THURSDAY, MAY 4, 2026 **12:05 P.M.**

ACTING SPEAKER HUNTER: The House will come to order.

Good afternoon, colleagues. Wonderful to see you all today.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, June 3rd.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I move to dispense with the further reading of the Journal of Wednesday, June the 3rd and that the same should stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you so much. Colleagues and guests that are in the Chambers with us today, I'd like to share a quote with you. This one is from former President John F. Kennedy. His words for us today: *Change is the law of life and those who look only to the past or the present are certainly going to miss the future.* Again, these words from former President John F. Kennedy.

Madam Speaker, members have on their desk a main Calendar. And before any housekeeping or introductions, we're gonna take up calling for committees to meet: Ways and Means is meeting right now. Upon their completion, we'll call for Rules. These committees are going to produce an A-Calendar, which we are going to take up today.

We're gonna begin our work on the floor today by taking up the following bills on consent: Rules Report No. 130 by Mr. Magnarelli, Rules Report No. 148 by Ms. Simon, Rules Report No. 167 by Ms. Chandler-Waterman and Rules Report No. 321 by Ms. Tapia, Calendar No. 84 by Mr. McDonald. We're gonna start to consent on page 12, with Rules Report No. 440 and we're gonna go right through to Rules Report No. 450. And then we're gonna move to

Rules Report No. 458 through 468. In addition, we're gonna be taking up Rules Report No. 469 by Mr. Heastie. We will then take up the following bills on debate: Rules Report by Mr. Cunningham, No. 389, Rules Report No. 468 by Ms. Barrett, Calendar No. 423 by Ms. Clark. There may be a need for additional floor activity, Madam Speaker. If that is the case, we will announce at that time. However, that's the general outline. We've already called Ways and Means, so we won't need to go there. We'll wait until their [sic] finished their work and we'll call Rules. So, in the meantime, I'd imagine we'll go right to the list that I gave you? Or to housekeeping and introductions.

ACTING SPEAKER HUNTER: Thank you. We have no housekeeping this morning.

We have an introduction by Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Madam Speaker. I rise today to introduce distinguished guests from Union College in the City of Schenectady; an institution that has a long tradition of academic excellence, leadership and athletic achievement.

Joining us today is Monja Wagner, a junior goaltender for the Union College Women's Ice Hockey Team. Earlier this year, she represented Switzerland at the 2026 Winter Olympic Games in Milan-Cortina becoming the first player in Union College Women -- Women's Hockey history to earn a spot on the Olympic roster. She helped Team Switzerland earn a bronze medal, an extraordinary accomplishment that brought pride not only to her

country, but also to the Union College community and the entire City of Schenectady. Also joining us is Sara DaSilva, a fellow goaltender for the Union College Women -- Women's Ice Hockey Team. She's a sophomore student athlete. Sara exemplifies the dedication, discipline and teamwork that's required to compete at the collegiate level, while also perdue -- pursing her academic success. I'm also pleased to welcome Head Coach Tony Maci. Coach Maci has played an important role in building the strength of the Union College Women's Hockey program, helping student athletes develop their skills, achieve success on the ice and represent their institution with pride and integrity. Together these guests represent the very best of college athletics. Their accomplishments remind us that success is built through hard work, perseverance, teamwork and a commitment to excellence.

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

ACTING SPEAKER HUNTER: Of course. On behalf of Mr. Santabarbara, the Speaker and all members, welcome to our wonderful young people from Union College, from the Women's Ice Hockey Team. We welcome you to the Chamber, extending to you the privileges of the floor. Coach and players, congratulations to you on your successful endeavors; especially, being able to go to the Olympics. That's something special. We see your medals. So congratulations on all your successes. Really, it's just wonderful to be

able to amplify on the international stage folks from right here in our local area. So thank you so very much for joining us today and best wishes for your future endeavors. Thank you so much.

(Applause)

Ms. Chandler-Waterman for the purpose of an introduction.

MS. CHANDLER-WATERMAN: Thank you, Madam Speaker. I rise today with immense pride to introduce my fellow sorority sister, Sophanee Pierre Mitchell (phonetic). She is the President of Beta Gamma Sigma, Capital District Local Chapter Sigma Gamma Rho Sorority. She was humbly served as president in the role since 2024, and was a centennial initiate -- initiated of the chapter in spring 2022.

Recently I passed a resolution to commemorate November 12th as Sigma Gamma Rho Day in the State of New York. Sigma Gamma Rho Sorority, Inc. Is a nonprofit international collegical [sic] organization founded in 1922 at Butler University in Indiana by seven woman [sic] educator [sic]. We are a group of college educated women dedicated to uplifting communities through international advocacy and education. Sigma Gamma Rho Sorority lives by a powerful motto: Greater service, greater progress. As the mission is as clear as is vital to enhance the quality of life for women and their families.

This moment's particularly meaningful for me. As many of you know, I also am incredibly proud to stand before you as a

member of Sigma Gamma Rho Sorority, Inc. I have seen firsthand dedication, the brilliance of the greater service that these women pour into the State -- in our State every single day. Dedication into sisterhood, scholarship and service, Beta Gamma Sigma oversees annual national events like Operation book -- BigBookBag giveaways and the annual youth symposium in offering an annual book leadership scholarship to Black and Brown high school students in the Capital Region.

As a proud graduate of University at -- at Buffalo, Stephanie (phonetic) has spent the past six years in public service with the executive chapter and now serve [sic] as a manager to the Office of the Chair at the New York State Workers' Compensation Board under the leadership of Soror, Freida D. Foster. She and the sorors of New York State express gratitude to Eta Nu (phonetic) Sigma Alumni Chapter under my -- my bestest Frances Bates as we do Swim 1922.

ACTING SPEAKER HUNTER: Thank you --

MS. CHANDLER-WATERMAN: I would like to extend the cordialities of the floor.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Yes. On behalf of Ms. Chandler-Waterman, Ms. Romero, the Speaker and all members, welcome Ms. Mitchell to the Assembly Chamber, extending to you the privileges of the floor. Hoping you enjoy our proceedings today. It's always wonderful to see sisters in service here in our Assembly Chamber. Greater service, greater progress exemplifies everything

Sigma Gamma Rho does every single day. We hope you enjoy our proceedings again and thank you so very much for joining us.

(Applause).

Mrs. Peoples-Stokes.

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

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

Page 3, Rules Report No. 130, the Clerk will read.

THE CLERK: Assembly No. A10415-A, Rules Report No. 130, Magnarelli. An act to amend the Public Service Law, in relation to restructuring the New York Telecommunications Relay Service Center as a workforce employing residents of Onondaga County or adjoining counties; and to amend Chapter 62 of the Laws of 2003, amending the Public Service Law relating to establishing the New York Telecommunications Relay Service Center, in relation to extending certain provisions thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 148, the Clerk will read.

THE CLERK: Senate No. S09907, Rules Report No. 148, Bottchner [sic] (Simon, Zaccaro -- A08567). An act to amend the Real Property Actions and Proceedings Law, in relation to compliance by New York City Marshals with filing requirement regarding service of a notice of eviction.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 167, the Clerk will read.

THE CLERK: Assembly No. A11385-A, Rules Report No. 167, Committee on Rules (Chandler-Waterman). An act to amend Chapter 192 of the Laws of 2011, relating to authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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 9, Rules Report No. 321, the Clerk will read.

THE CLERK: Assembly No. A01057 [sic] (A10757), Rules Report No. 321, Tapia, Reyes. An act to amend the General Business Law, the Insurance Law and the Public Health Law, in relation to collection of social security account numbers for registration with the New York State Donate Life Registry.

ACTING SPEAKER HUNTER: On a motion by Ms. Tapia, 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.

Page 24, Calendar No. 84, the Clerk will read.

THE CLERK: Assembly No. A02321-A, Calendar No. 84, McDonald, Simon, Kelles, McMahon, Simone, Burroughs, Cruz, Reyes, Sayegh, Colton, Otis, Steck, Lee. An act to amend the Public Officers Law, in relation to requiring agencies to report information about FOIL inquires to the Committee on Open Government.

ACTING SPEAKER HUNTER: Read the last section.

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

On consent, page 12, Rules Report No. 440, the Clerk will read.

THE CLERK: Assembly No. A11550, Rules Report No. 440, Committee on Rules (Rivera, Peoples-Stokes, Hooks). An act to amend the Judiciary Law, in relation to judicial departments.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A11557, Rules Report No. 441, Committee on Rules (Walker, Hooks). An act to amend the Election Law, in relation to the form of submission and abstract for proposed amendments to the constitution.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A00675-D, Rules Report No. 442, Cruz, Anderson, Gallagher, Reyes, Ramos, Seawright, Mitaynes, Paulin, De Los Santos, Davila, Forrest, Simon, Walker, Jackson, Hyndman, Kelles, Shimsky, Solages, Bichotte Hermelyn, Kim, Lasher, Rosenthal, Simone, Hevesi, Stirpe, Bores, González-Rojas, Taylor, Raga, Lee, Septimo. An act to amend the Civil Rights Law, the Public Officers Law, the Tax Law, the General Obligations Law, the Education Law, the Alcoholic Beverage Control Law, the General City Law, the General Business Law, the Labor Law, and the Judiciary Law, in relation to enacting the Empire State Licensing Act; and to repeal certain provisions of the Education Law, the Alcoholic Beverage Control Law and the Public Health Law relating thereto.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A0212 -- excuse me. A02121-A, Rules Report No. 443, Walker, Tapia, Meeks, Shrestha,

Raga, Simon, Cunningham, Cruz, Seawright, Wright, Gallagher, Simone, Reyes, Taylor, Dais, R. Carroll, Ramos, Forrest, Gibbs, Lucas, Hevesi, Torres, Jackson, Lunsford, Levenberg, González-Rojas, Romero, Barrett, Rosenthal, Valdez, Chandler-Waterman, Moreno, De Los Santos, Zinerman, P. Carroll, Lee, Paulin. An act to amend the Election Law, the Correction Law and the New York City Charter, in relation to voting rights and access for incarcerated individuals.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A03954-B, Rules Report No. 444, Raga, Seawright, Simone, Kassay, McDonald, Reyes, Shrestha, Mitaynes, González-Rojas, Burroughs, Gallagher, Simon, Wright, Zinerman, Valdez, Paulin, Taylor, Weprin, Rosenthal. An act to amend the Election Law, in relation to enacting the "Student Voter Empowerment Act".

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A05404-C, Rules Report No. 445, Stern, Colton, Shimsky, Hevesi, Kelles, Simone, Rosenthal, Burdick, Shrestha, Schiavoni, Levenberg, Slater, Paulin, Solages, Clark, Griffin, McDonald, Kassay. An act to amend the General Municipal Law, in relation to the Municipal Sustainable Energy Loan Program.

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. A05846-B, Rules Report No. 447, Gibbs, Simone, Levenberg, Lavine, Davila, Reyes, R. Carroll, Seawright, Paulin, Cunningham, Shrestha, Burroughs, Taylor, Gallagher, Simon, Cruz, Shimsky, Valdez, Zinerman, Raga, Rosenthal. An act -- an act to amend the Election Law, in relation to providing a remedy for election disruptions.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A10050-A, Rules Report No. 450, Shimsky, Shrestha, Hooks, Otis, Burroughs, Kim, Kassay, Simone, Paulin, Tapia, Burdick, Levenberg, Rosenthal, Cashman, Gallagher, Glick, Sayegh, Simon, Kelles. An act to amend the Transportation Law, in relation to creating a road salt reduction policies and applicator training program and requiring the training of state agencies and state contractors which use road salt.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A11538, Rules Report No. 458, Committee on Rules (Lee). An act to amend the Military Law, in relation to extending the expansion of eligibility for World Trade Center death and disability benefits for members of New York's organized militia.

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. A11539, Rules Report No. 459, Committee on Rules (Alvarez, Benedetto). An act to amend the Education Law, in relation to contracts for excellence in a city school district in a city having a population of one million or more inhabitants.

ACTING SPEAKER HUNTER: Read the last section.

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

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. A11540 -- 0, Rules Report No. 460, Committee on Rules (Powers). An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance of a school.

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. A11547, Rules Report No. 462, Committee on Rules (Peoples-Stokes). An act to amend the State Finance Law, in relation to the staffing and operations of a cancer research institute and a related not-for-profit corporation.

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. A11555, Rules Report No. 464, Committee on Rules (Pheffer Amato). An act to amend the General Municipal Law and the Retirement and Social Security Law, in relation to increasing the special accidental death benefit of certain deceased members.

ACTING SPEAKER HUNTER: Read the last section.

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

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. A11556, Rules Report No. 465, Committee on Rules (Conrad, Griffin, P. Carroll, Berger, McMahon, Lunsford, Clark, Stirpe, Jackson, Burdick, Solages, Dais, Schiavoni, Hevesi, Steck, Kelles, Kay, Eachus, Otis, Bronson, Peoples-Stokes, Glick, Shimsky, Woerner, Hooks). An act in relation to directing the New York State Energy and Development Authority

to establish pilot programs addressing energy efficiency and weatherization.

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. Conrad to explain his vote.

MR. CONRAD: Thank you, Madam Speaker. I just want to say thank you to the staff, the Speaker and all the supporters of this. This was a labor of love. We want to pursue, I think, the third rail of energy efficiency and conservation of energy and I think this ground-up approach will make that happen. I look forward to the Governor signing this bill and for our local municipalities to participate in a weatherization program.

Thank you.

I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Mr. Conrad in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you very much, Madam Speaker, for the opportunity to explain my vote. I really just rise to commend the sponsor of this legislation. You know, there is a community of people where -- that he represents and that I represent

who are all divided over -- over these issues of energy efficiency and weatherization, etcetera, etcetera, but he's found a way to offer something to the constituency that will be of value to them.

So I want to congratulate him on this bill and I'm grateful to have the opportunity to vote in favor of it.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11558, Rules Report No. 466, Committee on Rules (Kim). An act to amend Chapter 704 of the Laws of 1991 amending the Arts and Cultural Affairs Law and Chapter 912 of the Laws of 1920 relating to regulation of boxing and wrestling matches relating to tickets to places of entertainment, and Chapter 151 of the Laws of 2010 amending the Arts and Cultural Affairs Law relating to resale of tickets to places of entertainment, in relation to extending the effectiveness thereof.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(Te Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11559, Rules Report No. 467, Committee on Rules (Pretlow). An act to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the ability to issue certain bonds and notes.

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. A11560, Rules Report No. 468, Committee on Rules (Barrett, Kelles, Tapia, Glick, Magnarelli, Clark, Forrest, Romero, Lasher, Bores, Shrestha, Mitaynes, Bronson, Gallagher, Lupardo, Moreno, Cashman, Otis, Kassay, Jacobson, Stern, Shimsky, Conrad, McMahon, Kay, Rosenthal.) An act to amend the Environmental Conservation Law, the Public Service Law, the Public Authorities Law, the Energy Law and the Labor Law, in relation to enacting the Responsible Data Center Development Act.

