the Clerk will read.

THE CLERK: Senate No. S01226, Rules Report No. 503, Senator Rivera (A06004, Simon, Cruz, Reyes, Glick, Weprin, Burdick, Jacobson, Otis, Cunningham, Seawright, Santabarbara, Mitaynes, González-Rojas, Colton, Forrest, Pheffer Amato, Barrett, Shrestha, Levenberg, Mamdani, Dinowitz, Tapia, Lee, Kelles, Taylor, Bores, Raga, Alvarez, Rosenthal, Eachus). An act to amend the Public Health Law, in relation to providing public notice and public engagement when a general hospital seeks to close entirely or a unit that provides maternity, mental health or substance use care.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Simon.

MS. SIMON: Thank you, Madam Speaker.

The current law requires that a community forum be held after a general hospital has already been closed, and does not require the Commissioner of Health to consider the healthcare needs of the community, including emergency medical care or transitional care, as part of the Commissioner's decision to approve a hospital closure. This bill would establish a procedure for the closure of a general hospital or an emergency, mental health or maternity unit before the facility closes.

This bill would also enhance the current community forum to allow for public feedback prior to closure, as well as to provide a process for public comments on the hospital's closure and a requirement that those comments be heard.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Will my honorable colleague from Brooklyn yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. SIMON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. JENSEN: I thank you, Ms. Simon.

I think you and I, in some way, shape or form, have been debating a version of this bill since the Nixon Administration. And I know it was subject to a gubernatorial veto in 2024. Is the bill that we have before us today any different from the version that was

vetoed by Governor Hochul?

MS. SIMON: No, because it was perfect last year as well.

MR. JENSEN: Okay. Well, that's -- opinions are sometimes in the eye of the beholder, but I appreciate your -- your self confidence in your legislative drafting ability.

Could you reiterate, I know you mentioned it in your explanations, but what type of services provided by a hospital or a medical center would be covered under the requirements of the legislation?

MS. SIMON: A general hospital, the whole hospital, right? The other would be emergency, maternity, mental health or substance -- substance use services.

MR. JENSEN: Okay. So under the purview of this legislation, if a hospital system operates a general hospital as well as offsite from the hospital any of those associated types of care off the hospital grounds, would they be covered by the requirements in this legislation?

MS. SIMON: I think it would depend on the way that's organized. Many places also have an urgent care or ambulatory care center that's in a different building. Those are generally not emergency, maternity, you know, mental health or substance use services in an ambulatory care center. So that would be not be triggered in any way by this.

MR. JENSEN: Okay. Certainly, I know some of the

concerns that I've raised in the past I think was during the Carter Administration, about the biggest two realities that right now care providers, especially hospital systems, are facing right now is financial instability as well as staffing numbers. Does this legislation take into account any sort of exceptions when a hospital or a hospital system that provides these dedicated coverage services would be faced with staffing issues or potential financial instability that could put the viability of the entire hospital system or medical center into flux?

MS. SIMON: Well, staffing issues can come from a variety of reasons, right, and sometimes they are because of conditions at the hospital or because of a -- a lack of -- right -- I -- I would say a lack of -- of staff performing those tasks. So you might have acute labor shortage, for example, which is irrelevant to the particular institution.

MR. JENSEN: Okay. What about the -- I know you mentioned the staffing issue. What about the financial questions? I know in the Governor's veto message she mentioned that there was an imbalance with the legislation, obviously recognizing the need for transparency and -- and the impact that a closure could have on a community. But balance -- balancing that with the, quote, "the financial reality that struggling hospitals face and changes in the healthcare service delivery." Wouldn't it make sense to include some sort of exemption or exception if there is dire financial impact?

