

WEDNESDAY, JUNE 11, 2025

11:30 A.M.

ACTING SPEAKER HUNTER: The House will
come to order.

Good morning, colleagues.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the
Journal of Tuesday, June 10th.

MRS. PEOPLES-STOKES: Madam Speaker, I move

to dispense with the further reading of the Journal of Tuesday, June the 10th and that the same stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you. Good morning to colleagues that are in the Chambers as well guests that are here with us today.

I'd like to share a quote with you. This morning, this one comes from Barbara Jordan. She was an -- was an American lawyer, an educator and a politician. She was the first African-American elected to the Texas Senate. And her words for us today: *Change is never easy, but it's [sic] always possible.* Again, these words from former Senate -- Texas Senate Representative Barbara Jordan.

Madam Speaker, members have on their desk a main Calendar as well as a debate list. Before any housekeeping or introductions, we're gonna be calling for the Rules Committee. That Committee is gonna produce an A-Calendar, which we will definitely take up today. We will also be calling for a Ways and Means Committee to meet. We're gonna, however, begin our work today by the following bills on consent: Rules Report No. 228 by Mr. Acari, Rules Report No. 545 by Ms. Cruz, and Calendar No. 95 by Mr. Weprin. And then we're gonna take up the following bills on -- on debate: Rules Report No. 494 by Ms. Rozic, Rules Report No. 504 by Ms. Woerner, and Calendar No. 149 by Mr. Fall. There could

possibly be a need for additional announcements on floor activity, Madam Speaker. Should that be necessary I will advise.

However, that is a general outline of where we're going today. If you could please call members to the Speaker's Conference Room. And if I could encourage members to -- if you didn't hear what our plan is for the day, come and ask so that we can make sure that we're always ready to go to those committee meetings and we can move expediently at them.

Thank you so much, Madam Speaker.

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 no housekeeping this morning; several introductions. We will start with Mr. Colton for the purpose of an introduction.

MR. COLTON: Thank you, Madam Speaker.

I have guests with me today from Brooklyn. The -- one is the -- a small business, the owner of Bobby's Auto, Muhammad Sajid and Amir Ikbal, together with the guest that they have visiting them, Hassan Ishad. These people and the small businesses known for its generosity and helping community members, people who have problems. Every month of Ramadan they are supportive of the local mosque by providing free iftar meals and other food items to those in need, and they are very concerned about what is going on in the

community and they wanted to visit us here in Albany to see the State Capitol and the seat of government.

So I would ask that they be recognized and shown the cordialities of the House and the privileges of the House, and that we welcome these honored businesspersons to the Assembly Chambers [sic].

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Mr. Colton, the Speaker and all members, we welcome you, distinguished guests, to our Assembly Chamber and extend the privileges of the floor to you. Small business ownership is definitely the backbone of commerce, so we thank you for your contributions to the community. We hope you enjoy our proceedings today. Thank you so very much for joining us.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, while we prepare for some additional guests, I would like to have the young lady who sits in front of me, Amelia Mendez, stand. She is here in our Capitol today with six other students who have been invited by the Women's Caucus to shadow some of the members here. She is from the Bronx, and she's a senior in high school, looking forward to going to college.

So if you could welcome all six of them -- there's another one over here, Millie, that's with our colleague on that side,

and the rest are somewhere in the Capitol. They'll be around, so we want to put on our best behavior for them.

Please welcome them to our Chambers.

ACTING SPEAKER HUNTER: Yes. On behalf of Mrs. Peoples-Stokes, the Women's Caucus, Speaker and all members, we welcome our young people to the Assembly Chamber and extend the privileges of the floor. Please make sure you make the most of your opportunity today. Ask lots of questions, introduce yourself around. If this is something that interests you, you, too, may one day be in this Chamber or any chamber across the State and in the country. So thank you. You could have chose [sic] to do anything else today, but you chose to come here. We appreciate that. Thank you so very much for joining us today.

(Applause)

Mr. Ramos for the purpose of an introduction.

MR. RAMOS: Madam Speaker, I rise for the purpose of an introduction. Today I'm very proud to have a group who is joining us today, a group of leaders, Peruvian leaders, from the communities of New York, mostly from Long Island, who are visiting today to witness the passage of a resolution that we will be taking up later. The resolution will proclaim August 23-24, 2025 Peruvian Gastronomy Weekend in New York State. For 50 years, SUMAQ, the Peruvian -- the Peruvian Food Festival, under the leadership of Vicky and William Diaz, has become one of the most anticipated events on Long Island. The event strives to diffuse Peruvian cuisine and culture

in New York State and showcase the diversity of Peruvian gastronomy, as well as highlight the talented chefs who are innovating and taking ancient flavors to a new level. In New York we pay tribute to the events such as these which foster the ethnic pride and enhance the profile of cultural diversity which strengthens the communities of our State.

With that, I would like to introduce the distinguished guests today: Oswaldo Del Aguila, General Consul of Peru; Jorge Igar -- Izaguirre, Vice Consul General of Peru; Vicky and William Diaz, founders of SUMAQ Food Festival and *Noticia* newspaper; Daniella Diaz from SUMAQ; Karina Saenz Treasurer, Peruvian Chamber of Commerce; Johan Cuadros, Chief [sic] of SUMAQ Peruvian Food Festival; Bianca Hernandez-Oscar (phonetic), assistant chefs; Manuel Avendaño, a reporter for Nuestra Gente TV; Alejandro Roman, reporter for Metro Latino News; Vilma Gia (phonetic), Los Andes Restaurant in New York. And I also want to mention somebody who's not here but has contributed to this Festival; Kevin Saguda (phonetic) from the State Farm and Central Islip, for the SUMAQ 2025 Ambassador, both -- that unfortunately could not be here.

Madam Speaker, I ask that you please give them a warm welcome and please extend them all the courtesies of the House.

ACTING SPEAKER HUNTER: On behalf of Mr. Ramos, the Speaker and all members, we welcome the General

Consul, Vice Consul General of Peru here to our Assembly Chambers today and additional distinguished guests to celebrate Peruvian Gastronomy. I'm sure it's going to be delicious food that you'll be preparing later. We welcome you to our Assembly Chamber and extend the privileges of the floor to you. We do hope you enjoy our proceedings today. Thank you so very much for joining us.

(Applause)

Mr. Santabarbara for the purpose of an introduction.

MR. SANTABARBARA: Thank you, Madam Speaker. I rise today to welcome a truly remarkable guest in the People's House, Elizabeth Bonker, a national leader in the disability rights movement and a powerful voice for inclusion.

Elizabeth is the Executive Director of Communication 4 ALL, a not-for-profit that assures non-speaking individuals with autism have -- have the access to the tools and the education they need to be heard. Though non-speaking herself, she has inspired millions around the world. Her valedictorian commencement speech at Rollins College in 2022 went viral with over four billion impressions, delivering a message of dignity, equality and hope. She's also an accomplished author, recording artist. A keynote speaker, featured in documentary -- the documentaries *SPELLERS* and *Understanding Autism*, and serves on the Autism Society Council of Advisor [sic].

She joins us with a number of advocates today here for an advocacy day for a Communication Bill of Rights measure that

affirms every person has a right to communicate, regardless of ability. Joining her is Virginia Breen, Evelyn Yang, Jonathan Polanco, Christine Polanco, Galilee Damiao; John Gilmore, Executive Director of Autism Action Network; Tyler Mason, Stacy Mason, Trevor Mason, Thomas Tolnay, Abby Newbold, and Andrea Polyerno (phonetic).

Madam Speaker, if you would welcome these special guests to the Chamber and extend to them all the cordialities of the House.

ACTING SPEAKER HUNTER: On behalf of Mr. Santabarbara, the Speaker and all members, welcome, Elizabeth and special guests here today to our Assembly Chamber. Thank you for all of the important advocacy work that you do for our community. We extend to you the privileges of the floor. We do hope you enjoy your time here today. Thank you so very much for joining us.

(Applause)

Mr. Eachus for the purpose of an introduction.

MR. EACHUS: Thank you, Madam Speaker, for allowing me to make this introduction. There are very -- two very important women in my life which are joining us today. The first is my wife, Kimberly Sanders-Eachus, who I have been next to for 33 years and plan for another 33 years. She is my strength, and actually allows me to come here every day and do the work of the people.

Joining her is a very good friend, who I sometimes call "Mom" because she's been with me for so long. Her name is Jean

Antonelli. Jean Antonelli is a 50-year active volunteer of the New Windsor Ambulance Corps. Fifty years she's been participating.

(Applause)

She is an active member of the New Windsor Democratic Party also, and she is a former member of the Town of New Windsor Planning Board. Also this year, 2025, she was presented with the New Windsor Nicholas Brooks Award, which is the highest municipal award that New Windsor gives, and we're very proud of her for receiving that and for all of the service that she has performed.

Will you please give them the cordialities of the floor? Thank you.

ACTING SPEAKER HUNTER: On behalf of Mr. Eachus, the Speaker and all members, we welcome our special guests to the Assembly Chamber today. Ms. Antonelli, thank you so very much for your service to the community, and congratulations on your contributions and significant award. That's an astounding accomplishment, and thank you for doing that.

And we always like to welcome our spouses and significant others to the Assembly Chamber. You allow them to give your spouse lots of time away from home, and we appreciate that very, very much.

So we extend the privileges of the floor to both of you today and hope you enjoy our proceedings. Thank you for visiting us and joining today. Thank you.

(Applause)

Mr. Smullen for the purpose of an introduction.

MR. SMULLEN: Thank you, Madam Speaker. I rise today to introduce a fierce advocate, a great friend of mine, the founder of Fentanylfathers.org, Greg Swan. He came to the Capitol today from Detroit to help introduce the Fentanyl Fathers and Mothers Act, which is a demand reduction law that will help our -- help save our youth from accidentally ingesting a poison, fentanyl, that can kill them. He's also joined today by Sharon Richmond, a bereaved mother, and whom I believe Assemblymember Brown will also introduce. But this is a very important issue that I urge everyone to take careful consideration and -- and get behind to help save our youth from the scourge of fentanyl poisoning.

So, Madam Speaker, if you could kindly introduce and welcome Greg and Sharon to our Chamber, it would be greatly appreciated.

ACTING SPEAKER HUNTER: On behalf of Mr. Smullen, the Speaker and all members, Greg and Karen [sic], we welcome you to our Assembly Chamber. Thank you for your contributions, advocating, educating relative to fentanyl. It is ravaging our communities, and your help is greatly needed and we appreciate the assistance.

We extend the privileges of the floor to you. Do hope you enjoy our proceedings today. Thank you so very much for joining us today.

(Applause)

Page 6, Rules Report No. 228, the Clerk will read.

THE CLERK: Assembly No. A07033-C, Rules Report No. 228, Zaccaro, Reyes. An act to amend the Arts and Cultural Affairs Law, in relation to authorizing the Council on the Arts to designate Little Yemen as a cultural district.

(Pause)

Page 6, Rules Report No. 228, Clerk will read.

THE CLERK: Assembly No. A07033-C, Rules Report No. 228, Zaccaro, Reyes. An act to amend the Arts and Cultural Affairs Law, in relation to authorizing the Council on the Arts to designate Little Yemen as a cultural district.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Madam Speaker, can you 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 16, Rules Report No. 545, the Clerk read.

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: Read the last section.

THE CLERK: This act shall take effect on the 280th 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.

Page 25, Calendar No. 95, the Clerk will read.

THE CLERK: Assembly No. A06652-B, Calendar No. 95, Weprin, Dilan, Cruz, Blankenbush, Berger, Santabarbara, Hawley. An act to amend the Insurance Law, in relation to permitting

licensed insurance agents, brokers, adjusters, consultants, and intermediaries to carryover up to five hours of continuing education credit per biennial licensing period.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ladies and gentlemen, we're going on debate.

Page -- page 15, Rules Report No. 494, the Clerk read.

THE CLERK: Assembly -- Senate No. S03486, Rules Report No. 494, Senator Hinchey (A03862, Rozic, Reyes, Stirpe, R. Carroll, Simon, González-Rojas, Hevesi, Dinowitz, Seawright, Jacobson, Kelles, Steck, Glick, Rosenthal, Barrett, Otis, Lee, Davila, Tapia, Burdick, Levenberg, Hunter, Simone, Solages, Gallagher, Raga, Epstein, Lavine, Cunningham, Bores, Shimsky, Woerner, Santabarbara, Lasher, Burroughs, Zaccaro). An act to amend the Public Health Law and the Insurance Law, in relation to providing information to patients and the public on hospital rule-based

exclusions.

ACTING SPEAKER HUNTER: An explanation as been requested.

Ms. Rozic.

MS. ROZIC: Thank you, Madam Speaker.

The purpose of this legislation is to ensure that individual -- individual consumers have access to information about whether a hospital or general hospital in their area provides the care they seek prior to admission, and to identify healthcare deserts in regions of the State.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Will my friend from Queens yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROZIC: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. JENSEN: Thank you, Ms. Rozic. And I do just have a few questions. Let me just get my scroll out.

In response to this legislation, what is the -- the genesis of the need for this bill? Why -- why do we need it?

MS. ROZIC: Why do we need this bill? Is that your question?

MR. JENSEN: Yes.

MS. ROZIC: Okay. So, we've heard from consumers

all across the State that there have been situations in which they come to a hospital and it turns out the healthcare service that they are seeking or want is actually not treatment that they -- or a service that they are going to get at that hospital. So, this just creates transparency around that. And if a specific hospital has a hospital-based exclusion it would be readily available to any consumer, publicly available so they could make that informed decision before entering or getting admitted to the hospital.

MR. JENSEN: So, is -- is the -- would the requirements apply to hospitals that they may have policies for the entire hospital itself or every doctor who practices within the hospital, or is it for individual providers?

MS. ROZIC: So this applies to all general hospitals across New York State -- I want to be very clear about that -- regardless of whether they are a religious hospital or a secular hospital. This also requires facility-level decision-making, not provider-level decision-making. And although some hospitals may have more hospital rule exclusions than others, whether or not a hospital has an exclusion does not depend on their religion or their doctor -- their doctor's personal beliefs.

MR. JENSEN: So -- so if a hospital would provide a medical service but they may have one doctor within the facility that will not, for whatever reason. So it's not a hospital-based exclusion, but it's provider exclusion. Would the hospital required -- be required to submit that as a hospital-based exclusion because there could be a

circumstance where somebody coming in to an emergency department may be treated by this provider who doesn't provide a service that they may need, a medical treatment that they may need?

MS. ROZIC: Yeah. I think that a facility, a hospital, could choose to list that on their website as one of their exclusions if they choose to. Again, we're targeting mostly the facility-wide policy -- the hospital rule-based exclusions. I think that there's also a section of the bill that would require the Department of Health to create regs and rules, and if those situations were happening more than expected, we would ask that the Commissioner or the Department itself come up with more specific regs or rules to define that.

MR. JENSEN: So just digging deeper into that question, so if anywhere a memorial hospital has a doctor, Dr. John Doe, who doesn't provide a service. Would they -- they would have to submit that to DOH as a policy-based exclusion. Would the doctor's name be publicly listed either on the hospital's website or the DOH website?

MS. ROZIC: The bill does not speak to that at all.

MR. JENSEN: Okay.

Does this bill just speak to policy-based exclusions that are treatment-based?

MS. ROZIC: Yes. These are based on hospital-wide health services. There -- there's actually an exemption for -- let me just read it so that I don't -- it shall not include restrictions based on lack of equipment, available bed space in the facility, or insurance

denial.

MR. JENSEN: Okay. So if a hospital, you know, potentially a small hospital anyplace in the State, they don't have any treatment-based exclusions, but for whatever reason they may not offer either -- they do not offer to patients kosher or halal food. Would that have to be listed as a exclusion? Because, I mean, proper nutrition is a form of treatment, especially if, you know, potentially, you know, a no salt or low salt, low sodium diet would be important for somebody with a heart condition.

MS. ROZIC: So, we --

MR. JENSEN: Would --

MS. ROZIC: Go ahead.

MR. JENSEN: Would not offering certain dietary -- not having certain dietary restrictions be covered as a hospital policy-based exclusion?

MS. ROZIC: Meals are not generally considered a type of healthcare. So in most, if not all circumstances, that would fall outside of the hospital rule-based exclusion.

MR. JENSEN: Okay.

Going back to the individual doctor provision. I know our former colleague from Chautauqua County, when he debated this bill last year he raised a circumstance that was raised by a member of his own community from the Orthodox Jewish community, about how some Jewish providers may not practice -- may not provide non-lifesaving treatment on the Sabbath. If somebody is making a

decision maybe to not practice on the specific day, would that follow -- would that qualify for medical -- or a hospital-based exclusion?

You know, whether it's not treating on the Sabbath, whether it's for religious regions -- reasons, not -- IVF or other reproductive health choices be included?

MS. ROZIC: Well, I'll say one of two things: First is, to my knowledge I don't believe there are hospitals that don't provide non-emergency care on the Sabbath. So --

MR. JENSEN: It wouldn't be the hospital itself, it would be an individual provider.

MS. ROZIC: Again, if the hospital had a policy, they would probably have to disclose it to the Department of Health. But it doesn't go down to the provider level, this is a facility-based question and list.

MR. JENSEN: So --

MS. ROZIC: So that --

MR. JENSEN: Sorry.

MS. ROZIC: So that's one thing I'll say. The second thing -- go ahead. I lost my train of thought.

MR. JENSEN: No, so it's -- and I apologize. I probably -- I was interrupting you and I caused that, so I apologize.

So if it is just a provider-based exclusion, not a hospital- or center-based exclusion it would not have to be submitted? Individual provider decision-making would not be a -- a -- necessary to report to DOH.

MS. ROZIC: Correct. And I would -- I would say that a hospital has to make that decision as an administrator -- as an administration. They would have to decide what they want to put on the list or not.

MR. JENSEN: Okay.

In the context of a hospital, would it be within the general hospital itself or if a medical center -- so I'll use the University of Rochester Medical Center as an example. They operate three hospitals within Monroe County, but it's all under the same URMC umbrella. Would each of those three facilities be tasked with reporting their own policy-based exclusions, if they had any, or would it be -- would each facility itself -- or could they do it under the larger organizational umbrella?

MS. ROZIC: I believe it's every general hospital.

MR. JENSEN: Okay. Would -- so we've seen a lot of health systems start to acquire and bring into their fold non-hospital-based services; urgent cares, general practitioners, pediatricians. Would they be covered under services that are not provided within a hospital setting but under the licensing of the organizational entity?

MS. ROZIC: No. This only applies to general hospitals. And I want to be very clear that it is because of these specific mergers that we're trying to map out the health services across regions in the State. I would also say that, you know, that we have passed this bill previously. And one of the reasons -- apart from

running out of time -- that the Governor issued her veto message was that there was an exorbitant amount of cost to it. But she was going based off the fact that -- the suggestion that there are 600 hospitals across the State when, in fact, the number is a lot smaller. And not -- this bill does not account for public health facilities, residential health facilities, nursing homes, diagnostic treatment centers, dental clinics and dispensaries, rehab centers, midwifery, birth centers. And then any number of other facilities. So it only applies to general hospitals, of which there are around 200 across the State.

MR. JENSEN: What -- what if some of those ancillary services are located within a hospital, but licensed differently? They're -- they're using -- maybe leasing space from the hospital, but they're not under the hospital's license. Would that apply?

MS. ROZIC: I guess in that very nuanced particular situation, I would expect that the Department of Health would come up with an additional reg or rule in that particular case. If a hospital or an administration feels like there is that gray area and they need clarification, that's when the -- the rules and requirements would kick in.

MR. JENSEN: What is -- is there a deadline -- what's the deadline for a hospital having to provide this information to the Department of Health? Is it January 1st of every year?

MS. ROZIC: It's annually.

MR. JENSEN: Annually. So --

MS. ROZIC: And that doesn't preclude someone from doing it more than ann -- or sooner than annually. But at minimum, we expect the hospital to be reporting on an annual basis so that, again, consumers have full transparency of what services are where.

MR. JENSEN: So if DOH sets the regulation that the reporting date is May 1st, and so every hospital, if they do have one of these policy-based exclusions, would have to report by May 1st. But on August 13th, Anywhere Memorial Hospital now changes their policy or adds an exclusion. Would they have to submit midcycle or could they wait until the next reporting deadline to supply that information?

MS. ROZIC: Again, at minimum they would have to do it annually, but they could choose to do it sooner than that. And the Department of Health could come and ask them to do it sooner if that's the case, if that is what the Department chooses in their regs.

MR. JENSEN: Okay. Certainly -- and this is -- I -- I don't know the answer to this, and -- and you may not, either. But when DOH is granting -- approving a Certificate of Need for a hospital to operate, is there a discussion with the operator of the facility about any type of policy-based exclusions they are -- they are -- they already may have upon the licensing of the facility?

MS. ROZIC: I've never opened a hospital or started a hospital, so I don't know. But I'm happy to inquire and find out the answer to that.

MR. JENSEN: And -- and nor have I. Although in my debate with our friend from Brooklyn last night, I have talked about Jensen Memorial Hospital as a -- an example, and we didn't -- I didn't have to go through that process for that fictional hospital, either.

So, getting off the -- the specifics of the bill and how it would actually function, don't most New Yorkers, if they're not going to a hospital for an emergency purpose, but they may be going for a prescheduled procedure or their doctor is practicing out of that hospital, wouldn't they already have a preexisting relationship with that hospital and the providers and the policies that that institution has?

MS. ROZIC: In some cases, yes, and in others, no.

MR. JENSEN: Okay. Okay. I thank my colleague for her answers.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. JENSEN: Certainly, I understand and -- and can appreciate the need to have better information about the availability of -- of healthcare access in the State. Although, I do -- I do believe, as I noted towards the end, that I think that the vast majority of New Yorkers, when they are going to a hospital, they already know what type of facility it is; whether it's a religious-based healthcare facility, whether there are specific exclusions that may already be on the books. And they're aware of that either when they are determining which provider they want to be treated by or which hospital they

would want to be treated by.

So I understand the need for information, although I do share some of the concerns about the onerous nature that this would place on the facilities themselves, as well as the Department of Health in having to maintain this sort of database when we have already seen that the DOH has quite a bit of things on their plate. Additionally, I am concerned about -- even though it's not the intent of the legislation, I am concerned about the possibility that certain providers could be targeted based on what services they do and do not provide. And certainly, that -- I would have a concern about that if DOH interprets the text of this legislation differently than the sponsor's intent.

So while I understand and appreciate the sponsor and the reasoning for this, unfortunately this will be something that I think is not something that I'd be able to support.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 540th day.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will generally be in the negative on this

legislation. If there are any affirmative votes, now would be the time to cast them 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.

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 15, Rules Report No. 504, the Clerk will read.

THE CLERK: Assembly No. A06055-A, Rules Report No. 504, Woerner, Yeger, Buttenschon, Zinerman, McDonald, Hawley, DeStefano, Giglio, Shimsky, Griffin. An act to amend the Executive Law, in relation to providing for certain victim statements to be taken at their workplace instead of the police department.

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

An explanation has been requested.

Ms. Woerner.

MS. WOERNER: Thank you, Madam Speaker, and my colleagues.

Law enforcement is too often called to healthcare settings to respond to an assault on one of our healthcare workers. Very frequently, the victim of the assault is instructed that if they want to make a report of the assault, that they need to come to the police station and make that report. At the police station, they can wait several hours while the responding officer -- until the responding officer is available to them. And they report that they feel victimized a second time by having to spend that time sitting in the waiting room of a -- a police station. And the numbers are actually pretty frightening. The *New York Times* recently reported that 55 percent of ER physicians and 70 percent of ER nurses have been physically assaulted in the workplace, most often by patients, and that -- and that more than a third of those resulted in physical injury.

So this bill would allow the victim of second degree assault to be given the opportunity to choose to have that report taken while they are in their workplace, rather than go to the police station, and to report the crime against them in a -- in a more comfortable setting. Why is this important? Because being able -- being able to report to have a record of the -- of the account is an important part of building -- certainly building a case, but also building a -- a pattern of behavior if this happens more than once. And we don't want to discourage the victims from taking the step to report the crime. So this bill is meant to -- to address the -- the shortcomings in the current

policy and procedures.

ACTING SPEAKER HUNTER: Mr. Angelino.

MR. ANGELINO: Thank you, Madam Speaker.

Will the sponsor of the 113th District please yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. WOERNER: I would be delighted to yield.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. ANGELINO: Good morning.

MS. WOERNER: Good morning.

MR. ANGELINO: I -- I've read through all of this, and I've also read through the Executive Law section that's -- that's going to be amended. Can you explain who -- who is this directed at? Is it at the hospital as an employer, or the police officers who respond?

MS. WOERNER: So I would say both. I would certainly hope that the employer would inform their employees that they have the right, should this happen to them. And as I said, the numbers are pretty significant. If you work in a hospital, this is likely to happen to you. That they, the hospital themselves, would inform their employees of what their rights are. But I would also hope that the responding officer would also inform the -- the victim that they have the option and to -- to ask them what -- what their preference would be; to give the -- to immediately give the report or to subsequently go to the station and -- and offer the report.

MR. ANGELINO: I wasn't sure if it was directed

at -- because it sounds like something happened somewhere, and either the hospital as an employer didn't want that happening in the ER or in their workplace, or if it was directed at officers.

MS. WOERNER: You know, I can't speak for all hospitals or for all occasions. What I can say is that the genesis of this bill came from conversations with emergency room nurses at one of my local hospitals. And it was definitely a case that it was the -- the officer who was suggesting to them that if they wanted to make a report they would need to come to the police station. I've subsequently spoken to executives from many of the Upstate hospitals, and when I relay this question to them and -- and ask them if this is what they're experiencing, they're all nodding their heads (demonstrating).

MR. ANGELINO: Okay. I read the section of the Executive Law that's called the Fair Victim Witness, you know, section of the Executive Law, and it's pretty broad and it concerns all district attorneys and police, victims. But this -- this amendment seems oddly specific when we're dealing with the big broad. So who are the victims that we're trying to protect here? Because it just says "victims."

MS. WOERNER: Right. So it's -- it's healthcare workers.

MR. ANGELINO: Okay.

MS. WOERNER: So it is the emergency room nurses, the emergency room doctors, the aides. The volunteers,

perhaps, but mostly it is the -- it is the healthcare worker -- workers themselves.

MR. ANGELINO: Okay. So x-ray technicians?

MS. WOERNER: Absolutely. Respiratory therapists.

MR. ANGELINO: Phlebotomists, whatever.

MS. WOERNER: Yes.

MR. ANGELINO: And just so you know, my wife was -- was an RN for 30-plus years, and she was assaulted in her office when she was a nurse practitioner. A drug-seeking person wanted painkillers and she said Tylenol will do, and that set the person off. So --

MS. WOERNER: I'm sorry. That should not happen to any -- anyone, and it certainly shouldn't happen to our healthcare workers.

MR. ANGELINO: So in the -- in this, another thing that stands out that's oddly specific is Assault Second, which is a D felony. But 642 mentions a whole list of violent crimes. Why is it only assault? Why not robbery? Why not grand larceny?

MS. WOERNER: Well, because we're -- what we're dealing with here are the experiences that our healthcare workers are having in their workplace. And so the Assault 2 category includes, you know, intent to commit physical injury, cause a serious physical injury. It is actually in the -- in the -- in the Penal Law it's actually a pretty strong catchall dealing with the kinds of physical violence that

healthcare workers often face.

MR. ANGELINO: And my curiosity for only assault is because in the instance of my wife, she was pushed against the wall and held there, and the drug seeker, I -- I'm pretty sure, grabbed her prescription pad, and -- which is a robbery.

MS. WOERNER: True.

MR. ANGELINO: But that wouldn't be covered under this.

MS. WOERNER: No, but perhaps that's another bill we could do together next year.

MR. ANGELINO: Okay. The -- and I did not look up what the -- the law was on the definition of a healthcare facility. So does this cover a doctor's office, an urgent care clinic?

MS. WOERNER: It is -- the -- the -- an enumerated facility. So it would be an Article 28 facility, which would include a -- clinics, doctors' offices -- no, not -- excuse me, not doctors' offices -- hospitals, nursing homes. And then I also believe it does include physicians' offices, diagnostic and treatment centers.

MR. ANGELINO: And I'm not well-versed in whatever that section of definitions of healthcare facilities. But is that like a -- I -- I saw a nursing home is specific in there. How about a rehab facility?

MS. WOERNER: A rehab -- a rehab facility is a nursing home.

MR. ANGELINO: Okay.

MS. WOERNER: Yes.

MR. ANGELINO: Thank you. We have everything. And I know a lot of dementia patients become assaulted. They never get arrested because they're mentally incompetent --

MS. WOERNER: Right.

MR. ANGELINO: -- for that. But that is a frequent thing that we do.

MS. WOERNER: And I think this is about respecting the victim and -- and making sure that they have an opportunity to tell their story to law enforcement and have a record built of it so that if it is -- if it is a repeat offense, that it rises in the -- in the level of severity.

MR. ANGELINO: The -- this -- again, it doesn't say who. It doesn't say doctor, nurse, x-ray tech. It just says "victim." But what about witnesses in the ER? A lot of times there is another coworker, witnesses, also we'd like to get statements from.

MS. WOERNER: And -- and we would hope that the law enforcement officer would take the opportunity with all of the -- the witnesses available to them in the facility to -- to do those interviews. But the concern that we're -- that we're focused on is making sure that the victim who has been assaulted in the workplace doesn't feel assaulted a second time or victimized a second time by having to go and spend hours sitting in the waiting room of a police station.

MR. ANGELINO: In the Executive Law section that

you're amending, 642, Section 4, I have it right here, but that requires police and DAs to explain to employers and victims and witnesses how important it is. Doesn't -- doesn't that suffice in the prosecution portion that that's already in there? That's why I said this is oddly specific to one -- one crime and one person and one workplace, when this is encompassing all. Why do we need to single this one workplace out?

MS. WOERNER: Because 70 percent of ER nurses and 55 percent of ER physicians across the State are experiencing this kind of workplace violence. So I would say that when the frequency of this kind of workplace violence rises to that level, it's worthy of special consideration.

MR. ANGELINO: I -- I know liquor stores are in the same boat when people come in, need their alcohol and don't have their ID or for whatever reason. But there -- there's another workplace that experiences high assault and confrontation.

MS. WOERNER: And -- and again, a great idea. I'm happy to work with you on a bill like that next year.

MR. ANGELINO: No, bad idea. We don't need to keep singling out individual special interests. The --

MS. WOERNER: I would just say that I don't think healthcare workers are a special interest.

MR. ANGELINO: The -- so hospitals are a static location. They don't move. Same with doctors' offices, all these. They're a building someplace.

MS. WOERNER: Yes.

MR. ANGELINO: And they're definitely within somebody's jurisdiction of law enforcement.

MS. WOERNER: Yes.

MR. ANGELINO: Have you talked to any law enforcement or district attorneys about this?

MS. WOERNER: I have not.

MR. ANGELINO: Because this seems better suited that a static hospital in the City of Norwich is policed by the City of Norwich Police Department where an ER director, or ED they call them now, emergency department director, or even the hospital president could reach out to a law enforcement executive and say, *We need to do this.* Do we need to create a law Statewide for every hospital and every police agency?

MS. WOERNER: I would say that there are a lot of things that from a commonsense perspective could be handled without a law, but yet, they don't get handled without a law. And so just like all the other ones that we do, this is a way to say, *Here's how it should work, and here's how we want it to work. And so this is the way you're gonna do it.*

MR. ANGELINO: Okay. So we have to create a law for this.

MS. WOERNER: I would -- I would prefer that we didn't have to, but I think it's -- given the fact that this is happening so frequently and from the conversations I've had with healthcare facility

executives, it's happening -- the -- the issue of the victims having to go to law enforcement to make the report is happening frequently enough that we -- we need to make sure that we establish the rules.

MR. ANGELINO: And that's why you should have contacted New York State Association of Chiefs of Police. Mr. Phelan, I'm sure, would send out an e-blast to everybody saying, *Look it, if we don't start doing this they're gonna create a law. Just, you know, be user-friendly.* And we have a pretty good network of -- of communicating amongst agencies. But you said you didn't contact anybody, just -- just the nurses?

MS. WOERNER: Just the hospitals.

MR. ANGELINO: Okay. Well, it takes two, and we could have maybe avoided all of this.

What if -- and I see it says "may" for victims and it says "shall" for police. So it's up to the victim. Because some of these victims want to go on overtime and say, *At the end of my shift I will go in and do the statement.*

MS. WOERNER: And perhaps they do. The -- the requirement is that the police officers say, *You have the option. Would you like me to take your statement here or would you rather do it at the end of your shift, or whenever, at the police station.* That is the -- that is the complete requirement that we're asking law enforcement to do; simply say, *You have the option. You're the victim. You have the option. Which would you prefer to do?* It seems like a pretty small ask if you --

MR. ANGELINO: Oh, there's -- there's plenty of those in the Executive Law that require police to advise and there's a long list of those. And this is just one more that will add to it. But it's situational and they adapt and they know, *Okay, I'm going into a hospital, I have to do this now.* But it could have been avoided. You know, it sounds like one cop and one nurse someplace got into a spat.

MS. WOERNER: I -- I'm sorry you characterize it that way. I can assure you it was not a single individual who had this problem.

MR. ANGELINO: Okay.

And victim is not defined. So it could be anybody.

MS. WOERNER: Yes. A victim could be anybody, but it is directed at healthcare workers.

(Conferencing)

MR. ANGELINO: And do you want to follow up?

MS. WOERNER: It is very specific in here as to who the victim is. It is a -- it is at their workplace, provided the workplace is the scene of the assault, and is a hospital, emergency facility, nursing home or residential care facility as defined in this section is a -- or a facility or hospital defined in Mental Hygiene Law. So they have to be working --

MR. ANGELINO: Right.

MS. WOERNER: -- in one of those facilities.

MR. ANGELINO: Okay. So what about the two maintenance guys at a nursing home who get into a fight over who's

using whose DeWalt battery and it comes to blows? They're victims, they're in that workplace, and he was assaulted and it's Second Degree. So it covers these people, too, correct?

MS. WOERNER: Yes. It would cover those people, too.

MR. ANGELINO: Okay.

MS. WOERNER: Again, I go back to 70 percent of the ER nurses and 55 percent of ER doctors are being assaulted in their workplace. Don't you think that that is an important enough problem that we should put some focus on it?

MR. ANGELINO: I think if it was that important we would have contacted law enforcement agencies to explain this and show them the statistics. And you probably would have got willful compliance instead of this. But I do know 100 percent of law enforcement calls are always different. And when you start getting specificity in here, it -- it doesn't fit. And that's why I gave the example of the two maintenance workers in a nursing home, because I'm sure that's happened someplace and could be happening now.

Assault, Second. D felony. Pretty serious. I don't know what the sentencing is on that, but it's a felony and it's not the lowest, Class E. So it's a D felony. And all of the evidence will be scrutinized in that. So what you're gonna have is a handwritten statement taken in an ER in place of a typewritten statement, you know, using a printer in a police station. Which do you think is gonna get picked apart the most if this comes to trial?

MS. WOERNER: Well, I'm old enough to have predated computers. And I'm gonna say that law enforcement did a good job before computers, and I would feel like it's probably pretty true they'll do a good job whether it's handwritten notes or whether it's typewritten notes.

MR. ANGELINO: I -- I, too, started with pen and pencil and wrote tickets and statements.

I was -- like I said, I was just a little concerned about victim wasn't defined. We know because we're standing here talking about it. It's nurses, healthcare workers and things like that. But it just says "victim" and that's big and broad and I was concerned about that.

But I thank you so much. And I know all of the nurses and healthcare workers really appreciate this. It's an option for them, and -- yes. Yes, I did that. Thank you. But I -- I appreciate this. Thank you very much.

MS. WOERNER: Thank you.

MR. ANGELINO: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. ANGELINO: So if people are listening, I -- I tried to speak slowly today because I'm a little tired. Probably the only one who noticed was our stenographer and I know they appreciate it.

But this is a case that would probably have been better suited to be handled locally, case-by-case. As I said and as the

sponsor told me, no law enforcement agency was contacted about the staggering numbers of assaults. I know it. Every police department with a hospital in their jurisdiction, I guarantee you, has a working relationship especially with the emergency department because there's usually a police car there either working or they're spending time there because they know there's free coffee there. There's already a working relationship that could have been just asked. And the Association of Police Chiefs [sic] or DCJS through the accreditation process could have dictated this in the accreditation portion. We don't need to create a law that says "shall" when it's directing police officers to do something, even though it's commonsense. All you have to do is ask.

You know, I -- I fear that now other special interest groups and other employee groups or unions will start saying, *What about liquor stores? What about retail? What about Walmart and all of these people?* I guarantee you, officers are trying to be as efficient as possible. Some agencies are very busy. They will go there, make sure every -- there's -- whatever the threat is has stopped. But a Class D felony deserves the attention that a Class D felony sentence will provide. And a typewritten statement with detail at a police station with photograph equipment and other forensic evidence gathering is much better than trying to do it in a busy emergency room, even if it's off -- and I've done it before. You go to the med room where it's quiet and you can close the door and take a handwritten statement. We've done it. We'll do whichever is best. And the victim always dictates what is best. We don't demand anything. There are busy agencies

that say, *I have to go to the next call. Can you come to the station when we're done?* And generally, an ER nurse or doctor understands that. The -- and in Executive Law Section 642, sub 4, it already districts police officers and district attorneys and employers to work for the best interest of victims and witnesses. So this just adds a -- a very specific portion of Section 642 of this law.

You know, in my experience, and I've had a lot in this situation, people at a crime scene are usually excited, hyped up, and want everything done to the fullest extent of the law. And we'll go through all of that work and we'll -- we'll take the statement and we'll gather the evidence. But then at the end of the workday they contact us and say, *You know, I was talking about this with my boss or I was talking about it and I really don't want to do this now, and can we just drop it?* So sometimes that time lag is helpful for people to clear their minds. And I don't know what the statistics are on that, but it happens often enough that I remember it.

So I urge my colleagues to realize that this is -- this is well-intended, but it's forcing something to happen that doesn't really need to have a law created.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Reilly.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MS. WOERNER: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. REILLY: Thank you, Ms. Woerner. So when reading the bill it's saying assault. Was there a specific incident that the actual assault was committed and the report wasn't taken?

MS. WOERNER: So as I said, the genesis of this was a series of conversations with emergency room nurses at a local hospital. Big roundtable conversation about what's happening in the workplace. They're talking about many stories of assault; assault by patients, assaults by family members who are frustrated. A lot of different scenarios of what gave rise to the assault. But the -- one of the themes that came out of that conversation was that they felt as victims that the requirement they were -- that they were hearing from law enforcement that they come to the station to give their report, that they have to wait in the station until the responding officer is free -- because they can't just give it to anybody, it has to be the responding officer -- that that re-victimized them. So it wasn't a single experience, it was repeated many times across this room. I subsequently spoke to a group of hospital CEOs, related that conversation. And around the table they all acknowledged that that's what's happening in their hospitals as well.

MR. REILLY: Okay. So in the -- in the language of the bill it says -- of course, reiterating what was on the prior debate -- it says law enforcement "shall", right? So it means they have to tell

them. Is there a penalty for not disclosing that?

MS. WOERNER: No. There's no penalty.

MR. REILLY: All right. Who's gonna monitor that?

MS. WOERNER: Well, I would -- I would -- I would hope in the leadership in the law enforcement agency and the leadership in the hospital would both be aware of that obligation, and if it -- if it fails to be -- the officer fails to provide that advice that somebody will call them on it.

MR. REILLY: Without highlighting one specific agency or -- or hospital, in -- in your opinion, with the -- with your discussion with the roundtables, with the CEOs and the -- the hospital workers, do you think there's, like, one specific agency that this was an issue with?

MS. WOERNER: No.

MR. REILLY: There was multiple juris -- multiple jurisdictions?

MS. WOERNER: Yes.

MR. REILLY: Okay. So when they define -- so the reason why I led with the was it a confirmed assault, right, is oftentimes there's an incident where someone, the layperson says, *I was assaulted*, right? But under the definition of assault, there has to be physical injury or pain. And if they don't have that physical injury, it would be harassment. And under the law -- under Penal Law, police officers have to witness harassment to effect a summary arrest or issue a ticket, a violation, right? A criminal court summons. So if that

didn't -- if it didn't happen in the presence of the police officer and what they're being described as an assault, truly is defined as harassment, would this be covered under this legislation?

MS. WOERNER: It is the -- it's when the officers have reason to believe that the victim was assaulted. And I would also say that the Assault 2 statute includes intent to cause physical harm.

MR. REILLY: So they would take an attempted -- attempted assault report.

MS. WOERNER: Assault 2 for -- for healthcare workers includes intent.

MR. REILLY: No, no, I -- I -- I understand what -- what it is. But you would want them to take -- so if they don't have physical injury they would take a report for attempted assault?

MS. WOERNER: I guess so, yeah.

MR. REILLY: All right. Thank you.

MS. WOERNER: Thank you.

MR. REILLY: On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. REILLY: So the reason why I raised that issue -- and my colleague who was debating earlier mentioned something about having this pertain to the entire State. When we look at police departments throughout the State, he was correct in saying that some are a lot busier than others. So I want to just give you a brief scenario that can happen. Bellevue Hospital in Manhattan. Tremendously busy. 13th Precinct covers it. Radio runs all day long. Not

necessarily all serious crimes, but they still have to respond to them. Audible alarms, calls of assaults. Possible fake calls of shots fired. Possible real calls of shots fired. They respond to the call of an assault at Bellevue Hospital. The nurse says she was assaulted. They start talking to the nurse and they determine that -- so (indiscernible) Adam from the 13th Precinct responds. They're holding 25 jobs on the queue. There's five sectors in the 13th Precinct. They're all handling five jobs at a time. So now they go there, they interview the nurse. Turns out she was slapped in the face. There's no physical injury. Technically, under the Penal Law, it's an assault -- I mean, it's a harassment, not an assault. She's saying that she was assaulted. Normal everyday people characterize that as an assault. But it's not truly an assault under the law. Police officers knowing that they are backlogged, holding jobs, will often say, *All right, listen. I didn't see it. There can't be an arrest on it. Please go to the precinct, file the report. We have to go. We're holding jobs.* That's the reality that happens every single day. I lived it. I know it. Could it possibly be like, *Hey, let me scratch out this report. I'll do the harassment report. I'll hand it in at the end of the tour.* That's what we used to do. Two minutes it takes to scratch out the report. Everybody's happy, that's it. If it's truly an assault, the report would be taken there.