ACTING SPEAKER HUNTER: This bill is laid

aside.

THE CLERK: Assembly No. A11561, Rules Report 469, Committee on Rules (Heastie). An act to amend Chapter 747 of the Laws of 2023 amending the Public Health Law relating to establishing a four-year demonstration project and workgroup to reduce the use of temporary staffing agencies in residential healthcare facilities, in relation to extending such demonstration project for a fifth year (Part A); to extend the duration of certain brownfield redevelopment and remediation tax credits with respect to certain sites (Part B); to amend a chapter of the Laws of 2026 amending the General Municipal Law and the Executive Law relating to extending the term and authority of the independent monitor for the Orange County Industrial Development Agency, and modifying the applicability of certain tax exemptions based on population, as proposed in Legislative Bill numbers S. 9005-C and A. 10005-C, in relation to making technical corrections thereto (Part C); to amend the Tax Law, the Administrative Code of the City of New York, Chapter 877 of the Laws of 1975, Chapter 884 of the Laws of 1975 and Chapter 882 of the Laws of 1977, relating to the imposition of certain taxes in the City of New York, in relation to postponing the expiration of certain tax rates and taxes in the City of New York (Part D); to amend the Administrative Code of the City of New York, in relation to making technical corrections thereto (Part E); and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the temporary transfer of racing support payments; and providing for the

repeal of such provisions upon the expiration thereof (Part F).

ACTING SPEAKER HUNTER: This bill is laid aside.

Page 17, Rules Report No. 469, the Clerk will read.

THE CLERK: Assembly No. A11561, Rules Report No. 469, Committee on Rules (Heastie). An act to amend Chapter 747 of the Laws of 2023 amending the Public Health Law relating to establishing a four-year demonstration project and workgroup to reduce the use of temporary staffing agencies in residential healthcare facilities, in relation to extending such demonstration project for a fifth year (Part A); to extend the duration of certain brownfield redevelopment and remediation tax credits with respect to certain sites (Part B); to amend a chapter of the Laws of 2026 amending the General Municipal Law and the Executive Law relating to extending the term and authority of the independent monitor for the Orange County Industrial Development Agency, and modifying the applicability of certain tax exemptions based on population, as proposed in Legislative Bill numbers S. 9005-C and A. 10005-C, in relation to making technical corrections thereto (Part C); to amend the Tax Law, the Administrative Code of the City of New York, Chapter 877 of the Laws of 1975, Chapter 884 of the Laws of 1975 and Chapter 882 of the Laws of 1977, relating to the imposition of certain taxes in the City of New York, in relation to postponing the expiration of certain tax rates and taxes in the City of New York (Part D); to amend the Administrative Code of the City of New York, in relation

to making technical corrections thereto (Part E); and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the temporary transfer of racing support payments; and providing for the repeal of such provisions upon the expiration thereof (Part F).

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote's been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will be in the negative, generally speaking, on this bill. But if there are exceptions, they may be noted now at members' desks.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will support this bill. For those that would like to vote differently, they could do so at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Madam Speaker, thank you,

briefly to explain my vote. As this says, this is a -- there's a lot of technical corrections to the bill and we understand this happens on a regular basis every year when we have to do some cleanup. So those are just some little things. But they do have the tax increases. There's some -- which we've expressed some concern about before and because those tax increases are still part of this budget and part of this extender, you know, I'll be voting in the negative. And I would expect our side will be voting in the negative also but I understand this is more of a technical cleanup bill. But I just think, just to get it on the record, because of the tax increases which we've been continually outspoken against and will continue to do so in the future, we will continue our opposition to this piece of legislation.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano in the negative.

Mr. Gibbs to explain his vote.

MR. GIBBS: Thank you, Madam Speaker. I rise to explain my vote. East Harlem deserves investment, not abandonment. For too long communities like East Harlem have had to live with vacant lots and stalled development projects. Extending these credits help attract investments, create jobs and move long delayed projects forward while ensuring environment to clean up is completely, properly done.

And for that, I vote in the affirmative, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Gibbs in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 389, the Clerk will read.

THE CLERK: Senate S01327-A, Rules Report No. 389, Parker (Cunningham, Santabarbara -- A04105-A). An act to amend the Public Service Law, in relation to establishing minimum standards for payment plans for eligible customers.

ACTING SPEAKER HUNTER: An explanation has been requested.

Colleagues, we're on debate.

Mr. Cunningham.

MR. CUNNINGHAM: Thank you, Madam Speaker. This legislation will establish minimum payment standards for utility payment plans. It includes directing the Public Service Commission to establish minimum standard agreements and determine reasonable pricing for pricing plans.

ACTING SPEAKER HUNTER: Mr. Gray.

MR. GRAY: Thank you, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. CUNNINGHAM: For Mr. Gray, the sponsor

will yield.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GRAY: Thank you, Mr. Cunningham. Good morning.

MR. CUNNINGHAM: Good morning, sir.

MR. GRAY: Is it morning?

MR. CUNNINGHAM: Good afternoon.

MR. GRAY: Excuse me. Good afternoon. So, first thing. There are existing programs out there for deferred payment agreements. What is this bill doing that doesn't already exist in either the -- I think it's the Home Energy Plan or the PSC rules?

MR. CUNNINGHAM: Thank you for the question. This bill creates minimum standards that are directed by our Public Service Commission. Currently many utility companies can direct their own kind of payment plans. We want to make sure that it's standardized across all utilities for consumers; particularly, at the time where utility costs are pretty high across the State. I think you would agree.

MR. GRAY: Okay. And so are we only talking about the past due balances? And what about the current and ongoing charges that a consumer's incurring?

(Conferring)

MR. CUNNINGHAM: It's currently for past due balances, sir. But if the rates increase or if their balance increases, they can roll that into it at a reasonable time.

MR. GRAY: Okay. So does the consumer have to maintain current balances and have to pay current balances along with the arrears?

MR. CUNNINGHAM: Yes. Most payment plans currently -- and this would actually fold into that -- is allow you to continue to pay that amount; in addition, if that rate goes up or any additional charges are incurred, they would roll that into, potentially, an 18 month agreement.

MR. GRAY: It's -- it's an 18 month agreement?

MR. CUNNINGHAM: I -- no. Just throwing out a number of 18 months. But, generally speaking, whatever the agreement was, whether it's 12 months, 18 months or 24, you would see that --

MR. GRAY: Okay.

MR. CUNNINGHAM: -- increase in the rate.

MR. GRAY: So they have to make concurrent payments? I just want to make sure I'm understanding that correctly. They have to pay on their arrears --

(Crosstalk)

MR. CUNNINGHAM: They would make -- they would make the minimum payment.

MR. GRAY: -- and they have to make concurrent monthly -- the current payments?

MR. CUNNINGHAM: That is correct, sir.

MR. GRAY: Okay. So you have a reasonable

standard? Reasonableness standard in there that -- that is in the existing requirements right now? What does reasonable capture in this bill --

MR. CUNNINGHAM: Reasonable --

MR. GRAY: -- that current standards do not -- are not covering?

MR. CUNNINGHAM: Reasonable would be determined by the Public Service Commission. We're directing them to come up with what reasonable looks like.

MR. GRAY: Okay. But the Public Service Commission already has a program; is that correct?

MR. CUNNINGHAM: There are a few programs that exists --

(Conferring)

Reasonable means ability to pay if circumstances have changed income for the household and whether or not they'd be faulted on similar agreements in the past.

MR. GRAY: Okay. So does this -- does any of these programs -- does this program here, does it have a term attached to it or what are we doing here? How long can people go on paying $10 a month?

MR. CUNNINGHAM: It's agreed upon by the utility company and the consumer.

MR. GRAY: Okay. So -- so the reasonableness and everything is -- everything is left up to the utilities; is that correct?

MR. CUNNINGHAM: Reasonable is determined by PSC and the language in the bill.

MR. GRAY: Okay. Do we know how much the unrecovered cost in the program will shift? Like, certain financing costs on to current ratepayers, nonparticipating customers?

MR. CUNNINGHAM: Not relevant to the -- that particular question is not relevant to this bill because it's based on what the person is owed to pay, not based on any terms you described before.

MR. GRAY: Okay.

I want to turn to section -- I think it's -- 2(e). I think it's 2(e). It says, "In the event rate changes are approved by the commission becomes effective or in the event supplied portion of the customer's bill will be 20% or higher than the supply cost over two consecutive billing cycles."

MR. CUNNINGHAM: So if the rates go up or the supply cost goes up you can actually roll that into the current plan.

MR. GRAY: Okay. It doesn't talk about utilization. So you could have your supply cost go up in a number of different ways. It could be a unit charge, it could be a utilization charge. Utilization --

MR. CUNNINGHAM: Well -- well, how the bills are currently --

(Crosstalk)

MR. GRAY: -- utilization could drive your supply

cost up.

MR. CUNNINGHAM: How bills currently work currently is, you -- you -- usage tracking, bill generation and then the invoice is generated. So you would still have that utility cost on what the utility usage was for the month included in that bill.

MR. GRAY: What -- can you repeat that? I'm sorry.

MR. CUNNINGHAM: Sure. Part of the billing already includes utility -- usage cost. So you would see that in the bill already, is what I'm saying.

MR. GRAY: Right. Okay. So you already -- utilization, but you don't determine -- I can't hear him. Hold on. I got to adjust my hearing aids. I got them all the way up. I'm doing the best I -- okay.

So you don't determine whether it's unit cost or utilization; is that correct?

MR. CUNNINGHAM: This is based on supply cost.

MR. GRAY: Right. Supply cost change on a --

MR. CUNNINGHAM: Which -- which are --

(Crosstalk)

MR. GRAY: -- couple of different mechanisms. Couple of different ways they change.

(Conferring)

MR. CUNNINGHAM: It's actually the commodity cost.

MR. GRAY: That's supply cost?

MR. CUNNINGHAM: Correct.

MR. GRAY: Okay. And it changes two different ways. It's either -- either it's gonna go up over your previous two months by the fact that you're utilizing more, or the unit cost is up.

(Conferring)

MR. CUNNINGHAM: So -- so, again, just to be clear, the cost of the agreement is based on what is already charged. If supply costs, anything changes, they can enroll that into the agreement currently.

MR. GRAY: Right. If supply cost changes.

MR. CUNNINGHAM: If it does change, they can roll that into the billing, yes. So the bill could potentially go up, but that would happen after that supply cost incurred and documents to the consumer.

MR. GRAY: Right. But I'm asking, how do you determine supply cost going up? That's what I'm asking.

MR. CUNNINGHAM: It's -- it's on the bill, as far as I know.

MR. GRAY: Okay.

MR. CUNNINGHAM: The utility bill.

MR. GRAY: Unit? Or utilization -- the customer supply cost may go up if they're utilizing -- if somebody turns their thermostat up to 80 degrees, their supply cost is gonna go up.

MR. CUNNINGHAM: It -- it's just on the bill. Not my bill, the utility bill.

MR. GRAY: I -- I under -- yes, I understand that, Mr. Cunningham. I'm trying to get out how we determine what the increase of supply cost means. There's a way of determining it. It's gonna go up two different ways; it's gonna go up unit or it's gonna go up utilization. Unit price -- we saw both. We saw both this winter.

(Conferring)

MR. CUNNINGHAM: So both the supply and usage go into the bill. This bill is just talking about the commodity cost itself.

MR. GRAY: Okay. Okay. All righty.

Do we know what the impact is of prolonged arrears for -- on both the consumer and -- so, I mean, prolonged arrears on the -- on the consumer and on the utility?

MR. CUNNINGHAM: This is designed to get people out of arrears, get their bills paid up. So these are folks who are willing to make the payments, they just don't have the amount that is owed at the time and want to roll that into a reasonable payment plan so that they can make payments.

MR. GRAY: Okay. And -- but we have no term on that; is that correct? There's no term? It's -- it's the --

MR. CUNNINGHAM: That is correct --

(Crosstalk)

MR. GRAY: -- the term is determined by the utility?

MR. CUNNINGHAM: That is correct.

MR. GRAY: Okay. And they must stay current on

their current -- on their ongoing balances?

MR. CUNNINGHAM: That's absolutely correct.

MR. GRAY: Okay. So the PSC already has programs. Would it be more appropriate for the PSC to just tailor their programs to meet the requirements in this bill that are already existing?

MR. CUNNINGHAM: So this is a minimum. It's setting the floor for what those arrangements could look like.

MR. GRAY: Setting floor for the current PSC plans?

MR. CUNNINGHAM: For the -- for the current payment plans, correct.

MR. GRAY: Okay. What is the floor currently? What's -- what's the floor currently? The floor on this one is --

MR. CUNNINGHAM: Currently, the challenge that we're having with our utilities [sic] companies is that it varies from utility company to utility company. This would actually set a minimum standard across all utility companies so that customers have that assurance and that protection.

MR. GRAY: Okay. Have you -- is there any incentive in here for customers not to go into arrears or does this encourage -- would this, by chance, encourage people --

MR. CUNNINGHAM: I think this is encouraging people to work with the utility companies to find a reasonable rate they can afford to pay so that the utility companies can recoup the cost, but those customers can keep their utilities on and continue to

make payments.

MR. GRAY: Okay. So they -- all righty. So we're -- we're just talking about the past two balances. Do we -- and they have -- there's certain requirements where they have to -- to meet in order to be able -- right --

MR. CUNNINGHAM: They would have to meet requirements and once those requirements are met, they'd be met -- it would be rolled -- rolled into in the program, correct.

MR. GRAY: Okay. And -- so we don't know the impact that this is going to pose on the utilities; is that correct --

MR. CUNNINGHAM: Which one --

MR. GRAY: -- which would ultimately be -- so if we [sic] driving finance costs with utilities because they're not recovering some of their cost right now. They're prolonging some of that cost so it's increasing their financing cost. That's recoverable in rate -- in rate cases; is that correct?

MR. CUNNINGHAM: I think the impact would be felt by people actually would pay their utility bills. So that's the impact. The impact is people possibly paying their bills and making sure those bills are paid to the utility companies.

MR. GRAY: Okay. Thank you very much, Mr. Cunningham. I appreciate it.

MR. CUNNINGHAM: Thank you, Mr. Gray.

MR. GRAY: Yup.

ACTING SPEAKER HUNTER: Mr. Palmesano.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. CUNNINGHAM: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Cunningham. Good after --

MR. CUNNINGHAM: Good afternoon, sir.

MR. PALMESANO: -- good afternoon. I lose track of time some -- on Tuesday.

MR. CUNNINGHAM: Yes, sir.

MR. PALMESANO: First, I -- I understand what you're trying to do. I appreciate the intention. It's just obvious we have some questions and concerns and hopefully as we move forward in this process we can address those concerns.