MS. SIMON: Well, the situation in most of our hospitals is that not many of them have an awful lot of money. That is

because we have very low Medicaid reimbursement rates, as you know. And we are in danger of having even less money for hospitals as a result of the cuts that may be coming from Washington. So I'm very aware of that possibility, and it may be that it would force the closure of hospitals and critical services. And I would encourage everybody to reach out to their counterparts in Congress to encourage them not to cut Medicaid. But -- because that's gonna make a big difference. And so if we have that money we'll be able to use that money to provide better services and keep hospitals and those critical units open.

MR. JENSEN: Fair enough. And it's, certainly -- you know, you won't get any argument from me in that respect about understanding how critically important the -- the social safety net that is Medicaid is to the healthcare delivery for those in New York State who rely on it and need it for their healthcare coverage. But one of the concerns that I have, and I've raised this before, is that when an institution is facing financial instability and the decision is made that -- to -- much like an amputation -- sever one aspect of operations to save the rest of the operations. Is there a concern -- I had this concern, but is there a concern that the elongated steps contained in this legislation could then threaten the viability of the entire delivery care system?

MS. SIMON: One could make that argument rhetorically. But the reality is that you would be submitting a plan to the State -- you would be submitting a proposed plan to the State, the

State Department of Health, and you would be able to justify the rationale for why that would be. But you would also, because of the required transparency and the engagement of the public, be able to better ascertain what are those healthcare needs for the public that need to be maintained somewhere. So this doesn't stop a hospital from closing or a department from closing. But it does say you can't be closing a hospital without even knowing what it is that are the healthcare needs of your community. And in the example that I am fond of using, which is the closure of my hospital, the -- the Department of Health did nothing to ascertain the actual impacts on community. Instead, they believed the arguments of -- of the proponent and, frankly, the -- the prior administration here, that nobody went to that hospital, which was ridiculous. And -- but they should have engaged the public better, and because of that they were sued. So they had -- it took them four years to close their hospital instead of two. If they were smart, they would have done what it is that's in this bill.

MR. JENSEN: So when -- and -- and refresh my memory. I -- I'm sure I've asked this question or you've shared it. But when was -- when was the closing of that facility that inspired this legislation?

MS. SIMON: 2013.

MR. JENSEN: 2013. So 12 years ago.

MS. SIMON: Yes.

MR. JENSEN: So we have a different -- do we have

a different Commissioner of Health?

MS. SIMON: We do.

MR. JENSEN: We do. Okay. So understanding that people can learn lessons and better deal with circumstances, isn't it rational to believe that the Department of Health would have learned from the experience with that facility and understanding the need to continue to engage with an operator, with a healthcare system, with a medical center, with a hospital, if they are facing any sort of circumstance that would necessitate a reduction in services, to ensure that the community is continuing to be served? It's not like we have a -- a -- a system in the State where, you know, the last person out the door turned the lights off and that's -- that's it. There is already a DOH process to ensure that there is adequate coverage within a community for certain high-impact care delivery, especially the ones that you mentioned in this legislation.

MS. SIMON: So what they have right now is a requirement to have a community meeting 30 days after they close the hospital. That is too little, too late to make any difference. And because they are never actually assessing what the community's needs are, they are woefully inadequate in their decision-making. And, in fact, we have lost over 41 hospitals in the last ten years. We are -- have lost 27 rural hospitals. There are about 40 rural hospitals that are in grave danger of closing. And in those places there's not like you can go down the block to another hospital. People will be traveling an hour, two hours, three hours just to go to the ER. So the reality is, we

have to look at not just the -- the needs of the community, but the ability of the community to access that healthcare. And in many parts of our State it is woefully inadequate already, and we want to make sure that it doesn't get worse.