I think that the reason why the sponsor feels that the need for this legislation is there is for a reason that's specific to one incident involving departments in the area. Yes, that communication to those departments to clarify that we could fix this without this is

possible. But I want you to know when we think about that piece about "shall", if we tell the victims that we have to take the report here if it's a real assault and say it's -- they need them to come back to the precinct. The question I have is if the further investigation requires that, if the victim says no because they know about this law, we're now going to commit -- we're gonna now create more friction between the police officers that are responding and trying to conduct that investigation and the victim. And possibly the administrators for the hospital. So there's a way that we can get to a point where this should be common sense. And I'm hoping that some of those law enforcement agencies may actually hear our debate here and realize, Oh, we should have fixed this. We can correct this. But, I just wanted to give you a little take on how things happen on the street, how the law, how common folk, individuals in the public, define assault. But police officers know that an assault has to have a certain criteria; otherwise, it's just harassment. So, Madam Speaker, thank you for giving me the time.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The

Republican Conference will generally be in the negative on this piece of legislation, but if there are members that wish to vote yes, they may do so now at their seats. Thank you so much.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Thank you.

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 heard one of our colleagues express that some would be extremely busy as it relates to law enforcement, but I just think back some years ago when we were faced with a pandemic in this nation and the State of New York. While a number of us were able to be confined to our households, it was these nurses, these doctors, those in the emergency rooms, those in a nursing facilities across the State that were on the front line and put in harm's way and day to day they're often put in harm's way. And I think it's our responsibility as legislators to do what's in the best -- best interest and protect these members of our community. So, again, I want to

commend the sponsor and I will be in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Meeks in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. So, with this bill, I -- you know, I have a great deal of respect for nurses. I have a family member, my sister's a nurse and has worked for a number of years in that field. I just -- I just feel like this bill, kind of going along with the debate that we had on the bill, I think that it's -- it's a little too mandatory for my taste. I think that probably a lot of police departments are already working with nurses and other professionals like that to take their statements. I think that -- I think that the way that the law is right now is sufficient and I don't think that there's the real need to change it, but I say that with great respect for the work that's being done. There are lots of people that need to file police reports who are busy, who are essential and I just think that if we start kind of along this path, I think that, you know, it -- I think it's kind of a little bit of a slippery slope. So, I'm gonna vote in the negative -- I'm gonna vote in the negative. Thank you.

ACTING SPEAKER HUNTER: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 149, the Clerk read.

THE CLERK: Assembly No. A02093-C, Rules Report -- Calendar No. 149, Fall, Cunningham, Bores, Santabarbara, Alvarez. An act to amend the General Business Law, in relation to enacting the "Consumer Protection and Automotive Transparency Act."

ACTING SPEAKER HUNTER: An explanation's been requested.

Mr. Fall.

MR. FALL: This legislation aims to mandate transparency in automotive labeling, specifically focusing on the accurate disclosure of materials used in the interiors of automobiles. This bill seeks to prevent deceptive marketing practices that mislead consumers about the composition of seating surfaces, steering wheels and gears, shifters in the automotive industry. It's all about protecting and informing consumers.

ACTING SPEAKER HUNTER: Mr. Gandolfo.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. FALL: I yield.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: Thank you. So, first, when we say labeling, does that involve a physical label inside the vehicle?

MR. FALL: No.

MR. GANDOLFO: Okay.

MR. FALL: It would just only be on the marketing material, including the manual of the vehicle.

MR. GANDOLFO: Okay. So, marking materials. Would that be on -- if you go to the manufacturer's website, go to the particular model and you're looking at your interior options, this is where that would apply?

MR. FALL: That is correct.

MR. GANDOLFO: Okay. What about on flyers, brochures, same thing?

MR. FALL: Correct.

MR. GANDOLFO: Okay. What about on the dealer side? If a dealership has any flyers that go about maybe a promotion they're running with certain packages. Would they have to also follow -- if they wouldn't normally disclose the materials of the model they're offering, would they now have to fit that on there?

MR. FALL: Under this legislation, they would have to move forward.

MR. GANDOLFO: Okay. Now, in terms of preventing, I guess, misleading, as we're saying, materials, advertising of those materials. So, if a manufacturer offers a package and says, this is a leather interior, that has to be, I guess real, authentic leather; it can't be a vinyl PDC kind of material?

MR. FALL: Correct. That has to be very clear. So, for instance, if they are saying that there's leather in the vehicle, there

has to be leather when it relates to the steering wheels, the seats, or any interactive surfaces.

MR. GANDOLFO: Okay. And would -- would that apply to -- because there's certain leather products, like bonded leather, many people wouldn't necessarily consider that leather leather, it's kind of pressed together. Would that fall under the -- would they be able to advertise that as a leather interior?

MR. FALL: They would have to disclose --

MR. GANDOLFO: They would have to say bonded leather?

MR. FALL: Yes.

MR. GANDOLFO: Okay. And now vegan leather, which to me is a misleading term in itself - I'm not entirely sure what it's actually made out of, so they would have to specifically say this is vegan leather?

MR. FALL: Correct.

MR. GANDOLFO: Do they have to go further and say what the composition of that particular material is?

MR. FALL: I believe that is spelled out, but they would have to list out the percentage as they're marketing it.

MR. GANDOLFO: Okay. So, there's no labeling that goes -- you might have answered this, I think you did, but I just want to clarify for myself, there's no physical label that would go on any surface of the vehicle itself, like you'd find in your shirt or in -- in a pair of pants where it says, you know, 58 percent cotton. This is

strictly on the website and the marketing materials?

MR. FALL: That is correct, yes.

MR. GANDOLFO: Okay. Okay, you answered all of my questions. I appreciate that. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. FALL: I yield.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Fall. Where did -- I'm just curious, where did this legislation come from? What's the genesis behind it?

MR. FALL: Yeah. So there has been issues in the past, and there are two examples I can cite, where you had a situation where a Mercedes-Benz was advertising that they had Article Leather in their vehicles, but it was, in fact, genuine leather. We all know Article Leather is manmade - it's artificial, it's not real leather. Okay. However, they had real leather on the seating material, but not on the interactive surfaces. All right, so that's just one example. And then you had another situation where a Toyota, you know, said that they were using genuine leather, but, in fact, it was either partial or faux leather. So this bill would clarify that so consumers aren't misled.

MR. PALMESANO: So have there been any complaints filed with the Attorney General under the General Business Law 350 for false advertising? I know that's in statute. Have -- have there been any complaints filed under that law in regards to this that you're aware of?

MR. FALL: Not that I'm aware of.

MR. PALMESANO: Okay. Can you cite any data or documented cases where consumers may have suffered actual financial harm or -- as a result of possible mislabeled automotive materials?

(Conferencing)

MR. FALL: Yeah, so, no data available.

MR. PALMESANO: Okay. So I know the manufacturers, they already disclose much of this information in their manuals and websites. So that's enough to address this? I mean, are you saying they don't put it -- this information in their data on websites?

MR. FALL: No, it's -- this just makes it very clear on the type of materials that the manufacturers use when it comes to interactive surfaces within the vehicle. That's all it is. Just making it very transparent.

MR. PALMESANO: Okay. Have you had an estimated cost to auto manufacturers that may be complying with this -- this labeling and marketing materials where these -- what the cost would be and when that ought to be passed onto the consumer with

the higher vehicle purchase?

MR. FALL: Yeah. So when this bill will go into effect, I believe a year after it's passed and so, it will give the manufacturers enough time to update whatever marketing material that they would need to update. Originally, the bill was to take effect immediately. But this is one of those things that we took into account when we made the change.

MR. PALMESANO: All right. Is this alleged marketing -- misleading marketing, is it occurring at the manufacturer level, and/or the dealer level, or both?

MR. FALL: Both.

MR. PALMESANO: All right. So it applies to both but the penalties only apply to the manufacturers, correct? But not the dealer?

MR. FALL: That -- that is correct. It's on a manufacturer level.

MR. PALMESANO: All right. So if the manufacturer is complying and maybe the dealer put something out, if they violated what you're trying to do here, they would not be liable from that perspective; is that correct?

MR. FALL: Liability would be on the manufacturer.

MR. PALMESANO: So even if the manufacturer is moving along -- say -- say the manufacturers puts it in the material and say the dealer might -- they might say, we have the sale on this vehicle, it's all -- it's leather, this, that, now they wouldn't -- that --

there wouldn't be no responsibility on the dealer; it would just be on the manufacturer, even if the dealer is putting out material? How would that work?

MR. FALL: I think that's something we have to look at, for sure.

MR. PALMESANO: What's that?

MR. FALL: We have to look at that piece.

MR. PALMESANO: Okay. Also, obviously auto sales, they happen nationwide. So this is only gonna affect New York. How would this State level regulation interact with existing Federal consumer protections and label laws under the FTC, Federal Trade Commission? Isn't that kind of contradictory as far as what we have as a Federal law and Federal Consumer laws with this bill? Wouldn't that be a kinda contradiction and if it's just for New York, isn't that going to add a cost, or I mean, because they just have to do it for New York; they're gonna have to change their manuals for New York. If they don't want to change it for all the 49 other states, how would that work?

MR. FALL: So, again, I mentioned this bill will take one year into effect -- for it to be into effect, so they will have time to comply with the law. It's not going into effect immediately.

MR. PALMESANO: All right. And I -- I see when I was reading, that you can't use terms like leather, but you'd have to use faux leather and vegan leather; is that right?

MR. FALL: That's correct.

MR. PALMESANO: And -- and I apologize, I should know this. I've heard of vegan diets, but what is -- what exactly is vegan leather? Just -- I'm -- just out of curiosity.

(Conferencing)

MR. FALL: Yeah. So if you look at the bill, I think on page --

MR. PALMESANO: Page 2?

MR. FALL: Page 2 --

MR. PALMESANO: Yep. At the bottom.

MR. FALL: Lines 30 -- what was it? Lines 17-26, I would say. You know, it's very clear what the definition of leather is, plastic, and -- or fabric, right? And so pretty much if a manufacturer is gonna use those terms, they would have to put that in their manual or any marketing material.

MR. PALMESANO: All right. So, again, just to confirm though, 49 other states, they don't have this. So, they -- they have their manuals and they (indiscernible) for their vehicles, now they're gonna have to change all their manuals for the entire country? Or are they just gonna have to change the manuals for New York?

MR. FALL: Well, you know, New York's the greatest state, so, you know, I guess they're going to have to follow suit once we do this.

MR. PALMESANO: I appreciate your enthusiasm for New York. I wish our businesses and people leaving had the same enthusiasm.

You know, I guess my question too, I mean, we're facing an affordability crisis in this State. Is it really what the State Legislature -- this -- the focus on this kind of taking away from the affordability crisis? I mean, you know, the push for EVs and things like that are -- isn't that kind of a distraction from this?

MR. FALL: No, I don't think it is. I think this is about just protecting and informing consumers so when a consumer is going to purchase the vehicle, you know, they're well aware of what they're getting ready to purchase, right? Very similar to you're going to buy a dress shirt and you're looking for 100 percent cotton dress shirt, you want to make sure that dress shirt is 100 percent cotton, right? So very similar in terms of buying a vehicle with the appropriate materials that you're -- you're looking for.

MR. PALMESANO: Sure. All right. Thank you, Mr. Fall, for your time. I appreciate it.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: You know, I believe, you know, on the surface, this bill may sound harmless, may actually even seem helpful, but I think when you dig a little deeper, it just adds unnecessary bureaucracy, burdensome regulations and costs, they will all be passed on to consumers with higher prices at a time when we already have an affordability crisis in the State of New York. I think this legislation is really an attempt to micromanage our auto -- automakers on labeling and using terms like vegan leather, or faux

leather. And our manufacturers, let's be clear, our manufacturers in the State of New York already are on a robust Federal consumer protection laws. I don't understand why this is necessary, because, you know, obviously they sell auto -- autos across the country. So you have that conflicting with the Federal protection laws, I think the Federal Government is clear enough. I just think this is really just going to, you know, increase compliance costs that fall on the consumer. So just to kind of sum up, you know, those points, I believe this is really just a govern -- government overreach into the private sector. It will increase costs and that will be passed on to our consumers. It seems like this is really a solution in search of a problem. I think it also - and we can get into those terms like vegan leather or faux leather - it can create some opportunities for frivolous law -- lawsuits. I think it also distracts from the real safety and concerns most New York consumers are facing. Instead of focusing on auto safety, auto affordability, insurance reform, this bill is prioritizing vegan leather or faux leather. I think we can go on and on about this, where the problems are we talked about. I just think this is just going to be another burden on our manufacturers. It's not necessary because the Federal Government already has strong consumer protection laws and I just think, for a host of other reasons, although I do appreciate my friend's support for the bill and his enthusiasm, I think his intentions are in the right place. I just think ultimately this bill will create more problems, more confusion and more cost for the consumers at a time that they don't need higher costs

given the state is in an affordability crisis right now. So, I thank the sponsor for his time and his passion for the bill, but, Madam Speaker, on this bill, I will be voting in the negative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This bill 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, colleagues have on their desks an A-Calendar. I'd like to move to advance that Calendar.

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

MRS. PEOPLES-STOKES: If we could begin by taking it up immediately. Thank you, ma'am.

ACTING SPEAKER HUNTER: On consent, page 3, Rules Report No. 596, the Clerk will read.

THE CLERK: Assembly No. A00422, Rules Report No. 596, Tague. An act to amend the Tax Law, in relation to the

occupancy tax in the Village of Catskill.

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

Read the last section.

THE CLERK: This bill [sic] 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. A00423, Rules Report No. 597, Tague. An act to amend the Tax Law, in relation to the occupancy tax in the Village of Coxsackie.

ACTING SPEAKER HUNTER: Mrs. Peoples-Stokes for the purpose of an introduction.

MRS. PEOPLES-STOKES: Thank you so much, Madam Speaker, for the opportunity to interrupt our proceedings very briefly to introduce a good friend of Erie County. And so, on behalf of Ms. McMahon, myself and all members of Erie County, I would like to offer the cordialities of the floor and welcome to our Chambers, Angela Marinucci. She is the Chief Operating Officer of the Buffalo and Erie County Public Library and she's also a member

of the Town of Amherst Board. Clearly, she's a public servant. She works really hard for us and I'm happy that she's here. I hope you will give her all the cordialities of the floor. Thank you.

ACTING SPEAKER HUNTER: On behalf of Mrs. Peoples-Stokes, Ms. McMahon, the Speaker and all members, we welcome you to the Chamber and extend the privileges of the floor to you. Thank you for your public service to your community. We hope you enjoy the proceedings today. Thank you so very much for joining us.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A00423, Rules Report No. 597, Tague. An act to amend the Tax Law, in relation to the occupancy tax in the Village of Coxsackie.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A00673-A, Rules Report No. 598, Cruz, Bores, Rosenthal, Kelles, Jackson. An act to amend the Criminal Procedure Law, in relation to facilitating appellate review of rulings that implicate issues of public concern.

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

THE CLERK: Assembly No. A00761-C, Rules Report No. 599, R. Carroll, Jones. An act to amend the Education Law, in relation to reducing tuition rates for certain Olympic athletes.

ACTING SPEAKER HUNTER: Read the last section.

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

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. A00785-A, Rules Report No. 600, Solages, Sayegh, Davila, Palmesano, Zaccaro, Cruz, Taylor, O'Pharrow, Cunningham, Buttenschon, Kelles, Giglio, Maher, McMahon, Anderson, Kassay, Torres, Dais, Bores, Shimsky, Ra, Slater, Gandolfo, McDonough, Durso, K. Brown, Lunsford, Rosenthal, Destefano, Reyes, Levenberg, Mikulin, Otis,

González-Rojas. An act to amend the Education Law, in relation to requiring schools safety plans to include a cardiac emergency response plan.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 180th 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. A00789, Rules Report No. 601, Bendett. An act in relation to authorizing Justin Finkle to take the competitive Civil Service Examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Albany County Sheriff's Office.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A00953-B, Rules

Report No. 602 was previously amended and is high.

Assembly No. A01464-A, Rules Report No. 603,

Paulin, Seawright, Lupardo. An act to amend the Public Health Law and the Insurance Law, in relation to promoting efficient and effective oversight of continuing care retirement communities; and to repeal certain provisions of such law relating thereto.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01886, Rules Report No. 604, Rosenthal, Raga, Taylor, Burdick. An act to amend the Administrative Code of the City of New York, the Emergency Tenant

Protection Act of nineteen seventy-four and the Emergency Housing Rent Control Law, in relation to inspection of major capital improvements for which rent increases are requested and in relation to extending the provisions of the Rent Stabilization Law.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A02643-A, Rules Report No. 605, Solages, Kay. An act to amend the Education Law, in relation to permitting certain licensed athletic trainers to practice in New York State of they are licensed to practice in another state, territory or country.

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. A02747-A, Rules Report No. 606 was previously amended and is high.

Assembly No. A03307-A, Rules Report No. 607, Bores, Bichotte Hermelyn, Sayegh. An act to amend the Uniform Commercial Code, in relation to addressing emerging technologies.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bores to explain his vote.

MR. BORES: Thank you, Madam Speaker.

The UCC helps to set universal laws that make commercial transactions easier, but it has to be passed state-by-state. New York last updated the model bill from UCC in 2014 and there have been a lot of advances in digital technology, digital currency and this bill brings us up-to-date with where the rest of the states are, to continue to make New York a better state for doing business. It's also because it's changing a lot of background law, by far the longest bill I've ever passed and the longest one I will ever pass and so, I want to give a specific thank you to our staff who have been wonderful in vetting every piece of this. But, it is a simple bill vetted by national groups that help to make New York a more business-friendly State and I proudly vote yes.

ACTING SPEAKER HUNTER: Mr. Bores in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03411-B, Rules Report No. 608 was previously amended and is high.

Assembly No. A03938-B, Rules Report No. 609, Smullen, Beephan, Mikulin, Palmesano, DeStefano, Blumencranz, Tague, Durso, Blankenbush, Sempolinski, Hawley, Brabenec, Morinello, McDonald, Manktelow, Jensen, Dipietro, Walsh, E. Brown, Angelino, Gray, Novakhov, Molitor, Buttenschon, Barclay, Bologna, Slater, Williams, Cruz, Bailey, Chludzinski, K. Brown, Zaccaro, Griffin, Simpson, Woerner, Ramos, McDonough, Cunningham, Seawright, Kassay, Davila, Jones, Smith, Miller, Lupardo, Kay, Paulin, Berger, Romero, Ra, Maher, Chang, Gandolfo, Giglio, Levenberg, Bendett, Brook-Krasny, Gallahan, Pirozzolo, Friend, Lemondes, Yeger, Norber, Hevesi, Otis, Fitzpatrick, P. Carroll, Cook, Hooks, Forrest, Simone, Hyndman, Kelles, Bronson, Colton. An act to amend the Transportation Law, in relation to enacting the "Alexander John Smullen Traffic Safety Memorial Law".

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A03980, Rules Report No. 610, Simpson. An act to amend the Tax Law, in relation to expenditures for Warren County community colleges; and to amend Chapter 368 of the Laws of 2008, amending the Tax Law relating to authorizing the County of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof.

ACTING SPEAKER HUNTER: On a motion by Mr. Simpson, 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. A04006-A, Rules Report No. 611, Gandolfo. An act to amend Chapter 45 of the Laws of 1963 relating to incorporating the Bohemia Volunteer Firemen's Benevolent Association, and providing for its powers and duties, in relation to the use of certain moneys received by such benevolent association and modernization of certain language.

ACTING SPEAKER HUNTER: On a motion by Mr. Gandolfo, 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. 224

THE CLERK: Assembly No. A04127-A, Rules Report No. 612, Stirpe. An act to authorize and direct the Department of Public Service to conduct a study on the deployment of energy interconnection processes into the electrical grid.

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. A04716-C, the bill was previously amended and is high.

Assembly No. A05477-B, Rules Report No. 614, DeStefano. An act authorizing the Town of Brookhaven to alienate certain parklands for use as a recharge basin and to dedicate other lands as replacement parklands.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A05493-B, Rules Report No. 615, Durso, McDonough, DeStefano, K. Brown. An act to amend the Highway Law, in relation to dedicating a portion of the state highway system to Charlie Bunger Sr.

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. A05619-A, Rules Report No. 616, Stern, Levenberg, Kay, Buttenschon, Brabenec, Smullen, Griffin, O'Pharrow, Beephant. An act to amend the Real Property Tax Law, in relation to a real property tax exemption for

surviving spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A06314-A, Rules Report No. 617, Wieder, Woerner, Paulin, Magnarelli, Eichenstein, Taylor, Torres, Kay, Weprin, Wright, Benedetto, Rajkumar, Lavine, Hevesi, Williams, Rozic, Burdick, R. Carroll, Sayegh, Colton, Zaccaro, Yeger, Bores, Levenberg, Kassay, Lunsford, P. Carroll, Eachus, E. Brown. An act to amend the Insurance Law, in relation to ensuring continued access to backdrop devices for patients with cochlear implants.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A06468, Rules Report No. 618, Tannousis. An act to amend Chapter 759 of the Laws of

1973 relating to the transfer of lands to the United States for the establishment of the Gateway National Recreation Area, in relation to the time period in which lands may be conveyed.

ACTING SPEAKER HUNTER: On a motion by Mr. Tannousis, 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. A06480-A, Rules Report No. 619 was previously amended and is high.

Assembly No. A06584-B, Rules Report No. 620, Gallahan. An act to amend the Highway Law, in relation to dedicating a portion of the state highway system to TSgt Kory Wade.

ACTING SPEAKER HUNTER: On a motion by Mr. Gallahan, 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. A06612, Rules Report No. 621, Bronson, Griffin, Shimsky, Colton, Santabarbara. An act to amend the Labor Law, in relation to protecting certain employees from a reduction of wages due to their involvement in the investigation of a violation of a workplace violence protection program.

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

Read the last section.

THE CLERK: This act shall take effect 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. A06660, Rules Report No. 622, Palmesano, Bailey, Sempolinski. An act to amend the Tax Law, in relation to extending the authorization of the County of

Steuben to impose an additional one percent of sales and compensating use taxes.

ACTING SPEAKER HUNTER: On a motion by Mr. Palmesano, 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. A06756, Rules Report No. 623, Kay, Rozic. An act to amend the Retirement and Social Security Law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Orange County.

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.)

Ms. Kay to explain her vote.

MS. KAY: Good afternoon, everyone.

As it stands, our retirement and social security laws are designed so that it is often more prudent for corrections officers in Orange County to retire as soon as they can. This is because, if they die before they retire, their families do not receive their full death benefits. I have sponsored this bill because I do not want corrections officers to have to decide between doing the smart thing for their families and continuing to do important work, especially now when we are facing shortage of -- of corrections officers and particularly with those with experience and institutional knowledge. We need to provide all the incentives we can for these professionals in Orange County to stay on the job. Please join me in passing this bill for the benefit of Orange County and our correction professionals. Thank you.

ACTING SPEAKER HUNTER: Ms. Kay in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06784, Rules Report No. 624, Pheffer Amato, González-Rojas, Rozic. An act to amend the Retirement and Social Security Law, in relation to death benefits for active New York City Transit Authority members.

ACTING SPEAKER HUNTER: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A06842, Rules Report No. 625, Hawley. An act to amend the Tax Law, in relation to extending the expiration of the authorization to the County of Genesee to impose an additional one percent sales and compensating use tax.

ACTING SPEAKER HUNTER: On a motion by Mr. Hawley, 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. A07030, Rules Report No. 626, Miller. An act to amend the Tax Law, in relation to extending the authority of the County of Madison to impose an additional rate of sales and compensating use taxes.

ACTING SPEAKER HUNTER: On a motion by Mr. Miller, 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. A07251, Rules Report No. 627, Molitor. An act to amend the Tax Law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.

ACTING SPEAKER HUNTER: On a motion by Mr. Molitor, 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.

Congratulations, Mr. Molitor, on your first bill.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07264, Rules Report No. 628, Sempolinski. An act to amend the Tax Law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional one and one-half percent sales and compensating use taxes.

ACTING SPEAKER HUNTER: On a motion by Mr. Sempolinski, 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. A07446, Rules Report No. 629, Brabenec. An act to amend the Tax Law, in relation to authorizing the County of Rockland to impose an additional rate of sales and compensating use taxes.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A07512, Rules Report No. 630, Jones, Clark, Schiavoni. An act to amend the Vehicle and Traffic Law and the Real Property Law, in relation to manufactured home certificates of title, and the conveyance and encumbrance of manufactured homes as real property.

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

Read the last section.

THE CLERK: This act shall take effect on -- effect

on the 365th 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. A07740, Rules Report No. 631, Lemondes. An act to amend the Tax Law, in relation to extending the authorization of the County of Cayuga to impose an additional one percent of sales and compensating use taxes.

ACTING SPEAKER HUNTER: On a motion by Mr. Lemondes, 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. A07770, Rules Report No. 632, Torres. An act to amend the Labor Law, in relation to requiring the Commissioner of Labor to prepare an annual report on

the cost of living, poverty rates and adequacy of the current minimum wage in the State.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A07843-B, Rules Report No. 633, Slater, Morinello, Smullen, McDonough. An act to amend the Highway Law, in relation to dedicating a portion of the state highway system to Jake Arcara.

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. Ra to explain his vote.

MR. RA: Thank you, Madam Speaker.

Just quickly, on behalf of our -- our colleague, Mr. Slater, who we -- we are thinking about and glad to see him on the Zoom and on the mend.

(Applause)

But -- but, given -- given the significance of this bill, I did want to mention on his behalf the -- the person who this highway would be dedicated to, named Jake Arcara, was a highway maintenance worker who was tragically killed on the job by a motorist who spread -- who speed through a construction zone. So, this is

remembering him and should be a reminder about the dangers that so many of our highway maintenance workers face when they're on construction jobs and a reminder to all of us to -- to slow down, pull over, to make it so that we don't have more workers that are injured or -- or tragically killed like this individual was. Happy to cast my vote in the affirmative and sending my best to my friend Mr. Slater.

ACTING SPEAKER HUNTER: Mr. Ra in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08029-A, Rules Report No. 634, Shimsky. An act to amend the Vehicle and Traffic Law, in relation to the operation of traffic-control signal photo violation-monitoring devices in certain intersections in the County of Westchester.

ACTING SPEAKER HUNTER: On a motion by Ms. Shimsky, 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. A08142-A, Rules

Report No. 635, Burdick. An act to amend Chapter 405 of the Laws of 2011, relating to authorizing the lease of lands located at the State University of New York at Purchase, in relation to the permitted use of proceeds from the lease of such lands.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A08237-B, Rules Report No. 636, Slater. An act to amend the Highway Law, in relation to dedicating a portion of the state highway system to Westchester Purple Heart Recipients.

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. A08305, Rules Report No. 637, Berger, Hevesi. An act to amend the Civil Practice Law and Rules, in relation to expenses in matrimonial actions.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 60th 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. A08594, Rules Report No. 638, P. Carroll. An act to amend the General Business Law, in relation to used motor vehicles.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A08702, Rules Report

No. 639, Rosenthal. An act to amend subpart A of part BB of Chapter 56 of the Laws of 2021 relating to establishing a COVID-19 Emergency Rental Assistance Program and amending the State Finance Law relating to establishing a COVID-19 Emergency Rental Municipal Corporation Allocation Fund, in relation to extending the effectiveness of certain provisions thereof.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A08784, Rules Report No. 640, Barrett. An act to amend Chapter 465 of the Laws of 2016, amending the Tax Law relating to authorizing the City of Hudson to impose hotel and motel taxes, in relation to extending the effectiveness 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. A08801, Rules Report No. 641, Pheffer Amato. An act to amend the Retirement and Social

Security Law, in relation to eligibility for retirement benefits for certain members of the unified court system.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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 we could please go backwards and take up Rules Report No. 609 by Mr. Smullen.

ACTING SPEAKER HUNTER: Page 5, Rules Report No. 609, the Clerk will read.

THE CLERK: Assembly No. A03938-B, Rules Report No. 609, Smullen, Beephan, Mikulin, Palmesano, DeStefano, Blumencranz, Tague, Durso, Blankenbush, Sempolinski, Hawley, Brabenec, Morinello, McDonald, Manktelow, Jensen, DiPietro, Walsh, E. Brown, Angelino, Gray, Novakhov, Molitor, Buttenschon, Barclay, Bologna, Slater, Williams, Cruz, Bailey, Chludzinski, K.

Brown, Zaccaro, Griffin, Simpson, Woerner, Ramos, McDonough, Cunningham, Seawright, Kassay, Davila, Jones, Smith, Miller, Lupardo, Kay, Paulin, Berger, Romero, Ra, Maher, Chang, Gandolfo, Giglio, Levenberg, Bendett, Brook-Krasny, Gallahan, Pirozzolo, Friend, Lemondes, Yeger, Norber, Hevesi, Otis, Fitzpatrick, P. Carroll, Cook, Hooks, Forrest, Simone, Hyndman, Kelles, Bronson, Colton. An act to amend the Transportation Law, in relation to enacting the "Alexander John Smullen Traffic Safety Memorial Law".

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Smullen to explain his vote.

MR. SMULLEN: Thank you, Madam Speaker, to explain my vote.

The "Alexander John Smullen Traffic Safety Memorial Law" is done with gratitude. First, to the people of the State of New York assembled here for passing this legislation unanimously. And I say thank you to Speaker Heastie for bringing this to the floor in my name and my son's name. I'd also like to thank Minority Leader Will Barclay and Chief-of-Staff Lauren O'Hare for making this is a priority. And Majority Leader Crystal Peoples-Stokes

and the other members of the Donate Life Family here in the Assembly: Phil Palmesano, Yudelka Tapia and others for their support amongst the 77 cosponsors, like my friend Catalina Cruz and Brian Manktelow. This is a good bill, like my son was. It's done in memory of all of those who've been lost on our highways. I hope to help families remember their loved ones, as I loved my son. I thank my colleagues in this Body and my Senate colleague, Pat Fahy, for passing this important legislation in the Senate, hopefully later today. And I ask the Governor to please sign this legislation in the everlasting memory of Alexander John Smullen. May God bless AJ. Thank you, Madam Speaker.

(Applause)

ACTING SPEAKER HUNTER: Mr. Smullen in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I want to honor my colleagues. We've actually gotten through quite a bit of floor work here today, but we have a lot more to go. And so, I'm going to ask for folks' patience and to stay around so we can get through this quickly. And we're going to go to our debate Calendar and take up Rules Report No. 194 by Mr. Carroll -- R. Carroll, Rules

Report No. 206 by Ms. González-Rojas, Rules Report No. 305 by Ms. Rosenthal, Rules Report No. 315 by Mr. Jacobson, Rules Report No. 411 by Mr. Steck, followed by Rules Report No. 439 by Ms. Tapia. In that order, Madam Speaker. Thank you.

ACTING SPEAKER HUNTER: Thank you. Page 6, Rules Report No. 194, the Clerk will read.

THE CLERK: Assembly No. A00174, Rules Report No. 194, R. Carroll, Anderson, Jackson, Mitaynes, Epstein, Lunsford, Lasher. An act to amend the Real Property Law, in relation to prohibiting rent minimums in mortgages.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Carroll.

MR. R. CARROLL: Thank you, Madam Speaker.

This bill would provide and prohibit -- prohibit any provision in a mortgage that would establish a rent minimum.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

MR. R. CARROLL: Yes.

ACTING SPEAKER HUNTER: Will the sponsor yield? The sponsor yields.

MS. WALSH: Thank you very much.

So this bill is really kind of short. There're just a few lines to it. Seems very simple, but it would have a pretty significant

impact. Can you explain for us first kind of where the genesis of this bill came from? Why you believe that this is an important bill for us to pass.

MR. R. CARROLL: Well, so, Assemblymember Walsh, I was reading *The New York Times*, where all good ideas come from, and there has been -- especially in commercial mortgages, this would be for all mortgages for real property, but where this takes hold is really in commercial mortgages. And oftentimes, the mortgagee requires that there be a minimum amount of rent that is taken, or there is a penalty, or actually, default of that mortgage. And so, in large commercial buildings in Midtown Manhattan, to smaller commercial buildings on main streets oftentimes the mortgagor has a rent minimum and he or she is then required to rent their space at X amount per square foot and this does not allow individual businesses to make decisions in realtime, in ways to get new tenants and to be dynamic. And so this is a pro-small business, pro-business bill and it would make sure that rent minimums are no longer allowed in mortgage contracts in New York State.

MS. WALSH: Well, why are rent minimums put in there to begin with?

MR. R. CARROLL: I -- I think that oftentimes I think mortgagees are looking to be very conservative in the way they decide to lend money. That being said, they have many tools at their disposal to make sure that the mortgages that they write are protected. And so, that -- you know, I think that this is an unnecessary barrier

that stops small businesses and large businesses from making dynamic changes. This became readily apparent during the COVID-19 pandemic when there were lots and lots of vacancies throughout our State in business districts in cities, both big and small, where if these rent minimum provisions were not in the contracts, individual owners of commercial space would have been able to rent out property that they had -- that they had tenants who wanted to -- to lend to.

MS. WALSH: And I noticed in the justification portion of the memorandum in support, you do talk about the COVID-19 pandemic, but here we are in 2025, years after the pandemic, and yet you still believe that a bill that would make changes like this is still warranted and necessary?

MR. R. CARROLL: Rent minimums stop and punish small businesses from being able to go out into the market and actually get tenants to rent space. This does not allow a tenant or -- or a mortgagor suddenly to not pay their mortgage. It doesn't allow them to break the terms of their mortgage. What it does is allows them to go out to the open market and make a business decision that they are close to. And so, I think it was -- it was shown to be an issue during COVID-19, but it is still an issue today and that is why I've introduced the bill and why I hope we pass it here today.

MS. WALSH: What the bill does do, though, is that Statewide -- not just in New York City, but Statewide, what it does is it looks at every single contract and mortgage already executed, recorded and in effect, that contains a provision, like the one that

you're talking about, would be void and unenforceable as against public policy. So, just a few lines in a bill, but it -- it would have both a retroactive and a prospective effect, correct?

MR. R. CARROLL: Look, that is correct, because even though it does not explicitly say that it will retroactively effect mortgages, the fact of the matter is that if we are striking this provision as against public policy, that would have the effect of that. Let me just make this very clear. These are almost exclusively in commercial mortgages and it does not stop. You know, it -- it does not allow the borrower to suddenly not pay their monthly mortgage. What it does is give the mortgagor the ability to figure out how best to use his or her space and how best to collect rent, and that seems like the better way, the person who is closer to it, than having a bank decide to put in a -- a clause that, you know, was boilerplate that they put in every single commercial mortgage and put a number to it and then the actual person who's trying to rent the space is encumbered and can't because they will either automatically default, or they will get a high penalty that would end up causing them probably to default.

MS. WALSH: Couldn't they just go back to the bank and renegotiate that term?

MR. R. CARROLL: You know, I think that maybe if you're, you know, a large financial institution or a law firm in Midtown Manhattan, you might have the sophistication and the ability to do that. But, if you're a small strip mall, you know, on Wolf Road, or you have a small commercial building in Albany, I don't think

you're going to have the power or the ability to do that and that's why we should step in and make sure that stops. So that individual businesspeople can go out and make these decisions and I think there will be zero, you know, added liability to the -- to the mortgagees, to the banks that have written these loans because, of course, you still own -- you still owe all of that money on your mortgage once we pass this.

MS. WALSH: I understand. The United States Constitution has a Contracts Clause in Article 1, Section 10 and that clause says that it prohibits states from enacting laws that impair the obligation of contracts. How is this legislation not running afoul of the Contracts Clause of the U.S. Constitution?

MR. R. CARROLL: I -- I think every day in this House and throughout the years there's good case law that says -- that states when it comes to a matter of public policy, are able to encumber contracts and I think that this is clearly a place where we -- we stand on firm ground to -- to do just that.

MS. WALSH: I appreciate your answers to my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER O'PHARROW: On the bill.

MS. WALSH: While I appreciate the intention -- the good intention of the sponsor of this legislation to try to create better contracts that will help to encourage smaller businesses to be able to locate in commercial areas, I just think that this is not the right way to

go. I -- I don't believe that it is constitutional. I do think that it violates the Contracts Clause and probably it will be tested, I would think, if this does actually pass. From -- from the look that I've given, the Senate has got this bill in Senate Judiciary. We know that they're breaking in a couple of days; we don't even know if this is going to be a two-House situation, or if this is just a bill that's gonna pass this House and just kind of end there for this year. But, you know, I mean, there's no question, because we say it all the time and it's been shown, that New York State has the absolute worst business climate in the entire nation. So, how do we make that better? Is this the way to make it better? I -- I would say, no. I don't think that having the State step in and kind of unilaterally interfere with existing contracts between, I would say, pretty sophisticated individuals. We're not talking about residential contracts; we're talking about commercial contracts. To have the State come in and say, all right, if you -- if you have an existing mortgage that's already executed, it's already been recorded, it's already in effect, we're gonna -- we're gonna claw -- claw into that contract and we're going to strike out as void and unenforceable as against public policy. Provisions that have been put in and maybe -- maybe they are boilerplate, but there's an amount that's put in that says, you have to at least charge no lower than this amount. We're going to go in and we're going to say, we don't like that portion of those contracts, all the contracts, in the entire State. So, we're going reach in and we're gonna -- we're gonna just change that and purportedly to help small business. I think there's a lot of

ways that this State could go about helping small business -- any business in our State. I don't think that this is going to have any significantly positive effect for business, and I think there's a lot of other things that we could be doing as a Body to help small business. And I don't think that we need -- I don't think we need this bill. I don't think it's constitutional. I don't think it's a great idea and I think that if it is passed, I think that it -- it would cause a massive and possibly unmanageable cascade of bad consequences. The lenders themselves are contractually bound to third-party lenders through a bond covenant and et cetera, to adhere to those terms as well.

So, I think for all of those reasons, I will be voting in the negative on this piece of legislation, as I really believe that we all should. So, thank you very much, Mr. Speaker.

ACTING SPEAKER O'PHARROW: Mr. Carroll.

MR. R. CARROLL: On the bill, Mr. Speaker.

ACTING SPEAKER O'PHARROW: On the bill.

MR. R. CARROLL: Limiting borrower flexibility, whether it is for commercial space or in a large apartment building, hurts average New Yorkers and it actually hurts both business and investment in our State. By allowing the owners of these properties to go out and charge the rents that the market will bear, that is how we will help ease our housing crisis, that is how we will ease some of the commercial issues we've had in downtowns throughout the State. This allows for borrower flexibility. This is a good bill. I hope that my colleagues will vote in the affirmative, as I. Thank you so much,

Mr. Speaker.

ACTING SPEAKER O'PHARROW: You're welcome, Mr. Carroll.

Mr. Steck.

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

ACTING SPEAKER O'PHARROW: On the bill.

MR. STECK: So, every several years I have to address a problem, which is the use of the constitution, not for what it means, but to support someone's notion of what it should mean. Unfortunately, the Impairment of Obligation of Contracts Clause has a completely different purpose than what was cited here today. The Impairment of Obligation of Contracts Clause prevents us as government from void -- voiding private contracts with the State. So, if we decide we don't like a contract that some construction company made with the Department of Transportation, we can't pass a bill voiding it. That's what the Impairment of Contracts Clause does. It has nothing to do with the bill before this House and it is well-established in constitutional law that we do have the power to engage in economic and social regulation. Thank you.

ACTING SPEAKER O'PHARROW: Ms. Bailey.

MRS. BAILEY: Thank you, Mr. Speaker. Will the sponsor yield for one question?

ACTING SPEAKER O'PHARROW: Will the sponsor yield?

MR. CARROLL: I yield.

MRS. BAILEY: Thank you very much.

I just have a -- I'm trying to understand. How does this relate to assignments of rents and leases on many commercial contracts or commercial mortgages when an assignment of rents and leases is filed in conjunction with said mortgage?

MR. R. CARROLL: The assignment of a rent to the bank?

MRS. BAILEY: The assignment of rents or leases in Real -- Real Property Law in which the -- the mortgagee could then, you know, proceed with foreclosures or whatever, or it would allow them when there is a default in payment on -- on a mortgage payment that they would then recoup those rents directly.

MR. R. CARROLL: You know, I don't believe that this -- this bill does not speak to the assignment. If I go to contract as a borrower with a bank and I say that I am going to assign X rent to the bank for X years in lieu of a mortgage payment, I -- I -- that is not what this stops. What this stops is inside most commercial mortgages, they put a minimum square foot: I must rent, you know, \$100 a square foot of -- for retail space, or for commercial office space. I then am penalized or I immediately default if I let that space for, let's say, \$95 a square foot. It doesn't matter that I haven't missed a mortgage payment and so that -- we would void those clauses, but this has nothing to do with the assignment of rent in lieu of a mortgage payment or in the case of default. And this bill has nothing do with default of mortgages. That, of course, will still govern all commercial

and residential mortgages.

MRS. BAILEY: Okay. Thank you.

ACTING SPEAKER O'PHARROW: Mr. Yeger.

MR. YEGER: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER O'PHARROW: On the bill.

MR. YEGER: Thank you.

My understanding and I am a tenant, not a -- not landlord and not a borrower in mortgages and not very wealthy, is that very sophisticated people enter into mortgage agreements with regard to commercial properties. They are doing them, generally speaking, arm's length transactions; they negotiate in good faith. Banks that put rent minimums in their mortgages are doing so to ensure no default. The banks are making a decision that they don't want to lend somebody, let's say, a million dollars for a commercial property, with a gentleman who borrowed the money, is then going to go and rent the property out for a dollar a year and then turn around to the bank and say can't pay you back. That effects the mortgage market, that effects the bond market, that effects the economy in general and that effects the blight that this bill is apparently intended to -- to handle. And I respectfully disagree with the notion that all good ideas come from *The New York Times*, I don't think that's true, not in my neighborhood, at least, we don't think that.