So as you said -- well, right now the PSC, they also offer -- in current law, they have -- they offer residential customers payment plans, correct?

MR. CUNNINGHAM: There are -- yes, that's correct.

MR. PALMESANO: And the PSC governs that process to make sure they're following all the propel -- proper protocols to ensure that process works, correct?

MR. CUNNINGHAM: That is correct.

MR. PALMESANO: Is -- and if the PSC deemed it we needed to make changes to this program right now, they -- they can do that on their own through communication with, like -- maybe, like, intervenors, like PULP with the utilities to kind of put in plan a place [sic] that would work, they could do that right now if they wanted to, correct?

MR. CUNNINGHAM: They -- they certainly can. But this Body can also do the same through a --

MR. PALMESANO: Sure.

MR. CUNNINGHAM: -- legislative process.

MR. PALMESANO: Sure. And so this -- this bill -- there's a guarantee -- guarantees a -- a floor of $10 a month; is that right?

MR. CUNNINGHAM: No. It guarantees a minimum standard that has -- would be determined by the PSC.

MR. PALMESANO: So --

MR. CUNNINGHAM: Again, currently, right now, to your point, there are about seven utility companies across the State. They all don't have a minimum standard. So this would create one minimum standard for them to operate in and have -- and governed by.

MR. PALMESANO: And where's the -- just so I know, the $10 comes from in the bill? I saw that here just a second ago.

MR. CUNNINGHAM: It -- well, it -- it -- the bill

states it could be as low 10. It doesn't have --

MR. PALMESANO: Low as 10 --

(Crosstalk)

MR. CUNNINGHAM: -- to be 10.

MR. PALMESANO: Okay. Could be as low as 10. So the PSC would determine how low that payment is? Or the PSC --

MR. CUNNINGHAM: The PSC will determine that.

MR. PALMESANO: Okay. So does that take into account arrears when they make that --

MR. CUNNINGHAM: It's taken into, in fact, arrears and their current balance --

MR. PALMESANO: Okay. Cause --

MR. CUNNINGHAM: -- and that person's ability to pay based on life circumstances; whether that be income, whether that be lost income or other expenses and obligations.

MR. PALMESANO: Is there a concern that, you know, for example, say -- and I -- I don't know how this would come about, but let's say, for example, someone has a $10 minimum that's provided to them, but they owe a -- a couple thousand dollars in arrears and that will build up over time. Will they -- how do they get out of those arrears and ultimately, won't -- isn't there gonna be a possible cost shift to other residential ratepayers who aren't in these plans who aren't -- who are in arrears?

MR. CUNNINGHAM: No. That wouldn't affect other ratepayers that aren't a part of the agreement. Obviously, that

would be a conversation of what that person's ability to pay is, what the arrears is and work out a reasonable timeline to get that arrears caught up so that they're fully paid off.

MR. PALMESANO: So is there a defined timeline in this bill? Or does the PSC have to set up a defined timeline?

MR. CUNNINGHAM: The -- the PSC would have that determination to make that determination.

MR. PALMESANO: So they have -- so the -- we're empowering the PSC to make this determination right now?

MR. CUNNINGHAM: We are empowering the PSC as well as utilities and customers to make that decision in consultation with each other.

MR. PALMESANO: Okay. And is it a concern that requiring the utilities to be -- carry these prolonged arrears, that could increase financing costs for the ratepayer, the one who's in arrears, ultimately increasing un -- unrecovered rates that would actually have to be a shift to others? You don't think that -- that's a possible outcome of this?

MR. CUNNINGHAM: No. Because the arrears currently exist, so that debt already exists. So this is trying to get them out of that arrears debt and get them caught up. The big concern for me is folks who don't have utilities that will be turned off as a result of not being able to make those obligations that are too high currently without this minimum that they could afford to help offset that cost.

MR. PALMESANO: Okay. And I think I asked you this, but I know we said that the PSC has the authority to do this. And do you think by -- would it be better to give them the opportunity to do this and provide them with flexibility? Or do you think this bill gives them all the flexibility that they need?

MR. CUNNINGHAM: Are you referring to the PSC?

MR. PALMESANO: Yes.

MR. CUNNINGHAM: I think this gives them the flexibility to make a determination of what that minimum standard looks like across all utilities.

MR. PALMESANO: Okay. Because I think my concern a lot of times when we -- not necessarily just this bill, but a lot of bills that come here to try to mandate these changes to PSC where they have the ability to make those changes. I think that's where a lot of my concerns have come in on some of the bills that I've seen here before.

Do you envision -- could this possibly create some inequities between customers who comply with payment plans and those who might repeatedly be in default --

MR. CUNNINGHAM: No.

MR. PALMESANO: -- or remain protective from termination?

MR. CUNNINGHAM: I don't believe so because, again, we're talking about customers who are currently in arrears.

Whether that be arrears for $500 and you mentioned thousands of dollars --

MR. PALMESANO: Yup.

MR. CUNNINGHAM: -- that debt currently exists and it has not been passed on to other consumers. But it would help the customer who is in arrears to find a floor in which they can make a predictable amount of a payment every month to get out of arrears and to move forward with their utility service and with closing out their debt.

MR. PALMESANO: Will there be a tracking system to this with the utilities and the PSC so they can see where these individuals are on the process --

MR. CUNNINGHAM: No --

MR. PALMESANO: No?

MR. CUNNINGHAM: -- we wouldn't create a tracking system.

MR. PALMESANO: Under this bill, a customer on a payment plan cannot have a service terminated except in limited circumstances. Does this effectively eliminate the utilities primary tool for compliance?

MR. CUNNINGHAM: Repeat that question one more time just so I'm clear.

MR. PALMESANO: Sure. Under this bill, a customer on a payment plan cannot have a service terminated except in limited circumstances. Does this effectively eliminate the utilities

primary tool to help ensure compliance? Because when people -- you know, the termination is a motivation to pay the bill. So would that -- does this -- you envision this jeopardizing that ability to do that or no?

MR. CUNNINGHAM: No. That doesn't. In fact, that's part of the Home Energy Fair Pricing Protection Act [sic]. That would actually ensure that that doesn't happen.

MR. PALMESANO: Okay. And what -- what -- what mechanisms would remain for the utilities to address conic -- chronic nonpayment or repeated payment plan failures? What -- what -- what recourse would the utilities have in that situation?

MR. CUNNINGHAM: I -- I would say that the PSC is going to create that scope of what that agreement looks like in terms of making sure that that individual adheres to the minimum payment that was required to get them out of arrears.

MR. PALMESANO: Okay. I know this bill requires utilities to spread out cost increases if supply charges exceed 20% over two billing cycles. Who bears the financial risk of that deferral? Is that still on the -- the ratepayer themselves or the utility or spread out a little?

MR. CUNNINGHAM: As -- as far as I know, the arrears currently still stands. This is giving them an off-ramp to catch up on those arrears. So those bills are still currently due. You're not adding new debt. What you're doing is, you're saying that the debt that is owed, we're gonna find a minimum reasonable standard in which one can address that, particularly, again, given the high cost of

utilities across the State.

MR. PALMESANO: Okay. And then, as you know, New York has affordability programs like the DAP, heat back protections. What gap does this bill fill that's not already addressed under current law you just -- is it primary just to give them that floor --

MR. CUNNINGHAM: I think it gives a floor, but it also gives a standard across --

MR. PALMESANO: Okay.

MR. CUNNINGHAM: -- different utilities so that it's predictable. You can't pick a utility company, but we can certainly have the PSC pick the floor in which we allow folks to get out of arrears.

MR. PALMESANO: Are there any concerns with this bill that could create a cross subsidization between low income and moderate income customers who do not qualify for the program?

MR. CUNNINGHAM: No. Because they're --

MR. PALMESANO: No?

MR. CUNNINGHAM: -- paying for it.

MR. PALMESANO: Okay.

MR. CUNNINGHAM: They're paying for those services.

MR. PALMESANO: And -- and this bill only applies to residential customers, correct, not commercial --

MR. CUNNINGHAM: That is correct.

MR. PALMESANO: Okay. All right.

Mr. Cunningham, I thank you for your time, very much.

MR. CUNNINGHAM: Thank you, sir.

MR. PALMESANO: Appreciate it.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: Yes, Madam Speaker. I certainly appreciate what the intention of the sponsor's trying to do. I know he's trying to -- we -- we want to make sure we're addressing issues with arrears. I can see where he's going with it. I just think there's some technical things that -- or some questions that have come up that we're trying to raise, that need to be examined as we move forward with this legislation, whether it gets signed into the law or chapter amendments to come. But, ideally, I still think and I will say as I've said often on this floor, I do believe the best place to address this is with the PSC. The PSC is working on affordability with the utilities, make sure those programs run effectively, efficiently to make sure our -- our ratepayers are getting the benefits of those programs. But if we're gonna make changes, we need to make sure it's done in a proper way. And I just -- I always get kind of concerned when we're making these changes here from a statutory perspective and it kind of locks them in and I think instead of giving that flexibility to the PSC but I know the sponsor says he believes that the flexibility is there. And I -- I will take him at the word.

So just because of some of the concerns and

questions that I brought up, I -- I -- I will -- I will be voting in the negative on this bill. But I certainly understand where the sponsor's going.

And I thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Mr. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will generally not be supporting this legislation. But if there are exceptions, members can vote differently at their desks now.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will support this bill. For those that would like to vote differently, they could do so at their desk.

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 16, Rules Report No. 468, the Clerk will read

THE CLERK: Assembly No. A11560, Rules Report No. 468, Committee on Rules (Barrett, Kelles, Tapia, Glick, Magnarelli, Clark, Forrest, Romero, Lasher, Bores, Shrestha, Mitaynes, Bronson, Gallagher, Lupardo, Moreno, Cashman, Otis, Kassay, Jacobson, Stern, Shimsky, Conrad, McMahon, Kay, Rosenthal). An act to amend the Environmental Conservation Law, the Public Service Law, the Public Authorities Law, the Energy Law and the Labor Law, in relation to enacting the Responsible Data Center Development Act.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Barrett.

Can we have quiet in the Chamber, please? Thank you.

MS. BARRETT: Thank you, Madam Speaker. An explanation. Last October the Energy Committee, which I have the privilege of chairing, held a public hearing to explore the impact and growth of data centers and how to protect ratepayers from the increased costs associated with large data centers. At the time of that hearing there were just over 20 large-load projects in the NYISO Interconnection queue, totaling 4,400 megawatts. Today, at our best estimate there are 48 large-load projects asking to be interconnected.

At least 30 of those are data centers, totaling over 11,000 megawatts.

Parts of this legislation, which we are calling the Responsible Data Center Development Act, came out of that hearing. It's an omnibus bill that was developed in combination with legislation from my colleagues Yudelka Tapia and Anna Kelles, our own sisterhood of the traveling data centers.

(Laughter)

And I thank them both for their input here.

We all know that data centers are using an exorbitant amount of energy. But let me use this example to make clear the scale of this energy use. As we noted, there are currently at least 30 large data centers seeking interconnection through NYISO right now. Collectively, those 30 data centers would consume as much power as all of New York City. In other states we have seen the capital and energy costs of these large centers as enormous as well. In Illinois, current customers have paid over 91 percent of the costs associated with new large-energy users. A Bloomberg News analysis of electricity, commodity prices for locations across the country found that electricity now costs as much as 267 percent more for a single month than it did five years ago in areas located near major data center activity.

This bill is both timely and commonsense. Across the State, our constituents are talking about data centers, they are worried about data centers, they are confused about data centers, and they are looking for answers about data centers. As legislators, it is

our job to help our State -- our State address this issue with a measured, thoughtful and comprehensive approach to ensure the responsible operation and development of data centers, to protect our natural resources, and make sure that ratepayers are not being asked to unfairly subsidize the costs, the economic as well as environmental costs, of this industry.

So I know you're wondering, how are we defining data centers? I'm gonna read this to you. The bill defines data centers as all facilities or combination of facilities under common ownership or control at the same site that receive electric, gas or water service from an electric corporation, gas corporation, waterworks corporation or municipality have applied or requested to receive such service or have otherwise caused an electric corporation, gas corporation, waterworks corporation or a municipality to incur an expense in relation to provision of service pursuant to the Public Service Law or have a peak demand of one megawatt or more that is used for computing infrastructure -- and this does not include manufacturing -- data processing services, web hosting services not including software publishing, streaming support services not including streaming distribution, and other related services and functions as defined by the Public Service Commission. The term "data center" doesn't include facilities, majority owned, operated or otherwise controlled by a public research institution, something used for research purposes. And when we talk about large data centers, we mean a data center that is a peak demand of 20 megawatts or more.

This bill establishes a multi-pronged approach to data center oversight, including temporarily pausing the Department of Environmental Conservation's approval of new data centers for one year to examine the environmental, economic and ratepayer impacts, ensuring that data centers pay their fair share and minimizing any negative impacts to surrounding communities and utility ratepayers. More specifically, the bill establishes a one-year moratorium on the DEC's approval of new large data centers of 20 megawatts or more, and while such moratorium is in place it requires DEC, along with other State agencies, to study the impacts of data centers relating to air quality, noise pollution, energy usage, electronic waste and other environmental and public health impacts.

It requires that data centers be in a separate electric, gas and water classification for utility service, that all costs relating to infrastructure and any increases in commodity prices attributable to data centers be paid by the data centers and not by the ratepayers. It requires that data centers adopt energy-efficiency measures, utilize waste heat, and procure renewable energy. It provides that host communities receive specific benefits from data centers relating to minimizing local water pollution impacts, as well as engaging in residential and community projects, and it establishes labor protection and standards for the construction of new data centers --

ACTING SPEAKER HUNTER: Thank you.

MS. BARRETT: -- and community benefits.

ACTING SPEAKER HUNTER: Ms. Barrett.

MS. BARRETT: Thank you for your attention.

ACTING SPEAKER HUNTER: Mr. Gray.

MR. GRAY: Thank you very much, Madam Speaker Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. BARRETT: Yes, Madam Speaker, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GRAY: Good afternoon, Ms. Barrett. Thank you very much. I appreciate your time. So first we'll start with the energize -- Energize NY. Are you -- Energize NY Development. Are you familiar with that program?

MS. BARRETT: Oh, oh, yes. The proceeding that the PSC is going through, yes. It's part of --

MR. GRAY: Yeah, it's case --

MS. BARRETT: -- some months ago.

MR. GRAY: -- 26-e-005 -- 45. And can you tell me what that proceeding is encompassing?

MS. BARRETT: It's -- it's -- it has the broadest authority and can do things such as requiring utilities to create new service classifications. This does -- does not -- our bill does not conflict with the existing proceeding, which started in February, I believe, if that's what you're referring to, right?

MR. GRAY: Correct.