MR. JENSEN: So you mentioned the process that you believe is inadequate. But that is the old process and doesn't reflect the DOH guidance that was sent in August of 2023 through a Dear Administrator letter that expands the definition of closures to include temporary reduction of services. It requires facilities to notify their elected officials, their communities and organizations that represent staff at the proposed site of the closure. It requires facilities to schedule a public meeting that allows community stakeholders to provide public comment, ask questions and receive answers from either the chief executive officer -- or chief executive officer or the chief operating officer, and outlines significant documentation that must be submitted with a closure plan. My understanding is all those things would have to happen before the approval for closure. Those things have already been put into place as policy at DOH, which, in my reading, would kind of make everything that we're passing today already being done to an extent, but do it in a way that not just protects healthcare access in communities, but also ensures the survival of our -- our overtaxed, under-reimbursed -- over-tasked, not taxed, you know, with the X and under-reimbursed healthcare facilities.

MS. SIMON: But it doesn't actually ensure that. It is

-- it's a -- a step in the right direction. It's not as comprehensive. And, you know, as somebody who has spent a number of years arguing certain matters in court, you know, guidance is guidance. Guidance is, *Please do this, folks, and here's how I'd like you to do it.* It has not the strength of regulation, it is simply guidance. So it's guidance and it's in the Nice-to-Know Department. Then there's regulations which have enforcement capacity. And then you have statutes. And you want statutory rights to -- they are the most strong. Because you can change a regulation very easily, and you can say bye-bye to that guidance. So while I appreciate the guidance, I'm glad they -- they read our bill and took some -- some guidance from that. It is insufficient. And this was a matter I believe we discussed last year.

MR. JENSEN: I -- Ms. Simon, I'd like to think it was not necessarily just your bill, but our robust debate over the past nine presidential administrations.

Thank you, Ms. Simon.

Mr. Speaker, on the bill.

ACTING SPEAKER TAYLOR: On the bill.

MR. JENSEN: Thank you, Mr. Speaker. And certainly I thank Ms. Simon. I think this was our -- our fifth time debating this bill, and certainly I can understand and -- and sympathize with the experience that her community went through with the inspiration for this bill in 2013, as well as I do recognize the need for community involvement, notification when the delivery and access to critically important healthcare services is going to change.

I do believe that this bill could have the potential to jeopardize the stability of existing healthcare facilities if they need to close for -- or reduce bed capacity for whatever reason. But also, if they want to take beds offline temporary to modernize, to improve the delivery of healthcare in a community.

I believe that the Governor's veto of this legislation last year was correct. Her reasoning was correct. I believe that the Department of Health with their Dear Administrator letter in 2023 to clarify the obligations and requirements of the operators of facilities was appropriate. And while I appreciate the -- the heartfelt reason why this bill has come before us, I do believe that we have in the existing ecosystem the necessary community engagement and requirements to protect communities as well as our care providers.

Thank you, Mr. Speaker.

ACTING SPEAKER TAYLOR: Thank you.

Read the last section.

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

ACTING SPEAKER TAYLOR: A Party vote -- excuse me -- a Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be in the negative on this particular piece of legislation. If there are yes votes, now would be the time to cast them at your seat.

Thank you.

ACTING SPEAKER TAYLOR: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is gonna 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.

Thank you.

ACTING SPEAKER TAYLOR: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker.

This bill has been debated numerous times, and it has passed every time because the need is so great. No one should face the loss of their hospital because the people who are in the decision-making capacity don't know enough about your community and those healthcare needs so that when that hospital closes there may very well be many people who are left high and dry. In reality, nothing in this bill would prohibit a closure in order to -- of a department in order to renovate, for example, or to improve or to install new equipment. That is something that is a mis -- misunderstanding of this bill. This bill will protect people. It will make sure that we keep our hospitals open and providing the services that New Yorkers need. And right now New Yorkers need all the

healthcare services they can get.

So I will be voting in the affirmative. Thank you.

ACTING SPEAKER TAYLOR: Thank you.

Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill is passed.

Page 20, Rules Report No. 541, the Clerk will read.

THE CLERK: Assembly No. A08663, Rules Report No. 541, Mitaynes, Hevesi. An act to amend the Private Housing Finance Law, in relation to increasing the bonding authority of the New York City Housing Development Corporation.