The Constitution was referenced several times today on this floor and -- and the previous House where I served. I found

myself sometimes getting up and I'm not a -- not a Constitutional expert by any means, but the provisions of Section 10 are pretty clear. The Government cannot interfere with a contract that was already entered. If we do think this is good policy, it could be prospective for mortgages entered into after the date of the effectiveness of the statute. But, for us to pass a law that would then void contracts entered into, at arm's length, between sophisticated parties, because we think it's a good idea, is not a good idea and it's not constitutional and I can't vote for a bill that is not constitutional in my view. Because the oaths that we took require us to say, I will uphold the Constitution of the United States. I intend to vote no on this. Thank you, Mr. Speaker.

ACTING SPEAKER O'PHARROW: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER O'PHARROW: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be in the negative on this piece of legislation. If there are those who wish to vote affirmatively, they may do so now at their seats. Thank you.

ACTING SPEAKER O'PHARROW: Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative and those who wish to vote in the negative can do so at their desks.

ACTING SPEAKER O'PHARROW: 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 6, Rules Report No. 206, the Clerk will read.

THE CLERK: Assembly No. A02581-B, Rules Report No. 206, González-Rojas, Epstein, Burdick, R. Carroll, Barrett, Kim, Hevesi, Dinowitz, Sayegh, O'Pharrow, Lunsford, Reyes, Bronson, Clark. An act to amend the Public Health Law, in relation to the creation of a Women's and Reproductive Health Services Education and Outreach Program.

ACTING SPEAKER O'PHARROW: An explanation has been requested.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Okay.

This bill would require the Department of Health to conduct an education and outreach program related to women's health and reproductive health services available in the State including but not limited to preventative care, cancer screenings, access to services such as contraceptives and pregnancy testing, testing and treatment for STIs and any other reproductive health condition or information deemed appropriate by the Commissioner.

ACTING SPEAKER O'PHARROW: Ms. Walsh.

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

ACTING SPEAKER O'PHARROW: Will the sponsor yield?

MS. GONZÁLEZ-ROJAS: Absolutely.

MS. WALSH: Thank you very much.

So, first of all, I wanted to just ask you -- so last year, 2024, tucked in the budget was a new reproductive freedom and equity grant program within the Department of Health. And that was intended to and I'm quoting, "provide funding to abortion providers and non-profit organizations that provide or facilitate access to abortion care, specifically by increasing access to abortion care, funding uncompensated abortion care and addressing the support needs of individuals accessing abortion care." So, how does this piece of legislation we're discussing today jive with what was passed last year?

MS. GONZÁLEZ-ROJAS: So this piece of information -- this legislation is simply around providing educational materials for outreach and education for the public. So it does not create any source of funding. It doesn't -- it -- it will perhaps include information about the reproductive freedom and equity fund, but there's no separate funding mechanism created through this. It's simply education outreach. Actually, codifying what mostly already exists on the Department of Health website.

MS. WALSH: Okay. So, why -- why do we need --

because I know the Department of Health already has existing a healthcare and wellness education and outreach program, why do we need this on top of that?

MS. GONZÁLEZ-ROJAS: This bill includes required information that has to be included. It includes contraceptives, pregnancy testing, testing and treatment for STIs and any other reproductive health condition or information deemed appropriate. Again, there is an existing website, but it really -- it codifies a requirement to keep that and ensure that it's maintaining best practices and keeping up-to-date with medical science.

MS. WALSH: Okay.

Now, you mentioned in your explanation of the bill that there were certain things that were specifically called out that would be within the scope of -- I just want to get it in front of me, I'm sorry. You specifically mentioned and I'm looking at page one, line around 8, 9, it talks specifically about access to services such as contraceptives, pregnancy testing, sexually transmitted infections and then it says, "and any other reproductive health condition or information the Commissioner shall deem appropriate." So, would -- would you anticipate that that would include abortion services?

MS. GONZÁLEZ-ROJAS: Yes.

MS. WALSH: Okay. All right, very good. I mean, not very good in my view, but I understand your answer.

MS. GONZÁLEZ-ROJAS: It's -- it's providing information that any services that are provided in New York State, and

then also allowing for links to resources and how to pay for those services and provide -- find providers who provide that care.

MS. WALSH: Okay.

And how much -- I mean, this legislation sets out what it sets out, but doesn't it then, sort of, well, I'm not going to use the word abdicate -- delegate authority to the Commissioner of the Department of Health to then create implementing language and programs around it; is that accurate?

MS. GONZÁLEZ-ROJAS: It requires them to provide information on the website and provide other materials and that can include pamphlets, and you know, signage, et cetera.

MS. WALSH: Okay. All right, very good.

I think that that pretty much covers the questions that I had. Thank you so much and Mr. Speaker, on the bill.

ACTING SPEAKER O'PHARROW: On the bill.

MS. WALSH: Okay.

So, very briefly, this particular piece of legislation has opposition because although it doesn't use the word "abortion" specifically, it has a phrase in it "and any other reproductive health condition" which, as the sponsor indicated, is likely to be including abortion. So, there are groups and organizations that believe that the language of the bill strongly indicates that abortion and making appointments for chemical abortions will be among the topics covered by the proposed program and it sounds as though through debate, that that -- that we've established that that is going to be within the scope

of it. And for that reason -- and -- and also, there's some -- some folks that really believe that this is a redundant attempt to spend taxpayer money to promote abortion.

So, for those reasons, there will be, I would say, opposition to this piece of legislation because of it. You know, arguably, what we -- what we passed last year through that budget bill, which was A08806-C in the budget, that established that reproductive freedom and equity grant program within the DOH, that that -- that went far enough and that we -- it would be redundant to also have this legislation, which again, might not use the term "abortion" front and center, but is definitely within the scope of what the bill is looking to do.

So, for those reasons, I'll be voting in the negative and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER O'PHARROW: Thank you, Ms. Walsh.

Ms. Giglio.

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

ACTING SPEAKER O'PHARROW: Will the sponsor yield?

MS. GONZÁLEZ-ROJAS: Yes.

MS. GIGLIO: Thank you.

So, in this health education and outreach program, will there also be literature and outreach and education on pro-life and

life centers that will educate people on how to source -- resources that are available to them if they decided that they wanted to keep a child but they had concerns that they may not be able to afford it, or to afford diapers, or, you know, I -- I know that we -- I have a life center in my district. So, I'm -- I'm just curious as to whether or not their literature would be put out as well.

MS. GONZÁLEZ-ROJAS: Well, it's not political, it's really scientific information and it's built upon an existing program that provides numerous information about everything from breast cancer, mammography, cervical cancer screening, folic acid supplements, STI screening, gestational diabetes for screenings of pregnant women. So there's a lot of support provided in the initial bill that we're adding to that provides resources and -- and information for pregnant people.

MS. GIGLIO: Okay.

So will one of the health education and outreach programs include options for people to be able to keep a child and resources that are available to them for that purpose?

MS. GONZÁLEZ-ROJAS: There's resources available for people who are pregnant.

MS. GIGLIO: But will it be part of the education and outreach --

MS. GONZÁLEZ-ROJAS: It's already existing in existing law.

MS. GIGLIO: Okay.

So if I were to call DOH and say, *I need some literature, I'm pregnant and I want my options*, they will send out both?

MS. GONZÁLEZ-ROJAS: Yes, it includes information about pregnancy counseling.

MS. GIGLIO: Okay. Thank --

MS. GONZÁLEZ-ROJAS: And the full range. I want to be clear.

MS. GIGLIO: Thank you.

ACTING SPEAKER O'PHARROW: Read the last section.

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

ACTING SPEAKER O'PHARROW: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. As I mentioned earlier, the Republican Party will generally be in the negative on this piece of legislation. If there are any affirmative votes, they can be cast now at the desk. Thank you.

ACTING SPEAKER O'PHARROW: You're welcome.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can

do so at their desks.

ACTING SPEAKER O'PHARROW: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Gonzalez-Rojas to explain her vote.

MS. GONZÁLEZ-ROJAS: Thank you. I want to thank the Speaker for allowing me to bring this bill forward.

Again, this is really an opportunity for all individuals to ensure that they have the proper information and resources to get the healthcare that they need. In a world where we're seeing attacks and erosion of reproductive rights and access to the full range of reproductive healthcare across the country, there's a lot of confusing information. And in New York State where we're fighting to ensure that everyone has access to the reproductive care they need, no matter what, that we are providing that information in resources available in multiple languages and across the State.

So I'm proudly voting in the affirmative and I hope my colleagues do as well. Thank you.

ACTING SPEAKER O'PHARROW: Ms. González-Rojas in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 305, the Clerk will read.

THE CLERK: Assembly No. A03038-B, Rules

Report No. 305, Rosenthal, Davila, Kelles, Walker, Shimsky, Reyes, Burdick, Steck, Paulin, Otis, Hevesi, Taylor, Yeger, González-Rojas, Levenberg, Seawright, Alvarez. An act to amend the General Business Law, in relation to establishing a right of action for claims arising out of coerced debts.

ACTING SPEAKER O'PHARROW: 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 -- sorry -- this bill establishes procedures for victims of coerced debt to dispute such coerced debt with creditors and hold their abusers liable for debts incurred due to abuse. Ninety-nine percent of survivors have reported experiencing economic abuse with domestic violence and 52 percent of survivors have coerced debt with 46 percent reporting credit damage. Survivors often do not leave abusive relationships because they cannot afford to because of the coerced debt and so this bill establishes procedures for them to dispute the debt and hold their abusers liable.

ACTING SPEAKER O'PHARROW: Mr. Mikulin.

MR. MIKULIN: Thank you. Will the sponsor yield?

ACTING SPEAKER O'PHARROW: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER O'PHARROW: The sponsor yields.

MR. MIKULIN: First off, given that identity theft is already defined and addressed under New York State law, is it necessary to include this new legislation?

MS. ROSENTHAL: Okay. So coerced debt and identity theft are -- are different. And there is a process for identity theft victims to follow. First, it's -- identity theft is insufficient to address coerced debt. With coerced debt the survivor is aware and often has to consent under duress or threats of actual harm. With identity theft most often the person who is using someone's personal information to -- to buy things, doesn't know the survivor. So it's -- it's -- it's a different kind of (indiscernible).

MR. MIKULIN: Okay. And -- and should creditors be expected to investigate personal matters --

MS. ROSENTHAL: I can't -- sorry. I can't -- I can't hear you.

MR. MIKULIN: Should creditors be expected to investigate personal matters such as spousal spending or disagreements even though they lack the tools or authority to -- to do so?

MS. ROSENTHAL: You know, I'm sorry, I can't hear the second half. Sorry.

MR. MIKULIN: Even though they -- even though they lack the tools or authority to do so?

(Conferencing)

MS. ROSENTHAL: No. Creditors in other states have the ability to investigate and -- because it's law in other states. Here, when we establish this as law, they will develop procedures so they can investigate and actually pursue the debt of the person who created the debt instead of the survivor.

MR. MIKULIN: And could forgiving debt that isn't directly connected to coercion unintentionally create a loophole or encourage misuse of the law?

MS. ROSENTHAL: Well, during the creditors deliberation on -- on the debt there is an investigation process. But survivors have so much to contend with and such a traumatic life, especially when they try to leave their abusive situation, that they don't try to slip out of things. They have way too many things to contend with in life than to pretend that it's not their debt.

MR. MIKULIN: And could the current language of the bill allow debtors to claim economic abuse in cases where there is no actual coercion involved, potentially undermining creditor rights and -- and obligations? And contractual obligations, I should say.

MS. ROSENTHAL: No, no. That -- that -- that wouldn't happen. That's not really a loophole. That wouldn't happen.

MR. MIKULIN: Could someone lie and say they were abused or had their identities stolen just to get out of paying a debt that they really owe?

MS. ROSENTHAL: There -- there is -- sorry. There

is an investigation by the creditor to figure out how these debts were incurred. As I said, it's -- it's -- it's very rare, if it happens at all, that a survivor would lie. And in a nationwide study, 99 percent of survivors reported experiencing economic abuse within domestic violence. And 52 percent of develop -- of domestic violence survivors had coerced or fraudulent debt. So, this is -- this is --

MR. MIKULIN: Okay, but -- but that doesn't --

MS. ROSENTHAL: -- this is a phenomenon that unfortunately accompanies domestic violence way too often and survivors do not try to escape by lying -- escape their debts.

MR. MIKULIN: Well, but I'm not talking about survivors, I'm talking about just a person in general.

MS. ROSENTHAL: I can't --

MR. MIKULIN: I'm talking about a person in general, not necessarily survivors of domestic abuse, but somebody just creating this scenario to get out of a debt, not necessarily that they are victims --

MS. ROSENTHAL: Okay. Well --

MR. MIKULIN: -- but because this -- this bill, if I read it correctly, I mean, all you really have to do is -- is fill out an -- an affidavit, so there can be a lot of false affidavits filled out.

MS. ROSENTHAL: I mean, if someone just made it up and lied and was a terrible person, the creditor would not find any evidence to back up the claim that this is a coerced debt.

MR. MIKULIN: But could this bill make harder now

for honest people to borrow money if lenders get worried that they wont be able to get paid back?

MS. ROSENTHAL: I don't think so. There is a robust process that creditors can go through first. They can investigate the claim. If it's determined that it's coerced debt, then this bill sets out a process by which the creditor goes after the abuser who created this debt and then they can go get the debt through court and get paid back.

MR. MIKULIN: But then, why isn't this bill singly focused on the violence associated with the coerced debt?

MS. ROSENTHAL: With the what?

MR. MIKULIN: The violence associated with the coerced debt. Why isn't that then the sole focus of this bill?

MS. ROSENTHAL: I mean, economic abuse is a different aspect, it goes along with domestic violence, but it's -- it's a whole different aspect of this situation.

MR. MIKULIN: But couldn't it be that you'll be forgiving debt here that has nothing to do with coercion?

MS. ROSENTHAL: Well, then it's not -- I mean, coerced debt is coercion. That's -- that's the point of the investigation; to determine if it is coerced debt. As in, the survivor is -- their information is used because of undue influence over a person's financial and economic behavior or decisions. And there are many ways that an abuser threatens, coerces, intimidates the person that they are in a relationship with. And one of the ways is through forcing

them to sign credit card applications, forcing them to take out loans under the threat of violence and other harm. So that is part of the coercion.

MR. MIKULIN: Yeah, but (indiscernible) the way of economic abuse and can't this include scenarios such as spousal's refusal to pay for things such as household expenses or vacations?

MS. ROSENTHAL: I mean, the -- the investigation will go through all of the evidence and see that. But as I said earlier, it doesn't happen really that survivors who are trying to get out of a terrible situation, try to reestablish themselves and then they go -- they go to deny the debt. If they have debt, you know, and it's caused by their abuser, they really should not be forced to pay for it when they had nothing to do with it and when it was part of the violence, the domestic violence, to control and abuse their victim.

MR. MIKULIN: Thank you.

On the bill.

ACTING SPEAKER O'PHARROW: On the bill.

MR. MIKULIN: It seems to me that this bill does create a one-sided process with the presumption being in favor of the debtor. I -- I think that there has to be much work on this and therefore I'll be in the negative. Thank you.

ACTING SPEAKER O'PHARROW: Mr. Bologna.

MR. BOLOGNA: Thank you, Mr. Speaker. Would the sponsor yield for three quick questions?

ACTING SPEAKER O'PHARROW: Will the

sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER O'PHARROW: The sponsor yields.

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

Question one: If a debt is incurred prior to the abuse or the -- or the coercion, is there a specific timeline in which the abuse or coercion has to happen to which to make that debt not applicable to the victim?

(Conferencing)

MS. ROSENTHAL: In order for it to be coerced debt, it had to have occurred within the context of that relationship and that domestic violence situation.

MR. BOLOGNA: So if a -- if a -- if a couple would have a joint credit card or, you know, they've incurred a debt like when they were okay, you know, and then something went sour after that debt had occurred, that they would both still be on the hook for -- for that debt, correct?

MS. ROSENTHAL: Correct.

MR. BOLOGNA: Okay. So it has to be done -- the debt itself has to be incurred because of some type of coercive act.

MS. ROSENTHAL: Correct.

MR. BOLOGNA: Okay. With that in mind -- and just out of curiosity, could -- if it was coerced, could a mortgage be

considered a coerced debt?

MS. ROSENTHAL: Let me just -- technically it could. Technically it could.

MR. BOLOGNA: Okay. So, I mean, that's a -- that's a massive item that -- you're not talking about a couple thousand dollars in credit card debt. I mean you could be talking about a couple hundred thousand dollars in -- in a mortgage. So, in that instance, what -- what happens? Is the bank out that -- or is the lender out that funds?

MS. ROSENTHAL: I mean this bill doesn't -- doesn't go into what happens down the line except it empowers creditors to go after the -- the abuser, the one who created the debt. Whether it is a mortgage, or whether it's, you know, a shopping spree at Bloomingdale's, they have the power to go after it.

MR. BOLOGNA: Okay. And then my last question is, does this legislation or the -- does a bill, if enacted, would it supersede a non-severable contract? In other words, if -- if -- if two people sign a non-severable contract where both parties are responsible for the entirety of the debt, should one fall short in paying, does this still apply to both parties if this should be enacted?

MS. ROSENTHAL: I mean it depends if it's a coerced debt or not, and that's something the creditor would have to examine and find for.

MR. BOLOGNA: Got it. Okay. Thank you very much, Ms. Rosenthal. I appreciate it.

MS. ROSENTHAL: Thank you.

ACTING SPEAKER O'PHARROW: Read the last section.

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

ACTING SPEAKER O'PHARROW: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Minority Conference will be in the negative on this particular bill, but if any members wish to vote yes, they may do so at their seats. Thank you.

ACTING SPEAKER O'PHARROW: Mr. Fall.

MR. FALL: Thank you, Mr. Speaker. The Majority Conference will be supporting this piece of legislation. For those that would like to vote no, they could do so at their seats.

ACTING SPEAKER O'PHARROW: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

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

Coerced debt is a devastating form of economic abuse that prevents survivors from seeking safety and causes financial harm long after the interpersonal relationship and the abuse ends.

Survivors who leave situations to try to rebuild their lives, mostly from the -- a -- a shelter, often find that they cannot move on because there are many debts that they owe that were not caused by them; it was part of the coerced debt economic abuse put upon them by their abuser. So this bill creates a pathway out of that situation. It -- it allows survivors to say, *this is just another in a series of things that were foisted on me and I am not responsible*. Creditors can then go after the person who actually incurred the debt. And I'd like to thank the many groups and people who worked on this: URI, Economic Justice Coalition, Her Justice, CAMBA and people: Teal (phonetic), Lauren Schuster, my Chief-of-Staff; Erica Overton, my Legislative Director, Nick Perry. I'd like to thank the Speaker for allowing this to go forward so that we, in New York State, can help survivors get out of situations that they're trapped in and try to live a more free life without any kind of physical, emotional or economic abuse. And I vote in the affirmative.

ACTING SPEAKER O'PHARROW: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

Page 9, Rules Report No. 315, the Clerk will read.

THE CLERK: Assembly No. A05234, Rules Report No. 315, Jacobson, Shimsky, Dinowitz, Otis, Burdick, Paulin, Gibbs, Kim, Reyes, Levenberg, Lunsford, Bichotte Hermelyn, Shrestha, Romero, Schiavoni, Kay. An act to amend the Election Law, in

relation to eliminating the ability of judicial candidates for office who are enrolled in a particular party to automatically be allowed to run as a candidate in another party's primary election.

ACTING SPEAKER O'PHARROW: An explanation has been requested.

Mr. Jacobson.

MR. JACOBSON: This bill eliminates the ability of a traditional candidate to automatically run in the primary of another party.

ACTING SPEAKER O'PHARROW: Mr. Sempolinski.

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

MR. JACOBSON: Yes.

ACTING SPEAKER O'PHARROW: Will the sponsor yield?

MR. SEMPOLINSKI: I thank the sponsor for yielding.

ACTING SPEAKER O'PHARROW: The sponsor has yield.

MR. SEMPOLINSKI: So this is a very short bill. It's seven lines, but I think it has some very broad implications - practically and frankly, philosophically. So I -- I would start by sort of going through with you how current law works on certificates of authorization. It's a little probably obscure for the folks back home. I

have issued certificates of authorization, I've -- I've done this. So I'll put it this way: Am I correct that currently, if a candidate, other than a judicial candidate, wishes to run in this case, we'd be talking about through designated petitions rather than through a caucus, but if a candidate wishes to run on the line of a party of which they are not an enrolled member, they would have to receive a certificate of authorization from that political party?

MR. JACOBSON: That's right. In order to file -- in order to run in that party's primary, they have to receive that -- a -- a candidate has to receive the authorization of that other party, unless they're a member of that party.

MR. SEMPOLINSKI: And the way that works is they file a designated petition and then as another filing they would file a certificate of acceptance and then the party would file a certificate of authorization and that would put them in the primary; and if there is no other candidate, or not more candidates than the number of slots potentially in the general election; am I correct?

That's the current --

MR. JACOBSON: That's -- that's correct.

MR. SEMPOLINSKI: And who issues a certificate of authorization?

MR. JACOBSON: The committee that under the statute under 6-120 Subdivision (3) is authorizing the candidate to run in the primary.

MR. SEMPOLINSKI: And that committee is who?

MR. JACOBSON: That committee would be the committee members of the jurisdiction that the judge, candidate, or any candidate is running in. There's a special provision in the -- if it's citywide in the City of New York, because they have a different system, but the -- it's done by the committee by a majority vote of the committee.

MR. SEMPOLINSKI: And to clarify, that is a party committee? The folks who are elected as party committee members, could be State committee members, it could be district committee members, it could be --

MR. JACOBSON: Well, the way it works, very simply, is that if you're running for town judge and you want -- and -- and you happened to be enrolled as a Republican and you want to get another party's Conservative, Working Families, Democratic party, you want to be able run in that primary, say -- and you're not running for judge, the way it stands now, that party's committee for that town has to give the authorization. If there is no committee in that town, then the rules of the party will decide. Some parties don't allow (indiscernible) -- some of the minor parties do not allow the local committee to make that decision and it's done on the State level, usually an executive committee or a State committee.

MR. SEMPOLINSKI: That's also my understanding, but just to be clear, is party leadership of some form depending on the bylaws of the particular political party or the particular jurisdiction of that political party. It's party leadership --

MR. JACOBSON: That's correct.

MR. SEMPOLINSKI: -- (indiscernible). Okay.

Now -- now we establish the current law, what your (indiscernible) if I'm correct, is simply striking six words in current statute --

MR. JACOBSON: We're eliminating six words to get rid of the exception for judicial candidates or that judicial candidates, if they want to run in another party's primary, have to get the authorization for -- from that party.

MR. SEMPOLINSKI: So then --

MR. JACOBSON: And the reason is -- the reason is, is that most of -- most voters know little or nothing about judicial candidates. They rely on the party on which -- or parties on which the candidate is running, and they make the assumption that that candidate shares that party's values. And so by doing this, you're adding more -- you're making the process better and more transparent.

MR. SEMPOLINSKI: So am I correct your statement was just you trust party bosses more than the primary voters?

MR. JACOBSON: No.

MR. SEMPOLINSKI: That's what you just said.

MR. JACOBSON: I didn't, no. Do you know what the difference between a party boss and a party leader is?

MR. SEMPOLINSKI: What -- what -- what do you consider to be the difference?

MR. JACOBSON: The difference is the party leader

endorsed you and the party boss endorsed your opponent. What -- what it is is that I trust the committee to make the decision. Individual people -- I don't know if you've ever been on the committee --

MR. SEMPOLINSKI: I -- I'm a party chairman in a county, actually.

MR. JACOBSON: Oh. So okay, Mr. Boss.

MR. SEMPOLINSKI: I -- I guess I'm a boss. Yeah.

MR. JACOBSON: So you know -- you know that committee people have to go out and get signatures --

MR. SEMPOLINSKI: Yep.

MR. JACOBSON: -- and sometimes, it's -- it's happen to me, had to run a primary to keep my committees (indiscernible).

MR. SEMPOLINSKI: Sure.

MR. JACOBSON: So, I -- I don't believe -- I believe that -- so, they are -- the people that are running for committee are subject to the party --

MR. SEMPOLINSKI: Yep, they are.

MR. JACOBSON: -- and then they know the party and they can make an evaluation whether or not to give this person authorization.

MR. SEMPOLINSKI: But my -- my point being, the current law is that for judicial candidates, we trust the public to make the decision, the members -- the enrolled members of that political party to make the decision as to who their nominee would be. This

would say, we're going to have a betting process by party leadership as to who we're going to let the people decide on. I -- I would say maybe we trust the public, but it sounds like you -- you have a consideration about maybe ignorance of the voters.

MR. JACOBSON: No. I -- I trust the public and that's how I got here.

MR. SEMPOLINSKI: Me, too. Yeah.

MR. JACOBSON: So what you want to do is, right now, a judicial candidate, say the candidate is on -- has been endorsed by the Republican and Conservative Party, for one example. It could be Democratic, it could be Working Families, but let's say it's a Republican and Conservative. And now, they're circulating petitions for the Democratic and Working Party lines. They don't go around saying, *hey, voter in the Working Families Party, I want you to know I've been endorsed by the Republicans and the Conservatives, but I am seeking your vote in the Working Families Party.* No, they come to the door, say I want to run, would you sign my petition? So, it's a fallacy. It's an absolute fallacy that the voters are -- are really knowing what they're signing in a petition process from somebody outside the party. Most voters assume that if somebody comes to the door, that they are a member of the party that is there.

MR. SEMPOLINSKI: Now the current law has three exceptions. One is for party caucuses, the idea being that the -- the party sort of speaks as one at that point. The other is for nominating the candidates for the first time, which is more procedural, and this

exception which you are now attempting to remove. Why do you think this exception is in law?

MR. JACOBSON: Well, you have the exception for first time --

MR. SEMPOLINSKI: Well, I mean this -- the one you're trying to remove. Why do you think the current law is party bosses can't vet judicial candidates?

MR. JACOBSON: Why do I think it's that?

MR. SEMPOLINSKI: Yeah.

MR. JACOBSON: Because I think what happened that, I think for -- I don't know. I wasn't here in 1949 I believe it was when the -- this section was in. And which is why -- it was -- it was sponsored by -- by Senator Wilson and Assemblymember (indiscernible), which is why everybody (indiscernible). I wasn't there then. However, the reason that it was put in concerning other candidates, was that they didn't want to have party raiding. Right?

MR. SEMPOLINSKI: Yep.

MR. JACOBSON: R-a-i-d-i-n-g, not r-a-t-i-n-g.

MR. SEMPOLINSKI: Yep. I would -- I would agree with that. But there's an exception for judicial candidates. Why do you think they put an exception?

MR. JACOBSON: I think it was done for political reasons and I think what happened is the so-called party bosses that you refer to, or maybe the leadership in that Republican Party that was controlling the --

MR. SEMPOLINSKI: So -- so, your supposition is --

MR. JACOBSON: I'm finishing.

MR. SEMPOLINSKI: Okay.

MR. JACOBSON: -- that the leadership in the Republican Party that passed that bill thought it was in their political interest to let their candidates raid other parties in judicial primaries.

MR. SEMPOLINSKI: So your supposition is they gave themselves less power for political purposes.

MR. JACOBSON: I said that they did it because they thought it was in their political interest.

MR. SEMPOLINSKI: Okay. My feeling would be that it had more to do with judicial independence. Don't you worry that giving party bosses veto authority over judicial candidates undermines judicial independence? And in fact, would increase political polarization and undermine faith in the courts?

MR. JACOBSON: No. This -- this will increase faith in the process, because in November the voters will know that that judicial candidate shares the values of that party.

MR. SEMPOLINSKI: Well, if in November, now if a candidate is on the line for a party in November, they won the primary. So, therefore, they have the faith of the people of that party as opposed to the faith of the party bosses. Don't we already have the public saying who should be running on their party line?

MR. JACOBSON: No, not necessarily. I'll give you an example. In the City of Beacon which I represent, in 2019, the

incumbent judge who was a Republican and also had the Conservative line, filed for the Democratic primary and he filed for the Working Families primary.

MR. SEMPOLINSKI: Mm-hmm.

MR. JACOBSON: He lost the Democratic primary but he won the Working Families Party because he got a dozen Republicans to switch party into the Working Families Party. So I don't think that the rest of the Working Family [sic] Party members really did -- he didn't -- he didn't -- he didn't say, you know, why he was running *per se* in the Working Families Party and you have to remember, judges are limited in what they can say in a campaign.

MR. SEMPOLINSKI: Sure.

MR. JACOBSON: That's why -- that's why having the assurance that a candidate shares the values of the party is that much more important.

MR. SEMPOLINSKI: But in that particular case, couldn't the Democratic candidate have run as the Working Families candidate, couldn't a member of the Working Families Party have run? Couldn't a -- anybody else have run? In that case, nobody else put themselves forward.

MR. JACOBSON: You can only be a member of one party at a time.

MR. SEMPOLINSKI: Well, I understand that, but I'm saying, you said it was a Democratic candidate. The Democratic candidate chose not to circulate Working Families (indiscernible)

petitions. Isn't that on them?

MR. JACOBSON: He was -- he did run in that primary.

MR. SEMPOLINSKI: And he lost the primary.

MR. JACOBSON: Yeah, he lost the primary.

Twelve -- a dozen people switched parties from the Republican to the Working Families, which was a good political tactic which I'm sure other people here have advised candidates to do and I'm sure in your position as a party boss you've advised candidates to do for a primary.

MR. SEMPOLINSKI: Listen, I -- I -- I -- I appreciate that now I'm a boss, it makes me feel very powerful. But I'm gonna go on the bill. Thank you very much.

ACTING SPEAKER HUNTER: On the bill.

MR. SEMPOLINSKI: I have grave concerns, even as a party boss, about this particular bill. And it comes from some of the major philosophical underpinnings about why this is current statute in the State of New York. I would respectfully disagree with the sponsor as to why this was put into law. I don't think this was put in restricting the power of party leaders to gain the system, I think it was put in place because we recognize, as a State, that judges are different than Legislative or Executive positions. They're supposed to be independent. We're supposed to be saying what the law is, not what it should be; they're not supposed to be injecting their own philosophical positions into court matters. And this is a way to insulate and protect them from the allegation that, *oh, you're only a judge because party*

boss so and so put you there. You were put there by the people through an open process and the people of all political parties could've voted for you and put you in there. So I have that concern. And then just more broadly, aren't we as a society divided enough? Aren't we polarized enough? Why do we need to inject partisanship in some -- one of the very few places where it's not contemplated in our system? I stand for keeping the system as it is, keeping party bosses like myself out of this particular part of the process and letting the people decide who their nominee is for any particular political line, not insular party leaders.

So I'll be voting in the negative and I encourage all my colleagues to vote in the negative.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ra.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. RA: I -- I want to go back to something that you said to my colleague with regard to when a candidate is petitioning for one of these ballot lines. So I -- I -- I believe you said something to the effect that the voter doesn't know what they're -- necessarily know what they're signing?

MR. JACOBSON: No. I -- I said that when somebody comes to the door, they general -- they assume that the person's in the party. And I -- I don't --

MR. RA: Well, the -- well, the person, right, the person circulating that petition either has to be in the party or -- or be identifying themselves as a -- as a notary in order to be taking that signature.

MR. JACOBSON: Right, but they -- but the -- but the person that's in the judicial candidate situation, the candidate won't -- won't say, *hey, I'm a Democrat and I'm seeking the Conservative line.* That would not be a good way to get a signature and I don't think the notary would say that as well. That's what I was getting at.

MR. RA: Okay. But I -- I think if we think about like -- I think we all know what a petition looks like and it has the information as to, you know, what party, obviously it's the party that this individual that you're seeking their signature is an enrolled member of, it has the name of a candidate, their address, all that information and it has the office being sought. So there's a lot of information there and I don't, you know, I -- I don't think people generally sign things without having some idea of -- of what they're signing. So, presumably, if an individual came to my door and they said, *I am circulating a petition for judicial candidate Bob Smith. He's seeking the Working Families Party designation. Would you be willing to sign this?* And you have now a member that's enrolled in that party that makes a decision, *yes, I want Bob Smith to have the*

opportunity to run for office on -- on this line. So why -- I -- I don't -- I don't understand what the impetus is to doing this change in the law now, because as my colleague said, the reason we have an exemption from judges is, I think, it takes some of the politics out with regard to judges who, as you said, can't -- are very limited in what they can say when in -- in the midst of a campaign.

MR. JACOBSON: Well, the person at the door will usually say, *hey, that's great. I'm a Working Families Party member and now I can get somebody to run on my line.* Now, they didn't ask -- they -- the average voter didn't ask, *hey, is this guy -- does he believe in the party, or values? Is he enrolled as a working family --* no, that -- he's just happy, goes along, he -- most of the people that -- that sign petitions have signed it before and when you're in a minor party, they're a very valuable commodity because, as we know, a signature for a minor party, Working Families or Conservatives, say is worth -- it's like dog years. It's worth eight or ten times the amount of a signature of a Republican or a Democrat because they're very hard to find.

MR. RA: Yes, they are.

So just in terms of the (indiscernible), is -- is there a particular reason that this is coming forward now? Do you feel like with some of the -- and as you know, and I know you've -- you've carried many bills in this area, we've made a lot of changes to our election laws, I would say, in the last five or six years, right? So is there other changes that have been made that you think now

necessitate this change being made, or is this an idea that's been out there that you just feel like we should be doing now?

MR. JACOBSON: No, I -- I filed this bill in 2020 after the debacle that happened in the City that I represented in Beacon, what I -- what I gave the example of earlier. So I thought this was a way to correct that. I never liked this. I never liked the rating of -- of a party. And I'll admit in Orange County, you know, people did it on both sides of the aisle. I never thought that was great.

MR. RA: Okay. Thank you, Mr. Jacobson.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: I -- I just want to note, you know, I just said we've done a lot of election reforms and -- and we've, I mean, we really have completely overhauled the election law over the last, you know, five, six years. And the thing I find odd sometimes is that there's been many bills that have come forward and what I hear is, *we trust the voters so much, they're so smart, we have to do everything in our power to -- to put our trust in the voters.* And then there's been bills like this and I remember a bill a few years ago that dealt with minor parties in terms of trying to basically allow a party boss to kick somebody off a -- a line that they had won in a -- in an opportunity ballot. Then we -- we have those types of bills where we say, *the voters are too confused. They don't understand what's going on, we have to protect them from being confused.* So, I'm not sure which is it [sic]. Do we think all the voters in the State are -- are sharp? And

again, I don't know about you, I don't sign my name to something having no idea what I'm signing. Usually the people who we go to signatures, they're familiar with that individual who has visited them in the past to -- to gain their signature, so there's a level of -- of trust there. And if we have faith in the voters of our State, you know, they might have to do a little bit of research and say, *hey, is this person somebody that shares my values? Why am I signing to put this person on a ballot line?*

Secondly, as my colleague said, this interjects politics more into judicial offices than they already are by giving more power to -- to political leaders to -- to select those candidates. And I -- I don't think at a time of political polarization that is a good change for us to be making.

So I'll be voting in the negative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Morinello.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MORINELLO: Would it be fair to say that each individual party has certain plant forms which enumerate what their

positions are on certain issues?

MR. JACOBSON: That each party does.

MR. MORINELLO: Would it be fair to say that if a judicial candidate was running on a specific line, based upon what you want the change to be, that the general public could interpret that, that they would support the plant form of that particular party?

MR. JACOBSON: That's -- that's the assumption, that they share the values. Maybe they don't share, but that would -- that would be the assumption. But, unfortunately, judicial candidates can run in the party without showing their -- that they share the values.

MR. MORINELLO: But the mere fact that you are saying they should only run on their party line, would -- would it not be a fair statement that they would share the values of that party line?

MR. JACOBSON: It would be a fair statement if they were enrolled in that party, or if they had been endorsed or authorized by another party to run in that primary.

MR. MORINELLO: That's what I'm saying is -- what you're saying is, a Democratic candidate can run on the Democratic line without any other permissions --

MR. JACOBSON: Correct.

MR. MORINELLO: -- which would make him a Democratic candidate who would be interpreted as supporting the platform of the Democratic Party.

MR. JACOBSON: Or they share the values. Of course, you know, judicial candidates really don't -- aren't allowed to

say what they believe in certain topics.

MR. MORINELLO: Would you also agree to the fact that there are three independent branches of Government: The Executive, Judicial and the Legislative?

MR. JACOBSON: Yes, and it should be that way.

MR. MORINELLO: Okay. So wouldn't it be a fair statement to say that what you are doing is you are taking the Legislative branch and interpreting or injecting yourself into the Judiciary by forcing a candidate to look -- appear to have a position of a certain party?

MR. JACOBSON: No. What I'm doing is, is preventing candidates from falsely representing to the public that they have the values of a party, which they don't.

MR. MORINELLO: But a judicial candidate should not have any values. He should be independent; he should not take any positions in which you are saying is it's okay for that candidate to telegraph a position to the potential voters.

MR. JACOBSON: That's what is done. Because when people run for office, I mean, when you've had particularly judicial candidates where people really don't know them and they say, *well* -- and they get to the ballot in November and they say, *well, what party on they on? What line? Okay, then I can identify with that party.* Because of the limitations on what judicial candidates can say, the -- what party line the person is on makes even more -- is even more important.

MR. MORINELLO: Well, a good judge and a good judicial candidate should not have any outside values. They may have personal feelings but they are not allowed. It is against the canons of judicial ethics to portray any type of position either prior to or during their judiciary. So your bill actually makes it look like they have a position before.

MR. JACOBSON: No. My bill says you can't be a phony about it and -- and run in a line that you do not share the values in that party, or you want to appear that you do, because some people wanna -- in some areas, that may be as more -- hard to for a Democrat to get elected. I want to be on the Conservative line because then I'm portraying myself as more conservative and that might help me get elected.

MR. MORINELLO: Well, I beg to differ with you, okay, because I've gone through the judicial ethics courses and I sat on the bench 14 years and not once were we ever told that we are allowed to be part of a party to show that we have predetermined positions on issues. I -- I apologize, but I differ with you tremendously and your -- your -- your assertion that they are falsely giving a position. They are giving a neutral position, which is the only thing they can do during a campaign, prior to a campaign, or during a primary.

MR. JACOBSON: I agree with you that they can't speak about it, but what I'm talking about is the voters. When they look at a candidate and they don't know the candidate personally, they will make a determination based on the line they're on. That's all I'm

saying. No, they cannot talk about how they would rule. You can't say you're a law and order guy, you're going to put everybody in jail, you can't say anything else. And so people make their decisions based on either they know the person or primarily they base it on the party that the person is on.

MR. MORINELLO: You just argued against your own point, sir, because what you're saying is they can only talk about their qualifications, but you're putting forth the fact that if they're part of a party and they tell them they're part of a party, they're given the interpretation that they are following the plant form of that party. So you have just contradicted yourself in your premise.

MR. JACOBSON: No, I didn't. Not that they're following the platform where they share the values. When voters make a decision on who they're going to vote for for judge and they don't know the candidate, they will say, *gee, I'm -- I'm -- I'm registered in party A, or B, or C, D, I'm gonna -- I'm gonna vote for the candidate whose line I agree with.*

MR. MORINELLO: All right. So, basically, again, what you are saying is, they're going to vote for the candidate that has the values or the plant form that they believe in, which is contrary to the ethics of the judiciary --

MR. JACOBSON: No. The --

MR. MORINELLO: Hold on, one more second. And you also said that they don't know the candidate. You can put forth your qualifications. And any candidate who goes into a primary

that doesn't put forth their qualifications, should lose that election. That's their obligation and it's about what are my qualifications, not what party I'm in.

MR. JACOBSON: I understand that and in a primary it wouldn't make a difference, right, when you have two Republicans running against each other. When you have -- when you have a primary for judge, the judicial candidate is not saying his position -- his or her positions on any of the issues. What I am saying is, that voters in November will make a decision, if they don't know the candidates, or they all seem qualified and they all look the same to them, they will make a decision based on the party line. That's all.

MR. MORINELLO: Well, party line would then put it like, *good, they're gonna go the way I want it.*

On the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. MORINELLO: The Judiciary is an independent branch of government. It is really sad that they were trying to change the rules, change the law, to make a candidate for the judiciary appear to have the values of a particular party. That is against the canons of judicial ethics. The only thing a judge can do, a candidate can do, is talk about their background, talk about their experiences, they can't even talk about what party they're with. Yes, they are registered, but they cannot go out and say, *I am part of a registered party.* That would be a violation of the canons of judicial ethics, and what this bill is doing is, it is associating a candidate with a party, which will then

associate that candidate with the platform of that party, which again I say is against the judicial ethics. This would bring a judiciary or a judicial election down to the same as a non-judicial election. It would cross over. In an election for a non-judicial position, a candidate can say anything they want, a judicial candidate. This appears to be a backdoor attempt by this Body and by this sponsor to allow the public to associate a candidate with a platform hoping that candidate for the judiciary, if they win, will vote or decide cases based upon the values of that particular party and not independent, because the only way a judge can make a decision is they take the facts and apply them to the law, irrespective of any party affiliation, irrespective of any party plant forms.

Based upon that and the fact that the judiciary should remain -- is and should remain an independent branch of government, I urge my colleagues to please do not destroy the history of the judiciary. Do not destroy the sanctity of the judiciary by trying to make it look like it's party politics and vote no on this bill. Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Madam Speaker.

Originally it was my intent really to just speak on the bill, but now I would like to ask if the sponsor would yield for some questions.

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PIROZZOLO: Thank you, Mr. Jacobson.

So I'm fairly new at this game, I'm only here on my third term. So forgive me if maybe some of the questions I ask may not have the depth of knowledge of -- of some of the party bosses that surround us. But I know that when I walk with party petitions, okay, whether they're for myself and sometimes you have a party petition that has tons of names on it, you know, usually, I know the people that I go to. I've gone to them before, I'm walking with people, or party people are walking. Very, very rarely do candidates pull in the significant amount of signatures required. It's usually always somebody else. So you talk about these falsehoods and I'm really confused about what kind of falsehoods. If you could give me a much better explanation of what you mean by falsehoods, because who's falsely promoting these falsehoods when they go to doors and say, *this is me, but I'm not that*. I mean, where -- where's the falsehood in all of this?