MS. BARRETT: Well, the proceeding will offer

more insights while the moratorium is actually in place, on what the next steps should be. Ultimately, though, we don't know how long that proceeding is going to take place. And we don't believe that the Legislature, since all of us are hearing from our constituents on this issue, should wash our hands of this and wait for the PSC to complete their proceeding before we address this challenging issue of our time.

MR. GRAY: Correct. So we already have State agencies that are directing this, and we're gonna direct more State agencies to -- including the PSC -- to address this issue. So the proceeding is addressing ratepayer protection, economic and regulatory certainty, grid reliability, cost allocation, among other things. What is that proceeding doing that this -- or what is this bill doing that that proceeding is not doing? I mean, that -- that proceeding is exactly some of the concerns that are listed in this bill.

MS. BARRETT: That may very well be the case. But this is a pause on the work and on the DEC's approval so that that can all happen while -- that -- that the proceeding and the questions can be addressed not while work is going on immediately, but while there's a moment to take a look and have a level set of what the challenges around data centers are.

MR. GRAY: Sure.

MS. BARRETT: To have in conflict.

MR. GRAY: So -- so we've established that a State agency is already doing much of what's included in this bill, correct?

MS. BARRETT: We -- we're -- but not -- they

haven't put a pause on. So the pause is a critical piece.

MR. GRAY: I'll -- I'll get to that.

MS. BARRETT: Okay.

MR. GRAY: So -- so let's -- just the NYISO price process for the interconnection, how long does that take?

MS. BARRETT: It -- it varies. It's -- some of them have been, you know, taking several years. You know, that -- it's a long process.

MR. GRAY: Correct. Okay. So we have a State agency that is looking at the data that this bill is calling for, and then we have a NYISO process before you can even get connected -- approved to get connected to the -- to the grid. It -- it's years, correct? It could -- could be years, correct?

MS. BARRETT: It could.

MR. GRAY: Okay. So we already have the timing that we need for the PSC to do their work according to that process, correct? Would that be --

MS. BARRETT: I'm sorry, I was hearing two people talk --

MR. GRAY: We have time for the PSC to finish their work in this rate case, in this case situation right here.

MS. BARRETT: This -- this is a proactive bill that takes action and makes sure that the Legislature is reflecting what we're hearing in our communities from our constituents that want -- you know, they want to understand. They want to see that -- we have

no control over how long the PSC proceeding takes.

MR. GRAY: Right.

MS. BARRETT: We have no control over how long the NYISO will take to approve these interconnections. We have communities that are creating their own moratorium -- moratoria. This is our opportunity as State leaders to say we wanna pause. We want to make sure that -- that we're looking at this in a way that protects ratepayers -- which is one of our major priorities -- protects the environment and, you know, looks at the economic ramifications of this.

MR. GRAY: Sure. And -- and I --

MS. BARRETT: That's what this bill's about.

MR. GRAY: -- would submit to you that a pause is already in place because that's the NYISO process. And then following the NYISO process we have -- once -- once their interconnection, which looks --

MS. BARRETT: I can't -- I'm sorry, could you repeat what you're saying?

MR. GRAY: Sure. So we already have a process that's identifying all the information. We have the NYISO process, which we know --

MS. BARRETT: Which will continue through --

MR. GRAY: Which will continue.

MS. BARRETT: Yup.

MR. GRAY: And so that's -- all the projects that you

have listed are all -- all subject to that right there, that process. And then what follows the -- the NYISO process? What follows that? Do we know? In order to get the connection, actually the physical connection to the grid, what follows that? The NYISO. Once they get approval from the NYISO.

MS. BARRETT: They have to interface with the utilities, they have to get approvals --

MR. GRAY: Right.

MS. BARRETT: I mean, it's a continuing -- it continues to be a long process --

MR. GRAY: They have to go through the engineering process with the utility. How long does that take?

MS. BARRETT: I have no idea. It varies.

MR. GRAY: At least a year. Right? At least a year. So we have -- minimum right now we have the PS -- or NYISO process has probably a minimum 18 months, and we have a utility process that is probably a year. So we have two-and-a-half years right there; is that correct?

MS. BARRETT: Sounds right.

MR. GRAY: Okay. All righty. So we'll just move on to -- we've already established, then, I think everything that we're looking for is already being implemented. So but we'll -- for the sake of going through the bill, we'll continue.

This bill defines data centers as a facility with a peak demand of one megawatt or more for computing, data processing,

web hosting, streaming. Would the sponsor confirm one megawatt is a fairly low threshold, not what people commonly think of as a data center?

MS. BARRETT: Yeah. That is -- I mean, compared, certainly, to the larger ones, yes. That's not --

MR. GRAY: And speaking of that, do we know how many different types of data centers there are?

MS. BARRETT: There are a number of different data centers. This -- there are different parts of this bill that impact different data centers. Do you wanna hear more about that?

MR. GRAY: Sure. Go right ahead.

MS. BARRETT: Okay. The intent of the bill is to focus on the largest data centers, which have been shown to use the most energy and water and contribute to the most pollution. However, some elements of the bill, including the impact study and energy efficiency and renewable energy requirements include medium-size data centers. A one megawatt or more energy efficiency goals are what -- are what those are impact in -- in our bill. Five megawatt or more renewable energy standards and labor provisions are impacted. And the 20 megawatt or more is the moratorium, the new rate classification and the host community benefits. So there are different parts of this omnibus bill that impact different-sized data centers.

MR. GRAY: Yeah. So there's about -- so there's several different data centers, a lot that are connected with economic development. You have GPU cloud providers. You have enterprise

data centers. You have sovereign data centers that are associated just with a -- an economic development facility. We have research compute facilities. We have telecom facilities, right, that this is all subject to. We have inference -- AI inference nodes. We have hyper-scale --

MS. BARRETT: Are you on the bill now, sir, or do you have a question?

MR. GRAY: No, I am not. I'm just saying. So I'm just saying, with the impacts of this is wide-ranging in terms of economic development in New York State. Would you agree with that statement?

MS. BARRETT: No, no, I don't. This is one year, and I -- I think the projects currently underway are -- will not be impacted. So -- that already have approval or have a permit, it will not be impacted.

MR. GRAY: I would say for the sake of this conversation the one year is -- I would, in my opinion, would say irrelevant at this point because we've already established the process to get connected and operating. That's before construction procurement of a facility is much longer than a year. So --

MS. BARRETT: We're gonna disagree about that because one year is very significant to this legislation.

MR. GRAY: So -- so the moratorium is -- the moratorium that we're talking about here is one year, correct? And that's -- nothing can happen during -- no planning, no processing, no

community engagement.

(Conferring)

MS. BARRETT: Yeah. No, it's -- the only thing that can't happen is the DEC approval process. Other things can be developed, things -- conversations can be had. It's not -- that's -- that's the only pause that we're bringing on here at this point.

MR. GRAY: Can they submit to the NYISO for the interconnection process --

MS. BARRETT: Yeah. Yes, they can.

MR. GRAY: -- and run that concurrent?

MS. BARRETT: Yeah, they can. I mean, you know, the -- the number -- we were trying to -- to get the current number today and, you know, it's in -- it's always in flux because there are different applications happening.

MR. GRAY: Yep. So let's walk through the timeline that you have that you keep speaking of, which is the one-year moratorium that you have. Let's -- let's discuss some of the other items that you have in there. So you have an impact study which is 18 months?

MS. BARRETT: Sir, I'm sorry. I couldn't hear what you just said.

MR. GRAY: You have an impact study which is 18 months?

MS. BARRETT: Right.

MR. GRAY: Okay. So we -- so the impact study

that is already under essentially a rate case -- or case proceeding right now, PSC. The -- is that running concurrent to the one-year moratorium?

MS. BARRETT: It's not -- the -- the moratorium is not the same as a rate case. That's just not -- that's not accurate.

MR. GRAY: Okay. No, I'm talking about the impact statement that you have in your bill.

MS. BARRETT: Right.

MR. GRAY: The impact statement is 18 months to completion --

MS. BARRETT: Right.

MR. GRAY: -- right, and the moratorium is a year. Are they concurrent timeframes?

MS. BARRETT: Yes.

MR. GRAY: They're concurrent. Okay. The -- so the Department shall -- so in Section -- I think it's page 2, Section 1, says the Department shall not issue any permit, certificate, registration or other form of approval for a large data center unless -- not less than three months before the issuance of such permit. So is that after the one year? So -- so it adds another three months?

(Conferring)

MS. BARRETT: So, it's a hearing requirement. It could happen during the moratorium or -- I think the 18 months was put in there just to have some wiggle room for a report and for a public hearing, being able to make sure that all -- all of that was able

to happen.

MR. GRAY: Right. So you're talking about not issuing a permit. So it's less not than three months from the issue of a permit or certificate, they have to have -- they have to go through a public hearing process, registration process and everything, right? Public hearing requirement?

MS. BARRETT: Yeah.

MR. GRAY: Okay. Is that after the year? So it's -- we're talking about 15 months?

(Conferring)

MS. BARRETT: So, from-- from the time that the -- the bill is signed into law from three -- three months forward, you would be required to have a public hearing.

MR. GRAY: Right. Is that -- so is that during the year moratorium they can have these public hearing?

MS. BARRETT: Yup.

MR. GRAY: Okay. Okay. So let me go over to Section 31, 0107, the environmental impact report. Right? Okay, so that talks about active proposals for new data centers and projections for future growth of data centers. Is that a moving target?

MS. BARRETT: No, it's a moment in time. I mean, obviously nobody can --

MR. GRAY: Moment in time. Right. And so that's an ever-changing -- that's a dynamic situation; is that correct?

MS. BARRETT: I -- I'm sorry, I'm losing some of

your words here.

MR. GRAY: That is a dynamic situation, right?

MS. BARRETT: Dynamic?

MR. GRAY: Right.

MS. BARRETT: It's -- you know, this is -- we're -- we're looking at this year as an opportunity. And it -- part of the outcome of this process may be, you know, that they wanna look at other things, or they see, *Oh, this is an area that's changing quickly*. Or you know, I think that's part of the whole idea of, you know, of -- of having a plan and working on a plan like this.

MR. GRAY: Right. But all I'm saying is that it is a consideration and it's -- and it's listed throughout the bill several times about new data centers and projections for future growth of data centers. So all I'm saying is that's a -- that's a dynamic situation that's ever-changing. You had the hearing how many -- when -- when you had the hearing --

MS. BARRETT: October.

MR. GRAY: And how many were on the docket at that point?

MS. BARRETT: You know, about 50 percent more.

MR. GRAY: Now, than there were back then?

MS. BARRETT: Yeah, more than there were --

(Indiscernible/crosstalk)

MR. GRAY: So that's my point.

MS. BARRETT: No, we -- that's why we're doing --

that's that the urgency of doing this bill right now and making it immediately go into effect -- effect, because things are happening quickly.

MR. GRAY: Okay. Correct. But I'm -- all I'm saying is that you won't -- we will not -- we'll capture -- we have incomplete data, right, because --

ACTING SPEAKER HUNTER: You want your second 15, Mr. Gray?

MR. GRAY: Yes, please.

ACTING SPEAKER HUNTER: Okay.

MR. GRAY: Because we'll have a dynamic situation. It's changing. So the future growth of data centers is undefinable.

So -- so also under that section, the Statewide report covering electricity use, water use, land use, pollution, electronic waste, it -- it talks about proposed and projected data centers, which is a moving endpoint. We've discussed that. These provisions all talk about the impacts. But are we not talking about any of the economic benefits that come along with this type of development?

MS. BARRETT: Absolutely. We are talking about those.

MR. GRAY: And where does it talk in the bill about the economic -- about the impacts? The positive impacts?

MS. BARRETT: My trusty team here will give us the citation --

MR. GRAY: Right. There's --

MS. BARRETT: -- in a minute.

MR. GRAY: There's jobs associated with --

MS. BARRETT: Jobs, absolutely. We worked with labor to -- to develop this.

MR. GRAY: What -- what's -- I -- I'm going to interject right there.

(Indiscernible/crosstalk)

MS. BARRETT: -- in 36(i) -- in 36(i) in consultation with the Empire State Development Corporation and the Authority's budget office the amount of public funds received by data centers, including in the form of State and local tax incentives, including, but not limited to, payments in lieu of tax arrangements, sales and tax incentives, property tax. It's all very much part of the process.

MR. GRAY: Yeah, so that's talking about what they're going to -- how they're gonna to be incentivized. And we're talking about measuring how they're gonna be incentivized. We're still not talking about the positive benefits that these projects can potentially bring, right? There's --

MS. BARRETT: That should be self- --

MR. GRAY: -- construction jobs, in labor. I will say you mentioned labor, but there's -- labor's opposed to this bill. Many -- many labor organizations are opposed to this bill. So I don't know what kind of consultation you had with them, but they're opposed. So -- but there's jobs that are associated with them. There's a tax base that's associated with them. Local community benefits. I know it's

talked about in here and somebody else will address that. But that is a function commonly done by IDAs, right, and local development agencies. But this bill really doesn't talk about any of the positive impacts of the data centers.

MS. BARRETT: I -- I disagree with you completely. I think this bill covers all of those things.

MR. GRAY: Okay. So, subsection 2 requires an analysis impact on prime farmland; is that correct?

MS. BARRETT: Analysis of what?

MR. GRAY: Prime -- impacts on farmland.

MS. BARRETT: Prime farmland? Yes.

MR. GRAY: An analysis of impacts on prime farm --

MS. BARRETT: Sorry, I couldn't --

MR. GRAY: -- and mineral soil types; is that correct?

MS. BARRETT: Yes.

MR. GRAY: Okay. So, I can certainly appreciate that. I represent a lot of agriculture. But Section 19-105 of the same bill pushes data centers toward renewable energy projects; is that correct?

MS. BARRETT: There is a renewable requirement, yes.

MR. GRAY: That's insignificant, I would say. So would the sponsor acknowledge that utility scale solar, for instance,

takes up prime farmland?

MS. BARRETT: I -- I can't hear what you just said.

(Conferring)

Okay, sorry. I couldn't hear the whole -- your whole sentence there. But, yes, it's intended to be on-site or power purchase agreements.

MR. GRAY: Right. So -- and what is, like, a megawatt of demand, what does that take for acreage or how many megawatts in solar?

MS. BARRETT: I mean, that -- that depends. And that is an issue that I think each project will figure out whether they're going to generate nearby or there's something that, you know, that -- they -- they have a renewable source nearby or whether they're going to be a -- a purchase agreement.

MR. GRAY: Right. But if we have to add incremental expansion of solar projects, renewable projects for this bill, that is gonna significantly --

MS. BARRETT: I think -- I think we want to see expansion of renewables; we just don't want to see them on farmland, and I agree with you. I also have a lot of wonderful, beautiful farms in my Assembly District, and that's not the only place. We have a lot of places that -- that could be solar projects.

MR. GRAY: Okay. So I think it's Section 4, the rate classifications. I think it goes through Section 3, 4 and 5. Part 4, I think it is. It says Sections 3 through 5 require utilities create a

separate rate class for large data centers, correct?