ACTING SPEAKER TAYLOR: Absolutely. On a motion -- my apologies. On a motion by Ms. Mitaynes, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested.

MS. MITAYNES: Thank you.

Today I rise to introduce Assembly Bill A.8663, legislation that would increase the bonding authority of New York City Housing Development Corporation, HDC, from 19 billion to 20 billion.

ACTING SPEAKER TAYLOR: Mr. Ra.

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

ACTING SPEAKER TAYLOR: Will the sponsor

yield?

MS. MITAYNES: Yes.

ACTING SPEAKER TAYLOR: The sponsor yields.

MR. RA: Thank you. So just a few questions regarding this increase in the bonding authority. First, how much room under the current bond authority does the Housing Development Corporation have?

MS. MITAYNES: Currently, HDC only has 1.67 billion left to issue.

MR. RA: Okay. Okay. So how much outstanding debt does the Housing Development Corporation have?

(Pause)

MS. MITAYNES: 14.6 billion.

MR. RA: Okay. And when was the last time we increased this bonding authority and by how much?

MS. MITAYNES: Well, last time was in 2023 by 1 billion, 2022 by 1 billion, 2021 by 1.5- so we do this regularly.

MR. RA: Okay. And is this intended to support any specific projects, or is this kind of a routine increase in the authority as we're approaching, you know, the current -- the -- the full amount with 1.67 remaining?

MS. MITAYNES: So, there are some projects down the pipeline, and then, you know, we're expecting additional projects as well.

MR. RA: Okay. And is there -- do you know any

specific criteria that's used to determine how the additional bonding capacity is allocated amongst the different housing programs and initiatives that are supported by the Housing Development Corporation?

MS. MITAYNES: It supports a variety of programs in partnership with HPD and NYCHA to achieve the City's affordable housing goals.

MR. RA: Thank you. And are there potential implications for New York City's credit rating or debt capacity with regard to this 1 billion in new debt authorizations for HDC?

MS. MITAYNES: No. We're in good standing.

MR. RA: And are there any increase in -- is there any increase in State-supported debt as a result of new debt issuances by HDC?

MS. MITAYNES: No.

MR. RA: All right. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER TAYLOR: On the bill.

MR. RA: So, in the past we've had some no votes on this, and we did as it worked its way through Committee. Obviously, the increase in capacity by \$1 billion is a large amount of money. Now, it's in the context of what's currently 19 billion becoming \$20 billion. I think that as a general statement, you know, housing -- building housing requires debt to be issued. We've had a number of bills that have come through this year with regard to this. But there

have been concerns expressed as we're talking about what is a very large number of \$20 billion with a \$1 billion increase this year. As was stated, we continue to do this every couple of years. There is still \$1.67 billion of authority that exists under the current cap.

I -- I -- I think that some of my colleagues are just concerned with the amount of debt that is being issued, and that's why there's going to be many negative votes on our side of the aisle. Thank you.

ACTING SPEAKER TAYLOR: Thank you.

Mr. Ra in the negative.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER TAYLOR: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will generally be in the negative on this piece of legislation. There may be a couple of exceptions. If so, you can change your vote and vote yes at your desk.

Thank you.

ACTING SPEAKER TAYLOR: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally gonna be in favor of this opportunity to develop and create new housing; however, there

may be a few that would be an exception. They should feel free to vote at their seats.

ACTING SPEAKER TAYLOR: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Madam Speaker, can we now go to resolutions on page 3?

ACTING SPEAKER TAYLOR: Absolutely.

Resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 738, Ms. Tapia.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 10, 2025, as FSGS Awareness Day 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.

THE CLERK: Assembly Resolution No. 739, Ms. Water -- Chandler-Waterman.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim June 2025, as Gun Violence Awareness Month in the State of New York.

ACTING SPEAKER HUNTER: Ms. Lucas on the resolution.