MR. JACOBSON: Sure. When you have somebody and if you're a committee person or you're running for election and you're carrying all the Republicans in your area, they know you and they're assuming that these are all good people and they're Republicans and so forth. When a judicial candidate or a notary carries petitions in a minor party that they're not part of and they want to get that line, then what happens is the candidate whose -- I -- I

guarantee you, I guarantee you that a Working Families Party member would not sign a petition if the candidate came to the door, *Listen, I'm on the Conservative line and I'd like you to sign my petition.* And somebody -- for years we had the Right to Life Party and they -- they wanted to send a message on that so voters would think they would vote a certain way concerning that. So what happens is, when a nonparty person who is not authorized to -- to run in a party primary for a judicial spot, they're representing as if they were -- they shared that party's values. And what I'm saying is, it's not the can -- candidates often want to project a certain image or value, but more than that, the voters will assume, very simply, that that person shares that party's values.

MR. PIROZZOLO: So I heard what you said and I'm really gonna have to take exception to what you just said. You guaranteed me that a member of the Working Families Party would not let's say sign for Republican or Conservative, or maybe anyone else, right? So now you're predetermining the will of the person that someone is falsely trying to get a signature from. Right? You just guaranteed me that that wouldn't happen, but that's exactly what you do.

MR. JACOBSON: I said -- I said somebody on the Conservative line. If someone came to their door and said, *I'm a Conservative -- I'm -- I want you -- I want your signature in the Working Families Party and I want you to know, I'm a Conservative candidate.* I don't think that would work. I think that a -- if a -- if a

Working Families Party person came to a Conservative door and said, *hey, I'm in the Working Party's Family [sic] and -- but, I want to get the Conservative line. So, I'm trying for that.* Now, some people might say, *well, I don't care, I'll sign anything.* But, I think people would not do that and I don't -- I don't see candidates for Judicial office broadcasting what party they're in if it's not the party whose line they're seeking.

MR. PIROZZOLO: So now I have to say I'm a little bit offended twice because before you guaranteed me, but then you changed what you just said to, I don't really think that that would happen.

MR. JACOBSON: No. I would say it would happen most of the time, but can there be an exception to the rule? Yeah, it could be somebody who says, *all right, I'll give you a chance to run.*

MR. PIROZZOLO: Right. But, my point is, that you're predetermining the will of the voter based solely on whether a person may have Conservative ties, non-Conservative ties, Republican ties. I mean, you've pretty much said it, not only to me twice, but to everybody else that you've spoken with that you're making that predetermination. So we're really trying to --

MR. JACOBSON: No. I --

MR. PIROZZOLO: -- the voters here.

MR. JACOBSON: I didn't make a predetermination. What I said was, when the voter in November does not know the candidate, then they'll rely on the party they're on to make a decision.

MR. PIROZZOLO: Well, so that gets back to my opening statement which pretty much said that, I don't get all of my signatures. Particularly, judicial candidates don't get all of their signatures. So the people who sign for me and sign for you, 100% of those people do not know you, right? Maybe five percent do. If you've been around a long time, maybe ten, all right? So I'm -- just the premises that you're bringing up, I -- how do you come up to that being able to say that these people know you? When any petition that goes out, every petition that went out in this room, less than 80 percent of the voters or the people who sign know the candidate. So I think you're making a lot of statements that aren't backed up by data or justifiable.

MR. JACOBSON: What I am saying is, if there is somebody running for town judge and he's -- and that -- they -- and the voter at the door knows this candidate because that candidate represented him at a closing or in -- in Justice Court, they may know the person. So they're going to say, *of course I'm going to sign for him, he was my great lawyer.* But what I'm saying is, most of the time, people don't know the judicial candidate. That's all.

MR. PIROZZOLO: Well, I -- I -- I get it and I can't disagree with you, but, you know, it's -- it's stunning how your statements change from "I can guarantee" to "maybe" and then "well, you know --

MR. JACOBSON: No, no, no. It's not --

MR. PIROZZOLO: "I knew the guy because he was

my lawyer". We're not talking about a lawyer to closing; we're talking about a judge, as was pointed out by some of my fellow members, that being a judicial candidate, you shouldn't have any positions represented by party. This is the party making a decision to endorse a candidate and they're just saying to their party members on that petition, *hey, let's vote for this guy. Would -- would you please sign for this guy because he's going to represent us.* There's no questioning as to the loyalty, the decisions, the party positions, the decisions a judge has made in the past as to whether he's worthy to be on that petition, it's up to the people. Now, if you get your name on the petition because the party -- or you bring your own members to the party, right, at least you used to be able to, through a -- through a challenge, you can bring your own people to that party, right? So, you're (indiscernible) that.

MR. JACOBSON: And what is your point?

MR. PIROZZOLO: So, I -- I don't understand (indiscernible). If you want to, why don't you just change the lines on the petition to say, that you know what, this is a petition of whatever party and we have chosen candidate A to be our representative. Candidate A is a member of whatever party right on that designation -- the designating petition, but we've chosen him as our candidate. Put it right out there so there are no falsehoods. No one can say. So instead of making this particular law, why don't you consider changing the verbiage on all designating petitions? It would be so much easier because it's saying specifically, you will -- you will eliminate the party

boss problem, you will eliminate the uneducated voter signer -- voter signer problem. It says right on the petition: candidate A is, I'm gonna use my name, Sam Pirozzolo. He is a member of the Republican Party, but the members of the Working Families Party want him to be on the ballot, too. Okay? So, right then and there, any falsehood that could possibly exist is gone.

MR. JACOBSON: Well, that's an interesting proposal.

MR. PIROZZOLO: I think it's a great proposal.

MR. JACOBSON: It's an interesting proposal, but in -- in this situation, all I'm saying is, that I think that -- I'm not saying that judicial candidates can't run in another party's primary; they just have to get the authorization from the party, just like you do when you run on a second line.

MR. PIROZZOLO: No, you're not saying that. You're saying that there are falsehoods that are going on in there. That people are misrepresenting the candidate, or misrepresenting themselves. That's what you're saying.

MR. JACOBSON: Well, I said that as well. I said a few things.

MR. PIROZZOLO: Well, which is it? You've -- you've -- you've said it three different ways. You've said I guarantee it, most likely, sometimes it happens, sometimes it doesn't happen.

MR. JACOBSON: No, no, no. If you want to keep repeating yourself, that's fine. I'm telling you what I said, so...

MR. PIROZZOLO: I'm not repeating myself. I'm pointing out the fact that you're changing your statements every time you're asked a very legitimate question.

MR. JACOBSON: I'm not changing -- I'm not changing the theory of the bill.

MR. PIROZZOLO: All right. Well, I think that would be a good idea.

Madam Speaker, if I may speak on the bill, please?

ACTING SPEAKER HUNTER: On the bill.

MR. PIROZZOLO: So I think with all of the debates that we had, we can see that the premise of this seems to be fluid, right? We're talking about having falsehoods and people falsely committing falsehoods with -- I don't know. I -- I -- I'm -- I'm confused. I'm tongue-tied with all the falsehoods here. I think that a very simple answer would be to, on the designating petition, name the candidate, name the party the candidate is currently enrolled with and then say that even though -- something to the effect that even though that candidate is enrolled with the other party, he is endorsed, sponsored, whatever the legal -- the proper legal language would be, by this particular party and we're asking you for his signature because we're backing this candidate. Ends all the possible falsehoods that there could possibly be.

So I'm gonna vote no because I believe this is a false bill with false premises and anything else false that I could think of. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Lavine.

MR. LAVINE: Will the sponsor yield? I don't know if I -- will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. LAVINE: Thanks.

So, Mr. Jacobson, I had a pretty good sense that I understood this bill before all these discussions this afternoon. But I -- I have a feeling that based on these discussions -- thank you, Chris. Thank you very much for that help. I have a feeling that someone's going to ask me if they view this, is this going to outlaw cross-endorsement of judges.

MR. JACOBSON: No, it won't. What it means is that if a party wants to endorse someone who is not a member of that party, they can authorize the party, or authorize the person to run.

MR. LAVINE: And that is what this bill is all about?

MR. JACOBSON: Correct.

MR. LAVINE: All right. And would you agree with me my friend, that falsely telling a falsehood is actually telling the truth?

I have no further questions.

ACTING SPEAKER HUNTER: Mr. Durso.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Mr. Jacobson.

Actually, Mr. Lavine actually stole my last question which was going to be does this stop any type of cross-endorsement of candidates? But, we have that answer now. So, as for someone who is not politically savvy when it comes to judges and judicial candidates, how is it now -- what is this changing? So when a judicial candidate goes out to get signatures or a party sends out people to get signatures for a judicial candidate, they have to go under a party line, correct?

MR. JACOBSON: If they want to run on a party line, judicial candidates can circulate for any line they want. The people who are circulating the petitions must be either a member of that party or a notary that's getting those signatures.

MR. DURSO: Right, but only for that party line that they're running on, correct? So, and -- and really my question is and I apologize, I should back up. Is this only for primaries, or is this for the general?

MR. JACOBSON: Well, it -- the law technically says it's for the primary and that if there is no competition in the

primary, then the person becomes the nominee of that party in November.

MR. DURSO: Okay. So now with a cross-endorsement and if someone is getting a cross-endorsement, they're walking around with petitions with -- what does it say on it? If they're being cross-endorsed by let's just say the Republican and Democrat party, but they're going around to get petitions. Are Republican people out there walking that judicial candidate's petitions and it only says Republican? And then there some -- someone else going out and getting signatures for that judicial candidate under the Democrat line?

MR. JACOBSON: Usually, though you could have a notary getting signatures for both lines.

MR. DURSO: Okay. So as of now -- the way it stands now, it won't come up that on -- again, if -- if you are a Democrat, right, someone comes to your house and there's a cross-endorsed candidate, it says that candidate is running on the Democrat line, correct? Does not say Republican.

MR. JACOBSON: Well, first of all, it's a Democratic line. But, no, it doesn't say that. What it -- what -- what it says is, the petition says that I -- it -- it refers to the people signing (indiscernible), the actual voter --

MR. DURSO: Right.

MR. JACOBSON: -- and it says, I am a -- am a dually-enrolled member of the blank, whatever party it is --

MR. DURSO: Right.

MR. JACOBSON: -- and hereby consent to designate -- to designate so and so to be in the primary and they put the date of the primary in there.

MR. DURSO: So it doesn't say that the candidate is running on a line, it's just saying that this is for the Democratic line, correct? It doesn't say what the person is, party enrolled, or what they're running for, correct?

MR. JACOBSON: No. It didn't say when you ran for Assembly either.

MR. DURSO: Understood. So, in this case, and I'm not trying to reinvent the wheel, but I just wanted your opinion on this, because in this case, especially with people running on a judicial line, they're not supposed to have party opinions, right? So if they're being elected as a judge, they're supposed to essentially sit on the fence. They're just supposed to interpret the law the way it's written, not by how they feel, or what their party thinks. So, don't you think it'd be better for someone running as a judicial candidate to have no party at all?

MR. JACOBSON: They're running to be on a party line. If they don't want to seek a party line, they can do an independent nominating petition. A Save the Whales Party, or a -- I -- that's my own phrase for those.

MR. DURSO: Sure. Understood.

MR. JACOBSON: Or -- or you could just say, you

know, Nassau County Party. And -- and you can have that as an independent nominating petition.

MR. DURSO: Okay.

MR. JACOBSON: They -- they can say I don't want to be on any party line.

MR. DURSO: But -- but we're talking about basically false advertising essentially, right, in a candidate. What you're saying is if I'm a Republican running as a judicial candidate but I'm on the Democrat line and someone comes to your house for signatures, even though I am now seeking your vote, it's -- you're saying you're actually being -- I'm -- I'm being falsely presented to you as someone who's a Democrat and/or a Republican, depending on what house you're going to, as their candidate, correct?

MR. JACOBSON: Well, no, I didn't say as their candidate. What I'm saying is that when people come to the door for a signature, right, when you come to the door, there's usually a few petitions, or there are a few names on there. They assume, the voter -- the enrolled voter assumes that they're all in the party. That's what they assume.

MR. DURSO: Okay. So do you as someone who would sign a petition have the right to ask the person that is bringing the petition to your home, "what party does this person represent?"

MR. JACOBSON: Well, sure, you have the right to do that.

MR. DURSO: So can't you just do that?

MR. JACOBSON: Sure, you -- you could. I'm just talking what normally happens. Most of that happens, people there in 45 seconds for the person to say you signed and it's freezing and they want to get out of there. And that's what happens.

MR. DURSO: Understood. But, you, as the person signing anything --

MR. JACOBSON: As the voter, yeah.

MR. DURSO: Right, sure. As the voter, you have the opportunity to ask, "what party is this person a part of?"

MR. JACOBSON: Absolutely.

MR. DURSO: Okay. So wouldn't it be actually easier to just educate the public on -- that someone that may be coming to your house to get signatures, that candidate may not be part of the party that you represent. As opposed to really almost letting party bosses decide who can run and who can't and silencing the will of the voter.

MR. JACOBSON: I'm not silencing the will of the voter. The voter can still vote.

MR. DURSO: But I can't come to your house and get signatures if I want to run. I may be a Republican, but I may be a different Republican than one of my colleagues. I want to primary them, right? Or, maybe, you have a Democrat that runs on the Democrat and Conservative line. That happens all the time, correct? So -- well, but you -- you actually stated before that nobody would vote for someone that had the Working Families line if you come to a

Republican household.

MR. JACOBSON: Or a Conservative. I mean, I'm just saying in general.

MR. DURSO: Well, no. I'm just using the example you gave. So I know plenty of candidates and plenty of people in areas that I represent that run on the Democrat and Conservative line. Would this prohibit them from doing that?

MR. JACOBSON: I didn't catch your question at the end there.

MR. DURSO: Would it prohibit them from running on those lines? Or would you have to walk into someone's house and say, *this person's a Democrat running on the Conservative line?*

MR. JACOBSON: No, they would -- they could go to the comit -- they could go to the committee --

MR. DURSO: Right.

MR. JACOBSON: -- in your -- say somebody is running for town judge. They could go to the committee, the committee could endorse them, or they could just give them their authorization.

MR. DURSO: So -- okay. So even in a judicial race, we're taking away the -- essentially the grassroots effort of people to go out and get signatures on a different party line than maybe they're registered and we're leaving it up to party bosses. But isn't that what we want in a judicial candidate, is someone that kinda represents all parties, all people, because that's what they're going to be doing?

What you're saying is, you don't want that. You're saying that we only want judicial candidates that represent one type of person.

MR. JACOBSON: No, I'm not saying that at all. All I am saying is, just like *you* trying to get the Conservative line, say, you have to get authorization to run in that party's primary.

MR. DURSO: Well, yes, but if I want to primary a Republican, I don't have to get party bosses' approval, I just have to go out and get signatures.

MR. JACOBSON: No, because you are enrolled as a member of the Republican Party.

MR. DURSO: Okay. So you're saying -- just the -- okay. So you're saying if I am not enrolled in that party, you can't run on that line.

MR. JACOBSON: You can't run on the line unless there's the authorization --

MR. DURSO: Right. But you're --

MR. JACOBSON: -- from that party.

MR. DURSO: But you're saying this is just for judicial candidates.

MR. JACOBSON: No, I'm making judicial candidates, just like other candidates, that if they want to run on a line that they're not enrolled in, they have to get authorization from the party.

MR. DURSO: Understood. But why would we want judicial candidates who, again, are supposed to be in the middle and

see all sides, hear all sides and just follow the law, prohibit them from being able run on multiple lines to represent all people?

MR. JACOBSON: Because as I said, in November when people make decisions, they generally first decide, *do I know this person?* If they don't know that, sometimes they decide on, you know, on other matters. Ethnicity, sometimes they make a decision or a gender. But most of the time what people do if they don't know the person, is they decide, *well, what party is this person on?* And I share the values because I've heard judicial -- they believe that each party has their own judicial philosophy.

MR. DURSO: But isn't that against exactly the spirit of a judicial candidate, is we're running them as a -- as a party -- again, I understand there's politics in everything. But what we would hope to achieve is elect people into judicial spots that see all sides. What you're saying with this is, we want two people to run and clearly have it stated what side of the aisle they sit on and then we'll vote.

MR. JACOBSON: No. All I am saying is --

MR. DURSO: Well, no. That's exactly what it says.

MR. JACOBSON: No. I'm just saying is, if you want to run on another line, you have to be authorized by that party to run, don't -- don't have to be endorsed, you have to be authorized to run. And that in November, that voters will rest -- will then have a better -- there's a better chance and I'd say assured, that the person whose been authorized and on the line, shares the values of their party, which they're making the decision. That's how the voters make the

decision. Once you -- once they say, okay, this one has been a local judge, this bad judge, this one's a lawyer, this one's a lawyer -- but people may make decisions. That's all I'm saying.

MR. DURSO: So -- and -- and my last question for you, Mr. Jacobson. Who -- who makes that decision if they can run on that party line or not?

MR. JACOBSON: Now?

MR. DURSO: If your bill passes.

MR. JACOBSON: Oh, if the bill passes? To run in another -- on another party's line there has to -- it has to be authorized by the committee of that party, committee members.

MR. DURSO: Not -- not the people that vote and not the voters and not the people that represent that party, just the -- the person who's in charge of the party.

MR. JACOBSON: The committees will -- the voters will decide in a primary.

MR. DURSO: Okay. Thank you, Mr. Jacobson.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. DURSO: Obviously there's -- there's a -- a lot of information in this bill and a lot of opinions on both sides. I will not be supporting this bill. Again, I can't support a bill that is literally and figuratively making judicial candidates political candidates. So in that case I'll be voting no.

ACTING SPEAKER HUNTER: Ms. Lunsford.

MS. LUNSFORD: Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. LUNSFORD: You are in front of me. I give you permission not to face me so that everybody can -- can hear.

MR. JACOBSON: Okay. I want people to hear this, so...

MS. LUNSFORD: Currently, do judicial candidates run on party lines?

MR. JACOBSON: Yes.

MS. LUNSFORD: Let's say I'm a Democrat -- I'm gonna use Democrats as an example. If I'm a Democrat and I want to run for Family Court, do I get designated as the candidate by the Democratic Party at the County Committee Caucus?

MR. JACOBSON: At the county what?

MS. LUNSFORD: At the -- does the county committee designate me as their chosen candidate in Family Court?

MR. JACOBSON: The committee will endorse you and then once the signatures are -- the signatures will designate you to run in the primary.

MS. LUNSFORD: Would I go through the same process that an Assembly person would or county legislator would with that party?

MR. JACOBSON: That's correct.

MS. LUNSFORD: And the same for the Republicans, the same for a Working Families Party member if they were running their own candidate?

MR. JACOBSON: Correct.

MS. LUNSFORD: Correct. So does this bill politicize the judiciary any more than it is currently politicized given that we make judicial candidates run on party lines?

MR. JACOBSON: No.

MS. LUNSFORD: In a universe where I am not a judicial candidate and I want to seek a third-party line, I can request the destination of that third-party, correct?

MR. JACOBSON: Right.

MS. LUNSFORD: And if that third-party denies me, what is my option at that point?

MR. JACOBSON: Your options would be to, at this point, through an opportunity to ballot.

MS. LUNSFORD: If your bill passes, would the judicial candidates have an opportunity to ballot?

MR. JACOBSON: They would.

MS. LUNSFORD: And what does an opportunity to ballot allow the judicial candidates to do?

MR. JACOBSON: The opportunity to ballot creates a primary where -- it creates a write-in primary and the -- and that's what would happen there.

MS. LUNSFORD: When presented to the voters at a primary in seeking signatures for an OTB, is that process any different than what a judicial candidate has to do now when presenting themselves to a third-party for petition signatures? It's effectively the same thing, right? You go walk up to the door and you get your petition signatures.

MR. JACOBSON: Right, but of course, the only people being able to circulate those petitions would be a party member or a notary.

MS. LUNSFORD: Correct, and that's no different under either of these two scenarios?

MR. JACOBSON: Correct.

MS. LUNSFORD: Why do we have political parties?

MR. JACOBSON: Why do we have political parties?

MS. LUNSFORD: Why do we have political parties?

MR. JACOBSON: We have political parties because -- for three reasons. One, the parties will recruit candidates. Second, is they elect candidates and third, they organize government. That's what I learned my first week of political science class.

MS. LUNSFORD: Would you -- would you contend that the average voter does not know that this exception for judicial candidates exists?

MR. JACOBSON: That's absolutely true.

MS. LUNSFORD: I know in -- in my circulation of various petitions, I find that most people don't know the difference

between a surrogates judge -- a surrogates judge and a judicial -- any other kind of judicial candidate, correct?

MR. JACOBSON: That's correct.

MS. LUNSFORD: So if a voter goes to the polls and they see someone on the line for a political party, is it fair to say they might assume that that party endorsed that candidate?

MR. JACOBSON: That's true.

MS. LUNSFORD: Okay. Under your bill, is it fair to say the only difference between the current way we elect judges and the way we would elect judges under this bill is the Wilson-Pakula?

MR. JACOBSON: That's correct. That's the authorization under 6-120, subdivision (3), that the -- that a party must authorize a non-party member or someone who -- which includes blanks to be able to run in the primary.

MS. LUNSFORD: Thank you.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. LUNSFORD: All this does is force judges into a situation any one of us in this room has been. I would love for judges to be truly apolitical. I don't think they should run on political party lines. I think that's silly. I don't think we should elect judges, because I don't think most people know what judges do. But this is the universe we operate in. We hamstring judges by having them run as not political candidates on party lines, make them raise money they can't take with their hands, it's a preposterous system that we have.

But in the world that we operate in, where judges do in fact run on party lines, they are already politicized. That's how that works. If we want them to be truly apolitical, let's take them off the party lines. I'll sponsor that bill. I think that's a great idea. But here we are where judges are able to wear the coat of a party they may not agree with. The idea, philosophically, that a judge could be on the WFP line and the Conservative line make absolutely no sense. Those two parties have diametrically opposed positions. But here we are, just trying to make things fairer and more clear for the voter. This is a very simple bill. I don't think it changes the world and to suggest that it politicizes the judiciary any more than it's currently politicized is a faux. I'll be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Mr. Tague.

MR. TAGUE: Madam Speaker, would the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. TAGUE: Thanks, Mr. Jacobson. I'm one of those party bosses you mentioned earlier.

MR. JACOBSON: No, no. He mentioned party bosses.

MR. TAGUE: What's that? That wasn't a question, that was a statement, just so you know.

Listen, I'm going to be very brief. I -- I don't know about anybody else in here, but I am confused as all hell. We're not talking -- the only thing that we're talking about is town, village, county judges; am I correct?

MR. JACOBSON: Yeah. This -- this does not -- it's not for Supreme and it's not for judges that are appointed. It's for the people that -- have to carry petitions.

MR. TAGUE: Now, because in the -- for Supreme Court, we have conventions and the candidate's name is actually not even on the petition. It's just the -- the members that are -- that are on the committee for the convention --

MR. JACOBSON: Right. Just the delegates. The delegates in the convention are on a petition and they -- and they nominate at a convention.

MR. TAGUE: Now you're gonna find this strange but my colleague, Ms. Lunsford, I actually agree with her on much of what she said and actually, this bill right here would be helpful in my county and any county that is particularly one party or the other, this bill is actually great for them. But anyways, in my county, we do everything through caucus. So, if you're a Republican and you're going to run for judge, or you're a registered Republican, you have to go to the Republican committee, through the caucus process, you'd get your nomination there. Then you can run on another line, but you'd have to get a Wilson-Pakula and authorization from the State Party if you don't have a County Party, and then someone from that party, or

somebody that's a notary has to go out and get the -- the right number of signatures and the signatures have to be turned in. They -- they have to be right, or you could be knocked off the ballot, as we all know. So I'm -- I'm really just wondering what your proposal does any different than what we're already doing? And I know there's an answer to it, but I'm -- that's when the confusion sets in.

MR. JACOBSON: Okay. What it does, very simply and it doesn't apply to caucuses because caucuses are -- are deemed by definition -- the reason the theory behind that is, it says -- saying that all the members of that party in a town are voting so they don't have to get the authorization. So what this will do and what it will change, that if a judicial candidate wishes to run in another party's primary, in order to get that party's nomination, they would have to get the authorization, commonly known as a Wilson-Pakula.

MR. TAGUE: Okay. So that kinda sounds similar to what I just said. I mean and I can tell you in my own county, as the party boss, I don't let any of my judge candidates get signatures themselves. I -- I -- I actually agree with what the judge said, what you said. I let the members of the party, or the committee, go out to get the signatures.

So, again, my only concern here is the difference of what we're already doing compared to what we're not doing, and you know, looking at this -- I'll be honest with you, in my home county, this bill would be great for me and for my party. That's why I'm a little concerned, you know. And what other counties and

communities will this be good for the other side? And is it -- are we being totally fair? I guess is -- is my only question.

MR. JACOBSON: Are you -- are you voting for the bill?

MR. TAGUE: I -- I don't think so. But, I don't know, we'll find out here in a couple of minutes.

MR. JACOBSON: All righty. Thank you.

MR. TAGUE: But, I -- I want to thank you, as always, Mr. Jacobson.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. TAGUE: It's a great bill for Schoharie County, but I -- I think that today I'm going to be voting with probably the majority members of my conference and I'll be voting in the negative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Steck.

MR. STECK: Actually, as a practical matter, we've had an experience --

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

MR. STECK: On the bill. Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. STECK: As a practical matter, we have witnessed in our town exactly why this bill is necessary. We had one

judge in particular, but it was done by a large number of judges as well who went around enrolling people in the minor parties who were their friends or what have you, had no relationship to the party and then they would vote them by absentee ballot in the primary -- in that party's primary. In many instances, they would actually be filling out the absentee ballots for the voters. One judge had -- was doing it for all three parties: Working Families, Conservative and Green. And all I can say about that was, at least he had one relationship to those parties, his last name was in fact Green. But what ended up happening is that particular judge because of excessive partisan activity, had to resign from the bench. This bill will prevent those kind of shenanigans and that's why I support it. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A slow roll call has been requested. The Clerk will record the vote. If you are not in the Chamber, you need to make your way to the Chamber. You need to physically be in the Chamber to record your vote.

(The Clerk recorded the vote.)

Mr. Bologna to explain his vote.

MR. BOLOGNA: Thank you, Madam Speaker.

I've heard the -- the -- the term "what normally happens", "what -- what traditionally happens" and -- and the sponsor -- I'm not sure what happens where the sponsor lives or anyone else's

district but, like Mr. Tague said, this -- this bill would actually benefit in my neck of the woods because what we would normally have happen is, very cordially, every judicial candidate in almost every town that I have runs on every line. And that has happened for years and it -- it keeps the optics of neutrality. The intent of this bill has been said to depoliticize. I'm sorry, I have run more campaigns than I know what to do with for years. This bill would do nothing but hyper-politicize. Local town judiciaries, they have no business being politicized. Look, I'm not a judge, I'm not a party boss, but I have a party boss in Mr. Sempolinski that I trust implicitly, I have a judge in Judge Morinello that I trust implicitly and both of them are telling me that this is a bad idea. This bill is a bad idea for keeping neutrality out of local town judiciaries. Thank you. I'll be voting no.

ACTING SPEAKER HUNTER: Mr. Bologna in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Madam Speaker. I just want to say I'm a hell yes. Thank you.

ACTING SPEAKER HUNTER: Ms. Lunsford in the affirmative.

Mr. Sempolinski to explain his vote.

MR. SEMPOLINSKI: So, just to reiterate, I've been a, I guess it's party boss, or party leader, we'll call it Chairman of my local county political committee for it'll be nine years here in a couple of months. And so, there's nobody that stands to benefit more than me

if this went through. It's wrong. The judiciary is different. It is not a Legislative position, it is not an Executive position. If we -- if there's a proposal to say put judges in a non-political situation, I'd be happy to consider it. This would make politicalization worse, it would give -- you either trust the people to make the decision of who's going to be their party candidate regardless of their affiliation, or you trust obscure party leadership. I trust the people and I want to keep the judiciary as depoliticized as possible. I vote no.

ACTING SPEAKER HUNTER: Mr. Sempolinski in the negative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Madam Speaker.

I am not a party boss, but I once tried to play one on TV. Ha-ha. And -- but, here's the thing. We force judges to run on party lines, and if there is no party issue, why are we doing that and not just having appointed judges? The reality is that if you are running on one line and you want to run on another line, you should seek permission from the other party and get what is referred to as a Wilson-Pakula. There's no reason for judges not to have that and I will tell you that in my county when a judge runs on only one line, somebody steps up on the other party and runs even though they have no qualifications, have no chance of running, but they run just to have somebody on that line. So we're almost forcing judges to run on all party lines even though they are directly contradictory and they confuse the voter by doing that. So I think this is a good, solid bill

and I think it's something that we should all get behind because if we consider a judiciary to be nonpartisan, then we ought to act like it.

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

ACTING SPEAKER HUNTER: Ms. Simon in the affirmative.

Mr. Morinello to explain his vote.

MR. MORINELLO: Thank you, Madam Speaker. Throughout the debates, there's been different discussions. Different members have tried to correct or substantiate contradictions of the sponsor. There's talk about cross-endorsements; that happens in Supreme Court. If a party boss refuses to give that Wilson-Pakula, what they've done is they've gamed the system. And they talk about they don't know who the candidate is. Well, the petition is only allowing you to get on the ballot to be able to tell the voter who you are. Judicial candidates will have palm cards, they will be able to tell them their background, their education, their experience. And what this does, is it games the system. Last year, or the year before, they passed a bill where election challenges could only go to certain districts and it was coincidental that those were the predominantly Democratic districts. There's another bill they're bringing in to increase the judicial districts to 13, taking the 8th Judicial District and blowing it up and making the City of Buffalo its own judicial district. Based upon what I see happening, what is transpiring in this Chamber and what this Body is doing to the election system for an independent system is absolutely unconscionable. Based upon that I vote in the

negative.

ACTING SPEAKER HUNTER: Mr. Morinello in the negative.

Mr. Jacobson to explain his vote.

Quiet in the Chamber, please.

MR. JACOBSON: Thank you, Madam Speaker, and thank you to my colleagues for a spirited debate.

This bill would eliminate the ability of a judicial candidate from automatically being allowed to run in another party's primary. Judicial candidates would still have the ability to run on another party's line, should they get the authorization from that party, commonly known as a Wilson-Pakula, which all of us have to do if we are seeking a line from with -- that we are not a member of.

Unfortunately, most voters know little or nothing about judicial candidates. So, if they don't know the person, most of the people will make the decision based on what party the candidate is running on. As I mentioned before, it's in my memo, people -- judicial candidates would just circulate in any -- in any or every party's primary, with -- without regard to their own party and with voters not knowing where they stand, or should I say, what their values are. Not where they stand, because obviously they cannot take positions, but they will not know their values. This bill will help to restore confidence in our electoral process by assuring that the judicial candidates they vote for in November share the party's values that they run on. I proudly vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Jacobson in the affirmative.

Ms. Bichotte Hermelyn to explain her vote.

MS. BICHOTTE HERMELYN: Thank you, Madam Speaker, for allowing me to explain my vote.

I am the County Chair of the largest county in the entire State, and I understand the purpose of this bill and why it's important. But I do have to share that in Brooklyn it's not a one-size-fit-all [sic]. In the south part my district, this bill would actually hurt the opportunity to continue to have judicial candidates in our party. And we want to be really careful when we put these bills together to understand how we can carve out areas that will be beneficial in terms of how we elect our judicial candidates. But I am a Democrat, and I represent, again, a -- a county that has 1.2 million Democrats.

And so for that reason I will be voting in the affirmative.

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

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would you please have the Clerk pull the rolls of our colleagues that are on Zoom?

ACTING SPEAKER HUNTER: The Clerk will call the roll on Zoom.

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

MS. BARRETT: Assemblymember Didi Barrett in the affirmative.

THE CLERK: Ms. Barrett in the affirmative.

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

MR. MAGNARELLI: William Magnarelli in the affirmative.

THE CLERK: Mr. Magnarelli in the affirmative.

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

(Pause)

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

MS. RAJKUMAR: Jenifer Rajkumar in the affirmative.

THE CLERK: Ms. Rajkumar in the affirmative.

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

MR. SLATER: Matt Slater in the negative.

THE CLERK: Mr. Slater in the negative.

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

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 411, the Clerk will read.

THE CLERK: Assembly No. A00584-C, Rules Report No. 411, Steck, Santabarbara, Paulin, Levenberg, Reyes, Shimsky, Davila, Bores, Jacobson, Lee. An act to amend the Labor Law, in relation to enacting the "Trapped at Work Act."

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Steck.

We're on the debate. Can we have quiet in the Chamber, please?

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

This bill arose from a situation I had with a constituent who is an esthetician. She went to beauty school, got all the training she needed to do her job. Got her first job with a particular employer, and she signed an agreement saying that she would pay \$5,000 for being trained on the job when, in fact, there was no training on the job. She decided that the job wasn't as promised. She left the job, she got sued and had to hire a lawyer to defend her and ended up with a \$5,000 judgment.

This bill would prohibit employers from using these types of promissory notes, in most circumstances, as a condition of employment. Existing notes would be deemed void and penalties are set for violations. Promissory provisions, also called stay or pay

provisions, require employees to pay their employers back if they separate from employment, often within certain time frames and sometimes regardless of whether their separation is voluntary or involuntary. These provisions are included in contracts upon hire between employer and employee, and they act as a strong disincentive for employees to leave their new workplace for better employment.

These provisions can take many forms, such as training repayment agreement provisions, or TRAPs, which is the one I mentioned with my constituent; educational repayment contracts, quit deeds, damages clauses, sign-on bonuses or other type of cash payments tied to mandatory stay periods.

According to the Consumer Finance Protection Bureau's Office for Consumer Populations, these types of provisions have grown in prominence over the years and impose harmful employer-driven debts on employees. In their 2023 report they reported on TRAPs specifically. Employers' use of TRAPs began in the 1990s, particularly for higher-skilled, higher-wage positions such as engineers, securities brokers and airline pilots. Still in use in those industries; however, they are now also common in lower- and moderate-wage industries such as in the healthcare, transportation and retail industries. Commentators noted that other occupations that have been reported to use them are mechanics, hairstylists, bank workers, social workers and pilots.

While it's difficult to estimate how common TRAPs are across the workforce, the study by the Cornell Survey Research

Institute found that nearly ten percent of American workers surveyed in 2020 were covered by a training repayment agreement, and the steward -- Student Borrower Protection Center estimates that major employers rely upon TRAPs in segments of the U.S. labor market that collectively employ more than one in three private-sector workers. A survey of registered nurses conducted by National Nurses United shows a dramatic increase in their use; 44.8 percent of nurses have been working five years or less, and 45.3 percent who have been working between six to ten years reported having being subject to a TRAP, as compared to 24.3 percent of those who have been working between 11 and 20 years, and 9.4 percent who have been working 21 years or more. So these type of things are on the rise.

To address the rise of these notes which harm individual workers and labor mobility, this bill would void and prohibit the use of these provisions in most situations. While certain exemptions are provided, this bill is a necessary move to protect workers. On a fundamental level, the relationship between employer and employee is already heavily slanted in the employer's favor. An employee's right to leave a workplace that is a poor fit for them is one of the few things an employee can do. Also, the free movement of labor is one of the cornerstones of any functional market, and preventing employees from leaving jobs they are not a good fit for harms employers as much as it harms employees. Not only are promissory notes exploitative, but they also undermine workers' right to self-organize or to form, join or assist labor organizations. For this

reason, the National Labor Relations Board issued their own opinion on these provisions. In 2024, they stated the following --

ACTING SPEAKER HUNTER: Thank you, Mr. Steck.

Mr. Durso.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STECK: Of course, yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Mr. Steck, can you please repeat that again?

(Laughter)

MR. STECK: The staff -- the staff did such an excellent job (inaudible/cross-talk) --

MR. DURSO: I -- I missed everything you said.

MR. STECK: They glorified me with all this data and information that I -- I'm very happy to have brought it to the attention of the Body.

MR. DURSO: Thank you, Mr. Steck. Obviously, understanding this I just wanted to get some clarity on some of the questions.

MR. STECK: Sure.

MR. DURSO: So you said in the beginning this was

something that happened to a constituent of yours, correct?

MR. STECK: Yes.

MR. DURSO: How did that case work out?

MR. STECK: The case out worked out negatively for the constituent because we don't have this law in effect.

MR. DURSO: They can't hear you.

ACTING SPEAKER HUNTER: Mr. Steck, I need you to speak into the microphone.

MR. STECK: Yeah, the -- the case worked out negatively for the constituent. She had to incur a lot of attorney's fees and got a judgment entered against her.

MR. DURSO: Okay. So my question is, doesn't -- wouldn't current Labor Law already protect her from this, and why not?

MR. STECK: Absolutely not because there's no such provision in the law. There are general principles of common law, which is judge-made law, that talk about agreements that are in restraint of trade. But over time, in the area of non-competes -- which TRAPs are similar to non-competes -- those rules have been whittled down. And one of the worst things about it in this particular area is the employee gets put in a position that even if an agreement is unlawful, a certain non-compete is unlawful, the employer sues them and then they've got to hire a lawyer and pay a lawyer \$20,000 to defend themselves. So it's much smarter in the area of employment law to just say what the clear rules are. And by the way, we did pass a

bill eliminating all non-competes, which --

MR. DURSO: Yes.

MR. STECK: -- this does not do, and it ended up being vetoed by the Governor. But that is the problem, it is not illegal (indiscernible) --

ACTING SPEAKER HUNTER: Can we have quiet in the Chamber, please? Take your seats or bring your conversations outside. Thank you.

MR. STECK: Not -- not unlawful under existing Labor Law.

MR. DURSO: Okay. So but -- and I guess it would really be up to a judge, right, to determine whether or not this would be engaging in unfor -- unfair labor practices which, again, obviously, is --

MR. STECK: Not under this bill. Not under this bill. There would be very clear rules as to when these things are allowed and when they are not. Under current law, I can't even say it's up to the judge because while the judge could arguably say that these type of agreements are in restraint of trade, as a practical matter that has not occurred.

MR. DURSO: Okay. So can you give me another example of what employment-based debt would be?

MR. STECK: Okay. Well, one of the things that's mentioned often is what happens a lot with nurses now, because they want nurses to stay there for, say, three years. *We're gonna pay you a*

\$10,000 bonus when you come, but if you leave you have to pay us back the \$10,000. The problem with that is it encourages litigation. Because if the nurse, if the working conditions don't turn out as promised and the nurse leaves, the nurse is gonna say, *Well, it's true I signed this payback, but you breached the contract so I don't have to pay that -- pay it back.* So we end up in litigation. And employment litigation, generally businesses don't like it much and employees can't generally afford it. So a far better approach is incentive compensation, which would be legal under this bill. So, for example, at the end of -- of two years of service you get a \$5,000 bonus, at the end of three years of service you get another \$5,000 bonus. Perfectly legal. It's the clawback provisions that create all the problems and the litigation and so forth.

MR. DURSO: So in other words you're saying that if there is a -- a clawback provision in an employment -- in other words, I -- I -- excuse me, let me -- let me use an example, it's probably better. So if I want to go to nursing school and the State is offering an incentive, right, because I go to a SUNY school, and I have to go work for a State facility for five years once I get out of college, they will pay a certain amount towards my student loans as long as I stay employed with that State facility, county, town, whatever it may be. Would that fall under this? Because we have a lot of programs within New York State where we pay back tuition. We allow for certain training and there's grant programs for those. Would any of those be now negated because of this legislation?

MR. STECK: Those provisions are generally authorized in separate statutes, so they would survive. But this particular -- one of the areas where this comes up is -- and the bill was carefully written to allow for that because, again, the constituent that I had, that was an illegitimate training. No training was provided, in fact. However, if you are actually sending an employee and you're paying an employee to go be trained in some particular aspect of your employment the -- the -- and you're paying, you know, for the travel and the training, that can be recovered under this legislation. We allowed for that exception.

MR. DURSO: So it's -- it's really more of a work-based training. So if you're working while you're training at the same time. So again, and just use the example, apprenticeship programs, right? You are working, but then at night you're going to school, you're doing whatever, and you decide to leave the, you know, the apprenticeship program. They obviously -- they're not taking the money back for the training that they've given you because you we're working while you were training.

MR. STECK: You can't insulate an employer -- or an employer cannot insulate themselves from all risk. So, for example, if we hire an associate to work in our law firm, they're right out of school, they don't have a lot of practical experience. They're gonna get trained in some practical things by our office. But that doesn't mean that we can impose on them some sort of promissory note that they got to pay us back when they leave. That's one of the risks you

take as an employer. And if you want to encourage your employees to stay, you could either do it by providing them with a good workplace -- imagine that -- or, you know, you can use monetary incentives. The -- the bill doesn't interfere with that.

MR. DURSO: It's just -- and -- and again -- and I'm agreeing with you, so I'm not arguing the point. I just want more clarity. It's really the more the -- the clawback provisions that are in the bill to make it say that, *I hire you, we do some training, we send you for training*, whatever. It's to protect the employee, and the employer, actually, from litigation on both sides saying, *You owe me money. I got trained this amount of time*. It's that it would be a separation of services, a separation of service unless, as you said, there's travel involved. You're sending someone, whether it's out-of-state, you know, to a -- a plant somewhere, a -- a manufacturing plant to see how it gets done to work there to be trained without them being employed. So in other words, like a training trip. You could clawback that money, you're saying? But if it's part of your job --

MR. STECK: If -- if you're an employee and you're sent for actual training that is paid for by your employer, that would be an exception. I don't think it would be an exception if the employer said to you -- *Oh, I've got two places of business. Go watch at the other place*. That's not really training of the type that we're talking about. We're talking about where an employer goes out-of-pocket and says to you, *Okay, you need to learn how to use this*

particular chemical and you got to go to the Chemical Training Institute and you -- we're gonna pay the Chemical Training Institute to train you, that's the type of exception we're talking about. We're not talking about go down to the -- to the Supreme Court of the State of New York and observe a trial.