MS. BARRETT: Yes.

MR. GRAY: Okay. And so would we say when we're talking about rate -- and we're talking about assigning all the incremental increases and supply costs to data centers through that process; is that correct?

MS. BARRETT: Yes.

MR. GRAY: Right. Okay. But when supply prices -- when supply costs go up, they go up accordingly in all rate classes; is that correct?

MS. BARRETT: Usually.

MR. GRAY: Okay. So -- so when -- we're not necessarily going to really offset another rate class because they're all gonna go up accordingly.

MS. BARRETT: They're -- they're all what? I didn't hear that last --

MR. GRAY: They're all gonna go up accordingly when a --

MS. BARRETT: No. Well, they will be paying -- the data centers will be paying the appropriate rates to their new rate class, and that's the whole idea of creating a new rate class. It's not the same as a residential rate class or a current commercial rate class or a business rate class.

MR. GRAY: Okay. Let's go to the -- let's go to the renewables sections. That would be 19-103. So it requires data

centers of 5 megawatts or more to procure at least 90 percent of the electricity through renewable energy by -- by 2040, right?

MS. BARRETT: Right. By 2040. There is an interim goal, too.

MR. GRAY: So would you confirm that that is, in fact, renewables and not zero emission?

MS. BARRETT: It is -- the language in the bill is renewables, yes.

MR. GRAY: Okay. So New York State currently its fuel mix, about 20 percent of it comes from nuclear power. That is a carbon-free, zero-emission source. And as we speak, the work projected to increase with construction just announced by the Governor by 2032. Under this mandate, would you say that that is not available, any of that power is not available to --

MS. BARRETT: No. I actually would not say that, because of power purchase agreements. The power purchase agreement would allow a data center to cover all of its electricity demands with renewable energy and still be connected to the grid, which provides power without interruption and can be sourced from, you know, other energy sources.

MR. GRAY: But you're requiring a power -- a PPA to be done --

MS. BARRETT: Power what?

MR. GRAY: PPA, power purchase agreement.

MS. BARRETT: Right.

MR. GRAY: You're requiring a PPA with a renewable energy source, right? So, essentially, you're financing -- you're financing that makes renewable energy sources bankable.

MS. BARRETT: That -- that -- that's actually a goal, is to have more renewable energy, yes.

MR. GRAY: I mean, we need baseload energy. So shouldn't we be looking at making nuclear just as bankable, financeable as renewables?

MS. BARRETT: There -- there are a number of different ways, I think -- what was it, Green CHIPS -- that -- that will allow these power plants to use these data centers to be -- use nuclear power if that's connected and -- to the -- you know, to the grid that they're working with.

MR. GRAY: So --

MS. BARRETT: The -- the molecules don't know exactly where they're going, so --

MR. GRAY: Right. But you're requiring -- you're requiring these data centers to do a -- to -- to -- so, okay, they don't know where they're coming from. How do we track them? How -- how -- they're getting their power from renewables?

MS. BARRETT: It's in the contract.

MR. GRAY: The contract. So they have to guarantee renewable -- they have to have a power purchase agreement with a renewable, correct? They would -- that's the only way to track it.

MS. BARRETT: Yes, yes. That is.

MR. GRAY: So again, we're making renewables financing. It's not doing anything for our baseload generation which is what we need right now. We need baseload, not intermittent power that renewables provide. So again, they're -- they're prohibited from doing a power purchase agreement with nuclear?

MS. BARRETT: No. They're not forbidden. No, not at all.

MR. GRAY: Okay. Your bill says renewable. And I asked you about the emission-free.

MS. BARRETT: The -- the --

MR. GRAY: Zero emission.

MS. BARRETT: -- power purchase agreements are separate from -- I mean, you could be -- meet your 30 percent renewable goals, and the rest -- get the rest of your energy through a power purchase agreement which would, you know, be from whatever source the grid is getting their energy from.

MR. GRAY: Okay. It -- it ramps up to 90 percent renewables.

MS. BARRETT: Right.

MR. GRAY: Okay. So 90 percent renewables essentially means that you are eliminating zero emission.

MS. BARRETT: No.

MR. GRAY: You're not?

MS. BARRETT: No. Nothing present -- prevents

the data centers from using nuclear power.

MR. GRAY: So a data center, when it gets through this whole moratorium, they can do a power purchase agreement with a nuclear facility for all of their power; is that correct?

MS. BARRETT: Thirty percent needs to be renewables at the beginning. At the outset.

MR. GRAY: And what's it -- what's it at the end?

MS. BARRETT: Ninety percent, yes.

MR. GRAY: Okay. So how much power are they gonna be getting from -- how -- what kind of power purchase agreement --

MS. BARRETT: We -- we --

MR. GRAY: -- are they gonna be doing with a nuclear --

MS. BARRETT: We are --

MR. GRAY: -- facility?

MS. BARRETT: I'm sorry?

MR. GRAY: How much -- what kind of a power purchase agreement are they gonna be doing with a nuclear facility?

MS. BARRETT: Yeah, and if they're -- if they're independently generating it could be 100 -- 100 percent nuclear. There's nothing, you know, that -- that cuts nuclear out of this.

MR. GRAY: So if they're behind the meter they can be generating -- so -- so this requirement for renewables is not hard and fast? Is that what you're saying?

MS. BARRETT: No, it's hard and fast. If you're involve -- if you're -- how would I characterize it?

MR. GRAY: Okay. So 19-103 --

MS. BARRETT: So, here, let me explain it this way. The data centers are fuel-agnostic. You -- you are -- you can get your energy through a power purchase agreement from any kind of source.

MR. GRAY: Okay. So why do we have renewables in the bill?

MS. BARRETT: Because that's -- that's a piece of it. That's not the entire energy source for them.

MR. GRAY: Okay. Line 23, number 3. At least 90 percent of electricity consumption is derived from renewable energy sources by 2040 and thereafter. That is not just an in -- inconsequential amount, right? So we're -- we're essentially carving out -- we're essentially carving out zero emission.

(Conferring)

MS. BARRETT: So we are incentivizing renewables; that's part of our intention. But you can have any power source that you want. And that's just that percentage of it at the outset and that's -- it's that simple.

MR. GRAY: Yeah, it's essentially -- so it -- you -- you said early on that it's renewable and not zero emission. So -- so essentially what we're doing is we are -- the Governor is embarking on an aggressive --

MS. BARRETT: No.

MR. GRAY: -- nuclear program and this is walling it off.

MS. BARRETT: This is what?

MR. GRAY: Walling it off.

MS. BARRETT: No, it's not. So here's how I visualize this, and I'm not -- you know, I'm not a -- a money person in that broadly sense. But it's kind of like carbon offsets. You're buying, you know, the -- the offset of using renewables and you're using what you need because of the grid that you're -- you know, what's going on at the grid that you're attaching to. But that's how -- does that -- does that make more sense to you?

MR. GRAY: Not when you say 90 percent has to be renewable. But we'll -- we'll cover that. Other people will cover that as well, I'm sure.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. GRAY: So this -- this bill includes a sever -- severability clause that takes effect immediately. And I think given the fact that everything that we just walked through, whatever the PSC is doing right now and what is -- what it takes place to get through the -- the timing contradiction, of what it gets through the NYISO process, utility process. The study that we're looking for is one-sided. It only talks about the impacts. It doesn't talk about the benefits the data centers could provide to the communities, to provide to the grid, can provide to adding to baseload generation. The exclusion of

nuclear is clear, and I think that's the intent of this bill. The farmland conflict, the unquantifiable costs and many others things that are in this bill really find it unnecessary and duplicative of what we're already doing under Energize NY and what we're trying to get accomplished with adding baseload generation to our grid --

ACTING SPEAKER HUNTER: Thank you, Mr. Gray.

Mr. Palmesano.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. BARRETT: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Good after -- afternoon, Ms. Barrett. You only get me for 15 minutes this time. I just -- I wanna try going through a couple of questions and then I'll speak on the bill. But I kind of wanted to focus in -- zero in on the host community benefit section, if I could. In terms of the community host benefits, how are these benefits that a data center must provide chosen? Were these requested by municipalities or driven by other goals?

MS. BARRETT: I'm -- I'm -- I'm sorry, when you put your -- when you put your head down --

MR. PALMESANO: It's okay.

MS. BARRETT: -- it's hard to hear.

MR. PALMESANO: I'll repeat.

MS. BARRETT: Can you repeat that, please?

MR. PALMESANO: Yes. In terms of the community host benefits, how are the benefits that a data center must provide chosen? Were these requested by municipalities or were they driven by other goals? How do they come up with these -- these qualifications?

MS. BARRETT: So, nothing in this bill prevents a host community from negotiation -- negotiating other benefits, any benefits in addition to the ones required in this bill. The bill also allows communities to indicate their preference of the benefits they receive based on their needs. And I think this was debated extensively with our colleague last week or the week before.

MR. PALMESANO: Yeah, I -- I remember that, too. The part about install eligible residential technologies for -- for community -- for host communities. So what would those technologies have to be as part of that discussion? They would have to be those specific technologies; is that correct?

MS. BARRETT: No, those are examples.

MR. PALMESANO: Okay. If a municipality -- if a data center wanted to come into a municipality and then they determine that the community doesn't want heat pumps, they want a road or they're looking for a water and sewer project. The town would have that flexibility to -- to work on any type of host agreement they want? Like, because a lot of times IDAs work in payments in lieu of

taxes and they work out packages. So that local municipality would have the ability to construct that? It wouldn't be dictated from the State on what that package would look like?

MS. BARRETT: That is the intention, yes.

MR. PALMESANO: Okay. Would you -- I know, like, when we talk about Section 8 and creating this, would -- can you clarify whether the host community obligations that are included are on top of the rate classification costs or the rate classification costs part of the host community agreements or is that separate? Is that considered as part of the host community agreement, or is that separate and distinct from --

MS. BARRETT: These are separate elements of -- of the legislation.

MR. PALMESANO: So it's my understanding --

MS. BARRETT: There's number of different aspects.

MR. PALMESANO: Okay. (Indiscernible) the benefit fund has no stated cap on scope, cost or duration. How would that work, then, as far as a -- a local municipality? Would the -- would a -- would the State tell them how much -- they have to determine how much of a fund would be available for these projects based on the size and scope of the project or how would that work exactly?

MS. BARRETT: You're asking about the host benefit?

MR. PALMESANO: Yes.

MS. BARRETT: I -- I -- that will be as part of the negotiation.

MR. PALMESANO: Okay.

MS. BARRETT: Oh, the PSC. Oh, oh, the amount will be part of the PSC proceeding, looking at -- you know, from experience and -- and -- and looking at the siting of the -- of the center and other issues around --

MR. PALMESANO: Okay.

MS. BARRETT: -- you know, are specific to that case.

MR. PALMESANO: I wanted to kind of go to a different direction. I -- I did wanna touch -- I hit the community host benefit, but another area I'd rather like to focus on, really, with some of my time, and I know Mr. Gray talked about it. The terminology that's talking about renewable energy, and you -- you have those thresholds in here. Thirty percent -- one-third it has to be from renewable energy systems, then it gets up to 90 percent. Wouldn't it be better to have this language saying zero emission rather than renewable energy? Because if it's just renewable energy, that wouldn't even include nuclear, would it?

MS. BARRETT: You know, I -- I can't disagree with you. I think that -- that maybe that would have been better, and maybe when the Governor takes a look at that she'll change it. But at -- you know, at the moment, this is what the bill language is.

MR. PALMESANO: Right.

MS. BARRETT: And I think it's really important. If I can just say, Mr. Palmesano, you and I have had a lot of debates on energy over the last four years --

MR. PALMESANO: Yes, we have.

MS. BARRETT: -- and you always come back, as you appropriately say, we should have a plan, we should be planning. This is our plan. This is taking data centers and -- and looking at where the State should be. So I think, you know, that -- that's something really important to recognize about it.

MR. PALMESANO: I can appreciate that. I think my concern with the plan is what the message is gonna send to the private sector that might want to invest in New York if they see there's not just a one-year moratorium and, you have the other delays because of the permitting process it could take two-and-a-half to three years. Why would they wanna come to New York and invest here when they could go to a state like Virginia that is welcoming them and thriving there. So that -- that's part of my concern about the plan we have in front of us, and I -- and I -- and you can certainly comment if you want, but I can --

MS. BARRETT: Yeah, I -- I think the message is -- is -- is quite different. I think it is we are taking the time to think about and look at what the State will -- will -- the State wants to play, how we're gonna work with labor and in contrast to a lot of different municipalities having moratoria, the scattershot where people don't know what they're coming into, they will see New York State as a

partner and New York State will have a plan to protect the things that are important.

MR. PALMESANO: Okay. On -- back to the renewables. So I know you said (indiscernible) we can look at nuclear, maybe we got to change to zero emission. I understand that. But as we've discussed on the floor, as I've talked about on the floor, by 2040 we need to be net-zero generation. That wasn't changed as far as the changes we made with the CLCPA. The nuclear technology is not necessarily there to get us to there. But in the meantime we really need that natural gas because it's a bridge fuel. We don't wanna tear down a bridge before we build a new one. My question is, based on how I'm reading this, if a data center wants to come in, are they basically limited -- by 2040 they have to have renewable resources to power that operation, correct?

MS. BARRETT: No.

MR. PALMESANO: No?

MS. BARRETT: So the data center definition is not specific to any fuel source, and it's triggered by the use of municipal or utility or municipal electric, gas or water. And if the data centers does not want to meet those criteria, they would not be required to use renewable energy.

MR. PALMESANO: Okay. Because I --

MS. BARRETT: But if they want to and they are using utility or municipal electric or water, they would be subject to the renewable usage or the purchase requirements. But nothing

prevents them from using nuclear power as well. So that's just not --

MR. PALMESANO: So when it says that at least 90 percent of its electricity consumption is derived from renewable energy systems for 2040 and thereafter, you're saying that doesn't exclude natural gas from being used to power the --

MS. BARRETT: It does not.

MR. PALMESANO: Okay. There seems to be some question on that that I'll take up later.

And so on the timeline, just to get back to what my colleague brought up. So we know it's one year for the moratorium, it could be up to 18 months for the -- for the -- on the last part of it (indiscernible). So we're basically looking at two-and-a-half to three years before a data center could be sited here in New York State. Is that probably close to accurate?

MS. BARRETT: It's one year. One year is one year. That's it. There were other bills, but this is not that bill.

MR. PALMESANO: Okay. Well, I'm just reading where it says that, you know, they have to report 18 months, then you have the other hearings. Okay. If that's what you're saying.

I did wanna talk about if we are using renewable to power these operations, you know, if it's wind or solar, that's not gonna really -- these technologies aren't gonna work for data centers because they need to be powered 24/7, right? So isn't it really saying renewable resources, unless it's nuclear -- a functioning work -- nuclear facility that powers dispatchable baseload generation 24/7. Is

wind and solar really gonna be even an option for these companies coming in, or are they gonna look at this and be kind of worried about that opp -- opportunity?