(Pause)

Mr. Anderson on the resolution.

MR. ANDERSON: Thank you, Madam Speaker, to speak on the resolution. I want to take a moment to thank the sponsor for this resolution. It's critical that every year in the month of June we recognize and commemorate Gun Violence Awareness Month, not just as a month on the calendar, but an opportunity to remember and memorialize the lives that we've lost due to senseless gun violence.

Every year that I've served in this Legislature, I've always carried a piece of legislation that focuses on gun violence in some way, whether it's helping the victims or the survivors. Whether it's supporting those who have lost a loved one. And this year I'm carrying legislation that will continue to push on that issue.

And I want to take a moment to thank the Caucus and the Chair of the Subcommittee on Antiviolence and Gun Violence [sic], Assemblywoman Chandler-Waterman, and it's my hope that the names, the people and the individuals that we lost due to senseless gun violence will be ones that we can remember in a way as a State as we work to repair and heal the harm that's caused by this disease called gun violence.

I encourage my colleagues to vote in favor of this

resolution. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Chandler-Waterman on the resolution.

MS. CHANDLER-WATERMAN: Thank you, Madam Chair. I'm proud to introduce and speak on this resolution and call in on Governor Kathy Hochul to proclaim June as Gun Violence Awareness Month in the State of New York.

On this day we kicked off by holding a press conference here in Albany as well as have a roundtable discussion with survivors, State and city agencies, antiviolence groups and cure violence groups throughout the State. We wear orange as we stand with survivors as they memorialize their loved ones that were murdered due to gun violence by displaying their picture in the hallways of the Capitol. Due to the collaborative work of everyone behind the scenes, especially throughout our Statewide discussions, we were able in this budget to secure the New York State Office of Gun Violence Prevention to expand, ensure it's permanent, make sure they it got developed implementation of impact for wraparound services, intentional support for survivors, data collection, grant allocations to community-based organizations, and public education campaigns aimed to reduce gun violence with coordination with stakeholders and agencies. We also have a new term called "mass gun violence", three or more injured in one shooting or three or more injured in multiple shooting -- related shootings within seven days, or four or more being murdered known as a mass shooting is all called

"mass gun violence."

I want to thank the vital voices of our survivors who turned their pain into purpose. And -- and at the same roundtable discussion we expand the Office of Victim Services to provide more support for burial assistance, raising the cap from 6,000 to \$12,000. And with no judgment to the victim, more support for reimbursement for cleanup -- crime scene cleanup where -- whether you're family or not; lost wages for survivor's support; assistance with relocation and even intentional support to those who are living with disabilities that are victims.

As we recognize Gun Violence Awareness Month, we must acknowledge how our survivors turned their pain into purpose for this Session. I proudly vote in the affirmative and I encourage my colleagues to do the same. Thank you.

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. 740, Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2025, as Great Outdoors 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.

THE CLERK: Assembly Resolution No. 741, Ms. Cruz.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim -- to proclaim July 20, 2025, Colombian Independence Day in the State of New York, on the 215th anniversary of Colombian Independence.

ACTING SPEAKER HUNTER: Ms. Cruz on the resolution.

MS. CRUZ: Thank you, Madam Speaker. As a proud Colombian and formerly-undocumented person, it is an incredible honor to bring this resolution before the Assembly.

Today I rise not just as a legislator, but one of half-a-million Colombians that call New York our home. Our stories are tied to violence that forced us to flee, but also to the resiliency that has pushed us to become successful. We're businessowners, bankers, teachers, firefighters, lawyers, elected officials. We're restaurant workers, construction workers, the cleaning ladies, reporters, artists and many others. We are refugees, permanent residents, the Dreamers, the citizens. But above all, we are fighters. We're everywhere. From my home in Jackson Heights, also known as "Little Colombia", to the Bronx, to Buffalo, to Batavia to Oceanside where my mother lives, and many other places. We eat empanadas, sancocho. We dance Vallenato, Cumbia. We love las selecciones, which is actually playing right now against Argentina and it looks like we're gonna tie.