MR. DURSO: Of course. Yes, sir. Okay. Thank you, Mr. Steck. That's all the questions I had for you. I appreciate it.

MR. STECK: Thank you.

ACTING SPEAKER HUNTER: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor yield for just a quick question?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STECK: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much. I -- I just wanted to pick up for a minute on that last example because I think that that was getting at what my issue was.

Many years ago I had -- there was a -- I think -- I think he was an engineer at GE in Schenectady, and he was being sent very similar to your example of, like, the Chemical Institute to be trained. There was very specialized training that he was going to receive that GE was investing in him to go to this school and do this. Okay. So if he went to the school -- but then he was asked to sign an agreement saying when he came back from the school because they

invested, I don't know, \$20,000 for him going to this school, he came back. He agreed to work for a period of time with GE or if he left before that period of time he would need to pay back all or a portion or a sliding scale or whatever it was, the cost of that training. Does this bill change that?

MR. STECK: No.

MS. WALSH: Perfect. All right. Thank you so much. I appreciate it.

ACTING SPEAKER HUNTER: Mr. Angelino.

MR. ANGELINO: Thank you, Madam Speaker.

Would the sponsor yield, please?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STECK: Of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. ANGELINO: A sad story of me getting sued because I was -- I hired a police officer from another agency. And I see in here it talks about government employees, and I'm curious. I know there's a section of the General Municipal Law that requires repayment. Does that make this null? We don't have to worry about that, or --

MR. STECK: It -- it applies to all employees; however, if there is authorization -- the general principle of law is that there's specific controls over the general. So if there's a specific authorization with respect to a police officer training or something of

that nature, that would control over the general.

MR. ANGELINO: And for anybody who's curious, that's General Municipal Law Article 5, Section 72-c, requires the repayment if -- if a police agency hires another before their -- their money's been recouped.

Thank you. I appreciate it.

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 ROMERO: Mr. Steck to explain his vote.

MR. STECK: I was just joking. I've already explained it enough. Thank you.

(Laughter/Applause)

ACTING SPEAKER ROMERO: Mr. Steck in the affirmative then.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 439, the Clerk will read.

THE CLERK: Assembly No. A05898, Rules Report No. 439, Tapia, Gray, DeStefano, Bores, Burdick, Cruz, Palmesano,

Levenberg, Morinello, Alvarez, De Los Santos, Reyes, Hyndman, Lunsford, Dais, Davila, Kassay, K. Brown, Santabarbara, Lemondes. An act to amend the Retirement and Social Security Law, in relation to death benefits for the beneficiaries of certain members of the retirement system.

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

An -- an explanation has been requested.

Ms. Tapia.

MS. TAPIA: Thank you, Mr. [sic] Speaker.

This bill amends the Retirement and Social Security Law to permit the beneficiaries of judges who die while in office to receive pension level death benefits. Under the current law, if a State-paid judge or justice dies in office, even after reaching full retirement eligibility, their beneficiaries receive a significant [sic] reduced death benefit rather than the full pension the judge would have been entitled to if they had retired before death.

ACTING SPEAKER ROMERO: Mr. -- Mr. Ra.

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

ACTING SPEAKER ROMERO: Will the sponsor yield?

MS. TAPIA: Yes.

MR. RA: Thank you. So --

ACTING SPEAKER ROMERO: She yields.

MR. RA: Thank you. So this is a death gamble, which I think we've done in some other areas. I know we had one earlier today for a specific county workforce. We -- I -- I believe we did a bill last year that was ultimately vetoed regarding this. But so essentially what we're talking about here is a judge passes away in service who -- they have to be eligible for retirement, correct, but not have filed retirement paperwork? So then what happens? That judge dies in service. The family now has the opportunity to elect to either get a death benefit or a pension?

MS. TAPIA: No.

MR. RA: What --

MS. TAPIA: (Indiscernible). If -- if the judge didn't have -- didn't retire before dying, they don't -- they just -- they just get the -- the benefit, not the pension.

MR. RA: Okay. So what -- what -- what new benefit is the family getting under this piece of legislation that they wouldn't get now?

MS. TAPIA: Well, they would have the opportunity that -- that -- that the -- the family will be able to get the full --

ACTING SPEAKER ROMERO: Ms. Tapia, could you speak in the microphone?

MS. TAPIA: Okay. That -- that the -- that the family, especially children, would have the benefit to -- to get the full pension that they would have if they would -- don't do it when they

were alive.

MR. RA: So they can get -- they can get the full pension.

MS. TAPIA: Yes.

MR. RA: Now, I assume it would be based on whatever beneficiary the -- the judge had designated with the retirement system?

MS. TAPIA: Yes, the children or the husband. Yes.

MR. RA: Okay. The children or a spouse.

MS. TAPIA: Or spouse, yes.

MR. RA: And then -- and so it would be -- because obviously sometime -- sometimes even if you're, right, if you're collecting a pension they're -- they have that survivability. So then that beneficiary would get it for the remainder of their life (indiscernible), correct?

MS. TAPIA: Yes. Like, they will have it if that happened.

MR. RA: Thank you.

Now as opposed to current law, really all that would happen was the -- would -- the family would be eligible for the death benefit that we're familiar with, which like for -- for us I believe it's three times our salary and it's a one-time thing and that's it.

MS. TAPIA: That's correct.

MR. RA: So that -- currently, that's all they would be entitled to, correct?

MS. TAPIA: Correct.

MR. RA: Okay. Thank you.

And this would apply to State-paid judges. So is that just Supreme Court, you know, Court of Claims?

MS. TAPIA: All of them.

MR. RA: What about local judges, county judges, district judges?

MS. TAPIA: I think -- I mean, the --

(Conferencing)

Okay. Judges -- judge or justice of the Unified Court System, including a retired judge of the Court of Appeals or retired justice of the Supreme Court who is serving as a justice of the Supreme Court pursuant to certification by the administrative, yes.

MR. RA: Okay. And have we in -- because last -- last time, the Governor said that the costs were not accounted for. Is there something different that would enable the Governor to now sign this and not have that concern?

MS. TAPIA: Yes. The Unified Court System are [sic] responsible for -- to put all the funds that are needed for that, which is -- I have it here -- what is it? Hold on. No, I have it here. Someplace written. Maybe here? Hold on, hold on. I'm looking for that. Okay. Exactly. They are -- the United [sic] Court System has confirmed it can fully absorb the cost within its current budget, which is one-time cost of \$4.85 million, and then the annual recovering cost of 287,000. So it's not gonna be any extra funds put by the State.

MR. RA: Okay. Thank you. I think that's all I have in terms of questions.

Madam Speaker, on the bill.

ACTING SPEAKER ROMERO: On the bill.

MR. RA: So I -- I just want to mention, you know, we've done this before. Like I said earlier today, we passed a bill that is very limited in scope. But this is an issue that impacts all public employees, and it seems to me at some point we have to either make a decision that something like this is going to be available to everybody or -- or nobody. The -- you know, to do this -- it's been talked a lot about doing this for our corrections officers who are in a situation where there is a tremendous lack of officers. They can't hire, they can't keep people. And something like this would protect those individuals who want to stay in service once they've reached the point that they could otherwise retire. These are difficult decisions that -- that people make after years of government service, because they risk -- and that's why -- you know, that's why it's called a death gamble -- they risk that if they die in service, that pension they have earned dies with them and their family doesn't -- doesn't get it. So I -- I certainly understand why we would want to do this. But I think there are many, many other public employees that if we're going to make this type of change, need to have this available to them much more so than -- than judges. Many times judges are -- are in a situation where, you know, you -- you leave and -- and retire, there's plenty of law firms looking to hire them. There's -- there's plenty of places for them to go. So I

think it's a very different situation then, say, a corrections officer or some other State employee. But -- but again, I think we need to think about this more holistically in terms of pensions and public employees than doing this piecemeal approach that we're saying, okay, we're gonna do this for judges or -- or we're gonna do it for -- for some other sector.

Thank you, Madam Speaker.

ACTING SPEAKER ROMERO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Tapia to explain her vote.

MS. TAPIA: Thank you, Madam Speaker.

Our judges day in and day out protect our people and our democracy. This bill fixes sometime -- something deeply unfair to them. It is called the death gamble. If a State-paid judge dies one day before filing for retirement, their family receives only a basic lump sum death benefit, often far less than the -- than the pension they earned through decades of service. Had that same judge retired 24 hours earlier, their spouse or child will be taken care of with a full pension benefit.

In one notable case, matter of *O'Brien v. Tremaine*, which sparked this conversation, the widow of a judge who died only

six days before his retirement was denied pension benefits and given a meager lump sum death benefit. That's the gamble, and it's wrong.

The -- the corrected -- we corrected the justice for -- the injustice for teachers, police officers and firefighters back in 2000. But we left our judges out. Judges who often enter public service later in life. Judges whose experience we want on the bench, but who feel forced to retire early to protect the families from this exact scenario. This bill --

ACTING SPEAKER ROMERO: Thank you, Ms. Tapia. How do you vote?

MS. TAPIA: Yes.

ACTING SPEAKER ROMERO: How do you vote?

MS. TAPIA: In the affirmative.

ACTING SPEAKER ROMERO: Thank you. Ms. -- Ms. Tapia in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Madam Speaker, my colleagues.

Earlier today we voted to pass the death gamble for county corrections officers, now we're passing the death gamble for judges. I -- I and many of my colleagues anxiously await for the Majority to bring up the bill that will pass the death gamble for our State corrections officers. We've passed it twice, the Governor's vetoed it twice, said we want to put it in the budget. It never gets put in the budget. I think we need to send a strong message to the

Governor this is a priority. We should pass it. Our corrections officers have a very difficult and dangerous job. There's a tremendous staffing shortage because of quality of life issues, because of safety issues inside our correctional facilities. These individuals, it's a 25-year retirement. Some of them decide to stay beyond 25 years, as we were talking about with the premise of the bill. But if they die while in service and still working, their family would only get three times their annual salary. We need to protect that pension for their families. Number one, they deserve it. Number two, the spouses, those COs earned it. So it's up to us to help ensure that their family members get that benefit that they're entitled to, that they deserve and they've earned. It's the right thing to do. And let's send a message to the Governor, this is a priority. And -- and if she vetoes it again -- here's a novel idea -- it passes unanimously, let's bring it up and override the Governor's veto. We're an equal partner. That's our legislative responsibility. Why do we just have to accept her vetoes and then go on to the next thing.

So let's pass it. Again, do the right thing, and if the Governor wants to veto it, if she's not gonna put it in her budget, then we should override it.

So I will vote for this legislation, but I encourage us to quickly bring with the remaining days bring up the -- the death gamble bill for our State corrections officers who deserve it and have earned it.

Thank you.

ACTING SPEAKER ROMERO: Mr. Palmesano 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, as we continue our floor work on debate we are going to go to Rules Report No. 544 by Mr. Hevesi, Rules Report No. 550 by Mr. Anderson. By the way, today is Mr. Anderson's birthday. Rules Report No. 588 by Ms. Lee, Calendar No. 54 by Ms. Paulin, Calendar No. 85 by Ms. Glick, Calendar No. 118 by Mr. Epstein, and Calendar No. 156 by Ms. Septimo. In that order, Madam Speaker.

And I would encourage colleagues if you heard your bill being called for debate, please be in the Chamber so the staff won't have to run looking for you. It's -- it's only fair to the rest of us that are in here. Let's -- let's move along this thing quickly.

Thank you, Madam Speaker.

ACTING SPEAKER ROMERO: Thank you.

Page 16, Rules Report No. No. 544, the Clerk will 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 ROMERO: An explanation has been requested.

Mr. Hevesi.

MR. HEVESI: Good evening, Madam Speaker and colleagues, Ms. Walsh.

This bill will establish a Statewide supervised visitation initiative to support safe and structured parenting time in New York State.

ACTING SPEAKER ROMERO: Ms. Walsh.

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

ACTING SPEAKER ROMERO: Will the sponsor yield?

MR. HEVESI: Absolutely.

MS. WALSH: Thank you very much. I have a lot of them, to be honest with you.

MR. HEVESI: Okay.

MS. WALSH: First of all, I just want to say from the beginning that there's no doubt that there is just a, like, a dearth of opportunities for supervised visitation --

MR. HEVESI: Agreed.

MS. WALSH: -- in the family court system, certainly the county that I practice in. And so I don't -- I don't question the -- the desire to provide some services here because somewhere along the

way, the churches that used to provide it, the not-for-profits that used to provide it, they've -- the for-profit ones that used to provide it, they've all dried up, at -- at least in the counties that I'm familiar with. So let -- I want to start from there, you know, and then just take a look at really what this bill does and why -- why I believe that this bill, while it has the very best of intentions, I -- I don't think is ready. I --

MR. HEVESI: Oh, okay.

MS. WALSH: -- don't think it's ready. And I'll -- we'll --

MR. HEVESI: (Indiscernible)

MS. WALSH: We'll get to that.

MR. HEVESI: Great.

MS. WALSH: Okay. So the bill requires the Office of Victim Services, in consultation with the Office for the -- for the Prevention of Domestic Violence, to establish a Statewide supervised visitation initiative. I guess first question is, why are -- why is it being run through those two offices?

MR. HEVESI: Well, if I can, I'm gonna just take a little liberty and take a step back. You're right about the dearth. I'll do it very quickly.

MS. WALSH: Yeah.

MR. HEVESI: But in 2023 the Office of Court Administration did an analysis of how many supervised visitation providers we have in New York State and found that 28 of our counties have zero. New York City has three, which can

accommodate about 850 of these arrangements when they need to be doing somewhere in the neighborhood of 8- or 9,000 because they're half the State, and then even the ones we have up and running, it's cost-prohibitive and there are huge wait lists. So that's why we're here.

MS. WALSH: Absolutely. I -- you're not gonna get any argument from me on that at all.

MR. HEVESI: Perfect. Thank you.

As to your question, these seem like the logical entities to run it through the Office of Victim Services, because you're dealing with families that are separated primarily from either family violence or child protective cases. So I think that's why we made that choice.

MS. WALSH: Well, what about just run-of-the-mill family court cases where you've got allegations that have been brought into just a regular, you know, Article 6 family court case that -- where there is some domestic violence or there is some mental illness or there's some -- maybe it doesn't rise to the level where you've got a -- an Article 10 abuse or neglect case. But, you know -- or maybe it's not even an IDV, or integrated domestic violence court, but you've got some allegations and you may need some supervision. Would those cases and those kids come under this program as well?

MR. HEVESI: Absolutely. Any -- any court-ordered supervised visit -- professional supervised visitation is -- will be covered under this bill.

MS. WALSH: So any time the court orders it?

MR. HEVESI: Yeah. And -- and part of the reason -- so there's multiple problems with having a lack of supervised visitation. One of them is -- well, I'll give you two; one is the court doesn't get the reports on the evaluation of the relationship between the parent and the child, which is a problem. I'm sorry, I just lost my train of thought.

MS. WALSH: As far as accountability, there's gonna be --

MR. HEVESI: (Indiscernible/cross-talk)

MS. WALSH: -- there's gonna be a lot of oversight in reporting on the -- in each visit, right?

MR. HEVESI: Exactly. That's right. And forgive me, one other thing.

MS. WALSH: Yeah.

MR. HEVESI: This is the point I just lost. Because you don't have significant supervised visitation, when the court orders the family to go have supervised visitation they come back frequently not having had it, which delays the court process. This is a part and parcel to the family court being delayed.

MS. WALSH: Yeah, right. So, I mean, what happens sometimes is the -- the -- the parents are warring, right? They're warring, they come into court and they say, you know, *I don't trust my spouse or I don't trust, you know, my -- the father of my child to have unsupervised visits with -- with that child. And I want that to*

be supervised. And then the court says, Great. Who do you have to supervise? Well, you know, the -- the dad or -- you know, the dad says, Well, I've got this person, this person or this person. I don't like any of those people. I want it to be supervised. I want it to be supervised by the court. And I don't like -- Well, why don't you like those people? Well, that one likes that person too much and they won't call. You know, they won't stop a visit if it gets inappropriate, or, I don't like them because, you know, they were mean to me last Christmas. I mean, it could be -- we hear all kinds of things.

MR. HEVESI: I'm sure.

MS. WALSH: So if for some reason those people's names that have been thrown up as possible supervisors don't meet the requirements of the other litigant or the claimant, then the family court could say, *All right, then it's gonna be supervised visits then* and then it would fall under this.

MR. HEVESI: That's exactly right. And I -- in my -- I don't practice in the way that you have, so you understand the system better than I do. But I think that's a common occurrence.

MS. WALSH: It is --

MR. HEVESI: It just --

MS. WALSH: -- extremely common.

MR. HEVESI: Exactly.

MS. WALSH: That is -- that is part of my concern with the bill, is that you're -- you're talking about -- I mean, given a choice anybody, I would say, I can't think of an instance where

somebody would come before family court and say, *You know, I really think that my -- my mother could act as a supervisor and would be capable or my, you know, neighbor.* They -- they want to have State or -- or neutral, they would think it was neutral --

MR. HEVESI: Yes, that's perfect. (Indiscernible/cross-talk).

MS. WALSH: -- supervision. And so what I'm saying is that the cost of this is going to be astronomical, in my view.

MR. HEVESI: Okay. So let me talk about cost. So I -- so I appreciate that. We believe it's \$25 million.

MS. WALSH: \$25 million?

MR. HEVESI: \$25 million.

MS. WALSH: Statewide?

MR. HEVESI: Statewide, annually. Yeah. And I can break it down for you.

MS. WALSH: I -- okay.

MR. HEVESI: That's the -- that's the numbers we got from the Office of Court Administration, \$25 million annually. And what you get from that -- and I just want to make sure that we all understand what we're doing here. So this is where you were leading, Ms. Walsh. I'm just gonna follow up.

So the Office of Victim Services, in consultation with the Office of People with Domestic Violence [sic], is gonna fund one program per county and expand existing programs. So if there's counties on the ground, we're gonna expand. We're also gonna allow

counties, if they're geographically appropriate, to share one of these if it's -- if it's too much of an onerous thing on the counties to -- to do their own. But we're requiring something. We're -- we're mandating something from the counties as well. So we're gonna ask the counties to give us an analysis in their districtwide child welfare services plan. We're gonna need an assessment of four things: Their local needs, their program plans, their usage data, and their projected cost. And then here's what the State gets out of it: The State is gonna make these programs comply with court orders, and then they're also -- the State is gonna make these programs offer free waivers for low-income families, and then provide the reports to O -- O -- OVS as directed. So this money, I would argue, is incredibly well-spent for a couple reasons; first, it helps the court system, but let me go back to what it does for kids. So first -- and you know this -- first --

MS. WALSH: It gives them safe supervision. I mean, I understand the reason for it. I -- I wanna -- can I just hone in for a moment on the --

MR. HEVESI: Absolutely.

MS. WALSH: -- on the cost, which I think is incredibly lowball, in my view.

MR. HEVESI: Okay.

MS. WALSH: I really do. And -- and I wanna get to the point where it's saying in here that it's gonna be using available grant funding to support safe and structured parenting time. Do you have any grant money out there that you know of?

MR. HEVESI: No. We're gonna be doing this is in this future budget. Upcoming budget.

MS. WALSH: So, we would be passing this bill -- has it -- has this passed the Senate?

MR. HEVESI: Not yet.

MS. WALSH: Okay. So if this bill got done, then the idea would be, like, next April there would be -- there would be some kind of a budget line?

MR. HEVESI: Yes, that's what we're hoping for.

MS. WALSH: Okay. So do you know how well the -- did you say that there were 28 -- how many programs are there currently running out of the 62 counties, 20, was it?

MR. HEVESI: So, I've got to do my math. Last I was told it was 28 that don't have it, minus 62.

MS. WALSH: Okay. All right. Because I thought it said in there -- maybe I misread your memo of support. I thought that there were -- I thought that there were 20 who did have it. I -- which sounded about right to me.

MR. HEVESI: Yeah, no, 28 counties, my understanding that do not have it at all.

MS. WALSH: Twenty-eight don't have it? How many do have it?

MR. HEVESI: That's my understanding. I'll check, but I believe that's the number.

MS. WALSH: Twenty -- oh, 20 counties -- oh, now

it's 28. Okay. Well, probably more folded then. Yeah, I'm looking at your justification.

MR. HEVESI: (Indiscernible/cross-talk) it's not a good model, right? So these are professional supervised visitation. For them to stay in business they have to charge a -- a significant amount. The cheapest that we found is about \$75 per one hour. So if you do that, you want an hour with your kid a week, that's \$75 times four, you're at \$300 in a week. The people who need this, that's cost-prohibitive. And here's the problem --

MS. WALSH: Is it gonna be means tested at all?

MR. HEVESI: What's that?

MS. WALSH: Is it going to be means tested at all?

MR. HEVESI: Yes, absolutely.

MS. WALSH: Okay.

MR. HEVESI: What they're gonna do is do an analysis of these low-income families and say, Listen, you're -- you would be precluded under normal circumstances from getting supervised visitation, but we're gonna help you with those funds. And -- and let me just touch on one other thing --

MS. WALSH: Sure.

MR. HEVESI: -- and this is -- let me see if you agree or not.

MS. WALSH: Okay.

MR. HEVESI: We're avoiding -- for me, this 25 million is the best-spent money you could possibly put together.

Because what you're allowing is kids to maintain their connection with their parents. Now, number one, parents have a fundamental right to raise their kids, to -- to choose their education, all of the other rights that are -- come out of the 14th Amendment -- of the Due Process Clause of the 14th Amendment. So that's for parents.

Number two, even in circumstances where there's abuse or violence or the worst possible things, having contact with your parent is exceptionally important for these kids in their development.

Otherwise, you're leaving kids the experience of being away from your parents. Family separation is a trauma itself. But if it's --

MS. WALSH: Yeah.

MR. HEVESI: -- longer term -- just one last thing --

MS. WALSH: Yeah.

MR. HEVESI: If it's longer term, that turns from a kid feeling abandoned into depressed and long-term consequences.

MS. WALSH: So, I mean, I -- I would just say back to you that, yeah, I mean, definitely I've represented kids who get a lot out of visiting with their parents. To me, it depends on how messed up the parents are. I mean, sometimes parents just have to do some work. They have to do some work. And sometimes they have such mental health problems, and we all have talked in this Chamber how many times about the absence of good mental health care that's available and that's accessible to people. It -- it depends. Sometimes it's a great idea. But I also have had family court cases where I've represented a kid from pretty much infancy up to 18. That whole

time. So under this bill, would you contemplate that that child, that child I'm giving you the hypothetical of, would start getting supervised visits in infancy and those visits would continue until 18?

MR. HEVESI: It's not up to me, it's up to a court. It's judicial discretion. If the court decides -- so I -- and by the way, I completely appreciate your point about mental health. If the judge decides that for whatever reason the parent is not in a position to be interacting with that kid, that it could have a negative impact on the child, then the judge has every right to say no. But quite the reverse, maybe the parent will do better if they're in contact with the kid. Maybe the parent is --

MS. WALSH: Sometimes.

MR. HEVESI: Yeah. Maybe the parent is experiencing some underlying conditions that are exacerbated by, Oh my God, I don't have my kid. My family's not here.

MS. WALSH: That's true. I've seen that, too. Yeah.

MR. HEVESI: So overall, I'm gonna argue that it is in the fundamental interest of every New Yorker for these families to be kept together as long as a judge decides that it's safe for the kid.

MS. WALSH: Yeah. And of course I've got plenty of clients who hit around 15, 16 who then will go in and do a Lincoln hearing with the judge and say, *I don't want to see -- I -- I've had -- it's sad -- 10-, 11-year-old clients who say, You know what -- who are parentified, kind of, and they say, You know, my mom's got a lot of work to do.*

MR. HEVESI: Yes.

MS. WALSH: And --

MR. HEVESI: By the way, can I give you another thought that just occurred to me? And I apologize, I don't mean to take you off topic.

MS. WALSH: That's okay. I -- I'm gonna ask you all the questions --

MR. HEVESI: I know you are.

MS. WALSH: -- that I have, but we've got time.

MR. HEVESI: I know you are. No -- no, my thought is you're also preventing family separation, which is costly to the State. Okay? So if there's gonna be -- if the parent has no connection to the child, I would argue it's much more likely that there will be eventually a full break in the legal -- in the legal realm, and that costs money; court time, foster care, all of it. So this 25 million is really a good way to make sure it's preventative. Make sure that these problems aren't happening, they're not metastasizing and getting worse.

MS. WALSH: Yeah. So, no, I -- I think that, like, if the child is placed in foster care then visits are being facilitated through foster care Child Protective Services, DSS. If there's an Article 10 case and the case is pending, then you've got -- the CPS workers are facilitating where -- where appropriate, visitation with parents.

MR. HEVESI: If -- if they can.

MS. WALSH: It just depends. The people that fall within the cracks, so-to-speak, are the people who are in on a simple -- they're not always simple -- but custody matter, and there's -- and there's -- it's a complicated Article 6 case, right?

MR. HEVESI: You're right.

MS. WALSH: So you've got mental health issues, you've got domestic violence issues. And, you know, we're not talking about visits just during the pendency of the case. If there's a final court order going forward, that could -- that could mandate continued visits.

MR. HEVESI: But not paid for. We -- we stopped after a certain point.

MS. WALSH: Oh, good. At a certain point. Could you point that out? Thank you.

MR. HEVESI: Absolutely. Let me -- let me pull that together.

MS. WALSH: Okay.

MR. HEVESI: The way it was --

(Pause)

No, I don't have it. Sorry. Ask me the question again. I apologize, Ms. Walsh.

MS. WALSH: I think you -- you just were -- you we're just volunteering a piece of information.

MR. HEVESI: Then forget it.

MS. WALSH: Yeah.

MR. HEVESI: It wasn't worth it.

MS. WALSH: Yup. Yup. Okay. That's all right.

We'll move on.

MR. HEVESI: My apologies.

MS. WALSH: No, no. That's okay. I'm a stream of consciousness person, too. So I get it. Okay.

MR. HEVESI: Thank you.

MS. WALSH: So getting back to funding for a second. You talked about the 25 million at the State level --

MR. HEVESI: Yup.

MS. WALSH: -- right, and you were talking about what a great investment that was. And then you started talking about counties. What -- what would be the county share in developing this program?

MR. HEVESI: All the counties have to do is add basic information to their annual child welfare plans that give the following pieces of information.

MS. WALSH: So they're just data collecting?

MR. HEVESI: Yeah, pretty much. So, one, you have to -- local needs, program plans, usage data, projected cost. And then there are two other pieces that will be in that plan; emphasis on affordability, and cultural and language accessibility. So as long as the counties -- all they have to do is put that information in their annual plans that they're doing anyway, then they can receive these funds.

MS. WALSH: So they're -- this is -- the counties are gonna be advancing the funds and then they're gonna get reimbursed by the State?

MR. HEVESI: No, no, no, no. We're gonna work that out in next year's budget. No, I'm not asking the counties to lay out any money and I'm not asking for any county money. I wouldn't put up a bill that does that.

MS. WALSH: So this is 100 percent gonna be funded through the State.

MR. HEVESI: That is absolutely true. That's what I'm --

MS. WALSH: So a budget item in next year's budget --

MR. HEVESI: Correct.

MS. WALSH: -- if this bill passes and gets signed by the Governor.

MR. HEVESI: That's right. I would not put forward a bill that adds extra burdens to our counties.

MS. WALSH: No, I -- I'm very appreciative of that. What -- what -- what -- in a -- in a nutshell, what -- and I see I'm running -- I -- just so that we all know, I'm running out the clock on my first 15. I'm -- I'm gonna need a second to be able to finish up with you.

MR. HEVESI: Sure.

MS. WALSH: So in the bill it talks about culturally-

sensitive services. That -- what does -- what does that mean?

MR. HEVESI: Different communities, people speak different languages.

MS. WALSH: So it's language (indiscernible/cross-talk) --

MR. HEVESI: It's language.

MS. WALSH: Okay.

MR. HEVESI: Yeah. So -- so the counties will have to say, *We have these, you know, populations, we have these language needs.* That -- that's pretty much it.

MS. WALSH: So the supervisor who's gonna be supervising a visit will be speaking the same language as the people that they're -- that they're supervising.

MR. HEVESI: That's crucially important, particularly in certain neighborhoods in our larger cities.

MS. WALSH: Yep. Are they even available? Are those --

MR. HEVESI: Obviously, you used the word right in the beginning of your description. There's a dearth. But that dearth applies to everything, so I don't think so. We -- we are so behind the eight ball on this one that we're causing other multiple problems.

MS. WALSH: Why not just do a pilot program?

MR. HEVESI: This is.

MS. WALSH: Why not -- no, this is saying that within six months -- unless I'm wrong, please -- but this is saying that

within 180 days we're gonna have a program to make sure that there's one of these in every county that doesn't have them. That's not a pilot program, that is a huge, huge lift, in my humble opinion. You know?

MR. HEVESI: Fair enough. Okay.

MS. WALSH: Okay? All right. Okay.

Is there anything -- there's -- it didn't seem like there was anything limiting in here. So like in cases where there's family violence --

MR. HEVESI: Yeah.

MS. WALSH: -- this would facilitate supervised visits if the court orders it with both the -- the --

MR. HEVESI: Custodial and non-custodial parent?

MS. WALSH: Or the -- the parent that has perpetrated the domestic violence and the survivor of the domestic violence.

MR. HEVESI: Yes, the alleged abuser. Absolutely.

MS. WALSH: Both.

MR. HEVESI: Mm-hmm.

MS. WALSH: If it's ordered.

MR. HEVESI: Only if the judge orders it. Yes.

MS. WALSH: Is there -- there's nothing in here as far as frequency of visits?

MR. HEVESI: This is all judicial discretion. We're not touching that area.

MS. WALSH: You mentioned earlier that out of the

counties that do have this program they have long waiting lists.

MR. HEVESI: Yeah. New York City has a wait list. So if you're ordered in New York City for supervised -- professional supervised visitation you are immediately gonna be on one of three wait lists that last anywhere between six months and a year. Some longer than that. We are nowhere near dealing with the capacity.

MS. WALSH: Why not try to put resources towards solving those -- those existing programs and their difficulties rather than trying to create --

MR. HEVESI: We are.

MS. WALSH: -- so many new ones?

MR. HEVESI: We are. The money that we are putting forward here, the 25 million that will be subject in the next budget, can be used to expand existing programs or where there's a gap, say -- you know, we -- we always talk about child care deserts. So let's say it's a supervised visitation desert, they can put a new program there. But they are going to be trying to base their efforts on existing programs.

MS. WALSH: And -- and that's part of my issue. So, I mean, how many times here in this Chamber have we talked about how you can't find any day cares for your kids? They don't have slots. You can't find direct care workers. You can't find court interpreters. We were talking about that a couple of days ago. You can't find anybody. How are you possibly gonna staff something like this?

MR. HEVESI: Well, we're gonna put the money

there and hope that these programs can expand. And I believe once the money is there that people will start, you know, hopefully growing these businesses. That's the hope. If -- if it doesn't happen, then we're still in the circumstance where we're using unsupervised visitation where -- where it can be a little dangerous, as you know.

MS. WALSH: So when it says at the end "this act shall take effect on the 180th day after it shall have become a law", so how is that realistic with what needs to happen here?

MR. HEVESI: That a terrific question. So -- so the answer is this: I'm hoping this bill gets signed, okay? There is a chance that the Governor vetoes it. Once we pass the Senate there's a chance that the Governor vetoes this bill and then we'll start back in the budget. But I wanted to have this debate publicly, tactically, because if you do it in next year's budget it gets lost. Just in Children and Family Services alone there's about 20, 25 issues that demand our attention; increase child care money. You know the rest of the story. So if I tried to insert this into next year's budget, I would be competing with not only my own priorities, but every other member's priorities, and this wouldn't get the due diligence that it requires. So bringing it up today, now all of my colleagues know that they have probably (indiscernible) counties without supervised visitation, and when I come to them in March and say we need your signature to help us get more money for them, hopefully they'll be more receptive.

MS. WALSH: Well, I'm glad I could be a part of your master plan strategy here.

MR. HEVESI: I wouldn't -- I wouldn't call it that, but I do appreciate it, Ms. Walsh. Thank you.

MS. WALSH: Let me just review my notes, but I think you've pretty much answered... All right. You talked about fee waivers for people who can't afford to pay.

MR. HEVESI: Yes.

MS. WALSH: Would there be -- do you envision that anybody is gonna be able to pay for these services on their -- on their own?

MR. HEVESI: Absolutely. If -- if people have the means, they should absolutely pay for these services. It's a business. What we're trying to do in the State is not only make sure that we have the infrastructure, but also provide additional resources to families who have low income and are finding themselves in a circumstance where they've been separated.

MS. WALSH: Okay. And there's no need that people -- they don't have to plead like a domestic violence case or anything like that in order to get the attention. They just have to -- it has to be something that the court will order.

MR. HEVESI: Correct.

MS. WALSH: And the court that could order it would be family court.

MR. HEVESI: Supreme as well. Family and Supreme.

MS. WALSH: Supreme as well, and a matrimonial

action.

MR. HEVESI: I believe.

MS. WALSH: Okay. Let's see. Okay. I think that I have -- you have done a very good job answering all the questions that I've got. Thank you so much.

MR. HEVESI: So you're gonna vote yes?

MS. WALSH: Oh, I'm not gonna -- I'm gonna go on the bill now and explain --

MR. HEVESI: I just gave it a shot.

MS. WALSH: -- why this is a terrible idea.

MR. HEVESI: Thank you, Ms. Walsh. I appreciate it.

MS. WALSH: With great respect.

On the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So here's the thing. We know that there is a problem. We know that there's a problem. You know, we -- we agree on that. The thing is how do we -- how do we get there. You know, we just collectively passed a \$254 billion budget and there was no money put in for this. And we all know how much the Governor loves the idea of us passing things and then -- that have no money that's been -- that's allocated for it. So, I mean, I would -- I don't -- I can't predict what the Governor would do. I don't even know if the Senate will pass it. But yeah, we're getting the ball rolling, we're having the discussion. That's a good thing. But here's why I don't

think that the bill is ready for this to advance. I think it is -- I think it is -- I -- I don't want to be at all disrespectful because I think that, you know, the heart is in the right place and there is a need. But this is -- this is a -- an incredible lift. When a problem has been kicked down the road so long and it's gotten to be such a big problem, putting an 180-day effective date and saying that you want it in every county in the State and saying that you want the State to pay for all of it and, you know, it's just -- it's just a lot. And I'm telling you, the number of cases, it -- it would be most of the cases in my family court caseload would want and ask for -- ask a judge for supervised visits. I'm just saying that we don't have the people and we're not gonna get the people. I -- I didn't even get to talking with the sponsor about what you're even gonna pay these people to do supervision. And some supervision really is gonna have to be by trained mental health professionals. You know, when the churches used to do supervised visits, they were very, like, well-meaning retirees that had a real heart and wanted to be able to do this kind of work. And that -- and that works for some cases. I have -- I have had cases where -- I had -- one -- one is just coming to my mind that I'll just share with you. I represented a little girl from the age of, I think she was probably six when I started representing her, and her family hasn't been back in court recently. I will continue to take her case until she ages out of the family court system because I care for her. But she has a mom who has really profound issues with low IQ and very serious mental health issues, who absolutely loves her daughter, who cannot observe

boundaries. Who can't resist the urge to call her, which violates Orders of Protection which then lands her back in jail. Then she gets out of jail, she does it again. She gets involved in terrible relationships with sex offenders. She -- she's just not bad enough to terminate her parental rights, and we don't want to because she loves her daughter. But she's -- she cannot be even in a supervised setting for very long with her daughter before she's saying or doing something that is just wholly inappropriate. So she needs a trained supervisor who has the courage to stand up -- and she happens to be a big lady, too -- and say, *You know what? You're being inappropriate. We need to terminate this visit.* And all of that -- we talk about trauma to the child to be separated from the parent? Sometimes being exposed to a parent who is that deficient, that's traumatizing, too. So we need -- if we're gonna put a program into place, I think we need to have very highly-trained people available who, of course, are gonna have to be culturally competent, who are gonna need to speak whatever language the people are -- the child and the parents are speaking.

I mean, do you have a sense, am I painting a picture for you of just how hard this is? And I -- I have the greatest respect for the sponsor and his desire to do the right thing, and I also want to do the right thing. This bill is not ready. It is not ready. To -- the idea -- and I always rail against this, and I'm gonna rail against it again. We -- we put out a -- a feeling, a sense of what we want to accomplish, and then what do we do? We pick the Office for the Prevention of Domestic Violence and the Office of Victim Services

and we go, *Here, you got 180 days. Good luck. You know? See what you can come up with, and we'll see next April what we can come up with for -- for money.* Or April or May or June or whenever the budget gets passed next year, right?

So this is just -- it's a -- it's a good-intentioned [sic], but it doesn't have the structure. It does not have the funding. It does not have the personnel. And what I'm saying to all of you who are here and those of you who may be listening, is it's very difficult when you have a bill that is titled and starts out by saying "supervised visitation to support safe, structured parenting time." All right, who doesn't agree with that, right? We agree with that.

I'm asking you to have the courage to vote no to this bill not because we don't care about it, because this bill is not ready. And I would like, through some no votes, to establish to the Governor concerns that we cannot just create a policy, delegate it to these -- to these well-meaning, you know, agencies, not fund it for a good long while, and not have any idea of the personnel that are gonna be able to staff it. So I'm asking you all to have a little bit of courage and -- and vote no, with respect to the sponsor, with great respect and concern for this issue. We're just -- this is -- this bill is not ready yet. So unfortunately, I will have to vote in the negative and I -- I do encourage my colleagues to do the same.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Chang.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. HEVESI: Absolutely, sir. How are you?

ACTING SPEAKER HUNTER: The sponsor yields.

MR. CHANG: Well, thank you for this bill. It's very bold. And -- in my community in Sunset Park and Borough Park it's a huge, huge issues about these parental supervision itself, especially the Jewish community as well. And -- and I have no faith OPWDD were able to be faithfully to execute this -- this bold initiative you have. Because how would you able professional services? How do -- are there any -- how do we classify them? What's professional or not? Are they certification or not, sir?

MR. HEVESI: So -- so first, thank you for -- for the question. The -- the answer is we are relying on the Office of Victim Services, that's the -- the group we picked, and they are hopefully -- and this is our hope, I didn't want to put this in the legislation -- there was a Federal book of guidelines done on what you need specifically for supervised visitation, and I mean I'm talking down to if you have to leave a kid in one door and out -- come in the front door, the abuser comes out the other door. So I'm gonna be hoping that the Office of Victim Services follows those Federal guidelines. I did not want to put them in the bill to tie their hands, but I believe that they are the appropriate entity to handle this.

MR. CHANG: And do you expect any, like, certification or process for these professional certification itself?

MR. HEVESI: I'm -- I'm not expecting certification. I don't -- I don't think these are certified positions. But I'm expecting a level of professionalism that I know that we don't have now. And by infusing State money into this system and by requiring them to do a number of things, we're hoping to professionalize what is clearly -- and I'll use my colleague's term -- a dearth of appropriate services for our constituents.

MR. CHANG: Because as it is right now, in -- in New York City there's a shortage of the professional staffing itself, and your bold enough to be all throughout the State, and Upstate here is even less of the services --

MR. HEVESI: Yes, sir.

MR. CHANG: -- are trained. So perhaps it should be structured maybe some professionalism on a supervised level so they can --

MR. HEVESI: So, let me answer you this way because I -- I think you're on to something. So, there's several types of visitation. So there's unsupervised -- we're not talking about that, that's family. There's -- there's regular supervised visitation, which I think is just evaluative. But then I think you're right, there's therapeutic supervised visitation where the judge says, *No, we got to have a professional in the room.* So it will be a combination of those two.

MR. CHANG: Okay. And how would that be competing against foster care? Because that could be a fine line of foster care, a supervised visit; wouldn't that?

MR. HEVESI: You mean you're taking people from the foster care industry --

MR. CHANG: That's correct.

MR. HEVESI: -- to this? To be honest with you, I haven't thought about that, although that's a huge problem in the foster care industry. Because we, under the former Governor, stopped paying the people in the foster care industry. Their turnover rates are ridiculously high. But I don't think that propping up supervised visitation and making it more professional is gonna significantly add to the -- to the turnover rate. Just because COFCCA, the group that supports all of those agencies, is, I believe, for this. Or I can guarantee they did not come out against it.

MR. CHANG: Yes. And especially in domestic violence environment. And generally, parents and kids are outside from -- from the -- from the neighborhood. Generally you don't congregate in the same neighborhood, they always go to the different neighborhood. So that's hard to do. And you want to be culturally sensitive, especially in a Jewish neighborhood because you need kosher food, you need all those support system. If -- if there's a domestic violence issue they have to be relocate some other area that may not be culturally sensitive.

MR. HEVESI: Well, it's a -- it's a really good point,

and particularly -- look, you and I are from New York City with the most ethnically and culturally-diverse city in the history of the world. And that's why we are gonna ask the City to send out in their annual -- that they do this every year -- Child Welfare Plan and tell us exactly what they need and then the State will hopefully be able to provide it.

MR. CHANG: Okay. And 25 million, to be honest, that's not enough money.

MR. HEVESI: It's the best money we've ever spent. And -- and I'm telling you, I would spend more than that to keep these families together. To -- to take away the adverse childhood experiences and the trauma of family separation that government is doing, we are part and parcel to -- let me take that back. We are exacerbating family separation with our -- with our incompetence and this is our -- a way to fix it.

MR. CHANG: Well, my colleagues made a very good point that this is a very bold program, and I applaud you to -- to put this, because this is really necessary in this current age right now.

MR. HEVESI: Thank you, sir.

MR. CHANG: But I would think our current structure administratively is able to handle this -- this new program itself unless you could implement like a project itself that can grow out.