MS. BARRETT: So to be included in this, the data centers will still be connected to the grid. Data centers are able to have either on-site renewable generation or a contract which would be in the form of a power purchase agreement, which we've been talking about, based on the percentage of their electricity use. In other words, they would be paying for the renewable energy through these contracts, but we're not tracking each individual molecule or energy on the grid. So the source is, it's like what I was explaining to Mr. Gray, it's kind of like carbon offsets where the molecules are where the molecules are, and it's the economic dynamic that we're looking at here.

MR. PALMESANO: And from your perspective, you don't think this policy that we have in here with renewable conflicts with what the Governor announced on nuclear expansion? You think that they go hand in hand on this issue?

MS. BARRETT: I think that it -- it certainly can.

MR. PALMESANO: And do you think -- Ms. Barrett, we talked about this, and I said this: Wouldn't a better approach -- we know the NYISO, you know the NYISO's put up the red flags about generation capacity, possible challenges to the grid. Wouldn't there a better [sic] -- you know, and I know there's worries about energy use from a data center and I get that. But wouldn't a

better approach if a data center is gonna come in -- and I know the Governor talked about build your own power, build your own grid, and I -- I like that concept, personally, speaking for myself. But if they're gonna come in, let's say they need 500 megawatts of power.

MS. BARRETT: I lost the last part of what you said.

MR. PALMESANO: (Indiscernible) question. So say the -- say the -- say this data center needs 500 megawatts of power to operate, so if they wanna build their own grid, their own power.

MS. BARRETT: Right.

MR. PALMESANO: So but instead of saying, *Okay, you just build what you want, the 500 megawatts*, maybe have discussions with them saying, *You -- you double that capacity, so 1,000 megawatts or 2,000 megawatts to help meet that shortage in the grid*. Wouldn't that be a good community host-type agreement we should be looking at as -- as an option? Isn't that a feasible option rather than looking at other options like through rate classifications?

MS. BARRETT: There are -- you know, there are different options, and these developers are -- the data centers can choose whichever -- where they'd like to go.

MR. PALMESANO: All right. Ms. Barrett, as always, I really appreciate your time. I know you put a lot of time and energy into it --

MS. BARRETT: Thank you.

MR. PALMESANO: -- no pun intended -- on this project. So...

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: Yes. I have some concerns about this legislation. As was discussed, I know there's a PSC proceeding going on right now, and I believe we should let that play out. Why is that proceeding important? Because you have the stakeholders at the table; you have the PSC, you have the NYISO, you have the utilities, you have the data centers who are all communicating with each other to say what's the best plan moving forward. I think let the experts come up with a plan instead of the Legislature saying, *No, moratorium*. This is our suggestion for a plan. I mean, I think the Legislature could be at the table, but we shouldn't be compelling them on what they need to do. We should let the experts work that out. And I think other -- the broader perspective of my problem is, what kind of message are we sending to the business community? To me, when you hear moratorium I think there seems to be a hostility towards data centers. We hear people saying about, *What are we sending to the business community? Don't come to New York. Don't invest here*. That's not gonna help private sector investment right here in New York State. I'm very concerned about that. But we've got states like Virginia that are growing and welcoming these businesses and bringing tax revenue, bringing good-paying jobs, bringing host benefits like increased property taxes and things of that nature. That's what's happening. But this is gonna, I think, discourage that, and I think the other states who aren't using this

are gonna benefit from it.

I am concerned about -- and I know we've had a discussion about it -- I don't think this is an all-of-the-above approach. When you (indiscernible) 90 percent generation for renewable, I don't see how natural gas is a part of that discussion. I don't see how nuclear is part of that discussion because right now it says renewable, and I think that's something that could be easily corrected on that point. But at the end of the day, a data center needs to operate 24/7. Other operations have to operate 24/7. If we're saying to them they can't use natural gas, they're not gonna come here, period. So we can do all this for nothing. They're not gonna come here, because they need reliable baseload generation. And maybe that's the ultimate goal is so they don't come here. And I just think that's problematic moving forward, and I think that's something that needs to be considered as we do this. Because, I mean, look at Micron. If we told Micron they had to power their energy demands strictly using renewable resources, they wouldn't be here. They're -- you -- you better believe they're gonna be using natural gas, and a lot of it. So why is it okay for Micron to use natural gas but not data centers where this bill seems to be going in 2040 because we still have a net generation of zero? So no natural gas generation by 2040.

So I just think there's too many problems with this bill. Obviously, the message it sends to the -- to the business community for investment here in New York State. Obviously, the message it sends on what type of power we need to power projects

that need reliable baseload generation. It seems like all the policies that come out of this House ignore that we need more reliable baseload generation. Let's build on the generation we have. And that's why I believe the suggestion -- and I think is a good idea, I'll keep talking about it. I only speak for myself, maybe others disagree. If these companies might not talk to a data center [sic]. If you wanna come into a community, you need 500 megawatts, you got to build out 1,000 megawatts or 2,000 megawatts to meet that shortness -- that gap in the grid. Because we know the gap in the grid is there and the NYISO has told us, and we can address that. So -- and again, when you talk about businesses, when they talk about energy policy they care about two things: Is it affordable and reliable? And having to rely on wind and solar renewable energy to power your operations is gonna be a nonstarter for this type of business investment. And so we can put the moratorium and these things are really gonna make it much more difficult.

So Madam Speaker, based on that and a number of issues I'm gonna be voting in the negative on this bill and urge my colleagues to do the same. Thank you. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Durso.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. BARRETT: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Ms. Barrett. I appreciate it. So just to go over a couple of things. There was -- you said there was a study portion during this moratorium, correct?

MS. BARRETT: A what portion?

MR. DURSO: A study that's going to be done about data centers --

MS. BARRETT: Sudden? S-U-D-D-E-N, are you saying?

MR. DURSO: I'm sorry?

MS. BARRETT: Sudden? S-U-D-D-E-N?

MR. DURSO: A study, a study.

MS. BARRETT: A study. I'm sorry. (Indiscernible) the acoustics (indiscernible).

MR. DURSO: Yeah, I agree.

MS. BARRETT: A study section?

MR. DURSO: Yes.

MS. BARRETT: Yeah.

MR. DURSO: Okay.

MS. BARRETT: That's part of the -- that's part of the year-long and that will be a public component and then the -- a report or presentation.

MR. DURSO: Okay. And who will that study, once it's finalized, be go -- going to?

MS. BARRETT: The public.

MR. DURSO: The public how? How -- will that be on --

MS. BARRETT: It'll be released as a report on their website.

MR. DURSO: On the DEC's website?

MS. BARRETT: Yes.

MR. DURSO: Okay. Thank you. You also said when it came to timeline, this is just a moratorium for one year. But then obviously there's permitting, there's, you know, the DEC okaying a project. How long do you think that whole process will take if the moratorium wasn't in place?

MS. BARRETT: Well, we've now been waiting for the PSC to -- you know, to do their proceeding and we don't have any sense of how long that's gonna be. I don't -- you know, lots of people wait for the DEC to do things, and it takes a lot longer. So, I mean, I think -- our feeling is that we, as legislators who represent the people at the most grassroots level of the State, that, you know, that we should be stepping forward and -- and doing something to take -- you know, to address this issue. So that's why we're doing this. One year, starts immediately. Pretty straightforward, and a plan. And, you know, we really do -- you know, we frequently talk about, *Oh, we wish we thought about this beforehand*, and here we are, after thinking about it beforehand and starting to address it.

MR. DURSO: So we have a plan.

MS. BARRETT: As we're seeing the growth happen here.

MR. DURSO: Okay. So you're saying we have a plan, right? As you said to my --

MS. BARRETT: This is our plan. It's, you know, taking a year for the DEC to look at and -- and all of the, you know, these elements that are addressed where the State is. I mean, I -- you know, we could let the agencies do this, but I don't know about you, but I feel like I owe my constituents a hands-on role. We hear from them all the time about their concerns about data centers and, you know, their concerns about what it's gonna cost them as ratepayers. So this is our opportunity as, you know, as Assemblymembers and as the Legislature -- because this is -- this is at this point a two-House bill, so the Senate is involved as well, so -- you know, to -- to say, okay, this is what we want to see happen.

MR. DURSO: Understood. But we're -- as far as saying that we're taking a role and representing our residents, I agree with you 100 percent. But we're just voting on this once. After today, or after the Governor signs this, we -- we don't know what's gonna happen for the next year. We -- so to say we're playing a role in it after we just vote on it once and --

MS. BARRETT: Well, we laid out what we want to see happen.

MR. DURSO: So, that -- that's my question. So as you said to my colleague, there's a plan, right? In that plan, who

developed the plan that you laid out? I mean, were we -- did we ask data centers what their thoughts were? Did we go to labor unions, electricians, HVAC mechanics to -- to come in and say, *What would you like to see happen?* Do -- who did we go to with this plan and say, *This is good?*

MS. BARRETT: Some combination of all those things. I mean, we did the hearing in -- in -- last October. We heard -- we got input -- you know, some of the labor union representatives were part of the conversation in developing this legislation. Yeah, it's -- that's -- that's been part of what -- you know, I see my role as Chair was to sort of collect a lot of information and help form and develop what are -- you know, what we should be doing. I mean, I -- again, as I said in my opening remarks, I mean, we hear constantly from people about data centers and we've been doing, you know, the -- the due diligence and having -- you know, it's the -- as you know, it's supposed to be the last day of Session, so really it's our time to, you know, to -- to be able to go back home and say, *Yes, we are, you know, we are looking at this. We're making sure the State is -- is committed to having a plan and -- and go forward*. So that's --

MR. DURSO: So you're saying that the plan was essentially developed from the public hearing and hearing everybody who came in to testify?

MS. BARRETT: This bill, yes.

MR. DURSO: Oh.

MS. BARRETT: There was a lot of -- yes, those --

MR. DURSO: Got it. So now, in one portion of the bill there's obviously prevailing -- prevailing wage language, other things where we like to call union protections. Are those on all projects or only on the larger projects? I'm not talking so much about cost. I think there's a -- there's a $1 million threshold, I believe, if -- if --

MS. BARRETT: That's the 5 megawatts.

MR. DURSO: I'm sorry, ma'am?

MS. BARRETT: 5 megawatts.

MR. DURSO: So anything larger than 5 megawatts?

MS. BARRETT: Yes.

MR. DURSO: So, okay.

MS. BARRETT: That's the threshold.

MR. DURSO: So -- so in your opinion, our 5 megawatt data centers could -- over 5 watts [sic], excuse me -- data centers considered the large projects?

MS. BARRETT: No. I mean, the large ones are the 20, but this is -- these are different sort of thresholds in the -- in the process. And they're different -- what we're asking for is different parts of this bill that impact different-sized data centers.

MR. DURSO: So it's really most of the data centers --

MS. BARRETT: It's what?

MR. DURSO: -- right? Most of the data centers are gonna have prevailing wage language, because you said it's 5

megawatts and above, right?

MS. BARRETT: Right.

MR. DURSO: And now we do have a number of smaller data centers, but obviously they're not gonna hit a -- maybe not hit a $1 million threshold. So really, anything above 5 megawatts is gonna have prevailing wage language in it, correct?

MS. BARRETT: Yes. Yes.

MR. DURSO: But now, that language comes with the moratorium. So if the moratorium after a year goes away, right, let's just say we -- we say, *You know what? We have all the information we want. Now we're gonna leave it alone*. The -- the bill goes away, essentially, right? Or does that prevailing wage language stay? Because if the moratorium goes away, so does the language in the bill.

MS. BARRETT: No. I mean, the -- the plan is not -- is not just for the study, it's the separate rate class. That's -- you know, that is a bill that, you know, that I -- that I carried. And the host community benefits and the labor protections are all different elements of this. They're not -- it doesn't -- one part doesn't go away.

MR. DURSO: So they'll be permanent? I'm sorry.

MS. BARRETT: Yes.

MR. DURSO: So those -- those labor protections will be permanent if and when the moratorium goes away?

MS. BARRETT: Yes.

MR. DURSO: Okay.

MS. BARRETT: That's the whole point, yes.

MR. DURSO: Got it. All right. So now the problem I have with that -- and I understand we're developing a plan. But larger data centers, right, whether you agree with data centers or not, do have a substantial amount of work that go into building them. And a larger data center could have anywhere between 1,500 to 3,000 construction jobs over a three-year period.

MS. BARRETT: Right. Right.

MR. DURSO: We're now -- that's three years to build it, and now we're looking at -- let's be honest here, because New York State does nothing quickly, DEC sure as hell does nothing quickly. So even if this moratorium was the end, you're still looking at, by the time someone adopts a plan, goes through permitting, at least two years. I know some people said three; I would say two. I know we keep saying it's one year. The moratorium is one year. The moratorium is one year, right?

MS. BARRETT: Yes, in statute.

MR. DURSO: So during that moratorium you cannot apply for permits, correct?

MS. BARRETT: The -- the -- you can apply, but DEC is not gonna act on them.

MR. DURSO: So --

MS. BARRETT: You can do the, you know, the steps up until that.

MR. DURSO: So you can apply for it, you can put

all the paperwork in, but no one's gonna look at it. So after a year if the moratorium was to go away, then those permits would start to be reviewed, which takes time -- let's call it six months because it's not gonna happen in a week, it's a large project -- and then the DEC has to do their overlook on it, and then just normal permitting. I mean, I -- I put up a shed in my backyard, it took me three months to get a permit. And that's in a small village. Let's be honest, a 50 watt -- megawatt data center is not gonna get a permit in a week-and-a-half. So we're looking at two years. And I'm being kind. That is now --

MS. BARRETT: Are you on the bill, sir, or do you have a question for me?

MR. DURSO: No, I'm -- I'm getting to it.

MS. BARRETT: Okay.

MR. DURSO: It's fine.

MS. BARRETT: You're saying all these things I don't necessarily agree with, but go ahead.

MR. DURSO: Okay. So you -- so my question is, you don't agree with that?

MS. BARRETT: No.

MR. DURSO: Okay. So you don't agree that this is actually stopping jobs from happening?

MS. BARRETT: No.

MR. DURSO: Okay.

MS. BARRETT: Not at all. I -- I think the opposite. I mean, it's -- it's a game plan that says, you know, we're -- we're --

you know, we're working with you here. And, you know, I know that there's concern from, you know, some of the -- the locals that this, you know, this is scary. It sounds like it's a stop, but it's a one year. As I said earlier, we had a bill that was discussed for three years that, you know, might well have been the playbook that you're suggesting. But this is one year.

MR. DURSO: Okay, Ms. Barrett. And so my last question for you would be, in that vein, why does the State have to be the one to put the moratorium in and not allow local municipalities to decide what's best for their communities? Why should the State do this?