I am a proud -- I'm proud to join my colleagues of Colombian descent here in -- and in the Senate for the resolution commemorating our 215th anniversary, a history that lives in every Colombian home here in New York and back in our country, every immigrant's story and every celebration of our roots.

On July 20, 1810 a seemingly ordinary moment, the denial of a flower vase for a patriotic gathering sparked a revolution in Bogotá, the capital. That moment of resistance led to the creation of a local government council and ignited Colombia's long journey to freedom from Spain and Colonial rule.

For many of us, Colombian Independence Day is more than history. It is a reminder how far we've come, and how proud we are not only to be Colombian, but also New Yorkers.

As someone who has -- who now has the privilege to help shape the laws in our State, I carry my heritage every day in this room, and this resolution ensures that our government honors that heritage, too.

I respectfully ask that my colleagues join me in memorializing Governor Kathy Hochul to proclaim July 20, 2025 as Colombian Independence in New York.

(Speaking Spanish)

ACTING SPEAKER HUNTER: Mr. Zaccaro on the resolution.

MR. ZACCARO: Thank you, Madam Speaker. As a proud Colombian representing Barranquilla, which is the vibrant heart

of the Colombian Caribbean coast, I'm honored to support this resolution today that will memorialize July 20th as Colombian Independence Day.

On this day in 1810, Colombia declared its independence from Spanish rule; a pivotal moment that resonates with our shared values of freedom and of self-determination. Barranquilla, known for its lively Carnival showcases our rich cultural heritage and the spirit of unity that defines us as Colombians.

And I want to extend my heartfelt gratitude to the sponsor of this resolution today and for bringing it to the floor. You know, I feel privileged to serve alongside such a remarkable colleague, a Dreamer from Colombia who has overcome great challenges. And in a time when our country often paints all immigrants with one broad stroke, her journey is a refreshing one and an example of the best of what can be achieved.

And so I want to thank her today for bringing this to the floor, and I want us to come together to acknowledge this important day and continue to promote a society where every culture is celebrated.

Thank you, Madam Speaker.

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. 742, Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 2025, as Ice Cream 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.

THE CLERK: Assembly Resolution No. 743, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 2025, as Fibroid Awareness 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.

THE CLERK: Assembly Resolution No. 744, Mr. Epstein.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 2025, as Disability Pride 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.

THE CLERK: Assembly Resolution No. 745, Mr. Jones.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim July 2025, as Lake Appreciation 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.

THE CLERK: Assembly Resolution No. 746, Mr. K. Brown.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 31, 2025, as Overdose Awareness Day in the State of New York.

ACTING SPEAKER HUNTER: Mr. Brown on the resolution.

MR. K. BROWN: Thank you, Madam Speaker, for allowing me to speak on this important resolution.

Overdose Awareness Day has garnered increased international attention and recognition over the previous two decades because of the heartbreaking surge of overdoses during that time period. To put this into perspective, in New York State alone, opioid-related deaths increased by a staggering 1,194 percent between just 2010 and 2017. This epidemic affects not just individuals who pass away from overdose, but also families, friends and entire communities that bear the burden of grief as a result of their horrific losses.

Overdose Awareness Day provides those grieving with the opportunity to publicly mourn their loved ones while feeling

the strong sense of support and community. It's the hope that this resolution and other measures taken by this Body can raise more awareness of the issue, and reduce the stigma associated with drug-related deaths.

Overdoses affect every corner of our State and country. So I hope that as New Yorkers we could support those struggling with opioid addiction, promote greater discussions around prevention techniques, and be there for our friends and family who are mourning those they have lost.