MR. HEVESI: Yeah, I -- I understand that. So look, this is about getting the -- the ball rolling. The next step -- so first of all, if the Governor signs it I'm sure there'll be an amendment process

which you could address some of these things. Or worst case, she vetoes it and I'm here back asking you guys to -- to vote for this next year. But we've got a jump start for all of my colleagues understanding the program.

MR. CHANG: Okay. And the only thing more pressing issue for me is how to keep culturally-sensitive and to keep the family and the environment that the kids normally go to school locally, familiarizing with their -- with their friends. And again, it's traumatically just to strip away from their parents, but also stripped away from the neighborhood, from the kids that they have friends and neighbors that they associate.

MR. HEVESI: I -- I agree. So -- so kids under the circumstances are having extreme difficulty. This is traumatic. This could be life-changing. So what we're doing is trying to make sure that the parents have access to their kids, and that's good for New York families, that's good for the taxpayers in the long run.

MR. CHANG: Thank you.

MR. HEVESI: Thank you, sir.

MR. CHANG: On the bill. Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. CHANG: I applaud the sponsor for this bill. It's a very bold move and we really need that. But I have no confidence our current administrative OPWDD to administrative this bill adequately. But it's a start. And I wish we have a project, a pilot program so we expend what we have and not to -- not to duplicate

some of the services itself.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Madam Speaker.

Would the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. HEVESI: Absolutely, sir. How are you doing?

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MANKTELOW: Thank you, Mr. Hevesi.

Who's doing this right now?

MR. HEVESI: Non-profit providers mostly.

MR. MANKTELOW: So do you know what the cost is right now across the State for doing this?

MR. HEVESI: Yeah. So it -- well, it's -- \$75 is the -- the cheapest we could find is \$75 per one-hour session. And by the way, that's the cheapest. There are those that -- that run up higher than that.

MR. MANKTELOW: And -- and who's funding that? Who's paying for that?

MR. HEVESI: So right now it's the -- it's -- it's the parents. It's the parents who are financially able to do it are able -- are -- are trying to -- to do it and prop up these businesses. But the business is not enough. You can see counties don't have these. And

so we are trying to solve two problems at once with the same thing. By investing money here, you're helping the court system, you're helping these families, and you're also helping these kids. So it seems to make sense.

MR. MANKTELOW: So -- so what is the price tag right now the way it is today? Do you know?

MR. HEVESI: Oh, for the State? Right now it's zero.

MR. MANKTELOW: No, I meant, like, what -- what are parents paying for across the State? What does that -- what does that dollar number look like?

MR. HEVESI: So, it's \$75 per -- per one hour.

MR. MANKTELOW: No, I got that part.

MR. HEVESI: Okay.

MR. MANKTELOW: I'm at what's the total cost right now parents are paying across the State? What's --

MR. HEVESI: I have no idea. And the reason is because it depends on the services that are available, it depends -- some -- some of these non-profits don't offer all of the services, some have particularly high, and then you have the counties that have nothing. So there's no way for me to estimate that, sir.

MR. MANKTELOW: Well, the reason I asked was I was wondering where you came up with the \$25 million.

MR. HEVESI: I am so smart that I got it from the Office of Court Administration.

MR. MANKTELOW: I may believe that.

MR. HEVESI: You should. You should.

MR. MANKTELOW: So -- so you think \$25 million will cover this to start with?

MR. HEVESI: That -- that's my understanding as -- as of this point. But again, we have process to go through here. It's got to get through Senate Finance, the Governor's gonna have to weigh in. She might kick it out to the budget. And then my experience with our friends at the Division of Budget, they are always a lot bigger with the cost estimate than what it actually is. So we'll -- we'll work it there, but I think 25 million is a good ballpark for us to get our head around.

MR. MANKTELOW: Well, I have a lot of faith in you, so it's possible.

MR. HEVESI: I appreciate it.

MR. MANKTELOW: But -- so let's say it goes through the way it is --

MR. HEVESI: Yeah.

MR. MANKTELOW: Do you see local governments or counties getting involved in this?

MR. HEVESI: No. Only to the extent that they have to, in their Child Welfare Plans that they do annually, add six pieces of information requesting what their needs are. That's it. No county money. I would not put a bill on the floor -- I mean, I've been here for close to 20 years and I've seen the former Governor, in particular, beat

the hell out of these counties for no reason. I will not be part of that.

MR. MANKTELOW: All right. We -- we've talked about day care providers back home taking care of our children --

MR. HEVESI: Yes, sir.

MR. MANKTELOW: -- and one of the things that New York State has pushed was we want to get our day cares [sic] providers moving to grow to get people back to work. Well, we accomplished that, but now that the State sees just how much that cost is gonna be, they're pulling the reins back on that.

MR. HEVESI: Yeah, but we're not done yet.

MR. MANKTELOW: Okay. I got you. I -- I -- as I said, I have a lot of faith in you, so --

MR. HEVESI: Thank you. I appreciate it.

MR. MANKTELOW: So I'm hoping so.

MR. HEVESI: I hope to live up to it.

MR. MANKTELOW: My concern is if we put this 25 million in there, I just don't want future leadership, future administrations to -- to pull that money back. Because we -- we seem to do this in New York a lot. We get the ball rolling, things are moving forward. We get our county governments geared up to -- to do stuff such as the day care providing services or, you know, funding it. And then all of a sudden, *Well, we're spending way too much money. We got to pull it back.* And who are we hurting? The young children, the families. Families of low-income.

MR. HEVESI: (Indiscernible/cross-talk)

MR. MANKTELOW: And we're getting them back to work when we're having a -- an issue in New York State of not being able to fill all the jobs that are out there. So that's just my concern is if this moves forward --

MR. HEVESI: That's a legit point. I appreciate that.

MR. MANKTELOW: Will -- will we be able to fund it, how -- how we will be able to fund it. And --

MR. HEVESI: So -- so my answer would be -- so first of all, absolutely a legitimate point. We're gonna do our best to not only get this money appropriated, but every year keep coming back and making sure like we do in other years, even though there are tons of other areas of need throughout the State that you and I discuss all the time, to not let this be raided because we understand the significant tentacles that this has. When this is screwed up like it is now, it's problems all over the place; bad courts, bad for your kids, bad for these parents. It's a mess. So yeah, we're gonna look to get the money in and keep it and make sure nobody else raids it.

MR. MANKTELOW: I -- as -- as the previous speaker said, he liked how bold you are doing this. I -- I think it's a great initiative. I do have concerns about the funding. I do have concerns about our -- our initial speaker -- our initial person asking, you know, where we gonna get the people, how are we gonna make this all happen. And in 180 days, I just don't see that happen -- happening locally. I just don't think the people are there or the expertise is there. And I know we could put the money there, but it's

still takes time to fill those positions and get the game plan on there. So --

MR. HEVESI: I appreciate that and I understand that concern. I'm -- I'm here to tell you I'm gonna do my best to make sure that this doesn't become a problem, but I understand the concern.

MR. MANKTELOW: All right. Mr. Hevesi, thank you for answering my few questions --

MR. HEVESI: Thank you, sir.

MR. MANKTELOW: -- and I wish you the best on this because I do hope it goes through. So thank you.

MR. HEVESI: I hope it goes through. If not, we'll be back here next year talking about it, my friend. So thank you.

MR. MANKTELOW: All right. I'm looking forward.

MR. HEVESI: I appreciate it. Thank you.

MR. MANKTELOW: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MANKTELOW: Again, like my colleagues said before me, I think we all feel that this in good -- we have good intentions to make this happen for these families, for these young children. The funding is the question; the funding long-term from the State side is a question. So, but I have hope.

So thank you for allowing me to ask a few questions this evening. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. HEVESI: Be my pleasure.

ACTING SPEAKER HUNTER: The sponsor yields.

MRS. PEOPLES-STOKES: I actually was very intrigued by the first comments made by our colleague on the other side of the aisle, is that the access to resources to provide these services has dried up. And then when I, you know, think about -- I -- I listened to -- and I -- I know that this is an area that she's worked in for years, and so I -- I trust her comments on it. How -- how did we get here to a place where we have so many families that are dysfunctional to the extent that they need the courts or the system to help take care of their children and we need to find a way to pay for it? I mean, I -- I don't -- you know, I feel like I'm old enough to know that there was a time when that didn't happen and our society wasn't like this. So I don't know if it's something that you have the ability to have thought through already or even have the desire to look into, but how did we get here?

MR. HEVESI: That's a great question. I wish -- I wish I had an answer that was sufficient. And I don't want to make one up. The answer is I don't know. But I understand the circumstance that we're in now, and I'm listening to the professionals

who are telling us this is the solution to -- to address this chronic problem that, you're right, has metastasized. And Ms. Walsh is right, there's this dearth of services. So I'm not exactly sure how we got to this point. It's got to be a -- a multiple reenforcing issues that are combining. But we are here now and I believe that this is the appropriate solution.

MRS. PEOPLES-STOKES: Well, thank you.

On the bill, Madam Speaker.

MR. HEVESI: Thank you.

ACTING SPEAKER HUNTER: On the bill.

MRS. PEOPLES-STOKES: I -- I want to join my colleagues in complimenting the sponsor of this legislation because if we never figure out how we got here, it's gonna be kind of hard to fix it, in a way. Because it's always gonna cost more and more and more if we don't figure out how to go back and fix the trauma-infused lives that people have lived in our society. And so I hope that at some point we can get to that. But in the meantime, you really have to compliment the sponsor of this legislation for figuring out that we -- we have -- we have to do this. We have to find a way to make both parents and children comfortable enough to get to a place where they can start getting the kind of quality service that they need that could perhaps move us away from these dysfunctional families to a life when we are back into a society where families function properly. And even if some of them don't, we want the vast majority of them to. And in order to do that we have to provide them services.

So I don't know. I remember days when Catholic Charities would always be available to provide these services. I remember when churches would always have their doors open to provide these types of services. I remember when people went into foster care and weren't abused by their foster parents. I mean, life is so -- changed so much in our society, and I think sometimes our frivolous debates around resources adds to that negatively as opposed to positively.

So I don't know how we're gonna make this 25 million happen to get this done in the next budget, but I know it needs to happen. And I congratulate the sponsor of this legislation and I look forward to voting for -- in the affirmative on it.

ACTING SPEAKER HUNTER: Thank you.

Mr. Burroughs.

MR. BURROUGHS: Yes. Just will the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. HEVESI: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BURROUGHS: Yes. First comment is that I would like to agree with Madam Speaker -- Majority Leader, and we do have to find -- figure out a place how to fix this. Sad -- sadly, I don't think we should be legislating the way people raise children, or at least should coparent children. But here we are, and we have to

find ways to fix it.

But supervised visitation in some respects sounds like it should be something that's positive. But a lot of times it penalizes one parent based on the information given to the authorities from another parent. And so now we have to find a way to pay for something that may not be true. I've seen plenty of dads and moms have to go through the process or have to go through a court system in order to just spend time with their children, and I don't think it's right. I don't think it's fair. So does the Legislature try and figure out a way to effectively get information? Does it make -- does it verify it's accurate? Because we're gonna put money towards something and we don't know if it's true.

MR. HEVESI: Yeah. I totally appreciate the question, thank you. So the answer is that these programs are gonna be required to be part of the (indiscernible) -- first of all, you're allowing the children and family to be together, which I think we both agree is a positive step. But it also -- you're able to send information to the court, so the court will now understand exactly what's going on. But to your initial point, which I completely agree with, this is up to the judges. And if somebody comes in with false information and they fool the judge, there's nothing that we, in the Legislature, can do about that. We rely on the judges to make these determinations. So what we're trying to do is when the judges make whatever determinations based off of whatever factor, provide the infrastructure if supervised visitation is needed. By the way, it's mostly needed in

abuse cases or family violence cases.

MR. BURROUGHS: Thank you. I can appreciate you saying you're -- you know, you don't -- you're not sure if we can enforce something that was told that we find out to be something that wasn't true. So if -- if the custodial parent says something that didn't happen, and now the noncustodial parent has to suffer the consequences of that, and on top of that we're funding that.

MR. HEVESI: Well, that's the existing system already, right? That happens now. So the fact that we're funding it, we're trying to make it more professional. And if there's bad interactions between the family, you know, the potential abuser and the child or the other -- another member of the family, that's being reported back to the court. What we're doing is taking -- and you're -- you're not wrong about the circumstance, right? I -- I appreciate that. What we're trying to do is professionalize the operation that has to handle these things.

MR. BURROUGHS: So was there a thought to put a provision -- add a provision to, I'd say, penalize? Had there been a story that was told that we found ought to be inaccurate, is there a provision that's set forth in this -- this bill to penalize a person for telling a non-truth?

MR. HEVESI: So -- so the answer is, in this -- so I'm a legislator doing my best to create a -- fund a program. That kind of analysis has to be done by the Judicial Branch. That's -- that's not up to me. And if a parent is lying to the judge, that's up for a judge to do

the reprimanding. But that's -- that's not part of this bill. We're just trying to create the infrastructure if the judge determines that it's unsafe for a child to be with a parent, that they can actually have parenting time with their kid in a safe, supervised arena.

MR. BURROUGHS: All right. Thank you.

MR. HEVESI: Thank you, sir.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: We often rise to recognize the contributions of the sponsors of these bills, and while we're always exercising candor when we do that, I want to make a special recognition for the sponsor of this bill. The substance of this bill is the result of testimony taken during a joint hearing of the Children and Families Committee and the Judiciary Committee in December of 2024. The hearing was compelling. It was gut-wrenching. And the sponsor is now presenting us with a plan to formulate a Statewide plan. This is pretty straightforward. And it is the best thing we can do right now to try to make sure that kids are protected.

Now, is it gonna cost money? Everything costs

money. It will cost money. But if we don't advance this plan, Mahatma Gandhi would be very angry at us, because it was Mahatma Gandhi himself who said, *If you don't ask, you don't get.* So we are asking. And if we can do this, we will save children's lives, and that's a darn good thing for us to do.

So I vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Lavine in the affirmative.

Mr. Norber to explain his vote.

MR. NORBER: Thank you, Madam Speaker. I want to thank the sponsor of this bill. It's a very important bill.

I believe that many of the problems that we have here in our State stem from the millions of families who suffer from dysfunctionality and from instability. Our -- our social problems that we have and we witness here every day and that we deal with every day here in this Chamber, originate from the families who are suffering. So I believe that any initiative that we can come up with here in -- in our Chamber would be -- which helps these families, no matter what the costs are, should be on top of our agenda every day. So we owe it to these kids.

So thank you very much.

ACTING SPEAKER HUNTER: Mr. Norris in the affirmative.

Ms. Forrest to explain her vote.

MS. FORREST: Thank you, Madam Speaker, for

allowing me to stand and explain my vote. I am standing here to say that when I became a mom I did not get a set of instructions on how to be a parent. And I'm sure everyone in this -- in this Chamber who decided to become a parent didn't get an instruction either. And so sometimes it's literally somebody else stepping into my house, stepping into my life and standing in my shoes that allows you to give the -- allow you to get -- receive feedback on how you can make your family just a tad better, to support you in that sense. And so while I would rather it not happen during a court proceeding, but once it gets there this is the time for intervention. And if there is -- I don't see any reason to count the numbers or count the amount of money it takes to heal a family. When -- when that child comes out in the end, they'll be a better person for the society.

So I'm wholly, wholly going to vote in the affirmative for this and I thank the sponsor for their [sic] hard work. Thank you.

ACTING SPEAKER HUNTER: Ms. Forrest in the affirmative.

Mr. Maher to explain his vote.

MR. MAHER: Thank you, Madam Speaker. I did want to also mention the hearing that was set, the joint hearing. There were some unbelievable stories told. There was a lot of work to be done. This is certainly an imperfect situation; we do not know all the answers. We do not have all the numbers. But it is important that we really figure out to the closest degree possible how much this will cost. And I say that because there was a conversation about what

caused this problem. Well, I'll tell you what won't make it better is the current situation we're in with our child care subsidy of underfunding it to the point where now you have counties throughout the State of New York canceling or putting on waiting lists families that desperately need child care assistance. That certainly isn't going to help families create less problems than we have right now.

So getting the money right is important. I do enjoy working with my colleague, the sponsor and the Children and Families Committee. This is an area where we need to do something. And this is the something that's in front of us, so I will be voting in the affirmative. But we certainly have to keep in mind some of those reasons that these families are in the position they're in are because we need to do a little bit better in calculating how we assist and fund programs and don't pull the rug from underneath families that are in desperate need of assistance.

Thank you, Madam Speaker. I'll be in the affirmative.

ACTING SPEAKER HUNTER: Mr. Maher in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 550, the Clerk will read.

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 Hermelyn, 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: An explanation has been requested.

Mr. Anderson.

MR. ANDERSON: Thank you, Madam Speaker.

This bill is a very simple bill that would amend safe storage, to make it a violation for anyone who fails to safely store a firearm, a shotgun, or a rifle and establish a -- a misdemeanor for Failure to Store when accessible by a minor or a prohibited person. Most importantly, Madam Speaker, this bill moves us to the gold standard of gun safety. There are several states, which I'm sure I'll share during today's debate, that if adopted, this level of standard, to ensure that young people do not get access to firearms. This bill accomplishes that in three ways. I created a cool little acronym to help you all understand how this bill accomplishes that. Number one, it creates

accountability. Number two, it creates data collection. And number three, it creates deterrence. And I think that those things are important. Just to add some more statistics, between 2016 and 2021, suicides accounted for 36 percent of firearm-related deaths among children between the ages of 10 and 19. And what my bill does, and it's named after Francesco, who tragically took his own life on October 21, 2021, with an unsecured firearm. And so, what my bill does is not only provide that additional education and resources needed, but it ensures accountability for those who do not properly store their firearms. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Angelino.

MR. ANGELINO: Thank you, Madam Speaker.

Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. ANDERSON: Only for you, Mr. Angelino.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. ANGELINO: Thank you, sir. Your -- your tie is very straight.

MR. ANDERSON: Well, you helped me out earlier.

(Laughter)

MR. ANGELINO: The --

MR. ANDERSON: It was a good birthday gift. I appreciate it.

MR. ANGELINO: The -- first off, any of my line of

questioning has nothing to do with the tragedy involved with the person that act is --

MR. ANDERSON: Certainly.

MR. ANGELINO: -- named for. And actually, most of the questions I'm gonna ask will be questions that are asked of me when I return back to my -- my big rural district. So, whatever comes out of your mouth, is later gonna come out of mine to explain. All right?

MR. ANDERSON: Awesome.

MR. ANGELINO: So, first off, we had a safe storage bill --

MR. ANDERSON: Mm-hmm.

MR. ANGELINO: -- that I -- I'm looking at now, has a lot of it repealed or deleted in red. What was wrong with that? What -- what hole or gap are you trying to fix?

MR. ANDERSON: Yeah. So, what we did in my legislation here, Francesco's Law, we removed some amendments for felony penalties and we looked at additional supports for information so that -- ensure that people can get information. So, my bill actually requires the New York State Department -- the New York State DCJS to be able to collect data, right, which is really important so we can know how many of these suicides, or instances where people get access to firearms who are underaged. Number two -- so it creates that campaign. Number two, it ensures that minors -- this is the most important thing of the bill, Mr. Morinello [sic], the minors won't have

access. If -- if a minor gets access to a firearm, there are penalties in -- in place there as -- as high as a Class A misdemeanor.

MR. ANGELINO: Okay. So I can see where the green portion talks a lot about that study portion of this, but let's talk about the red that you deleted or repealed. Was there something wrong with that that -- that needed to be filled in?

MR. ANDERSON: Can you just repeat that?

MR. ANGELINO: The green portion, I'm looking on here --

MR. ANDERSON: Mm-hmm.

MR. ANGELINO: The green portion is new and that's a lot about the study and some exceptions.

MR. ANDERSON: Yeah. You're talking about the additions we made.

MR. ANGELINO: Yes --

MR. ANDERSON: And so what we did was we added reporting and data collection.

MR. ANGELINO: Right.

MR. ANDERSON: If you look at the final section of the bill, page 3, we added and gave directives to DCJS to be able to collect data so that we can know. And this is important -- just -- let me just finish. This is important, because on the Federal level, we're not collecting data presently because that office of Gun Violence Prevention is not -- no longer in existence. And so, what my bill does is it adds and gives directives to DCJS to be able to collect data on

that.

MR. ANGELINO: Okay. So that's what you added.

(Conferencing)

Okay. And the red section that you deleted, that -- the strikeout or the repeal --

MR. ANDERSON: Mm-hmm.

MR. ANGELINO: -- what was wrong with that?

MR. ANDERSON: No, nothing was wrong with it and I think the reason why we made that change is we wanted to make an alignment with the gold standard. There are several states presently: California, Colorado, Connecticut, Hawaii and Minnesota that has similar laws and so we just wanted to match that standard.

MR. ANGELINO: All right. So the -- there's -- there's a section in there, I think it's the "Exceptions." One of them is "unlawful entry". What -- what is "unlawful entry"? Does that mean burglary, or does that mean actually defeating the locking device or the safe?

MR. ANDERSON: So -- so you're asking me -- so -- so unlawful entry could be burglary, right? That a charge hasn't been -- I mean, that's a -- that's a criminal charge, right? So you'd have to give me more specifics on the circumstance of somebody entering a property unlawfully.

MR. ANGELINO: The -- the new section, in green, Line 40, (reading) If a person obtained the firearm, shotgun, what -- whatever, as a result of unlawful entry. Does that mean into the safe

or locking device, or just into the home?

MR. ANDERSON: Into the home.

MR. ANGELINO: So if somebody unlawfully -- and we're talking about maybe somebody who resides there or who's prohibited, if they unlawfully enter the safe or gun vault, that's not covered?

MR. ANDERSON: No, it can be both.

MR. ANGELINO: Okay.

MR. ANDERSON: It can be both. And just -- and just keep in mind, I -- I know you used the word "safe," but there are a variety of different ways that you can secure your firearm. It doesn't necessarily be a safe.

MR. ANGELINO: And we will get to that.

MR. ANDERSON: I -- I -- I'm awaiting it.

MR. ANGELINO: And the next exception is (reading), A person obtains the firearm, rifle or shotgun in a lawful act of self-defense, or a defense of another person. What does that mean in your mind? I -- I don't know what situation that would mean.

(Conferencing)

MR. ANDERSON: Yeah. I mean, like, there's a variety of different examples of self-defense. If somebody breaks in your home and you're able to still use, you know, your firearm and not be targeted, or the target or subject matter that we're looking to regulate with this piece of legislation.

MR. ANGELINO: Or even one of the prohibited

people or a 15-year-old, they can then possess this. It says (reading), A person obtains it in a lawful act of self-defense.

(Conferencing)

MR. ANDERSON: Yeah. So, I mean, if you -- if you look at the following section, if a minor obtains the firearm for self-defense, that's also perfectly okay in -- in this instance of this piece of legislation.

MR. ANGELINO: That's -- that's in there? I --

MR. ANDERSON: Correct.

MR. ANGELINO: -- I guess I missed that. Okay --

MR. ANDERSON: Correct.

MR. ANGELINO: Thank you.

MR. ANDERSON: Yup.

MR. ANGELINO: Where I live, you are very accustomed to handling firearms. We have a lot of high school firearms teams of various size and style.

MR. ANDERSON: Mm-hmm.

MR. ANGELINO: Is there anything in here that says you cannot or is -- is illegal to store your firearm loaded?

(Conferencing)

MR. ANDERSON: Thank you for that question. So there's nothing particularly in the bill that says that the firearm has to be stored loaded or unloaded.

MR. ANGELINO: Okay. So it doesn't -- it's -- that's not covered. So a loaded firearm stored securely is legal?

MR. ANDERSON: Correct.

MR. ANGELINO: Thank you. So, if I live alone, I don't have to store my weapon any place. I can leave it right on my bed stand? Or, if it's just me and my wife, who's over 18 --

MR. ANDERSON: No. No. You have to have the -- the legislation that was passed prior that required safe storage, that ensures that -- that a firearm is stored safely, is the same -- the same standards are there. Again, my bill only focuses on -- primarily, excuse me, focuses on minors and those minors getting access to the firearm.

MR. ANGELINO: So what if there's a --

MR. ANDERSON: So if you -- if you presently store it in a safe, if you use a locking mechanism that is approved, you're -- you're still able to do that.

MR. ANGELINO: Okay. But, that's sounds like I must do that. So, if I live home alone, I still have to secure my loaded weapon in some sort of manner?

MR. ANDERSON: Absolutely. A hundred percent. And that's pre this bill, in that regard.

MR. ANGELINO: Okay. And does this mention owner? I saw something about custodian? What does "custodian" mean?

MR. ANDERSON: I think it's safe to say the custodian's an owner, but I want to make sure I double-check my notes. Give me one second.

(Pause)

Yeah. So this bill doesn't change what's in current law in terms of ownership --

MR. ANGELINO: Okay. Again --

MR. ANDERSON: -- and custodian. So that whatever presently exists, this doesn't change that. Remember, we're only dealing with minors here, for the most part, this legislation.

MR. ANGELINO: Right, but adults have to own the firearm.

MR. ANDERSON: I'm sorry?

MR. ANGELINO: Only an adult can own the firearm and we're trying to protect minors from obtaining it.

MR. ANDERSON: Correct.

MR. ANGELINO: So -- so adults are involved in this.

MR. ANDERSON: Correct.

MR. ANGELINO: Okay. So am I responsible for my firearm if I'm going on vacation and I take it to a friend's house, *please secure this while I'm away so nothing happens*. Am I still responsible for that as the owner? Or is he now the custodian and responsible?

MR. ANDERSON: That's a good question. Let me look at my notes. It's a -- very good hypothetical. Very important.

MR. ANGELINO: Yeah. These are all things that happen where I live.

MR. ANDERSON: Yeah. Oh, yeah.

(Pause)

So, let me just counter that with a question, just so I can get to you -- to a better answer. Is the person who's watching the firearm the owner of the firearm? Or is the person -- it is almost like a -- I don't want to use the word "babysitting", but --

MR. ANGELINO: No. I -- I -- you're my neighbor, I'm going on vacation --

MR. ANDERSON: Sure.

MR. ANGELINO: *-- hey, I'm bringing over my expensive jewelry and this is my prized shotgun. Can you please safeguard this? I'll be back in a week. Am I now responsible, or are you?*

MR. ANDERSON: The -- the onus is on the owner to -- to make sure that it's secure.

MR. ANGELINO: That's a problem. But -- otherwise, I can't take it with me. TSA really frowns on that. So, again, another common thing: firearms displayed in the open. Family heirloom that's still a working hunting rifle or shotgun, up above the fireplace and has a trigger lock on it. Is that safely stored?

MR. ANDERSON: No, it would need to be safely stored.

MR. ANGELINO: In here someplace, it -- I read where it has to be -- a trigger lock is considered a locking device.

MR. ANDERSON: That's one of many.

MR. ANGELINO: But that's a storage device in here if it's trigger locked.

MR. ANDERSON: One moment, I'm going to check my notes.

(Pause)

MR. ANGELINO: I'll be going over 15. Thank you.

MR. ANDERSON: So when we're -- I'm sorry? So, when we were talking about "safe depository," it is defined as a safe or other secure container which, when locked, is incapable of being opened without the key, keypad, combination, or other unlocking mechanism and is capable of preventing any unauthorized person from obtaining access to the possession of the weapon contained therein, and they're -- and shall be fire, impact, or tamper resistance. So that's what's on statute presently.

MR. ANGELINO: Okay. The -- and let me just get this one out of the way because this is going to be a question I'm gonna get asked.

MR. ANDERSON: Certainly.

MR. ANGELINO: Firearms displayed in museums?

MR. ANDERSON: Firearms displayed in museums?

MR. ANGELINO: Yes.

MR. ANDERSON: Do they require -- are you asking if they're required to be safely stored? Or what the safe storage standards are for fire --

MR. ANGELINO: Can they still be displayed 24/7

and when the museum is closed? That's gonna get asked.

MR. ANDERSON: Yeah. Technically, yes. So you're thinking about a museum, it's there for historical purposes, it's there for individuals to study, yes.

MR. ANGELINO: Yes, it has to be --

MR. ANDERSON: Yes, it has to be stored --

(Conferencing)

Yes.

MR. ANGELINO: Okay. This is causing a lot of handling of firearms and that -- you know, that -- that's a dangerous situation, too, the more they get handled. Section 4, line 32, that repeals -- correct me if I'm wrong, people under 18 with hunting licenses.

MR. ANDERSON: If you look further down on page 3, it's re-added further down in the bill.

MR. ANGELINO: Okay. Which brings me to the next --

MR. ANDERSON: So --

MR. ANGELINO: Okay.

MR. ANDERSON: Okay. Go Ahead.

MR. ANGELINO: So that brings me to the next. Currently, Environmental Conservation Law allows 16- and 17-year-olds to hunt alone. Is that still going to be allowed?

(Conferencing)

MR. ANDERSON: So if you look at page 3,

Sections 20 to 23, a rifle or shotgun for lawful use as authorized by Article 11 of the Environmental Conservation Law, when such person less than 18 years of age is the holder of a hunter's license or permit, such rifle or shotgun is used in accordance with such law. So that answers your question.

MR. ANGELINO: So that's an exception --

MR. ANDERSON: Uh-huh.

MR. ANGELINO: -- because if it's safely stored at home, there is a 16 or 17 year old that does have access, correct? They can hunt alone. They have to have access to it.

MR. ANDERSON: Correct.

MR. ANGELINO: Okay. Thank you. In my district, there's a lot of people --

MR. ANDERSON: Mm-hmm.

MR. ANGELINO: -- from your neck of the woods, that own collective hunting camps. And, you know, they'll show up, maybe five or six owners and they're a favorite target of burglary. It drives us nuts. People leave their firearms there legally locked in a safe and a window gets broken and the safe gets carried away. Are they responsible? There's a burglary, they were locked in a gun vault and still stolen. And is --

(Conferencing)

MR. ANDERSON: Yeah. So -- so if the -- and I'm just assuming in this -- in this example, that the owner properly secured their firearm, then they wouldn't be involved in this in the

terms of this piece of legislation.

MR. ANGELINO: This is the unlawful entry section -- exception.

MR. ANDERSON: Correct.

MR. ANGELINO: Okay. That -- that happens a lot.

MR. ANDERSON: Mm-hmm.

MR. ANGELINO: I believe that's all the questions I have, but I would like to go on the bill briefly.

ACTING SPEAKER HUNTER: On the bill. And you're --

MR. ANDERSON: Thank you.

ACTING SPEAKER HUNTER: -- gonna buzz. So you could go over after the buzzer.

MR. ANGELINO: I think I went over like two seconds ago. Thank you --

ACTING SPEAKER HUNTER: No, not yet.

MR. ANGELINO: Okay. Thank you, ma'am.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. ANGELINO: I know everybody's thinking that where I live, there's not a lot of people shooting other people. However, what is needed and gets used often and firearms are need readily-available, a lot of my farm families have very valuable animals and they have alarms set up in barns and areas like that. And when that alarm goes off, a motion or whatever, they have to quickly

dispatch a predator. And that happens often. And this -- I -- they're probably just going to ignore this because those animals are worth a misdemeanor charge. You know, they're thousands of dollars; either horse, sheep or livestock and cattle. But I'm not gonna get on the tangent of self-protection because that's a -- that's a whole 'nother game. I understand the intent of this. It's -- it -- a lot of people where I live will consider this an infringement. But I yield back my time, Madam Speaker. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gallahan.

MR. GALLAHAN: Thank you, Madam Speaker.

Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. ANDERSON: Only if you cook for me, Mr. Gallahan.

(Laughter)

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GALLAHAN: Everybody (indiscernible) many times?

MR. ANDERSON: All right.

MR. GALLAHAN: Absolutely.

MR. ANDERSON: Yes, sir.

MR. GALLAHAN: I -- I just needed a couple of questions answered for clarification.

MR. ANDERSON: Certainly.

MR. GALLAHAN: Page 1, line 45, this is considered a violation. And then on page 3, line 24, it is considered a Class A misdemeanor. There's some confusion there for me.

(Conferencing)

MR. ANDERSON: So A misdemeanor across the board in terms of lack of safe storage, which is a new addition, very important -- violation, excuse me. And then the misdemeanor comes into play if a minor gets access to the firearm.

MR. GALLAHAN: Okay.

MR. ANDERSON: Mm-hmm.

MR. GALLAHAN: Thank you. This pertains to firearms in the home. In 2000 -- what -- what -- from what I understand, in 2018 I started a team, a trap team at our local high school and it's the New York State High School Trap Shooting Association. And we have kids from 12 to 18 or -- or seniors could be 19 years of age -- that are part of this program.

MR. ANDERSON: Mm-hmm.

MR. GALLAHAN: We have 30 shooters. And I'm wondering if any of this pertains to storage when those minors handle firearms at the gun club?

MR. ANDERSON: No, sir, Mr. Gallahan. This does not change current law in that regard.

MR. GALLAHAN: So the 16 and 17 year olds that have driver's licenses that go home, pick up the firearm from the safe

and drive that firearm in their vehicle to the gun club, are not in violation?

(Conferencing)

MR. ANDERSON: So to your point, Mr. Gallahan, if they're at the range with supervision, then they're totally fine with this piece of legislation. The issue comes into play when traveling with the firearm.

MR. GALLAHAN: (Indiscernible) -- I'm sorry?

MR. ANDERSON: Which is not okay under current law.

MR. GALLAHAN: Can -- can you repeat that? I -- I didn't hear you, I'm sorry.

MR. ANDERSON: Yeah. So, if a 16 -- in your example, if a 16 or 17-year-old is driving with a firearm not properly secure, that's not -- in -- this law wouldn't change anything that presently exists with -- with traveling.

MR. GALLAHAN: So as long as it's properly stored in the vehicle, transporting it from the home to the gun club, alone, as a minor, is -- is legal?

MR. ANDERSON: Yeah. So, again, this -- Mr. Gallahan, this doesn't change anything under current law. A 16 or a 17-year-old can't drive with a firearm in the car presently -- presently -- presently.

MR. GALLAHAN: I would beg to differ that. I checked with our local law enforcement when -- when I -- when I

started this club, because we had kids driving and was told by our local sheriff that if they have a valid driver's license, they have the gun stored in the vehicle in a case, that is legal.

MR. ANDERSON: In this -- but in this example, is the -- is the teen supervised or unsupervised?

MR. GALLAHAN: Unsupervised.

MR. ANDERSON: No adult with the -- with the teen?

MR. GALLAHAN: No, sir.

MR. ANDERSON: Yeah. My -- I mean, my legislation doesn't interact in that -- in that way.

MR. GALLAHAN: It does not interact --

MR. ANDERSON: This is not -- no.

MR. GALLAHAN: So, the same thing would go for a -- a -- a -- a minor that would be going squirrel hunting.

Transporting the -- the -- the firearm in the vehicle, to the field that his parents own or whatever. He has a valid hunting license, he has his -- his training -- New York State hunting training certificate, fully legal to -- to hunt small game by himself after the age of 16 -- or 17- or 18-year-old kid, same thing would apply there, correct?

(Conferencing)

MR. ANDERSON: That's a good question again, Mr. Gallahan. So, just to be very, very clear, this doesn't change current laws relating to hunting. If you look at pages 2 and 3, there's carveouts specifically for hunting in individuals who are under the age

of 18 and hunt. And it just makes sure that those individuals are not encapsulated by this legislation.

MR. GALLAHAN: Okay. Thank you very much for answering my questions. I appreciate it.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. GALLAHAN: I also have the same concerns that -- that my colleague that just debated the bill has. And quite frankly, we have a lot of older folks in my neighborhoods. No children in their homes. They -- they feel the need for protection and -- and I know several of my constituents have firearms behind their bedroom doors and I -- I just don't see them trying to conform with this law. But I -- I will be able to fully explain this to them now. And -- and I appreciate the -- the sponsor answering my questions so that I know there's no changes to the -- the system that we're currently using. I checked with local law enforcement to make sure that we were within the confines of the law with our drivable students. And I have to put a shameless plug in: Sunday afternoon I did take that team to Cicero, New York, for the New York State Trap Shooting Championships. And our little school that graduates 55 kids finished second in the State. So, thank you, Madam Speaker.

(Applause)

ACTING SPEAKER HUNTER: Congratulations.

Mr. Molitor.

MR. MOLITOR: Thank you, Madam Speaker. Will

the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. ANDERSON: Certainly, Mr. Molitor.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Thank you, Mr. Anderson. So I -- I wasn't here when this original legislation got passed, but I -- I got some questions that mostly have to do with page 2 and some of the exceptions that were added into the law.

MR. ANDERSON: Certainly. But -- just -- I wasn't here either.

MR. MOLITOR: All right.

MR. ANDERSON: That makes two of us.

MR. MOLITOR: Two of us. So I just want to make sure I understand this. If I have a firearm in my house, it has to be in safe storage at all times?

MR. ANDERSON: Correct. Correct.

MR. MOLITOR: And "safe storage" means what again?

MR. ANDERSON: I can read that definition for you. Give me one second.

(Pause)

All right. (Reading) A gun must be stored in a safe storage depository or rendering incapable of being fired by use of a gun locking device appropriate to that weapon. This could include

simple devices such as a cable lock, which often come with guns when they are sold, or if you don't have one, they cost as little as \$10 and can be locked with a key. A safe storage depository, in terms of its legal definition, which I think that's what you're getting at, Mr. Molitor, is defined as a "safe or other secure container which, when locked, is incapable of being opened without the key, keypad, combination, or any other locking mechanism and is capable of preventing an unauthorized person from obtaining access to the possession of the weapon contained therein, and shall be fire impact and tamper resistant." So, if you want, you can get biometrics, too.

MR. MOLITOR: Okay.

MR. ANDERSON: Biometric safe.

MR. MOLITOR: And if I --

MR. ANDERSON: Those are a little bit more expensive than the \$10 locks.

MR. MOLITOR: I understand. And if I don't comply with that law, it's a noncriminal violation; isn't that correct?

MR. ANDERSON: Yes, it's a noncriminal violation if you don't comply with the law. And then the misdemeanor comes in with a child, when a child is involved.

MR. MOLITOR: Okay. And one of the exceptions to that violation is on -- on page 2, line 40, (Reading) If a person obtained the firearm, rifle, or shotgun as a result of unlawful entry by any person.

MR. ANDERSON: Correct.

MR. MOLITOR: So --

MR. ANDERSON: And self-defense is -- is another one of the --

MR. MOLITOR: Yeah. Well --

MR. ANDERSON: -- right below it.

MR. MOLITOR: -- we might get there. We'll see --

MR. ANDERSON: Okay. Okay.

MR. MOLITOR: I'm trying to understand here. So --

MR. ANDERSON: Let me not get ahead of you,

Mr. Molitor.

MR. MOLITOR: So in the -- in the event that there's unlawful entry into my home, I'm allowed to obtain a weapon that doesn't necessarily need to be in safe storage at that moment?

MR. ANDERSON: I don't understand the question, Mr. Molitor. Can you rephrase it?

MR. MOLITOR: Yeah. So let's say every day I kept my, you know, handgun on my nightstand.

MR. ANDERSON: Mm-hmm.

MR. MOLITOR: Every day of the year I would be in violation of this law, except that one moment in which somebody enters my home unlawfully. Under this, that I would not be in violation of the law; is that correct?

MR. ANDERSON: That's correct. And I just want you to understand that this -- we're not having police go into everybody's house and check and -- and -- and proactive in that sense.

MR. MOLITOR: Yeah.

MR. ANDERSON: We're just trying to create a culture where individuals know to lock up their firearms, to store safely, et cetera. Similar to the campaign that was run before my time around seat belts, making sure that people understand the importance of wearing a seat belt. This is exactly the culture that we're trying to promote in terms of safe storage.

MR. MOLITOR: And so let's take the second exception -- and I understand all that, let's take the second exception. Every day of the year that I keep my handgun in my car, I would be in violation of the law, except for that circumstance where somebody maybe tries to take my car from me at gunpoint. And then, in that case, because I'm defending myself, I'm complying with the -- with the self-defense laws of the State of New York, I would not be in violation of the law.

MR. ANDERSON: So I think -- I think your hypothetical goes out of the bounds of the exceptions that I'm talking about. This is really about safe storage.

MR. MOLITOR: So both of my hypotheticals --

MR. ANDERSON: No. Just that last one.

MR. MOLITOR: That last one does not?

MR. ANDERSON: Yes --

MR. MOLITOR: Isn't rob -- isn't -- isn't self-defense for robbery a permissible use of --

MR. ANDERSON: No. The -- the example you

gave was with traveling, no?

MR. MOLITOR: Yeah. I -- under your law, I'm required to keep my firearm in -- in storage when I'm in a vehicle; am I not?

MR. ANDERSON: Correct.

MR. MOLITOR: Bu, if someone's trying to rob me of my vehicle, I can use that weapon in self-defense. And if it's not --

MR. ANDERSON: Self-defense, correct.

MR. MOLITOR: -- and if it's not in safe storage, I would not be in violation of this law?

MR. ANDERSON: Correct. Self-defense exception.

MR. MOLITOR: Okay. Okay. Thank you for answering my questions, Mr. Anderson.

MR. ANDERSON: Certainly.

MR. MOLITOR: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: So, you know, I understand the purpose of this law. And I -- you know, I -- I do think making the -- the punishment for violating this law a violation instead of a misdemeanor, makes this law better. My concern is that you're asking New Yorkers in this bill to make a judgment call. Should they, you know, put a lock on their weapon, on their firearm, or put, you know, their firearm in -- in a -- in a biometric safe? Which, by the way, doesn't work all the time. I have one, it doesn't work all the time. And you're asking them to make a judgment call about something that

they cannot predict. You cannot predict when somebody else in this world is going to perpetuate violence against you and this puts people in incredibly compromising situations. Yes, nobody wants a firearm to be used by a minor in a terrible situation like suicide. I mean, that -- that's just terrible. Nobody wants that to happen. But, you know, if you're trying to protect yourself and you're trying to protect your home and your family, you sometimes have to make -- you sometimes make this judgment call that I would rather have my weapon easily accessible to me so that I can defend my home and my family, then, you know, maybe put a safety device on it that isn't necessarily -- or this -- that's gonna create more problems.