MS. BARRETT: They -- this does not prevent the local municipalities from putting in a moratorium if they want. But it does -- it's our -- our approach to having a Statewide look at this. And like I keep saying, it's, you know, protect our ratepayers, plan for the future. But it doesn't keep the local municipalities from doing that if that's what they want to do.

MR. DURSO: No, I understand it doesn't stop them from putting in a moratorium, but it does stop them from putting in a data center, correct?

MS. BARRETT: Putting a what?

MR. DURSO: A data center in. It's a moratorium.

MS. BARRETT: For only one year.

MR. DURSO: Right. But it's a Statewide, essentially, ban on something. I'm -- I'm big on -- I'm big on local

control.

(Indiscernible/crosstalk)

MS. BARRETT: I'm going to say a pause, you can say a ban.

MR. DURSO: Sure. But a pause for one year, right?

MS. BARRETT: Mm-hmm.

MR. DURSO: I'm -- I'm -- I'm big on local control.

MS. BARRETT: Me, too.

MR. DURSO: So once again, I'm just wondering why the State wants to tell local municipalities, counties, towns, villages of what they can and cannot do.

And I have one last question. Permits that are already in place, right? Somebody may have applied for it already. Those are still good, correct? They -- they are not on a pause? So if a plan has been approved, essentially, they're allowed to go forward with those projects currently?

MS. BARRETT: Yes. Those are not affected by the moratorium.

MR. DURSO: Thank you, Ms. Barrett, for answering my questions.

MS. BARRETT: Thank you.

ACTING SPEAKER HUNTER: Mr. Bologna.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MS. BARRETT: Yes, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you, Ms. Barrett. So right now if a municipality, a village, a town, a city had already gone through its local planning and processing and determined that a data -- data center was -- was not right for their community. Does that local town, village have the ability to create a moratorium or stop a data center from coming into their town?

MS. BARRETT: Yes.

MR. BOLOGNA: Okay. If they want a data center in their community today, not once this is passed and if it's signed, right now they have the ability to allow that to happen, correct?

MS. BARRETT: Yes. I'm sorry, the last -- to do what with the -- the cap? I didn't hear.

MR. BOLOGNA: So if they want a data center --

MS. BARRETT: Yes. I heard that part.

MR. BOLOGNA: Okay, good. So they -- they have ability to accept it, allow it to come --

MS. BARRETT: Got it. Okay.

MR. BOLOGNA: Okay. A little bit off topic, because, I mean, I wanna kind of piggyback off what my colleague Mr. Durso said about local control. I -- I think I heard you said you support local control, right?

MS. BARRETT: I -- I represent 28 different

municipalities in my district.

MR. BOLOGNA: Same. Same. So it's -- that's great. So now when we talk about local control, if a local community wants to, let's say, put a moratorium on solar or wind, they -- they can't do that right now, correct, because the State supercedes them there?

(Conferring)

MS. BARRETT: Okay. So it's not -- this -- this -- the locals can do what they, you know, what they want to do. This is not gonna impact that.

MR. BOLOGNA: Well, I understand that. I'm just trying -- I'm just trying to draw a comparison where local control begins and ends for us here in New York State.

MS. BARRETT: Oh, I see. Like 94-c? Is that what you're talking about?

MR. BOLOGNA: Yeah, I mean -- I'm trying to say, like, you know, we support local control in some matters but maybe not in others. That's -- that's really the comparison that I'm making. But we can kind of move on from that.

I represent a pretty rural community. They have a data center, actually two of them that are coming up in my community. And some of the jobs that are there are really good-paying jobs. It's not just the construction, it's not just the -- the union jobs, communication workers, the electrical workers, it's, you know, the people who are actually manning these facilities. It's up to

$130,000 a year at some of these jobs, and for rural Western New York and Niagara County, that's a -- it's a big deal.

MS. BARRETT: Yeah. I -- I certainly understand that.

MR. BOLOGNA: So earlier you said we're not -- we're not stopping jobs.

MS. BARRETT: No.

MR. BOLOGNA: Well, we may not be stopping them for perpetuity, but we're at least gonna stop them for a year.

MS. BARRETT: Stop them from --

MR. BOLOGNA: Well, if we're putting a moratorium on data centers for coming in, from being approved --

MS. BARRETT: One year.

MR. BOLOGNA: One year.

MS. BARRETT: And if it's on -- if it's already in process, it's not stopping that.

MR. BOLOGNA: Okay. Moving on a little bit. New York already has one of the most rigorous environmental review process, whether it's SEQR -- SEQR, local zoning, public hearing and permitting. So if those safeguards are already in place, then why is a Statewide moratorium necessary instead of allowing those to be protected and evaluate at that level?

MS. BARRETT: I'm not sure -- I guess I'm not sure what your question is.

MR. BOLOGNA: I guess what I'm saying is -- is -- is

this bill an admission that our current regulatory system or framework is insufficient or is not doing its job? Or that our agencies that we've tasked with regulating data centers are not doing what they're supposed to be doing and have failed?

MS. BARRETT: No. I -- I mean, data centers are presenting a whole new series of challenges. The, you know, the water use, which has, you know, been problematic in certain parts of -- of the country. Obviously, the cost and the energy use. You know, these are things that we should be looking at, not that we didn't -- you know, we -- we didn't have data centers coming forward in, you know, in 20, 40, 30 -- 30, 40 years ago. So this is -- this is the time, at least. Maybe we should've done it sooner, but this is when we're doing it.

MR. BOLOGNA: I -- I agree. And to reference one of your previous answers, you actually -- you mentioned ratepayers, and I'm happy you did. I've heard a lot of people talk about, you know, not -- just holistically, I've heard a lot of people say that data centers are a big driver of -- of rate increases. Is the implication here that data centers are the sole culprit of why rates are going up in New York State?

MS. BARRETT: No. This is just -- I mean, that -- no. This is -- this is -- but this is something that could contribute in a huge way. I mean, that's what we came -- came out of the -- the hearing that we had in October, and my own legislation on creating a new rate class was one solution to that. But there's -- of course it's not the only thing.

MR. BOLOGNA: And again, earlier in your debate you referenced, I think the term was "power agnostic." And if -- if the that is the case and data centers are able to create their own purchase agreements with service providers, then shouldn't we just let the market do its thing?

MS. BARRETT: I mean, I think the market is gonna kind of do its thing in terms of the -- the Green CHIPS and -- and who -- if people want to, you know, create their own energy sources --

MR. BOLOGNA: Yeah, but we're interjecting on (indiscernible/crosstalk) --

MS. BARRETT: They will. We're not -- I mean, I don't think we're putting our thumb on the scale, particularly, and not allowing the market to do its thing.

MR. BOLOGNA: I mean, at least for a year we're actually just gonna get rid of the scale all -- all together.

MS. BARRETT: It's a year, yeah.

MR. BOLOGNA: Okay. So then one last thing I want to get on, the utility rate classification portion. So this bill requires that utilities create a separate service classification so large users pay their fair share. If those costs causation predictions can be implemented through utility regulation, then why is the Statewide moratorium necessary?

MS. BARRETT: I'm sorry, you lost me. What -- what --

MR. BOLOGNA: So --

MS. BARRETT: If we're creating a new rate class, why --

MR. BOLOGNA: Yeah. Like why they -- if this could be done through -- through utility regulation, why are we doing it? Why is this necessary?

MS. BARRETT: Because the feeling was that there were -- it was important to look at this data center issue in a little more holistic way. And, you know, we -- as you said, we created an omnibus bill that -- that took three different pieces of -- maybe four different pieces of legislation and put it in. One of them was that, the rate classification. One of them was addressing the host benefit issues. Another one was looking at, you know, the -- the renewable energy aspects and then, you know, our -- our own call to only do this for one year. So that's where the bill came from.

MR. BOLOGNA: Well, I appreciate it. Sounds good. Thank you very much, Ms. Barrett. I -- I appreciate your time.

Madam Speaker, I'm just gonna go on the bill for a bit here.

ACTING SPEAKER HUNTER: On the bill.

MR. BOLOGNA: The fundamental question here is really not whether data centers should exist everywhere. The question is who should ultimately make that decision. And I believe that the most representative form of government is the kind where I can run into my town supervisor at a grocery store, or my mayor at the coffee shop. Because local governments exist to precisely make those types

of determinations. And I guess the question is, there's a lot in this room, what's -- what's the point of having a local government if Albany is ultimately gonna continuously supersede what they're allowed to do in their own communities? I mean, we've seen this movie before. The New York State Office of Renewable Energy Siting strips local zoning authorities through the RAPID Act. We see the electric school bus mandate. I mean, I have had more districts beg for an extension of a waiver or repeal a pilot program, and we continue to ram these things through because the State apparently knows best for everybody. And we've actually made subsequent changes to the -- the school bus act [sic]. It was a -- a two-year waiver process in last year's budget. This year we added a five-year extension on that. And it doesn't make sense to pass bad policy with the intent to fixing it later. And it kind of gets me to the point where New York State is continuing to fall behind. Other states are not waiting; Pennsylvania, Ohio, Virginia, they're actively recruiting this type of investment, the jobs and the tax base that New York is continuing to run away from. As I said earlier, in my district there -- there's some data centers with $130,000 a year jobs in rural Western New York, where that kind of salary impact makes a massive difference. It matters. It matters to people that are struggling, and in -- in really low-income areas. A moratorium which conveniently for one year, which is after a special date in November, puts us further behind the eight ball on data centers, digital currency, blockchain. Everything that a new and emerging digital economy has to offer.

The fix, at least in my opinion, is pretty straightforward here. Allow local communities to decide what they want in their community. New York already has a very rigorous utility oversight that would fix a lot of these problems, and I don't really think we even need to fix, in the bill. And if -- if colleagues and advocates are really concerned and want to address the grid strain, I've got a few suggestions. We really do need to reduce our demand and I think that our all-electrification mandates continue to put strain on the grid. I think that we need to actually get serious about investing in infrastructure and not vilify every utility company that tries to invest in the infrastructure that we're mandating that they do.

I will say it until I'm blue in the face. We need to continue utilizing natural gas as a bridge technology. I -- I -- I -- for the life of me still cannot understand why this Body has such an axe to grind against natural gas when we have such a abundant amount of it throughout the State. We should not be imposing blanket moratoriums that punish every community in the State for a problem that may not be universal. We should be letting markets and local governments drive this policy, not fear an environmental overreach from Albany.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Jensen.

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

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. JENSEN: I rise this afternoon in opposition to this legislation, mainly because of the provision regarding the one-year moratorium on the construction of new data centers in our State.

I believe that New York should be leading from -- should be leading the future, not watching it happening from the sidelines. And whether we like it or not, the global economy is becoming increasingly digital. Artificial intelligence, cloud computing, cyber security, advanced manufacturing, biomedical research, financial services, logistics, and every sector of our economy now depends on data infrastructure. And data centers are not some niche industry; they're the roads and bridges and railroads and power plants of our 21st Century. They're gonna be the infrastructure in which the modern economy runs. And when we place a moratorium on that infrastructure, even if for 12 months, we are sending a message to the rest of the country and the rest of the world, *Build that future someplace else*.

Now, supporters of this legislation argue that we just need a pause. Just a pause, just a study, it's just one year. But let's be honest. In government we all know how often just one year becomes something longer. And most importantly, investors know it. Businesses know it. Developers know it. And the moment New York creates uncertainty, the capital that funds that investment will move elsewhere. And when those projects move elsewhere, the capital --

when the projects move elsewhere, they're rarely gonna come back. Those projects go to Virginia and Texas and Ohio and North Carolina and overseas to China and other places. The digital economy will not wait for Albany. Because the digital economy does not take a moratorium, it does not take a legislative recess. The globalized digital economy moves at the speed of innovation.

For generations, the community I call home in Rochester was one of America's greatest centers of innovation; Kodak and Xerox, Bausch and Lomb. World-class research institutions with advanced manufacturing, optics, imaging, technology. But my community knows what happens when industries change. And unfortunately, we know what happens when innovation moves elsewhere. We know what happens when policymakers fail to recognize where the economy is heading. And because we know that history, we should be very cautious. We should be cautious about erecting any barriers to the next generation of economic development.

The truth is, artificial intelligence is not going to go away. Cloud computing is not gonna go away. Data storage is not gonna go away. The demand for digital infrastructure is only increasing, and data centers are expanding across our country and across the world because of the growing demand for AI and those cloud services and a digital commerce. States across the nation are de -- are debating how to accommodate that growth while balancing the very important energy and environmental concerns that this bill looks to address. And the question before us is not whether or not these data

centers are going to be built. The question is whether they will be built here. The question is whether the jobs will be here. The question is whether the tax base will be here, and whether the industries supporting these data centers will be here. Whether this ecosystem of technological innovation will be here.

We need to ask ourselves, does New York want to simply consume the services while someone else captures that investment? You can't enjoy the benefits of something you've never planted, and you cannot harvest a crop you've never seeded. Government's job is not to stop progress. Government's job is to guide it, to shape it, to regulate it responsibly. But not to freeze it in place. Because while we're waiting for perfect certainty, the rest of the world will keep moving. And I understand the concerns that the sponsor and a lot of advocates for this bill bring up. Questions surrounding energy consumption and grid reliability and environmental impacts. Those are legitimate concerns. They're concerns that I and a lot of the folks that I represent have, and they deserve serious answers. And they deserve serious policy responses. But a moratorium is not a policy.

As a state, we've spent years about talking -- we've spent years talking about becoming a hub of innovation. We do it in this Chamber and the other place down the hall and below us in the Executive Chamber. We've talked about attracting technological investment. We've talked about creating good-paying jobs. We've talked about retaining young talent. We've talked about competing

with other states and being an economic leader. We can't stand at a ribbon-cutting celebration that celebrates innovation one day and then impose moratoriums on the infrastructure supporting that innovation the next. That's not a coherent economic strategy. That sends mixed signals. And businesses notice, investors notice and entrepreneurs notice. Start-up founders notice. Venture capitalists notice. The people selecting the sites notice.

We should build infrastructure while we protect communities. We should attract investment while protecting ratepayers. And we should encourage innovation while maintaining environmental standards. Why would we prefer that investment go to states with weaker standards and less oversight? If our values really do matter, then our goal should be to demonstrate that growth and responsibility can be something that coexists, not to push development beyond our borders. And that's what a moratorium will do. The future will be built elsewhere while we wait for the moratorium to expire. And the question we need to answer is whether or not New York intends to help build the future, or whether we are content to watch from the sidelines where other states do it.

For those reasons, I will be voting in the negative. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Hawley.

MR. HAWLEY: Thank you, Madam Speaker. Will the sponsor yield for just a couple of quick questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. BARRETT: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. BARRETT: Mr. Hawley?

MR. HAWLEY: Didi, how are you? These may be redundant and they may already been covered, but is there an exclusion for projects that have already been started and are getting close to breaking ground?