While one drug-related death is one too many, there are reasons to be hopeful. Between 2024 and 2025, New York State saw a 32 percent decrease in drug-related deaths. That's something to be proud of. But this progress is welcome, and it proves that measures that have been and continue to have been taken to address this epidemic can be helpful. My hope is that this Body continues to introduce legislation designed to spread awareness, provide information to the public, minimize the stigma of drug-related deaths, and provide assistance to those who need it the most.

Finally, it's time to remember loved ones that we have lost to an overdose, and it's paramount that we work diligently to address the current epidemic, saving the lives of family members, friends and neighbors in the process.

Thank you, Madam Speaker.

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. 747, Mr. Brabenec.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 2025, as Swiss-American Heritage 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.

THE CLERK: Assembly Resolution No. 748, Mr. Santabarbara.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 7-13, 2025, as Direct Support Professional Recognition Week in the State of New York.

ACTING SPEAKER HUNTER: Mr. Santabarbara on the resolution.

MR. SANTABARBARA: Thank you, Madam Speaker, for the opportunity to speak on this resolution recognizing Direct Support Professional Week [sic] in New York State.

Direct Support Professionals do incredible work every day. They help people with developmental disabilities live full, meaningful lives. They not only assist with daily needs like meals, medication, getting to work or school; they also provide care, connection and support. These are the people helping individuals stay connected to their families, their communities, and the world around

them. Their work brings comfort, dignity and independence to so many New Yorkers.

As Chair of the Assembly's Committee on People with Disabilities and as a father of a son with autism, I've seen firsthand the difference these dedicated individuals can make in someone's life. Their work deserves our appreciation, our recognition and our respect, and this resolution is one way that we can say thank you and I invite everyone to join me in supporting it.

Thank you.

ACTING SPEAKER HUNTER: Ms. Giglio on the resolution.

MS. GIGLIO: Thank you, Madam Speaker. And I'd like to thank the sponsor for this wonderful resolution because you know what? Direct Support Professionals are there every day. They're there for people with disabilities and the people that really have been forgotten in the State of New York, along with our veterans, along with our seniors, along with many others. And our State budget next year should reflect how these people who care for our most vulnerable should be paid so that they can afford to continue to do the work of God and the work that they love so much. But they have to work three jobs in order to do what they really love, and then be able to do two other jobs to provide for their families because they haven't kept up -- their pay has not kept up with the rate of inflation. They're still 8 percent behind in the last 15, 20 years that they haven't gotten increases.

So thank you, thank you, Assemblyman Santabarbara. This is a very important resolution. And I hope that we all consider this resolution in the budget next year and make sure that we get the DSPs and the non-for-profits that are providing these services up to where they should be today to be the best that they can be so that the people that are the most vulnerable in our society and New York State can be the best that they can be.

Thank you, Madam Speaker.

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. 749, Mr. Eachus.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 21-27, 2025, as Sheriff's Week 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.

THE CLERK: Assembly Resolution No. 750, Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2025, as Brain Aneurysm Awareness 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.

THE CLERK: Assembly Resolution No. 751, Ms. Paulin.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2025, as Sepsis Awareness 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.

THE CLERK: Assembly Resolution No. 752, Ms. Lucas.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 3, 2025, as Panamanian -- Panamanian Independence Day in the State of New York.

ACTING SPEAKER HUNTER: Ms. Lucas on the resolution.

MS. LUCAS: Good evening, colleagues, and thank you, Madam Speaker.

I am grateful to have come to know many of you. We spent a tremendous amount of time getting to know and understand each other. Today I share more about myself with you. My great-grandparents Ethel and Dayton Standard, both born in the 1800s, migrated to Chorrera, Panama to follow the economies of the time in this region, which was the building of the Panama Canal. My

great-grandparents birthed and raised five children in Panama, one of which was my paternal grandmother, Rita Standard, who was born on June 15, 1914 in Chorrera, Panama exactly two months before the Canal's opening to commercial traffic on August 15, 1914. My grandmother, Rita Standard, was also born in Panama 11 years after Panama sought to assert its autonomy and its self-determination from Colombia through peaceful means.