You know, as I mentioned many times, I -- I've been a prosecutor. Burglaries in the middle of the night from complete strangers happen more often than you think. They're terrifying situations. If you've never seen *Night Stalker* on Netflix about Richard Ramirez, I suggest you watch it. You will purchase a firearm after watching that.

So for all those reasons and because I also think this violates the 2nd Amendment, I'll be voting in the negative. Thank you.

ACTING SPEAKER HUNTER: Thank you.
Ms. Bailey.

MRS. BAILEY: Thank you, Madam Speaker.
Would the sponsor yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. ANDERSON: Only for you, Ms. Bailey.

ACTING SPEAKER HUNTER: The sponsor yields.

MRS. BAILEY: Well, I've heard you say that once before, but I'll --

MR. ANDERSON: Uh-oh --

MRS. BAILEY: -- I'll just pretend this is the first time I heard it today.

MR. ANDERSON: -- oh, I'm getting in trouble now. I'm cheating.

(Laughter)

Go ahead.

MRS. BAILEY: So I -- I just -- as I sit here and listen, I just -- I just need some clarity. So in 2022, CCIA came out and that is where this safe storage portion of this legislation came into play under 265 that you're looking to make some changes to. Aside from the reporting and the data that will be collected, aside from changing the failure to safely store rifles, shotguns and firearms from a first degree -- Class A misdemeanor, now it's a violation and then adding pieces as to when you could do it, I -- I'm stuck on the "minor" portion of it. And -- and as my colleagues have said, it's absolutely a travesty what happened, but when I'm reading the legislation the way that it was written in 2022, was that not already the intent of the -- of the legislation that was put forward?

MR. ANDERSON: Certainly. And so, in addition to

that, going back to my cool little acronym that I made up with this bill, ADD; accountability, data, deterrence, right? And so, what this piece of legislation does is it aligns it with the gold standard of safe storage. So we already have safe storage laws, but this further perfects it so that individuals who are in households -- let's say I'm an individual, and I visit a friend's house. I'm covered under this law if an individual whose house I go and visit doesn't properly, you know, lock their firearm. That was a loophole that wasn't covered prior. And in -- in this instance, if -- if you look at the -- the sponsor's memo, I talk about the story of Francesco, where this painful incident took place. And -- and so, what we're trying to do is just protect, to ensure that -- that that type of instance doesn't happen again.

MRS. BAILEY: Okay. So then, I guess my next question is going to lead me to during -- when CCIA was enacted, the State Police, along with DCJS, were charged with making many implementations. One thing that they did a great job with was some frequently asked questions, pieces of it. So specifically, I guess what I'm -- I'm looking at to help guide residents back at home, when we're looking at the frequently asked questions that they had put out under: "How am I required to store my guns in my home?" it specifically says, "If anyone younger than 18 years old or anyone who is prohibited from possessing a gun resides in the home, all firearms -- all firearms, rifles and shotguns, not in your immediate control, must either be" but then it goes on to state that you are -- you are responsible even if those individuals are in your home. So I guess

your intent is to make it clearer if I have -- if my son invites a friend over who is a minor, to ensure that our guns safely stored?

MR. ANDERSON: Mm-hmm.

MRS. BAILEY: Is that -- that's the part that I'm struggling with. I thought --

MR. ANDERSON: Sure.

MRS. BAILEY: -- that the legislation already covered that.

MR. ANDERSON: Sure. So, "clarifies," number one and number two, if you look at page 3, lines 40 to 47, specifically we're looking to collect data --

MRS. BAILEY: Absolutely.

MR. ANDERSON: -- in these instances. So that's important, right? Presently we don't collect data. So what my bill does is it directs the DCJS, the Office of Gun Violence Prevention, which is newly moved into that agency respectively, to begin to collect data. And also to begin a campaign of sorts to educate individuals. So that kind of answers one of your other -- one of the other questioner's question about how, you know, we would educate the -- the masses, if you will, our constituents, if you will, about the specifics and the particulars. So it charges that agency to do that as well.

MRS. BAILEY: Okay. Thank you. I have another quick question. So --

MR. ANDERSON: Sure.

MRS. BAILEY: -- I see that we're only amending Section 265 with this piece of legislation. Also under Penal Law 400.18, as far as notice upon issuance of a license, specifically in and around pistol permits. There is communication that must be handed out to all permit holders. Based on your legislation, does -- is that -- do you anticipate that that communication is going to be altered as far as of the wording that is in it?

MR. ANDERSON: No.

MRS. BAILEY: So your bill meets -- it -- it aligns with that --

MR. ANDERSON: Correct.

MRS. BAILEY: -- correct? Okay.

MR. ANDERSON: Yup.

MRS. BAILEY: And I believe that -- those were my questions. Thank you very much.

MR. ANDERSON: Thank you, Ms. Bailey.

ACTING SPEAKER HUNTER: Mr. Reilly.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. ANDERSON: I said -- we won't put it on the record. Go ahead --

MR. REILLY: You can. You can.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. REILLY: I actually have -- I actually just have two questions.

MR. ANDERSON: Sure.

MR. REILLY: And it's basically piggybacking off of what Ms. Bailey said. So the law mandates distribution of safe storage materials.

MR. ANDERSON: Correct.

MR. REILLY: Who's gonna be responsible --

MR. ANDERSON: DCJS, Office of Gun Violence Prevention.

MR. REILLY: Okay. Is there -- is there funding allocated for that?

MR. ANDERSON: No. This is a function of the office already, to -- to do public information campaigns and PSAs.

MR. REILLY: Okay. Who are they going to -- who's the -- who is the campaign going to target? Is it going to be mailers? Is it going to be TV?

MR. ANDERSON: I -- I can't get into the specifics of the different strategies that the agency uses. They have variety of different tools. It could be PSAs, it could be commercials, it could be mailers, it can be paperclips. It could be, you know, key chains. I don't know how they're gonna do it.

MR. REILLY: Okay. So we're not -- we're not delineating in this legislation --

MR. ANDERSON: No.

MR. REILLY: -- what they're gonna -- how they're gonna do it?

MR. ANDERSON: Nope.

MR. REILLY: Okay. Second piece --

MR. ANDERSON: But I hope they do --

MR. REILLY: I'm sorry. Go ahead.

MR. ANDERSON: -- I hope they do a good job, because that's gonna be the most important thing in getting the information out.

MR. REILLY: Absolutely. Absolutely. So the data collection mandate.

MR. ANDERSON: Mm-hmm.

MR. REILLY: So states in there that the Office of Gun Violence Prevention, right, is going to collect the data.

MR. ANDERSON: Certainly.

MR. REILLY: What specific data are we looking at? Will it be those incidents that happen with -- with licensed-owned firearms and those firearms that are legally held, too?

MR. ANDERSON: Instances where an individual is charged with either a violation or a Class A misdemeanor for the wrongful access to unsafely stored firearm. So that -- that data, we want to make sure that the State is collecting it so that we're continuing to actively course correct. If we see a cluster of this issue happening in the area, the agency will come out, do education and things of that like.

MR. REILLY: Okay. So it'll -- it'll encompass any incident involving a firearm, whether it was legally owned or illegally owned.

MR. ANDERSON: Correct.

MR. REILLY: Okay. All right. Will local law enforcement agencies be required to submit that data to any -- to the Office of Gun Violence?

MR. ANDERSON: Presently, local law -- so, DCJS serves as the central police agency for the State. So all data from all police forces go to DCJS presently. So this will just be adhered to that.

MR. REILLY: Okay. So the -- the mechanisms already there?

MR. ANDERSON: Correct.

MR. REILLY: Okay. All right.

MR. ANDERSON: I'm -- I'm tight here. We're well wrapped.

MR. REILLY: Absolutely. Thank you, Mr. Anderson. Thank you, Madam Speaker.

MR. ANDERSON: Thank you, Mr. Reilly.

ACTING SPEAKER HUNTER: Thank you. Mr. Lemondes.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. ANDERSON: Only if you take me to your sheep farm, Mr. Lemondes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. LEMONDES: I fully intend to, Mr. Anderson. Thank you. A couple of things with regard to this bill. If I understand correctly based on everything else that's taken place, if I'm defending myself, my weapon doesn't have to be secured, correct? Within my home.

MR. ANDERSON: Correct.

MR. LEMONDES: So how does one know when they're going to be in the act of defending themself from a home invasion? Typically people that are breaking in don't telegraph and tell you in advance.

MR. ANDERSON: Yeah. You know, with this hypothetical, Mr. Lemondes, I just want to be really careful. Police in my legislation -- we're not having police go door to door to check if folks are safely storing and securing their firearm. We're trying to merely encourage folks to do the right thing. And of course, if you know somebody that's not doing the right thing, as Legislators, we're all mandated reporters.

MR. LEMONDES: So let me ask the question differently then.

MR. ANDERSON: Sure.

MR. LEMONDES: And I was going to get to who is

responsible for enforcement and how would enforcement --

MR. ANDERSON: Understood.

MR. LEMONDES: -- be -- undertaken. I'll come back to that. Again, so, I go to my home tonight, I go to sleep because you're coming over to visit my farm tomorrow morning --

MR. ANDERSON: If they let me out of here.

MR. LEMONDES: -- and somebody invades -- somebody invades my home, but my weapons are secure. Do you know what the home invasion standard is before the advantage goes to the person breaking in versus the -- the inhabitance of the dwelling?

MR. ANDERSON: I don't -- I don't know if that's germane to the bill, Mr. Lemondes. I think what I'm looking for and -- and we're trying to accomplish is, again, the safe standards as it relates to security. Of course, you're not gonna get a heads-up about a invasion, just as much you won't get a heads-up about an earthquake and -- and we still have to purchase earthquake insurance or flood insurance. So, I mean, that's -- that's the challenges that stand in the way.

MR. LEMONDES: Right. We can disagree about the germaneness. It's less than ten seconds, for the record. So, I don't know about you, but I couldn't flip the dial on my gun safe from my bed in less than ten seconds when somebody's invading my home.

MR. ANDERSON: Well -- well -- and -- and keep in mind though, Mr. Lemondes, and I actually have a little photo here, there are many, many different tools that you can use to safely store

your firearm. It could be biometrics, which I think one of your colleagues said is a little difficult, it could be the \$10 lock. There's a variety of different ways you could use the technology that exists presently if you need to access your firearm in -- in a quick manner.

MR. LEMONDES: I'll tell you, this is not germane. I'm gonna put this question out very simply without expecting an answer. If you have ever had your home invaded, it's very stressful and I can speak from personal experience. I have. This bill would preempt one from protecting themself and their family. If it was followed to the letter, it would preempt that, or preclude that, excuse me.

MR. ANDERSON: I -- I respectfully disagree, Mr. Lemondes.

MR. LEMONDES: Of course, I would expect so. But I'll tell you, even with all of my training in the military, everything that I've done, a home invasion when you're home, home home home, right here in New York, is very, very stressful. And it takes a lot of discipline that the average person doesn't have, to deal with that successfully. Anyways, I understand the intent of this. I think the intent is noble; however, the execution, I believe, is faulty. One other question, in the sponsor's memo, it mentioned data collection. Who is collecting data from whom and to whom?

MR. ANDERSON: Yeah. So, number one, DCJS presently, again, is the centralized police force -- the police data collection entity for the State of New York. So for -- for the first part

of your question, police forces already across the State are reporting to DCJS that data. Number two, District Attorneys are a part of that ecosystem, so data will be reported by them as well and this will help inform us where instances of this issue is existing.

MR. LEMONDES: Okay. Let me peel that back a little further. Does this bill require firearm owners to report every firearm, by type, that they have in their home?

MR. ANDERSON: It does not. That's not germane to this bill. It does not.

MR. LEMONDES: Is there any other data that's required that the -- that the firearm and/or homeowner is required to report?

MR. ANDERSON: No.

MR. LEMONDES: Okay. Mr. Anderson, thank you for you questions.

Madam -- Mr. Speaker, on the bill.

ACTING SPEAKER MR. EACHUS: On the bill.

MR. LEMONDES: I simply can't support this for multiple reasons. I think it defeats the purpose and as has been said by one of my colleagues already, I believe that it's in violation of the Second Amendment. Thank you.

ACTING SPEAKER EACHUS: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MR. ANDERSON: I will yield.

MR. MANKTELOW: Thank you, Mr. Anderson.

ACTING SPEAKER EACHUS: He yields.

MR. MANKTELOW: Thank you, Mr. Anderson.

Thank you, Mr. Speaker. Just for a couple points of clarification, just so I understand this. So I have my grandfather's shotgun that was given to me. It's above the mantle above my wood stove. Can it be up there?

MR. ANDERSON: Yup. It can be up there as long as it has a safety lock on it.

MR. MANKTELOW: So as long as it has a safety lock on it of some sorts, it can be up there?

MR. ANDERSON: Correct.

MR. MANKTELOW: Perfect, thank you. My second question --

MR. ANDERSON: Sure.

MR. MANKTELOW: You had talked to I think my colleague earlier on about museums and stuff like that.

MR. ANDERSON: Certainly.

MR. MANKTELOW: And did I hear you -- what -- what happens with the guns that are at a museum at the close of -- of the museum?

MR. ANDERSON: Nothing. This is not germane to

the bill on that specific example that you've given and the reason being is because, when you have the functions of a museum, is for learning and history, it's not for use and those guns wouldn't be activated or be able to be used. You can't use them, they're just for show.

MR. MANKTELOW: Okay. So like -- like the ones that are at the New York State Military Museum up in Saratoga.

MR. ANDERSON: Sure.

MR. MANKTELOW: They're in glass cases. That's all acceptable?

MR. ANDERSON: Mm-hmm.

MR. MANKTELOW: All right. Thank you for your answer. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Thank you.

A Party vote has been requested.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. The Republican Conference will generally be opposed to this piece of legislation; however any members who wish to vote yes may do so at their desks.

ACTING SPEAKER EACHUS: Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. So the Majority Conference will generally be voting in the affirmative on this particular bill and if any of the Majority members want to vote otherwise, they are invited to go to their desks and vote in the

negative. Thank you.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Anderson to explain your vote.

MR. ANDERSON: Thank you, Mr. Speaker.

Francesco didn't have an opportunity to live to the age of 18 and as -- it's painful that we even have to have this particular piece of legislation in his memory. And as his parents and loved ones sits in this Chamber and listen to today's debate, I know it's heart-wrenching. But this piece of legislation ensures that we can hold individuals accountable and that we can encourage safe storage in the State of New York. New York should be leading the way. We should be living at the gold standard here in the State of New York with safe storage, and I think that my piece of legislation accomplishes that and I commend the family for sharing their trauma, their pain and their struggles for the weeks that they spent here in Albany. I thank my colleagues and their variety of opinions and I thank one of my colleagues who worked tirelessly to ensure that we can have this fight here today. I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER EACHUS: Mr. Anderson in the affirmative.

Ms. Chandler-Waterman.

MS. CHANDLER-WATERMAN: Mr. Speaker, as

we recognize June as Gun Violence Awareness Month, we must take in account all incidents where gun violence is at play with illegal guns and legal gun ownership. We must take into account and address that illegal guns are infiltrating our communities, which unfortunately are used for most shootings in districts like mine. We also must address legal gun owners and ensure that guns are safely stored, especially where minors are present. Francesco was a young man with a bright future and if we had this law in place, he would be with us today. Francesco died by suicide in 2021 with an unsecure firearm. He was just 17 years old and was a victim of bullying because of his sexual orientation. Between 2020 -- 2016 and 2021, suicides accounted for 36 percent of firearm related death among children ages ten to 19 years of age. Implementing and enforcing safe storage laws promote a culture of responsible gun ownership. Furthermore, 66 percent of unintentional, fatal firearm shootings involving children occurred when the firearm was being handled or shown by someone else. No one here would ever want to be in a situation as a gun owner where their gun is used by a child out of curiosity or a moment of crisis and then die. I appreciate the hard work of the sponsor, my colleague, Assemblymember, Khaleel Anderson, and for his family. His mom who's here today, who turned her pain into purpose so we can say one day, not another child. I will vote in the affirmative and I encourage all my colleagues to do the same. Thank you.

ACTING SPEAKER EACHUS: Ms. Chandler-Waterman in the affirmative.

Mr. Dinowitz to explain you.

MR. DINOWITZ: I am -- I am so happy we are passing this today. While it's too late for Francesco and other people who should not have died, this bill can help make sure that there are other people who won't die in the future. And for Francesco's family and for those who worked so hard to make this bill happen, just know that some lives, we won't know whose, will be saved when this is signed into law. And I also want to say, I appreciate very much the incredible work done by the sponsor of this bill. He should be very proud. I vote yes.

ACTING SPEAKER EACHUS: Mr. Dinowitz in the affirmative.

Ms. Seawright to explain your vote.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to explain my vote. Families all across our State deserve the greater protections that Francesco's Law would provide from improperly stored and unsecured firearms. Francesco was a brilliant, kind and talented young man who you've heard grew up on Long Island. And in October of 2021, he took his own life with a family member's unsecured firearm after experiencing relentless bullying over his bisexuality. He was only 17 years of age. Too many children and young people have died across our nation as a result of gaining access to a loaded firearm that was left unsecured. No parent like Francesco's mother, Diana, who's in the Chamber today and Godmother, Jennifer, who's here with us, should ever have to go

through the pain of losing their child because a gun owner carelessly failed to secure and storely safe their gun. I am proud to cast my vote today in honor of Francesco's Law and I thank the bill's sponsor for all of his hard work and the advocates and the mother and Godmother for their work in making this bill a reality. Thank you.

ACTING SPEAKER EACHUS: Ms. Seawright in the affirmative.

Ms. González-Rojas to explain your vote.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. Francesco's story hit me hard as a parent of a teenager who's also bisexual and also bullied and the fact that he had access to an unsecured firearm shows the challenges that we face in this country. We're facing both an environment where children are relentlessly bullied for their gender and sexuality and their expression and we're facing a mental health crisis amongst our young people. All the while where firearms are not locked away and secured. I want to thank the sponsor for his relentless advocacy from the heart and his parents who shared their pain, over and over again, to make sure that no further child would experience this and in honor of Francesco and the countless other children whose lives were lost due to an unsecure firearm. I'm proud to vote in the affirmative and I urge my colleagues to do so as well. Thank you so much.

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

Mr. Gallahan to explain your vote.

MR. GALLAHAN: Thank you, Mr. Speaker. I have several firearms, every one of them is securely secured and the reason for that wasn't a law 50 years ago when I -- when I had my first firearm. The reason for that was education. Education when I took my hunter safety course. Education that has been -- been improved over the years and now mandated when you have an application for a pistol permit. Two-and-a-half days of training. The same thing with a semiautomatic rifle, training. I would ask, this is the second ask I've had this -- this year, my colleagues on the other side to sit down with me and construct education in high schools, just like the health class, that teaches each and every child in our school system firearm safety. Nothing is a substitute for education. Nothing. Responsible gun owners lock their guns away and they're gonna continue to lock their guns away. But these children that come up through, when they find a firearm, or they see a firearm and they're not trained, do they know what to do? Do they know what not to do? Do they know who to report it to? They will if we educate them. An education in our schools will save many lives. Thank you, Ms. Speaker.

ACTING SPEAKER EACHUS: How do you vote?

MR. GALLAHAN: I'll be in the negative on the bill.

ACTING SPEAKER EACHUS: Mr. Gallahan in the negative.

Ms. Lunsford to explain your vote.

MS. LUNSFORD: Thank you, Mr. Speaker. You know, I was trying to find some statistics about how many shootings

there are in home invasions versus children who accidentally shoot themselves and I really couldn't find statistics. So I thank the sponsor for putting data collection in here because we don't really have this information, we just hear anecdotal stories. But what I do know, is that 80 percent of gun owners support safe storage laws. Responsible gun owners safely store their weapons, that's what you do. But yet, according to a study last year, 43 percent of households still store loaded guns and just under half have guns loaded with ammunition not in lockers. Don't responsible gun owners want everybody to be responsible? Don't we want this for people? For everyone to act the way responsible people would? This mandate will not only allow us to provide more education and to put some teeth behind it, but it will attach liability for situations where people are not being responsible and it leads to unintentional deaths. That's what this is for. It's important. And I've said this on this floor before and I'm gonna say it again, the reason so many toddlers shoot themselves is because their index fingers are too weak and they turn the gun around to use their thumb. And if that doesn't haunt you, I don't know what will.

In addition to that, in addition to accidental firearm deaths and suicides, according to a Department of Justice article about safe storage gun laws for 2023, the majority of individuals who carried out a K-12 mass shooting obtained the firearms used in the shooting from a family member in an unsecured gun. Further, between 2005 and 2010, in home burglaries and other property crimes, 1.4 million firearms were stolen. Safe storage helps that, too.

I don't know why anyone would oppose us safely storing guns. It saves lives and it keeps illegal guns off the street. I'll be voting in the affirmative.

ACTING SPEAKER EACHUS: Ms. Lunsford in the affirmative.

Mrs. Peoples-Stokes to explain your vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to congratulate the sponsor of this legislation. First of all, I think you did an amazing job of debating a very well-crafted bill and as a daughter of a mason, some masons were in our Chambers a few weeks ago, I was trained and educated on how to use a weapon. We went to the Big Hill Hunting and Fishing Club on a regular basis. Not only did we run track and play dodgeball, but we also learned how to shoot weapons and as a result of that, I, as an adult, am licensed, but I'm also gonna lock them up and keep them locked up. And so, it was mentioned on this floor already once, I will mention it again: A responsible gun owner has no problem securing their weapons. None. And so, if there's someone who has a problem with that, then that means they're not responsible and they shouldn't have the weapon. So I look forward to voting in the affirmative on this piece of legislation.

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

Ms. Griffin to explain your vote.

MS. GRIFFIN: Thank you, Mr. Speaker, for

allowing me to explain my vote. Thank you to Assemblymember Anderson for sponsoring this important legislation. I'm proud to be a cosponsor and support this measure that will save lives. Safe gun storage is vital and this measure will pave the way. Thank you Francesco and his amazing family. The courage his mom showed when she met with me to share the tragedy of losing her son was truly heartbreaking, but also inspiring that she could come to Albany, visit so many people and talk about that story over and over again. So, I just want to say, thank you for coming here, thank you for setting an example, thank you for your advocacy and I want to say, love to Francesco, his memory and love to his family. Thank you. I vote --

ACTING SPEAKER EACHUS: Ms. Griffin in the affirmative.

Mr. Schiavoni to explain your vote.

MR. SCHIAVONI: Thank you, Mr. Speaker. And I want to applaud the -- the sponsor for bringing this law forward. I -- I, too, believe in education; in fact, I made a career as an educator dealing with people whose frontal lobes are not fully developed. I know teenagers. They're impulsive. Coupled with our mental health crisis that our children are facing, I believe that this law is more than appropriate at this time. And I think about the people, the children that I've known over my career who have died by suicide. It's tough. It rocks a community. And I do believe that safe storage laws do save lives, that they will save lives. And had they been in place they would have saved the lives of the young people that I've known.

Thank you. I will be voting in the affirmative.

ACTING SPEAKER EACHUS: Mr. Schiavoni in
the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Page 20, Rules Report No. 588, the Clerk will read.

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 Island
History Advisory Committee; and providing for the repeal of such
provisions upon the expiration thereof.

ACTING SPEAKER EACHUS: An explanation has
been requested.

Ms. Lee.

(Pause)

On a motion by Ms. Lee, the Senate bill is before the

House. The Senate bill is advanced.

Ms. Lee for an explanation.

MS. LEE: Thank you. This bill would authorize and direct the Commissioner of Education to conduct a Statewide survey of school districts to determine the extent of instruction related to Asian American, Native Hawaiian and Pacific Islander history, including curriculum content, grade-level instructional time and teacher training.

This bill would also establish a temporary advisory committee to recommend instructional resources and ways to strengthen K through 12 education programs in AANHPI history.

ACTING SPEAKER EACHUS: Ms. Walsh.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. LEE: Yes.

ACTING SPEAKER EACHUS: The sponsor yields.

MS. WALSH: Thank you very much.

So, I noticed that there -- as you mentioned in your explanation there are two components; there's a report that will be generated of the findings and recommendations to implement or strengthen such instruction, and that's gonna be delivered to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader

of the Assembly by the first of January following the effective date, correct?

MS. LEE: That's correct.

MS. WALSH: Okay. So -- and thank you for including the Minority Leaders in the receipt of that report.

My question is, when it comes to the composition of the History Advisory Committee, which is comprised of four experts on the topic, you don't have any Minority appointments on that. So I was just wondering why that is.

MS. LEE: Well, these appointments are not political. I mean, they are about selecting experts on the subject matter that is relevant to this bill. And the Minority -- you or anyone else as members of the Minority are welcome to provide recommendations for appointments.

MS. WALSH: We would provide recommendations to the Speaker of the Assembly who does have an appointment?

MS. LEE: Sure. The Speaker of the Assembly, the Majority Leader. And really, these are appointments for subject matter experts. They can be Republicans, they can be Democrat. The most important thing about these appointments is that they are subject matter experts in AANHPI history and curriculum.

MS. WALSH: Was there a reason why you -- you've got four experts? I mean, if you had six experts then you could accommodate the desire for the Minority to participate in being able to put appointments on as well. Then you'd have six heads; isn't that

better than four heads?

MS. LEE: Well, the way the bill is written, currently the Governor gets an appointment, the Majority Leader of -- of -- the President gets -- of the Senate gets an appointment, the Speaker gets an appointment and the Commissioner of Education also gets an appointment.

MS. WALSH: Right.

MS. LEE: But I guess what -- I mean, your interest -- I really appreciate deeply your interest in this bill and in AANHPI curriculum because it is a bill about DEI; diversity, equity and inclusion. So I assume that your interest in this bill also is as the -- for support of DEI in our -- in our State.

MS. WALSH: Well, I think it's always a little bit ironic that when we talk about minorities that a lot of times you forget -- not you personally, but sometimes members of the Majority party tend to forget about the Minority party and whatever insights that could be brought into any topic. It feels a little a lonely sometimes, and so I just wanted to give you an opportunity to explain your thinking on this, and I appreciate your answers.

And now, Mr. Speaker, I'd like to go on the bill.

ACTING SPEAKER EACHUS: On the bill.

MS. WALSH: Yeah, at the risk of sounding like a broken record, and I -- I get the -- the irony a little bit that's being brought up about trying to be culturally-competent and trying to encourage cultural competence when we are in, in some ways, an

extremely dysfunctional governmental setup here sometimes. And we could use a little bit of -- a little bit of competence and respect for our side of the aisle. And I think that having a member or two from the Minority to be able to nominate people that we know that are experts on this topic I think would be a really refreshing thing. So I didn't ask the sponsor if she would be amenable to amending her bill to add those members because it just didn't sound like she would. So I didn't want to just ask that additional question. But I would love to see that. And as you see in a number of bills that come up, these study bills, you're gonna be hearing this song being played again and again. And I -- when it gets listened to, your bills move without any opposition and we're happy to support them. We're just saying that we want to make a record and say that we -- we would also like to be heard. We would also like to be able to offer up our ideas, not through a conduit like the Speaker or the Majority Leader, who are both wonderful people, but by our own leadership.

So for that reason there may be some of us who may vote in the negative, although I think that the -- the idea itself for this survey is a good one.

So I thank you, Mr. Speaker, and I thank the sponsor for her time. Thanks.

ACTING SPEAKER EACHUS: Thank you.

Mr. Chang.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. LEE: Yes.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. CHANG: Thank you, Ms. Lee. Appreciate that you and Senator Liu have come out with this -- with this bill itself to make it -- our community, our Asian community, into education.

Now, how will you propose this for expert itself? Because Asian is such a large, very large culture. It's in at least three different continents. And it's very hard to have even four experts just to -- just to decide on what curriculum and topics.

MS. LEE: Well, first of all, I just want to thank my colleague on the other side of the aisle for being a cosponsor on this bill and supporting -- supporting this initiative on AANHPI curriculum in our State. We will have -- the focus really is on subject matter experts of AANHPI curriculum. The expectation is that they also have -- you know, they have been -- they're -- they're experts of this field. So Asian American is a broad definition. It includes many different communities within the AAP -- AANHPI community. And there are people who have been -- who spent their lives, dedicated their lives to studying these communities, and that is what we will be looking for. Or that's what I hope the people who are set to make the appointments will be looking for as they make those appointments.

MR. CHANG: Well, I hope we can, as my fellow colleagues, we'd like to see it broadened itself because I'd like to see

some conservative family value itself. And DEI is such a broad concept. And I don't believe in that, I believe in just who we are, what we are, instead of just putting a label itself.

But no, thank you very much, Ms. Lee, about this -- about this bill. Yes, I cosponsored this because we need to have the school system to, especially in an area that doesn't have that many Asians Americans and understand our community. We're -- the Chinese have immigrated in this country about less than 200 years ago; maybe 1830-ish to 1850. So it's not that long. And then only the past 50, 60 years that we have an influx of different community come in. So maybe certain communities may not able [sic] to see what we are, what the differences are in Koreans and the Vietnamese. And I hope the -- our mainstream will maybe have a chance to understand where our diverse culture and community are. Because in this world we represent the Asian community. We represent maybe 60 -- 60 percent of the population, so it's not small. But in the United States we represent only 12 percent -- 12 percent in New York, less than 4 percent in -- in the United States. So we're small but we're growing. And thank you very much.

On the bill, ma'am.

ACTING SPEAKER HUNTER: On the bill.

MR. CHANG: Yes. Thank you for the sponsor to present this, as well as the Senate, John Liu. And -- and I just hope we have a more expertise to decide what subject and what topic that can be in the curriculum, because it's so broad. Even for me, it's so

much to wrap different Asian cultures -- and there's a lot -- even though I traveled and lived in Asia for -- for over a decade, and I'm still learning different Asian cultures.

Thank you very much.

ACTING SPEAKER HUNTER: Ms. Lee.

(Pause)

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. Lee to explain her vote.

MS. LEE: Thank you, Madam Speaker.

One of the most unforgettable moments of my time in Albany was meeting a group of young Asian American students who came up from New York City to advocate for inclusive curriculum to lawmakers here in Albany. They spoke passionately about what it would mean to see their histories reflected in the classroom to learn about the struggles, contributions and stories of Asian Americans as part of the American narrative. This bill, the AANHPI Education Equity Act, is inspired by them and by so many others across New York who are demanding a more inclusive curriculum.

Asian Americans have helped build this country, generation after generation. But our history has too often been ignored, marginalized or erased, and now in states across the country,

that erasure is being weaponized. Books are being banned, history is being censored, and people in power are trying to silence our voices, intimidate our communities, and strip our communities of dignity.

But we are still here and we will not be silenced.

We remember Won Kim Ark, who took his case to the Supreme Court to affirm that children born in this country are citizens, regardless of their parents' nationality. We remember Fred Korematsu, who resisted the incarceration of Japanese Americans during World War II, and stood up for justice even when his government failed him. And in this moment when anti-Asian hate is on the rise and our civil rights are under attack, we cannot let fear or revisionism dictate what our children learn. Education is one of our most powerful tools against hate. When we teach truth we build understanding. When we reflect all of our histories, we create belonging.

This bill is not just a policy step -- step. It's a statement that our stories matter. That our community deserves to be recognized and seen, and that we are not guests in this House, we are builders of it.

I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Ms. Lee in the affirmative.

Mr. Gallahan to explain his vote.

MR. GALLAHAN: Thank you, Madam Speaker.

I will be voting in the negative on this bill for the

mere fact that there is no representation from the Minority Conference. By not having participation from the Minority Conference in this Committee, we're omitting six million voters, or residents, from the State of New York from representation. I would encourage everyone in this room to support my bill, A.01353, which would require certain bills which establish a commission, task force, board, council or any similar Body will have not less than one position appointed by each of the legislative leaders. That way you won't be eliminating six million voices from our State in these commissions.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Gallahan in the negative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Madam Speaker.

I, too, will be voting -- be voting in the negative because the Minority again has no person on this Commission to be able to pick people. I believe we actually have people within our Conference that are of Chinese descent. It's a shame.

I also was a little taken aback by the sponsor and the way she treated our Floor Leader during the debate when just a simple question was asked.

For those reasons and many others, it's a real shame but I'll be voting no.

ACTING SPEAKER HUNTER: Mr. Tague in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Madam Speaker. I'd love to commend the sponsor. And it's nice to hear so many people concerned about representing Minority point of views and understanding that people with different lived experiences can contribute different perspectives.

So this bill is, I think, timely and appropriate to the situation and I vote in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Ms. Lunsford in the affirmative.

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. They say if you want your story told, you better tell it yourself. That way you make sure we get it right. As it relates to the debate on the floor, you know, when you're dealing with lived experience, sometimes emotions may take a hold. But the goal is to do something for your community. And not only for your community, but for all of us as the State of New York. I feel once we have a better understanding of one another, of our culture, our background, our experience, we do better by one another.

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

ACTING SPEAKER HUNTER: Mr. Meeks in the affirmative.

Mr. DiPietro to explain his vote.

MR. DIPIETRO: It was answered. Thank you.

ACTING SPEAKER HUNTER: Mr. DiPietro in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. I'm not sure how we got so far away from the topic here of discussion, but I do want to commend the sponsor of this legislation. And I do think she handled herself in a -- in a very dignified and inspiring way in her responses to the questions. It's hard to understand sometimes how people always want to participate in whatever the discussion is, but when there are discussions going on at other levels that minimize the same people that they want to sit and discuss with, there's silence. And so at some point it makes sense for her to raise the comments that she raised.

And so I want to thank her for doing that, and I look forward to voting for her legislation.

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

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Madam Speaker, for allowing me to explain my vote.

This really is a very simple bill. It simply authorizes the Commissioner of Education to conduct a survey. A survey on instruction for Asian American, Native Hawaiians and Pacific Island -- Islander history, and to establish an advisory committee. That's all

it does. And, you know, it seems just something that we, as New Yorkers, celebrate our diversity. We celebrate that as our strength. And this is simply furthering our ability to do it with something impactful. This simply lays the groundwork to make sure that educational instruction aligns with the needs of these so often marginalized communities.

So I wish to commend the sponsor for her perseverance, her tenacity in moving this bill forward, and wish to thank the Speaker for bringing it to the floor. I vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Burdick in the affirmative.

Ms. González-Rojas to explain her vote.

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

I also want to commend the sponsor for her relentless pursue [sic] for equity and dignity, and elevating the voices of the AAPI community. I represent a district that is nearly 20 percent Asian American, Pacific Islander, and their stories are not being told. And it's really critical that we are ensuring that we have an education system that lifts the experiences of all the communities that represent who we are here in New York. And we want to make sure that those that are part of that effort have a commitment to ensuring fairness and equity in that process.

So as a proud member of the APA Task Force and, again, someone who represents a diverse community of the AAPI

community, I'm very, very proud to vote in the affirmative and I hope my colleagues do the same.

Thank you so much.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 24, Calendar No. 54, the Clerk will read.

THE CLERK: Assembly No. A00544-B, Calendar No. 54, Paulin, Seawright, McMahon, Levenberg, Jacobson, Griffin, Sayegh, Shimsky, Otis. An act to amend the Criminal Procedure Law, in relation to requiring police officers to take temporary custody of firearms when responding to reports of family violence.

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

An explanation has been requested.

Ms. Paulin.

MS. PAULIN: Thank you so much.

The legislation requires law enforcement to take temporary custody of firearms when responding to a report of family violence when such removal is necessary to protect the victim or other persons present.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. PAULIN: Happy to.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much.

So this bill was first introduced in 2021, but today will be our first vote on it. Okay. So I wanted to say first that protecting victims from gun violence is a laudable legislative objective. But I want to -- I want to kind of start out by just reviewing our current state of the law. So under the CPL currently, police, when responding to a family offense, can take temporary custody for at least 48 hours of firearms in plain sight or when discovered via a consensual or other lawful search, but requires police to take temporary custody of firearms when they are in the possession of a person being arrested for a family offense or suspected of committing a family offense. Already in the law. Under current law, if a police officer thinks there is probable cause to believe that a person is at risk of harming themselves or others, the officer may apply for a TERPO, a Temporary Extreme Risk Protection Order, to a State Supreme Court Judge or an acting State Supreme Court Judge. The judge will review the application on an emergency basis 24/7, and will issue the TERPO followed by a due process hearing within a few days to determine if the TERPO should become an ERPO after clear and

convincing evidence if it's shown.

We also have Orders of Protection. If an Order of Protection is issued by a court, then law enforcement will go out immediately to the home and take any firearms from that person.

All right. Big lead up. So now my first question. What does this legislation do that's different than what we already have?

MS. PAULIN: Okay. So I worked with the -- the officer who trains police on when to take guns out of the home in -- when they go into a situation of domestic violence.

MS. WALSH: Okay.

MS. PAULIN: And what he said was that in New York City they use this model that we have in the bill. When the person -- they use the -- the domestic incident report to establish the grounds under which you would take a gun. He liked that model, and that's what New York City is training their officers to do. The rest of the State, as we know, because we don't live in the City, you know, have a variety of police departments and they do a variety of things. And he thought that when he's training the police, because the language in the law was so vague when, you know, they may take a gun, you know, when they see that -- it was just -- it was done very differently in every single jurisdiction no matter what kind of training he gave. So he thought if we codified what was in New York City, what they were doing in practice, which is working, we won't have incidents where guns are left in very dangerous situations.

The second part of the bill, of course, is how long we're gonna hold the gun before we give it back. And his thinking, after being part of this domestic violence guns world after -- for many, many years was that 48 hours was not a long enough cooling off period and we're giving the guns back. But the cooling off period needed to be a little longer, and that's the second part of the bill.

MS. WALSH: All right. That's a wonderful explanation. So that was one of my questions, was going to 120 hours, or five days, versus the 48 hours under current law, was there -- how was that number determined? Just a sense that that -- that five days is an appropriate --

MS. PAULIN: I don't -- I don't think that we did it scientifically. We just -- you know, we just picked a number that was longer than two days and said let's see how this works. Because we know that, you know, many -- you know, what happens after there's been a police incident in a domestic violence home, the -- the escalation is almost immediate. You know, the reaction of the abuser to the victim is escalated and very problematic. And so we know that there needs to be a bit of a cooling off period. And sometimes the -- the abuser is removed from the home, and that could be the entire 48 hours worth of time and then they're going back in, potentially, to a very volatile situation. So we picked 120 days [sic]. You know, if we see that that's too long or too short, we may come back and revisit it. But it's a bit of -- you know, there's a bit of arbitrariness, I'm -- I'm gonna admit.

MS. WALSH: Yeah. Well, that's fair. I appreciate -- I appreciate you saying that.

So the bill authorizes the seizure of a firearm by the police when they believe that doing so would prevent the risk of violence or threat. Could you provide an example of when that would happen? I mean, isn't it likely that if someone is threatening violence with a firearm, then that person is likely already committing a crime?

MS. PAULIN: Well, again, we -- we -- I point to the -- the domestic violence incident report, and a police officer, when they go into these homes, is required to essentially check off. And the checkoff that they use is they -- they -- the first thing is is there a suspect of threats, yes or no? If yes, threats to the victim, threats to the children, threats to the pet, threats to commit suicide, other -- other. And so they have to check that off. So that's one of the checkoffs that would be used to consider whether or not -- if there's a yes, they would take the -- the gun if it was visible, obviously, you know.

MS. WALSH: Right.

MS. PAULIN: The -- I'm looking for more. Then, you know, has the suspect ever -- this is questions that they would ask the, you know, the person who was claiming that the other person was abusing them -- has the suspect ever threatened to kill you or your children, yes or no? Has the suspect ever strangled or choked you, yes or no? Has the suspect ever beaten you while you were pregnant, yes or no? Has the suspect -- is -- do you believe the suspect is capable of

killing you or your children, yes or no? Is the suspect violently and constantly jealous of you, yes or no? And has the physical violence increased in frequency or severity over the past six months? So those are the questions that they would ask the victim. You know, they ask now. And if there was a yes answer, you know, again, in New York City the gun is removed. Again, Upstate or outside of the City it's erratic. In some places -- I was talking to a former police officer, right, in this Chamber and he was saying that they always remove guns in a domestic violence incident because they believe that it could be problematic. This gives guidance to those police officers that have that hesitation.

MS. WALSH: And so is that checkoff form, the one that you mentioned that there was an individual that does training that you were working with in the development of the bill, I mean, is that -- is that what New York City does now, that form? But is that standardized throughout the State?

MS. PAULIN: This form is standardized through the entire State.

MS. WALSH: It is.

MS. PAULIN: DCJS is responsible for the form.

MS. WALSH: Okay.

MS. PAULIN: And the difference is that, you know, in New York City the guidance that they tell the officers, if they check off yes, take the gun. Where they don't -- also in New York City is, you know, one police department. It's a little easier to have a uniform

policy.

MS. WALSH: That's very true.

MS. PAULIN: So that's, you know, so -- you know, it's the domestic violence advocates in New York City think it's working really, really well, and so that's why we came up with this idea.

MS. WALSH: Okay. So there -- there is a long list of family offenses, I noticed, which includes something like identity theft is a family offense. I mean, could it be an alleged crime not involving violence like identity theft, or are you -- would you redirect me back to that form?

MS. PAULIN: I would redirect you back here.

MS. WALSH: Okay. All right. So when police respond to a family offense there's usually an attempt to deescalate the situation. Is there any concern that there could be an unintended consequence of worsening the environment or heighten stress and upset when -- when the firearms are being taken?

MS. PAULIN: So, I mean, I'm -- I'm not a police officer and I've never been in these situations personally, so I -- that's a little hard for me to answer. But I know that police officers do believe that when they take a gun away, it may not deescalate it, but it prevents potential use of that weapon.

MS. WALSH: Well, right.

MS. PAULIN: So, you know, I think that the statistic is something like 500 percent. There's a 500 percent chance of killing

the victim if there's a firearm present in the home when there's domestic violence.

MS. WALSH: Yeah, I -- I understand what you're saying. I just -- what I was asking was kind of like by the taking of the firearm, could there be an un -- unintended consequence of actually heightening the -- or escalating the risk of harm? It might not be lethal force, it might not, you know -- but there's a lot of ways to hurt somebody. Was that -- was that factored in or was the goal just simply get the firearms out? That's the goal and that's --

MS. PAULIN: So, if you have a situation where you have two people who are -- one who is victimizing the other one and the police officer comes in, no matter whether they take the gun or not there's gonna be an escalation because that police officer was there.