Panama had a complex history; one of colonial loyalty from Spain to Colombia, one of several failed attempts to build the Canal. This created great unrest in the Panamanian people. Panama's desire for economic freedom and civil liberties from Colombian -- from Colombia began to fuel Panama's desire for autonomy.

In the early 1900s, influential Panamanians began planning a revolution, and by 1903 it received its independence from Colombia. November 3rd is now celebrated in Panama and by Panamanian communities around the world as Separation Day; a day of patriotic pride, national reflection and cultural celebration. My grandmother, Rita Standard, then migrated to the United States, married and raised ten children. It is because of her that whether it is the language we speak, the food we cook, or the festivals, parades, restaurants, social clubs, scholarship programs and civic organizations and think tanks, Panamanians like myself keep our culture alive and contribute to this beautiful and thriving community here in the United States. In this Legislature alone, Panamanians before me served in

leadership; Assemblyman Ed Griffith and Senator Waldaba Stewart.

Mr. Griffith represented the 40th Assembly District which covered a portion of East New York, Brownsville, and East Flatbush and Brooklyn Kings County. Mr. Griffith made a vast contribution to New York law. He was the only non-lawyer on the Assembly Judiciary Committee for many years. This was a testament to his good judgment and deep understanding of the needs of the community. One of the Judiciary community's [sic] intellectual leaders, Ralph Goldstein of Queens warmly praised Eddie as the most decent man in the Legislature. Assemblyman Griffith was the Chair of the Assembly Ethics and Guidance Committee, and he served as the Chair of the Brooklyn Delegation.

Senator Waldaba Stewart was elected by a landslide in 1968 to the New York State Senate, where he was honored to serve for four years. Dr. Stewart served as the New York State Chairman of the first National Black Political Convention held in Gary, Indiana. He also sponsored legislation in health for the improvement of quality care for the poor and underserved communities in Brooklyn.

Just last month, Panamanians in New York State, the country, world and in Panama celebrated the accomplishments of Black Panamanians through their Black Heritage Month celebration called Fiesta de la Etnia Negra. While today we commemorate and honor the Republic of Panama's declaration of independence from Colombia, we hold up their fight to seek and assert its autonomy and self-determination through peaceful means, which was a milestone

event that paved the way for the establishment of the Sovereign Nation of Panama. Throughout the -- the diaspora, we find examples of indigent populations contributing to the significant historical events, the rich culture, traditions -- rich cultural traditions and being the manpower that drives their society. As early as the 1800s and continuing after the independence from Colombia, Caribbean men and women arrived to work and build the Panama Canal, contributing to the vitality of the waterway that will go on to transform global commerce and maritime navigation.

I am proud that Black people in Panama have become a part of its fabric that represent its freedom of independence. As we commemorate the independence of 1903, we live the contributions of Panamanians everywhere.

Thank you, Madam Speaker, and I ask that you acknowledge the Panamanian village.

ACTING SPEAKER HUNTER: Thank you, Ms. Lucas.

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

Mr. Fall.

MR. FALL: Madam Speaker, do we have further housekeeping or resolutions?

ACTING SPEAKER HUNTER: We have no housekeeping.

We have a number of resolutions before the House.

Without objection, these resolutions will be taken up together.

All those in favor signify by saying aye; opposed, no.

The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 753-758 were unanimously adopted.)

Mr. Fall.

MR. FALL: I now move that the Assembly stand adjourned and that we will reconvene at 10:00 a.m., Wednesday, June 11th, tomorrow being a Session day.

ACTING SPEAKER HUNTER: On Mr. Fall's motion, the House stands adjourned.

(Whereupon, at 10:14 p.m., the House stood adjourned until Wednesday, June 11th at 10:00 a.m., that being a Session day.)