MS. WALSH: Right. Okay.

MS. PAULIN: So it's much better to remove the gun because you don't want the escalation to include using the gun.

MS. WALSH: I had -- I had a couple of hypotheticals that I came up with, and I just wanted to throw them out and just get your -- get your take on it. So, a man owns a house, and in that house he has multiple firearms and a license to carry them. The man's son and girlfriend are living temporarily in the house, and they get into a huge fight. The police are called. Under this legislation, are police required to take the homeowner's firearms and license? Even though he wasn't part of that fight and he didn't do anything wrong.

MS. PAULIN: That -- that's a very interesting hypothetical. I -- I think if -- if the victim said I feel that kind of threat and those guns were in an obvious place, I -- you know, because you can't search without a warrant, then yeah, I think that the guns would have to be removed. But that's -- you know, but it -- maybe that would need to be tested in court, I'm not sure. But -- but I do think under that scenario, yes, you would have to remove the gun.

MS. WALSH: So what I was curious about --

MS. PAULIN: I have an answer here.

MS. WALSH: Oh, you've got -- you've got -- you're conferring. Okay. Very good.

(Conferencing)

MS. PAULIN: So what they're saying is -- and again, this is the vagueness -- if it's in their possession, you know, but I don't -- you know, but I -- I don't know what possession means, because is it ownership or not? So I guess if they were able to get to the gun. You know, if it was locked up -- or, you know, our last -- our last debate -- and they didn't have a key and they couldn't get access, then probably they wouldn't have to take the gun. That would be my take on it. But if they had a key and they could get possession of the gun, then they would.

MS. WALSH: So I -- and I was curious to know your answer to that because I was thinking that -- that that could potentially be an unconstitutional seizure, violating the U.S. and New York State Constitutions because the legislation doesn't just limit it to the bad

actor's firearms. You know, that -- that's why I was asking the question, and -- and it kind of --

MS. PAULIN: But remember, it's still only temporary.

MS. WALSH: Yeah.

MS. PAULIN: You know, so they do get it back. And it's only -- you know, and I feel very confident in this answer now -- it's only if the abuser would have an ability to get to the gun. So if it was -- if the owner locked it up, you know, and the abuser didn't have that access, then they wouldn't take it.

MS. WALSH: So even though the -- the wording of the bill changes it from "may" to "shall" so it becomes more of a direction to the law enforcement, the responding officer to do that.

MS. PAULIN: (Indiscernible/cross-talk). Under very limited circumstances.

MS. WALSH: Okay. All right.

Second hypothetical, and I think it's the last one. Man is driving in his car with his adult son and son's wife. The son starts beating up the wife in the back seat of the car. The car is pulled over for speeding and swerving. Officer sees marks on the wife and the wife confirms domestic violence. Is the officer required to take the driver's firearm which is in the vehicle safely secured?

MS. PAULIN: I think it's very similar. You know, if the -- if -- if the gun was locked and the -- the person who was beating up the wife didn't have the key, then it's not in their -- it's not in their

possession, it's in the other guy's possession.

MS. WALSH: Okay. I see the distinction that you're drawing. That -- that makes me feel a bit better. Okay.

In the Memorandum of Support it says that the NYPD Public Patrol Guide and New York State Unified Court System's 2020 protocols already mandate, rather than permit, firearm seizure. So if that's already in these guidelines, why do we need to legislate this? And you're saying -- I think you already addressed this because you said that it's being inconsistently applied throughout the State and you wanted to have a more uniform standard; is that -- is that right?

MS. PAULIN: Yes.

MS. WALSH: Okay. Okay. I think that you've answered those questions for me, and I think at this point I'll just go on the bill. Thank you very much.

MS. PAULIN: Thank you. Okay.

MS. WALSH: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: And I will continue to go on the bill. Thank you.

So, I believe that in a true domestic violence situation, safety is illusory. I think that police can remove firearms, but knives, hammers, other sharp objects, fists, steel-toed boots remain, just as TERPOs have become a huge cover-your-behind exercise in many parts of the State for our law enforcement. I could

see this becoming the same.

To prevent risk of further violence or threat is extremely broad. It may look like we're giving law enforcement discretion here to decide, but really, they are going to err on the side of removing all firearms from the bad actor, and potentially firearms owned by others in the house who had nothing whatsoever to do with the domestic violence. I do have concerns about the constitutionality of that, although I do appreciate the sponsor's answer on that.

I want to just, I guess, close with -- with a thought. When we were talking, the sponsor and I were talking about the idea of providing a cooling off period. It just made me think of the -- the bail so-called "reform laws" that were passed a couple of years ago and all of the concerns that were raised by advocates in the -- that work with domestic violence survivors who are -- were really concerned that you could do an arrest of an individual and then you're -- you're just processing them and putting them right back out there again. And I just think that instead of fixing something like bail reform which lets these individuals out right after processing, we're doing something like this bill. And I -- I don't think it's -- I -- I appreciate what the sponsor is telling me about this bill, but it has quite a bit of opposition because of the things that we've discussed. And I do think that there are a lot of other things that we could do that would truly support domestic violence survivors and all the people that do remarkable work with them.

So a number of us may be in the negative on this

particular bill. But I do thank the sponsor for her responses to my questions. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Molitor.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. PAULIN: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: I'm behind you to the right.

MS. PAULIN: Yes.

MR. MOLITOR: You do not have to turn around, though.

MS. PAULIN: That's okay.

MR. MOLITOR: Okay. So I just want to focus on the "shall" section. So in the event that there's a domestic violence situation and someone's arrested for a family offense, the police shall take temporary custody of the enumerated weapons in this section, right? And -- but they can only do so where those certain sections are marked off in the DIR, right, or if there's a reasonable belief that it is necessary to protect the victim -- I'm shortening this a little bit -- or to prevent risk of further violence or threats.

MS. PAULIN: Right. Well, the -- the "may" part, you know, that second part that you were talking about is already the

law.

MR. MOLITOR: Right.

MS. PAULIN: So, yes, the "shall" part is the part we're adding, which is the checkoff, as you said.

MR. MOLITOR: And the -- and the "shall" is in those -- those two -- really two circumstances; the one where the victim marks off the certain sections of the DIR, or there's a reasonable belief from the officer that there's a violent situation, right?

MS. PAULIN: Mm-hmm.

MR. MOLITOR: I'm -- I'm, you know, shortening that a little bit.

But now I just want to focus on the -- the timeline a little. So the DIR, the domestic incident report, I've seen many of those, probably thousands of those. When are those DIRs actually completed?

MS. PAULIN: Well, those questions are asked on the spot, you know, when they fill out the form later, I don't know. But the questions in the DIR are asked on the spot.

MR. MOLITOR: Okay. So I'm sure, as you know, not every domestic violence situation is immediately reported. So what about those circumstances where a victim is finally able to get away from their abuser and they come to the police station to fill out a DIR. In that circumstance, what if -- what if -- I want to give you a very specific scenario -- what if that happens and we're, like, three days after the incident? What are the police supposed to do in that

situation?

MS. PAULIN: Well, the police wouldn't be present in the home, right --

MR. MOLITOR: Right.

MS. PAULIN: -- in that situation. So they don't see the gun, it's not before them. They can't take it away.

MR. MOLITOR: But this -- but this legislation doesn't require them to see the gun, does it?

MS. PAULIN: The gun has to be in their -- you know, yes, they have to either see the gun or if -- because they can't search a home without permission from the parties.

MR. MOLITOR: Right.

MS. PAULIN: So if, for example, you know, I -- I would presume, let's -- let's just take the -- the example where they could take a gun potentially. If they fill out the domestic violence incident report and there were all these threats and, you know, *He's gonna kill me* and this and that, and the question is asked and there are guns in the house, you know, the police officer could say to the victim, you know, *Can I search?* And if she's the only one present, then I guess he could. But I don't know that, you know, this really allows them to go back into the home if they're not there. So I would -- I would say that that's never gonna happen. You know, the likelihood is that they would seek a warrant to search the premises if they think that there's real danger.

MR. MOLITOR: Or get a TERPO --

MS. PAULIN: Yeah.

MR. MOLITOR: -- in that sort of situation. Okay.

What about the situation where the police are on the scene and they're asking these questions of the victim, the victim's giving them the answers that allow them to conduct the search, but the victim is not -- does not have any lawful authority to consent to a search, and --

MS. PAULIN: What -- what do you mean?

MR. MOLITOR: Well, let's say that the victim didn't live at that location, right? Let's say -- let's say a boyfriend and girlfriend, the girlfriend just happens to be there for dinner, there's a domestic violence situation. The police are called, and the victim has, you know, answered the questions that give rise --

MS. PAULIN: Well, I think you've answered it. If the -- if the victim doesn't have the lawful ability to agree to a search then the police officer can't search.

MR. MOLITOR: Okay. So this is -- this is really only constrained to those situations where the victim has -- has lawful authority to consent to a search, or the police see one of the enumerated weapons in plain view.

MS. PAULIN: I mean, if both are present and the abuser says you can't search, they can't search.

MR. MOLITOR: Right.

MS. PAULIN: Right? They can only search if the victim's there without the abuser and they have lawful ability to say, *You can search this house.*

MR. MOLITOR: Okay. Thank you very much for clarifying that.

Now, when the police do seize these weapons -- and let's just use a handgun as an example -- where are the police supposed to store these guns for the temporary period of time? I think it's 120 hours, right?

MS. PAULIN: I -- I believe they all have places where they store weapons now, and this would just be added to that arsenal of weapons.

MR. MOLITOR: Okay. So in my district there's -- I have a lot of small police departments, much smaller than NYPD, and they have --

MS. PAULIN: Me, too.

MR. MOLITOR: -- very, very limited storage space for their -- their evidence rooms.

MS. PAULIN: Hopefully they have limited domestic violence incidents as well.

MR. MOLITOR: I -- I know that not to be true. There's a lot of domestic violence, unfortunately. So, you know, as you can imagine, because there a lot of domestic violence there could end up being a lot of these weapon seized for a five-day period, which could be very overwhelmingly for evidence officers. Is there -- you know, but there's no requirement under the law that they secure them in an evidence room, right? They could have some other place to secure them as long as they're secured.

MS. PAULIN: I think that there are police protocols that they have to use to store those weapons. That would be the same for this.

MR. MOLITOR: And I'll -- I'll defer to my police officer friends on that question as well.

Now, what about the -- the processing of those weapons? In -- in my -- in my district, if the police seize a handgun, for example, they're gonna do ballistics testing on it. They're gonna do -- probably they might do DNA testing on it. They might do fingerprint analysis. And the reason why they do that, specifically ballistics testing, is they enter that into a Statewide database and they might find that that gun was used in another -- in another crime somewhere in the State. Would this law prevent them from doing that sort of testing on the weapon?

MS. PAULIN: Whatever the law currently is when weapons are in their possession would be the same for this. We don't speak to the -- we don't differentiate this between, you know, among all of the other reasons that they might have a gun in their possession.

MR. MOLITOR: Okay.

And my last question, I guess, you know, I understand exactly why this particular piece of legislation is being brought forth -- brought forth. And sort of piggybacking off -- off the Floor Leader here, why -- why limit it to just these enumerated weapons? Why not expand it to the Penal Law definition of illegal weapons and dangerous instruments? And then that way if the police

are in -- you know, they respond to a scene and the victim is not -- you know, the abuser doesn't have guns, that's not the issue. Maybe it is a hammer or a knife or a leather belt or whatever it might be, the police could seize those things as well. Why limit it in this particular (indiscernible/cross-talk).

MS. PAULIN: You're giving me an idea, but I didn't think of it for this -- for this bill.

MR. MOLITOR: Okay. Thank you very much for your questions. I appreciate it.

MS. PAULIN: Thank you.

MR. MOLITOR: 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 bill. If there are any yes votes, you can cast them now at your desk.

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 decide 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. Angelino to explain his vote.

MR. ANGELINO: To explain my vote. My concern with this is we spend a lot of time talking about the seizing and the taking and the storing, but nobody mentioned the giving back. So at some point there's two things that concern me; somebody's gonna come to the police station after 100-and whatever it is hours, and a police officer is gonna have to give them back their firearm. He's already upset, or she. And, *Here's your -- here's your firearm.*

The next thing that concerns me is there's nothing in there that protects the police officer who seized it. Because the last person who handed that gun to a pissed-off man who's gonna go back home is the police officer. And these police officers are going to be scrutinized, *Why did you give it back? You knew what he was gonna do.* And I just don't like the idea of -- of "shall" seize anybody's property in the law when the Constitution has an amendment that specifically says you can't.

So I'll be voting no.

ACTING SPEAKER HUNTER: Mr. Angelino in the negative.

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you, Madam Speaker, for allowing me to explain my vote. I appreciate the Assemblymember for carrying this important legislation.

It is well-documented that domestic calls by police present a high risk to all at the scene. In the aftermath of a police response it has been proven that the danger drastically escalates. So having the police take temporary possession of firearms is key. It is clear that this measure will save lives, that is why I've cosponsored this legislation and vote in the affirmative.

Thank you.

ACTING SPEAKER HUNTER: Ms. Griffin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed. Pack 7.

Page 25, Calender No. 85, the Clerk will read.

THE CLERK: Assembly No. A01179, Calendar No. 85, Glick, Burdick, Lee, Colton, Levenberg, Kelles, Otis. An act to amend the Environment Conservation Law, in relation to prohibiting the lease of state forests, reforestation areas, wildlife management areas and unique areas for gas and oil production.

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

An explanation has been requested.

Ms. Glick.

MS. GLICK: Thank you very much. The purpose of this bill is rather modest. It seeks to protect certain lands from oil and gas production, leasing. Currently, we prohibit the exploration and development of oil and gas leases on -- in state parks and the lands under the waters of Lake Ontario and along the shoreline. This would simply add to that; state-owned state forests, reforestation areas, wildlife management areas and unique areas. And the unique areas are defined as lands of special natural beauty, wilderness character, geological, ecological, or historical significance. And that is all it does. A -- protecting those additional types of land for which we have special needs, to preserve our forests, wilderness areas, so that the natural areas and the wildlife resources of the state are protected and these unique areas and reforestation areas that we have spent time and energy ensuring are, in fact, reforested.

ACTING SPEAKER HUNTER: Mr. Simpson.

MR. SIMPSON: Thank you, Madam Speaker.

Would the bill sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. GLICK: For you, Mr. Simpson, always.

MR. SIMPSON: (Indiscernible) --

(Cross-talk)

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SIMPSON: I just have a few questions. In the summary -- in the -- your explanation, you talked about the additional areas that are included in this bill that aren't already covered and you mention wildlife management areas. Could you explain what a wildlife management area is?

MS. GLICK: Yes. The wildlife management areas are lands that are owned by the State and are under the control of DEC; specifically, their division of fish, wildlife and marine resources. And they have been specifically acquired and maintained by DEC, primarily for the production and use of wildlife, which are the natural resources of the -- of the State and would be incompatible and would be very disruptive to maintaining wildlife if there were these other activities.

MR. SIMPSON: Is that the same as the wildlife management units that New York State DEC has that encompasses every bit of New York State?

MS. GLICK: No. These are specific and you'll see signs, "wildlife --

MR. SIMPSON: Okay.

MS. GLICK: -- management area", like --

MR. SIMPSON: All right. Thanks for the --

MS. GLICK: -- Bear Spring, which, I suspect, if Mr. Angelino was here, he would know. It's a very specific and relatively contained area.

MR. SIMPSON: All right. Well, thank you for that

clarification. I also want to ask you about -- there -- there are existing wells, gas wells, gas operations, in New York State, on state land, right now.

MS. GLICK: This is perspective.

MR. SIMPSON: Right, but there -- but, I am correct in saying that there are approximately 100 wells that are still in operation in New York State.

MS. GLICK: I don't --

MR. SIMPSON: On state land.

MS. GLICK: -- I don't know the exact number, but this wouldn't affect them.

MR. SIMPSON: Okay. So, now we clarified what's covered. I'm not sure if this is covered in the bill, but does this bill include language that would prohibit the development of solar or wind generation facilities, battery storage facilities, or transmission rights? Rights-of-way in state and re -- reforestation areas, rather defined areas of this bill?

MS. GLICK: No, but that is a good idea.

MR. SIMPSON: Well, that's what I was going to ask you, is why not?

MS. GLICK: Well, this bill's been around a little bit and we focused on the gas and oil drilling, because that was what was -- at the time that we started with this some years ago, that was the -- the focus. But, we'll -- we'll think about it.

MR. SIMPSON: Yeah. 'Cause it would seem to

conflict with our other goals; you know, the 30 by 30 -- whoops (knocked over mic) -- carbon secret -- sequestration, you know, all of the other -- this seems to conflict by not having that included in it. It just kind of seemed odd.

MS. GLICK: Well, I -- I hear what you're saying. I -- I think it's probably not the best location for solar, certainly, in the forest. I'm just saying. But, we'll -- we'll certainly think about that.

MR. SIMPSON: No, but it says "state lands" and not all state lands are just --

MS. GLICK: No. I understand --

MR. SIMPSON: -- covered in there --

MS. GLICK: -- and we will look -- we will think about that.

MR. SIMPSON: -- and wildlife managements areas as well. Some of those include, I assume, large open fields. Grasslands.

MS. GLICK: That -- that's currently not part of the bill and the bill before the House is focused on oil and gas, but we will take that under consideration for future legislation.

MR. SIMPSON: Okay. Well, I appreciate you answering my questions and that's all I have.

MS. GLICK: Well, thank you, Mr. Simpson. I appreciate that.

MR. SIMPSON: 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 Minority Conference will be in the negative on this bill, but if anyone wishes to vote yes, they may do so now at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

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 26, Calendar No. 118, the Clerk will read.

THE CLERK: Bill No. A08067-A, Calender No. 118, Epstein, De Los Santos, Burdick. An act to amend the Banking Law, in relation to an exemption from the licensing requirements for servicers of student loans.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Epstein.

MR. EPSTEIN: Thank you. This bill amends the Banking Law 711 to require student loan servicers that are exempt from licensing to comply with the reporting requirements under Article A -- 9-A of the -- the Financial Services Law.

ACTING SPEAKER HUNTER: Mr. Bologna.

MR. BOLOGNA: Thank you, Madam Speaker.

Would the sponsor yield for one quick question?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. EPSTEIN: Happy to.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you, Mr. Epstein. It is my understanding that since our committee last took this up, the Banking Committee, there has been an amendment made to the legislation? Would you just briefly touch on that amendment?

MR. EPSTEIN: Yeah. We're just making it clear that their only -- the only obligations that they have, the loan -- student loan servicers, are to reporting, nothing else beyond reporting, if they're currently exempt under this statute for a licensing requirement.

MR. BOLOGNA: And speaking with all of the -- the stakeholders that would be involved, they seem satisfied with the -- with the changes?

MR. EPSTEIN: I -- I don't know if I spoke to all the stakeholders, but my understanding that --

MR. BOLOGNA: The ones you have.

MR. EPSTEIN: Yeah. The ones we talked to seem like they're in good shape.

MR. BOLOGNA: All right. Thank you very much. I appreciate that.

And very quickly, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BOLOGNA: You know what, this is a good example of kind of working through the legislative process and making amendments as we go along. I -- I'm very pleased to see that the amendments were made since the committee. And I will be voting up on this legislation.

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 -- this is a really just a simple bill that requires people who are servicing student loans, through a reporter requirement to DFS, to make sure we have good information about what's happening with those loans; you know, making sure that people aren't defaulting on those loans. If they are, what those default rates are to better inform the public and

inform us in legislative duties. Thank you and I'm voting in the affirmative.

ACTING SPEAKER HUNTER: Thank you.

Mr. Epstein in the affirmative.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 156, the Clerk will read.

THE CLERK: Bill No. A06455, Calendar No. 156, Septimo, Forrest, Gallagher, Epstein, González-Rojas, Hevesi, Kelles, Kim, Jackson, Levenberg, Mamdani, Raga, Seawright, Simon, Jacobson, Reyes, Walker, Rosenthal. An act to amend the Criminal Procedure Law, in relation to the issuance of temporary orders of protection when an action is pending in a local criminal court.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Septimo.

MS. SEPTIMO: This bill would -- will add a section to the Criminal Procedure Law that will codify recent case law enabling accused parties in criminal proceedings to request a hearing when temporary orders of protection are issued against them. These temporary orders can cause homelessness, job loss, immigration consequences and family separation. This change will give judges the opportunity to assess information and determine whether temporary

orders are necessary to protect the parties.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. SEPTIMO: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you so much. I do have a few questions just to get at the scope --

MS. SEPTIMO: Sure.

MS. WALSH: -- of -- of what kinds of temporary orders that we're talking about and what courts we're talking about. So, does this -- this legislation look to -- think about orders of protection that are issuing from local courts, is that correct?

MS. SEPTIMO: Yes. It does include local courts, but it does not include family court.

MS. WALSH: Okay. So what I --

MS. SEPTIMO: But local criminal courts.

MS. WALSH: Local criminal courts. Yes --

MS. SEPTIMO: Yes.

MS. WALSH: That's the way I read it as well. Okay. And then there are different kinds of orders of protection. So, you've got full stay-away orders of protection. You've got refrain from and you see that a lot of times in -- well, you see it -- I've seen them at a

family court, but the idea is that you are being ordered -- you're being ordered not to commit any offense against the other person and that's what the order is. That's the refraining from. And I know that I've seen like orders of protection where they have carveouts for like transferring kids back and forth, or doing visits. Things like that. So, what kinds of orders of protection does this particular bill cover?

MS. SEPTIMO: So, this bill actually just establishes the parameters for the evidentiary hearing, which would allow the judge to take in more information before issuing an order. A judge's ability to issue all of those types of orders remains completely unchanged. They can do limited orders, they can do refrain from orders. The gambit of orders remains the same. This is just standardizing the process for those hearings across the State.

MS. WALSH: Okay. So, the -- but the evidenti -- evidentiary -- it's getting to be a long night --

MS. SEPTIMO: Sure.

MS. WALSH: -- hearing process could be used, then, and utilized for any of these types of orders of protection that we've talked about? It's not limited to, for example, a full stay-away order of protection --

MS. SEPTIMO: Correct.

MS. WALSH: -- correct?

MS. SEPTIMO: The judge, again, would be taking in the information and decide to issue whatever order they think is appropriate.

MS. WALSH: Okay. And, you know, it's interesting, I -- I was reading that Crawford decision; Matter of *Crawford v. Ally*, from 2001 [sic] --

MS. SEPTIMO: '21.

MS. WALSH: '21, rather. Yup, '21. Like I said, it's getting late. Where -- where there had been a full stay-away order of protection and apparently there was a delay in actually getting a review of whether that temporary order of protection ought to be turned into a permanent order of protection. And in that interim, the -- the -- the woman was completely, like, barred from her house, right? And she had --

MS. SEPTIMO: She lost her kids --

MS. WALSH: -- lost her kids --

MS. SEPTIMO: She lost her apartment.

MS. WALSH: Yeah. And so, like, when you -- when you were talking at the beginning -- or when you explained the bill at the beginning, you talked about the -- you know, the enormous hardships that can really fall upon individuals who are -- had these temporary orders of protection that are so complete, that it just really turns their life upside down. And I can -- I can really relate to that. I ran into -- a few years ago, before -- actually, before that Crawford decision was -- came down and I was speaking with one of our local -- the local attorneys that I've -- I've known for years, who does a lot of work in local courts and surrogate courts and family court. And she said, I have a bill idea for you and it was along these lines. She had --

she had a client who was -- had a full stay-away order of protection from a girlfriend that he was cohabiting with --

MS. SEPTIMO: Mm-hmm.

MS. WALSH: -- and so he got kicked out of his own house --

MS. SEPTIMO: Mm-hmm.

MS. WALSH: -- and then, in the interim, before his matter could be heard, she trashed the whole house. She wrecked it and then he finally got an ability to go back in the house and she was rightly, you know --

MS. SEPTIMO: Sure.

MS. WALSH: -- evicted. But -- because it wasn't her place to begin with, but the damage was done. I mean, a lot of damage was done. So, I can completely appreciate, under that kind of Crawford theory, with a full stay-away order of protection, that you want to have those handled within, you know, a very short time frame and get a final decision. But do you have any concern with the fact that the scope of this evidentiary hearing requirement would cover things as simple as a refrain from order of protection? And those are routinely issued, there's a lot of them floating around. Do you have concerns about, like, clogging, or overwhelming the court system, to handle those?

MS. SEPTIMO: We don't because this hearing can be requested by the defendant. And in those situations, presumably, if it's not so disruptive, if people are agreeing that this is a minor

adjustment, then maybe it's the case that they waive the decision to have the hearing. But, this is really, again, for those instances where there is going to be a meaningful disruption and it's not only for the folks who are accused, but it's also for the parties who are seeking to be protected by the orders. Example, let's say that you have a grandmother who lives with a grandson who's 16 -- let's make him 18 just for the sake of clarity.

MS. WALSH: Mm-hmm.

MS. SEPTIMO: He's 18, things get a little out of hand, he calls the cops, they're in court. Grandma says, *I want him to be able to come back home*. There is no formal space for the grandmother to make that known on the record before the court right now. This bill would make it so that every member, if they're -- every party to the case, if they're wanting to be heard, could do that. So it's really creating a space for victims, for the accused and for everyone in between.

MS. WALSH: Yeah, and -- and I agree with that example. That's a -- that's another great example of why we would want to have this evidentiary hearing. I'm thinking about -- you know, you talk about the great disruption that can be caused from orders of protection. But if it's a -- a simple refrain from order of protection, you go on. You live your life. You carry on, you go to work, you live your life; just don't commit any offense against that individual. Just stay out of their way, you know? Don't -- don't harass them. Don't

annoy them. Don't make calls when you're not supposed to. Don't go around the house. Don't break into their house. Don't do those things and you can just go on and live your life. And maybe you don't need to get a hearing within five days because, really, all we're asking you to do is to not commit an offense against that person. So --

MS. SEPTIMO: Sure, but if I -- if I may, I think --

MS. WALSH: Sure. Yeah.

MS. SEPTIMO: -- the -- the point of this is that, the nature of a temporary order of protection, however limited, is that you're limiting someone's liberty, someone's due process, right? And it requires --

(Cross-talk)

MS. WALSH: Your liberty to offend against a person --

MS. SEPTIMO: Your liberty --

MS. WALSH: Yeah.

MS. SEPTIMO: Period.

MS. WALSH: Yeah.

MS. SEPTIMO: And -- and I think we're interested in a justice system that recognizes that there needs to be balance and there needs to be due process at every step, irrespective of how small or insignificant it might seem to me, or to you, I think to the person having the opportunity. And, again, if it's insignificant and they deem it so, then they won't have the hearing. But this is codifying it to that they can if they need it.

MS. WALSH: Well, it's -- you -- you will get the hearing if there's a request for a hearing. And you will --

MS. SEPTIMO: Correct.

MS. WALSH: -- get it fast --

MS. SEPTIMO: Correct.

MS. WALSH: -- right?

MS. SEPTIMO: But if you're -- if you decide that you don't need it, then you won't have it.

MS. WALSH: Right. Well, what about if you're represented by an attorney and that attorney thinks that there might be some tactical, or strategic, advantage to -- to bringing an application like that? You're going to -- you make that request, you're going to get that hearing, right?

MS. SEPTIMO: Certainly, and I think that the -- the strategic, tactical advantage to making sure your due process is protected, sounds like a good attorney.

MS. WALSH: Yeah. I could just see -- I could just see how it could be misused. But -- I mean, let's move on because there's one more piece I'd really like to hit and that has to do with -- there's -- there's a De Novo review process in the bill that deals with bail applications. Can you talk about that specifically? What that does?

MS. SEPTIMO: It -- it actually makes it so that the District Attorney would have to be also consulted before any of those changes could be made.

MS. WALSH: Okay. And again, some concern has been raised that the ability to get a -- a fast De Novo review of the bail application could also have an unintended consequence over burdening courts. But, I -- I suspect that you --

MS. SEPTIMO: We -- I -- I -- I hear you raising that concern.

MS. WALSH: Yeah.

MS. SEPTIMO: We have more than 20 letters of support. We have not received one memo of opposition on this bill and it's been around since before the Crawford case, actually. Since about 2019. So I assume that if there was apprehension coming from the courts, that we would have heard it by now and in fact, there are several judges on record, in their decision, asking for codified guidance around this hearing.

MS. WALSH: That's so interesting. So, it's like, that you got all that -- all those letters of support and yet the bill's been kicking around since 2021. It hadn't been done until now. So tonight will -- tonight will be the first vote on that bill. So -- or this bill.

MS. SEPTIMO: And we're looking forward to it.

MS. WALSH: We're almost there. We're almost there. I think at this point I would like to thank you for answering --

MS. SEPTIMO: Sure.

MS. WALSH: -- my questions and just briefly go on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So I think that the concept -- as I mentioned, I had that one experience talking to another practitioner, I think that when there is a full stay-away order of protection, I think that there needs to be an evidentiary hearing and fast because, I think that whether you are losing contact with your kids, you're kicked out of your house, possibly there's being damage done to your house while you've been barred from it because somebody else is living there. We can all think of examples where when there's a full stay-away order -- or a full stay-away order of protection, I -- I totally agree that this evident -- evidentiary hearing -- I still am having trouble saying it -- is a good idea. Where I think I have some reservations, which I tried to bring up with the sponsor, is when you've got something that is a little bit more simple, true to the people involved it doesn't feel insignificant, or it's substantial and I respect that, but I think that something like a simple -- simpler refrain from order of protection, those are routinely issued. Certainly, in family court where, I primarily practice, but in other courts as well. Local criminal courts issue them with a lot of frequency. If you're allowing a -- an evidentiary hearing within five days of just simply upon the request of the -- the defendant, or the party, or if you just want a De Novo review process of a bail application, I could see there being a significant uptick in -- of these -- a -- in burden upon the court system and we're talking about local courts. We're not talking about -- in -- in the areas that we all represent are various and -- and there's -- there's a lot of --

there's an amazing quality of the fact that we all represent around the same number of people, but we all represent very different areas of the State. But I can tell you, speaking as an Upstate member, that our local criminal courts are -- are already pretty overwhelmed and you're gonna maybe put that on top of it. It's to something consider. I would feel more comfortable if the bill was amended so it really just addressed these full stay-aways and -- TOPs and do those. Have those -- have an evidentiary proceeding for those, within a quick period of time and maybe leave the refrain froms [sic] away and the -- and take the bail applications out them for right now.

But, anyway, I appreciate the -- the sponsor's answers to my questions. I will be in the negative on this bill because I do think that the scope is little bit broader than I'd like, but others may feel differently. So, thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Molitor.

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

ACTING SPEAKER HUNTER: Will the sponsor --

MS. SEPTIMO: Sure.

ACTING SPEAKER HUNTER: -- yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Thank you. So if a local criminal court issues an order of protection and the defendant in the case

requests a hearing, that local criminal court must, under this piece of legislation, must have that hearing within five days of that request; is that correct?

MS. SEPTIMO: Five business days.

MR. MOLITOR: Five business days. Okay. And --

MS. SEPTIMO: I think that's an important distinction.

MR. MOLITOR: Okay. And I -- I'm sure as you're aware, in many of our -- many of our communities across Upstate, we have lots of town and village courts.

MS. SEPTIMO: Mm-hmm.

MR. MOLITOR: And some of those town and village courts, especially in rural communities, they only meet once a month.

MS. SEPTIMO: Mm-hmm.

MR. MOLITOR: So, in those particular courts, something like this, which would require them to meet and have additional court appearances, that -- that could create an additional cost burden; wouldn't it not?

MS. SEPTIMO: We -- in theory, certainly. But, the courts can schedule these hearings as needed. So, we hope that they will do everything they can to comply.

MR. MOLITOR: But -- but they don't really have discretion, right? Like if a defendant says, *I want this hearing*, they have to do it within five business days. There's no exceptions.

(Conferencing)

MS. SEPTIMO: So the -- if you go to -- this is online -- if you go to line 39, you will see that -- I don't know if you have the bill in front of you. I'm sorry to assume that.

MR. MOLITOR: I do. I do, yeah.

MS. SEPTIMO: Okay. Great. If you go to line 39, you'll see that the -- if the local court denies the request, then the superior court actually will have the hearing.

MR. MOLITOR: I'm sorry. I couldn't hear you.

MS. SEPTIMO: If the local court denies the request for the hearing, then a superior court will have the hearing in its place.

MR. MOLITOR: Okay. So if -- so a local court could say, *we're not going to do the hearing* and the superior court will then have to do it --

MS. SEPTIMO: Correct.

MR. MOLITOR: Would the -- would the superior court have to do it within that five days as well?

MS. SEPTIMO: Yes.

MR. MOLITOR: All right. So what if you have a situation and this is a real situation, because this would happen in my county, where you might have only one superior court judge available and that superior court judge is in the middle of a trial and they're unable to do it, what would happen in that situation?

MS. SEPTIMO: Again, I think this is where the courts would have to work to schedule these hearings as needed,

because it would be the law and they'd have to sort of facilitate. You now, in your example, have a local court denying it and now a superior court issue. We would hope that between two levels of court, there's an effort to comply.

MR. MOLITOR: But -- but it's possible that the superior court might not be available to take the hearing and then we're stuck.

(Conferencing)

MS. SEPTIMO: The court, certainly, assuming that you have been at a trial before, the court can certainly make the effort to schedule a hearing despite the fact that it's having a trial, because the court manages its own schedule.

MR. MOLITOR: Okay. Now, what happens if the case -- this -- this hearing can only be requested when the matter is pending in local criminal court, right?

MS. SEPTIMO: Correct.

MR. MOLITOR: So what happens when the case is sort of in limbo? And let me give you --

MS. SEPTIMO: You'll have to be more specific --

(Cross-talk)

MR. MOLITOR: -- let me give you -- I'll give you an example. On a felony, the case first starts in local criminal court --

MS. SEPTIMO: Mm-hmm.

MR. MOLITOR: And there is -- there can be a preliminary hearing. If that preliminary hearing is waived, or the

hearing is run, then the case is held for action by a grand jury.

MS. SEPTIMO: Mm-hmm.

MR. MOLITOR: If a defendant in that circumstance requests a hearing, under this legislation, they would not be entitled to one; am I correct?

(Conferencing)

MS. SEPTIMO: Under that circumstance, the question that I answered before --

MR. MOLITOR: Sorry.

MS. SEPTIMO: -- for our other colleague, under that circumstance the District Attorney would also have to agree to the hearing.

MR. MOLITOR: I'm sorry for re-asking that question.

MS. SEPTIMO: That's okay.

MR. MOLITOR: I must have been out of the room.

MS. SEPTIMO: That's okay. Welcome back.

MR. MOLITOR: Do you anticipate there being a lot of these hearings?

MS. SEPTIMO: I couldn't -- I'm not a fortune teller and I won't pretend to be.

MR. MOLITOR: Okay.

Would you agree with me that this legislation makes it easier for defendants to sort of get, like, an initial crack at a case or maybe to revictimize domestic violence survivors, as we're calling

them (indiscernible/cross-talk).

MS. SEPTIMO: I do not. And I've mentioned that there were several Memos of Support; one of those organizations that had written a Memo of Support is actually the New York State Coalition Against Sexual Assault, and there are other victims groups as well. Again, this is establishing the guidelines for an evidentiary hearing where both the accused and the victims have an opportunity to present evidence on why an order should be issued, the scope of the order, et cetera.

MR. MOLITOR: So I'm sure you remember earlier today, I think it was today, we had a bill about nurses in particular or hospital staff maybe not feeling safe in giving a statement back at the police station and feeling like they're revictimized because of that.

MS. SEPTIMO: I'm sorry, I -- I may not have been here for that, but I'd love to talk to you about this bill.

MR. MOLITOR: Okay. The reason I bring that up is because by -- by codifying this evidentiary hearing, we're -- you know, the court has already done an initial analysis. They've determined that an Order of Protection is necessary. They've issued an Order of Protection. And then the defendant, say the defendant in a domestic violence situation could say, *I disagree. I want the victim to testify. So I'm gonna request a hearing in the hopes that the victim will have to testify.*

MS. SEPTIMO: Well, in this bill, actually, there is hearsay evidence. Hearsay evidence is admissible as long as it's done

through a witness. So a police officer who is responding on the scene could be the person who comes to testify. There is no requirement for victims to appear at any point in this hearing if they don't want to.

MR. MOLITOR: So how does this actually protect somebody who has an Order of Protection against them and has been locked out of their property? If, for example, I, as a prosecutor, can just put a police officer on the stand to read what the victim has already said about the case.

MS. SEPTIMO: Again, as I told your colleague a few minutes ago, this would make it so that the judge would have an opportunity to receive evidence from all parties. And so that would give the defendant also an opportunity to share any evidence that's relevant. In the case of Miss Crawford, which is the court case that led to the decision which is leading to hopefully us codifying this now, Miss Crawford didn't have an opportunity to share the details that would have been relevant for the judge to know. It rendered her homeless, it separated her from her kids for three months. On the other side, the order was ultimately dismissed. If there were more information on the front end, one could anticipate that the judge would have decided differently, but there just was not a venue. This is creating a venue for information to make its way into the court.

MR. MOLITOR: But isn't that the defendant -- the defendant's attorney's job at arraignment to be sharing all that information with the judge so that Orders of Protection aren't issued, you know, irresponsibly?

MS. SEPTIMO: This is standardizing that process to give judges the space to make those decisions with a venue to enter evidence. Right now it doesn't exist.

MR. MOLITOR: So why not require that at arraignment instead of five days after the process?

MS. SEPTIMO: Well, just a moment ago you mentioned wanting to give the opportunity for these hearings to happen in a way that was not burdensome and that would give folks the opportunity to get the evidence that they needed. If you are to have a police officer testifying, it might be difficult to have them there for every arraignment.

MR. MOLITOR: Yeah, but it's -- we're just talking about hearsay evidence anyway, right?

MS. SEPTIMO: But it needs to be presented through a live witness. If you have the bill in front of you, you'll see that.

MR. MOLITOR: Which could be anybody.

MS. SEPTIMO: Someone who presumably is connected to the case, like a police officer.

MR. MOLITOR: Does it say that in this legislation? I thought the exception in the legislation was just it could be presented -- hearsay could be presented as long as it was through a live witness.

MS. SEPTIMO: Correct.

MR. MOLITOR: So it could be anybody.

MS. SEPTIMO: In theory.

MR. MOLITOR: Thank you.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: So as a former defense lawyer --

I'm gonna put my defense lawyer hat on -- I'm requesting this hearing in every case in which an Order of Protection was issued. I'm doing it so that I can gain a strategic advantage over the case, try to get any piece of evidence that I want -- that I'm hoping to receive at that evidentiary hearing, try to figure out the problems that that piece of evidence might have so that I can use it to break down the case.

That's gonna happen. It's gonna happen carte blanche. It's gonna be an automatic thing in every case where an Order of Protection is issued. I'm gonna try to gum up the works. That's my job. I'm trying to zealously advocate for my client.

I think that this is gonna be a real problem for domestic violence victims. Even if they don't have to testify at a hearing, they are going to be struggling with the fact that that Order of Protection that they're relying upon to protect them from their abuser might end up getting thrown out in court five days after it was issued. And, you know, that's a scary proposition.

I think there are, you know, substance problems with this bill. That there -- there really aren't -- it really isn't as clear as it probably should be. I think it creates a lot of extra work for our local courts, especially in rural communities. And I also think it creates a lot of extra work for our superior courts. I think there's a way to codify *Crawford*. You know, I don't think it needs to go through the

Criminal Procedure Law. I think there's -- just like, you know, if property's taken in a criminal case, a -- the -- the person whose property is taken from them, they can have a replevin action in -- in -- in a -- a civil court. I think there's a way that we could do this in a civil court that gives people the opportunity to challenge an Order of Protection. I know Orders of Protection are often modified in family court.

So I think this is problematic as written and unnecessary, and I'll be voting no and I would encourage everyone else to vote no as well.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

The Republican Conference will generally be opposed to this bill; however, any members who wish to vote yes may do so at their desks.

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. There may be a few that desire to be an exception. They should feel free to do so at their seats.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Septimo to explain her vote.

MS. SEPTIMO: I want to highlight that this piece of legislation came to be because of a woman named Shamika Crawford, who went through an incredibly difficult experience of being rendered homeless, of losing her children for months, and having to rebuild her life after that. Miss Crawford has been here in Albany to advocate on this issue many times, and I personally want to extend my gratitude to her for turning her painful experience into a powerful one that will help everyone in our justice system get a little bit closer to realizing what justice actually means here in New York. And that means having your voice heard whether you are accused or whether you're a victim. This bill will make it so that everyone has a chance to walk into a courtroom and have their story heard for what it is and have judges make decisions accordingly.

So I want to thank everyone who has advocated on this bill, but especially Miss Crawford. Thank you.

ACTING SPEAKER HUNTER: Ms. Septimo 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, if we could now go to page 3 and take up our resolutions for the day.

ACTING SPEAKER HUNTER: Resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 759, Ms. González-Rojas.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 17, 2025, as Latina History 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. 760, Ms. Romero.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2025, as Myasthenia Gravis 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. 761, Ms. Hooks.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 5, 2025, as Night Out in the State of New York, in conjunction with the observance of National Night Out.

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. 762, Mr. Magnarelli.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 15-21, 2025, as Diaper Need Awareness 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. 763, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 17, 2025, as Black Poetry 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. 764, Ms. Hunter.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2025, as Careers in Construction 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. 765, Mr. Stern.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 2-8, 2025, as Veterans Awareness 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. 766, Mr. Santabarbara.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 2025, as Alpha-1 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I now move that the Assembly stand -- oh, do you have any 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.

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

(Whereupon, Assembly Resolution Nos. 767-777 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 10:00 a.m., Thursday, June the 12th, tomorrow being a Session day.

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

(Whereupon, at 9:52 p.m., the House stood adjourned until Thursday, June 12th at 10:00 a.m., that being a Session day.)