MS. BARRETT: Yes.

MR. HAWLEY: And what is that exclusion?

MS. BARRETT: If they have a permit they can go forward.

MR. HAWLEY: And does the exclusion take effect when this bill is passed and signed into law?

MS. BARRETT: The bill takes --

MR. HAWLEY: I'm presuming (indiscernible/ crosstalk).

MS. BARRETT: -- effect when it's signed. Yeah. Was that -- I'm sorry, did I --

MR. HAWLEY: The effective date is the signing of the legislation if it's passes.

MS. BARRETT: If it's signed. I mean, I think the Governor's going to -- I mean, this is a two-way agreement, so the -- the -- we are on the same page as the Senate. I don't know if the

Governor will see it exactly the same way. I hope she'll work with us to get something that, you know, works for everybody.

MR. HAWLEY: And out of curiosity, I'm a firm believer in local control and local direction and decisionmaking with folks that have as great a backgrounds and information and intelligence as we do here in the New York State Assembly and -- and the New York State Senate. You've labeled this legislation as the Responsible Data Center Development Act, the inference being that it would be irresponsible if we allowed local people and local governments and EDCs and IDAs to make up their minds.

MS. BARRETT: I disagree. I don't think it does that at all. I -- I think the - the responsibility is that the Legislature is taking on this issue and taking a look at how we want the elements that we want to see happen and asking DEC to pause any approvals, and look at the big picture, collect information from, you know, from other states. We're not stopping anything -- local governments from doing anything.

MR. HAWLEY: Okay. That's the only questions I've got.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. HAWLEY: Thank you. Pure and simple, we have a data center that's proposed and is very close to completion through a lot of investigation and thought by the EDC and by local governments, both the towns and the county. And I'm a firm believer,

as I just mentioned, that local control is best, and I think that this legislation is, frankly, irresponsible and an invasion of local control. We've done that with solar panels across the State of New York. We've taken prime farmland out of production, sacrificing green crops for green energy. And the State has told locals that they have no control over where the solar panels are going to go. Now the State is trying to jump in and indicate that we -- they, not me and not many of my colleagues here -- that the State knows best in terms of data centers. I think that's incorrect and a fallacy, and I'm going to urge my colleagues, based upon local control, to oppose this legislation.

Thank you so much.

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. BARRETT: Yes, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Thank you. I was looking through the text of the bill and I don't know if I saw it or not, but I don't think I did, maybe you could answer this for me. Is there a carveout in the definition of data centers to which this legislation applies for brownfield sites, former industrial sites that could maybe be quickly and easily converted into data centers?

MS. BARRETT: Yeah. Our focus has been on what they're doing, not where they're located. So, no, we haven't -- that -- that just wasn't a -- a focus on -- of the bill.

MR. MOLITOR: Okay. Is there a carveout for Empire AI?

MS. BARRETT: Yes.

MR. MOLITOR: Yes? Where is that in the bill?

MS. BARRETT: We'll get that for you.

MR. MOLITOR: Sorry. I must have missed it.

MS. BARRETT: Public research institutions, and -- I don't have my first notes here -- but anyway, we'll get the citation for you.

MR. MOLITOR: But it's for public institutions?

MS. BARRETT: Research institutions.

MR. MOLITOR: Okay. So if they're building a data center that would have fit under this particular legislation, or a cloud computing site they're exempt from this -- from the moratorium?

MS. BARRETT: If they are a public research institution.

MR. MOLITOR: Okay.

MS. BARRETT: And used -- and it's used for research purposes (indiscernible).

MR. MOLITOR: Okay. Is there -- will this legislation have any effect on any State contracts that use or purchase and use AI services or cloud computing services?

MS. BARRETT: No.

MR. MOLITOR: Okay. All right. I'm gonna go on the bill. Thank you, Madam Sponsor.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: So, you know, I think this is a good example of, you know, what's good for me but not for thee. You know, the State is gonna put a moratorium on data centers in places where, you know, there could be a former industrial site that could easily be converted to a data center. That local municipality could benefit from the increase tax revenue, but they're gonna be under a moratorium. Meanwhile, the State, as long as it's under an AI -- an Empire AI project, will be able to purchase their own -- or create their own data center. The State will still benefit from all those companies that, you know, offer artificial intelligence and cloud computing, but they won't have to allow those companies to build data centers in their state. This is, you know, I think, very problematic.

You know, as -- as many of my colleagues have already said, but I'll repeat, I think this bill is sort of an admission that our grid capacity and capability is in serious -- in a seriously bad place right now. If we had, you know, a greater energy generation and better transmission lines, we would -- we wouldn't have to worry about the amount of energy that data centers use, and we could rely on SEQR and local governments to decide whether a -- a new data center in their area would be beneficial for them. This takes away that local control as well. And I think it will also hurt our job market, business

growth in the State, and block our villages, towns and cities from taking advantage of economic opportunities to lower their property tax base.

So I understand the intent of this bill. I think there are certainly good things about it, but overall I will not be able to support it. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Madam Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. BARRETT: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SLATER: Thank you so much. Just a couple of clarifying questions, if I may. And forgive me if you said this earlier, I may have missed it. Do we know how many data centers currently exist in New York?

MS. BARRETT: We do. Not specifically, but between 150 and about 5- or 600.

MR. SLATER: Between 150 and --

MS. BARRETT: That's -- because data centers, the definition broadly -- is broadly used and the smaller, you know, older ones --

MR. SLATER: How about, like, large-scale data

centers?

MS. BARRETT: How many are large-scale?

MR. SLATER: Do we know how many of those we have in this State right now?

MS. BARRETT: Yeah. I mean, the numbers that I gave you are from the queue -- there -- there were 30 in the queue, there's now a little over 40. That's -- you know, that's where we are in New York State at the moment.

MR. SLATER: And I -- again, I just -- I'm trying to understand, like, if there's, like, a true, you know, proliferation of data centers that are coming through New York, right? So we're saying that there are between 150 and 500. And then you talked about a queue, which I wanted to get to in a second.

MS. BARRETT: Yeah.

MR. SLATER: Under your law, under your proposal, we just don't know how many are operating right now that would fit the large data center definition?

MS. BARRETT: Yeah. It's a good question and I know I asked it and I don't think I have got an answer.

(Conferring)

Yeah, but he wants to know -- I mean, we can get that information. I mean, this is about new, going forward, this isn't about -- but I appreciate your question because I'm always asking things like that.

MR. SLATER: Yeah. And again, because you see,

you know, I think obviously data centers were making national news --

MS. BARRETT: They are proliferating --

MR. SLATER: Yeah, and --

MS. BARRETT: -- there's no question. I mean NYISO has told us that.

MR. SLATER: Right. And so, I'm just trying to quantify what we are dealing with so I can be able to articulate that back to -- to my constituents --

MS. BARRETT: Sure.

MR. SLATER: -- and you talked about the queue. So do we know how many applications are currently pending for additional data centers, not existing, but ones that are not currently operating?

(Conferring)

MS. BARRETT: Eighty? 48. Yeah, the 48 large load projects.

MR. SLATER: Forty-eight large?

MS. BARRETT: Yeah.

MR. SLATER: And then do we know just cumulatively including those that wouldn't make that definition how many there are?

(Conferring)

MS. BARRETT: So we don't know the ones that are connected to public power and you know, that -- that -- that we don't

have that information at this point. So, you know, to -- the -- to showcase the rapid growth, so this spring of 2025, NYISO had over 20 load projects insert -- interconnection and we're seeing a huge increase in that number up -- up -- doubled at this point. So.

MR. SLATER: Thank you. I -- I appreciate that.

And then interesting that you said that we don't know how many of the smaller projects have connected to public power. Is that -- does that change under this proposal at all?

MS. BARRETT: It could if that's something that -- that the PSC and -- and the -- and the DEC look into, which we would hope they would -- would. I mean, I think that's part of our intent here is to have the State, you know, take a look in one year -- you know, pause, take a year and look at the whole phenomenon; what's going on, what does it look like, where are the growth, what are the areas, where, you know, what are the energy sources? All of those kinds of things. So that's, you know, that's what, you know, is -- is to me feels like really a great opportunity for the State to be engaged in.

MR. SLATER: And -- and you've said before I think to some of my colleagues that there is some direction in what we want the State to explore and examine in this proposal, correct?

MS. BARRETT: Yes.

MR. SLATER: But the -- and I just want to just go back to what we were just talking about, but the ensuring that we know the small-scale connection rate is not one of those things that we've given direction on.

MS. BARRETT: Wasn't that specific. I mean --

MR. SLATER: Okay.

MS. BARRETT: -- I -- that -- it doesn't, you know, this is -- you -- you can read the bill. It's just not that, you know, the -- do we -- we hit on this omnibus package of different aspects of it, but we didn't ask all the specific questions. I trust the NYSERDA and -- and DEC and -- and PSC people to figure that out and you know, when they make it public if we haven't gotten those questions answered, you know, I -- I think it's our opportunity to follow up on that.

MR. SLATER: So then -- and let's explore that for a second if we can. So when they make that public, what's the timeline on when we expect to see a -- a report for us to review?

MS. BARRETT: Within -- within a year and 18 months, yeah.

MR. SLATER: I'm sorry?

MS. BARRETT: Within a year and 18 months. You know --

MR. SLATER: Between 12 and -- and -- okay --

MS. BARRETT: Well, they'll finish in a year, the moratorium and then they have an 18 months -- to -- all right. Eighteen, I misspoke.

MR. SLATER: Eighteen months. But the mor -- but the moratorium only lasts 12. So there's still --

MS. BARRETT: Right.

MR. SLATER: -- gonna be six months there potentially --

MS. BARRETT: Right.

MR. SLATER: -- where the moratorium will be lifted and we wouldn't even have seen the report to evaluate what the next steps would be. Is that -- is that accurate?

MS. BARRETT: Yes. Yes, exactly. That is -- that's -- yeah, I do. That's what the window is, the additional six months.

MR. SLATER: Is -- is that not problematic that there's gonna be a six-month window where the moratorium won't be in place but will be awaiting the report?

MS. BARRETT: They'll be working on -- on a draft and that, you know, that there will be I think an opportunity for public hearing, other things. So I don't think it's, you know, it -- there should be a -- a problem.

MR. SLATER: Is the -- is the public hearing required in your proposal?

MS. BARRETT: Yeah. Yes.

MR. SLATER: Does it dictate a number or locations of public hearings, where they're expected to be?

MS. BARRETT: No. Just the -- just that's part of -- that's what we're asking for.

MR. SLATER: So but potentially we could be -- only be looking at one public hearing for the entire State when it comes to a Statewide issue like data centers?

MS. BARRETT: That's possible. We -- we've asked for five.

MR. SLATER: You've asked for five?

MS. BARRETT: Yeah.

MR. SLATER: Okay. But we didn't ask for like regionalization or -- or following the, you know, we just yesterday talked about --

MS. BARRETT: We did.

MR. SLATER: -- the redistricting process --

MS. BARRETT: We did ask for that, and -- and you know, just in my short time of working with PSC and NYSERDA as Energy Chair, they are very conscientious about trying to --

MR. SLATER: Okay.

MS. BARRETT: -- cover the State.

MR. SLATER: Great.

I'd like to dig a little deeper into this -- for local governments. So this bill provides a one-year moratorium hard stop, correct? What are the municipalities of New York required to do, if anything, during that one-year window?

MS. BARRETT: Nothing.

(Crosstalk)

MR. SLATER: So they don't have to --

MS. BARRETT: They are not required to do anything.

MR. SLATER: I'm sorry, go ahead.

MS. BARRETT: They're not required to do anything during that time.

MR. SLATER: Okay. So they don't have to do any of their own examination of their own utilities, of their own local zoning or anything like that? They can just sit idle and wait for the report to come forward from the state for us then to take next steps?

MS. BARRETT: Or they could keep talking to possible developers or they could, you know, explore what the host benefit community opportunities are so that if one were to come to them they would know what they would ask for. There's a lot of things they could to do.

MR. SLATER: Could -- could they also pass -- because we've just established essentially there's gonna be a minimum of a six-month window where the moratorium won't be in effect before the final report is provided. Are they able to then in that same timeline, are they still -- are they able to pass an additional moratorium locally or are they barred from doing that?

MS. BARRETT: Yeah, they can.

MR. SLATER: They can. And that moratorium could -- could be longer than the State's moratorium --

MS. BARRETT: Yes, it could.

MR. SLATER: -- in fact --

MS. BARRETT: Yes, it could.

MR. SLATER: -- it -- it could be ongoing until the report is finalized.

MS. BARRETT: Yes.

MR. SLATER: There's no prohibition. I just wanted to make sure I understand.

MS. BARRETT: No prohibition, no.

MR. SLATER: Okay.

In -- I was reading the text and there's a couple of areas that I just wanted to focus on and make sure I just have clarity. Things like your classification of service talks about the commission requiring each electric corporation, gas corporation and municipality to establish and file with the commission for approval or modification an independent classification of service for large data centers. Can you explain to me what the role of a municipality would be?

(Conferring)

MS. BARRETT: That -- that refers to the municipal utilities.

MR. SLATER: Can you give me an example of a municipal utility that exists?

MS. BARRETT: The Munis --

(Conferring)

Jamestown, the Munis. I mean, there -- there are a number of, you know, municipal utilities across the State.

MR. SLATER: Okay. I don't have any in my area --

(Crosstalk)

MS. BARRETT: I don't either but I -- you know, but I --

MR. SLATER: At least we both share the Hudson Valley. There's none in the Hudson Valley, right?

(Crosstalk).

MS. BARRETT: I can tell you they exist.

MR. SLATER: Okay.

MS. BARRETT: Probably some of our colleagues have them --

ACTING SPEAKER HUNTER: Colleagues, can we please not talk over each other? Remember, the stenographer is keeping a record. So someone speaks, the other answers.

Thank you.

MR. SLATER: I'm sorry, Ms. Barrett. Now I'm imagining the stenographer just like hitting the keys since she can't hear either of us.

We both represent the Hudson Valley, so there are no municipal utilities in the Hudson Valley at this point in time, correct?

MS. BARRETT: Correct.

MR. SLATER: Okay. And similarly we talked and I was reading about water. There was a -- a piece in here about water consumption; is that correct? And so what would a municipality's role be in determining the water consumption? I'm sorry, I don't have it -- I can't find it right at my fingertips here, but would you be able to explain what the municipality's role would be in that instance?

MS. BARRETT: There is not -- no role, and the water is in there because in other states that we've seen that has had --

having data centers has had an adverse effect on water supply. So it's something we want to be looked at as part of this one-year moratorium.

MR. SLATER: So -- so they can be determining what the water level is that they currently have and then depending on what the project is they can estimate what the usage would be? Is that -- is that what the purpose of that exploration is?

MS. BARRETT: That's certainly not my expectation. I think it has more to do with keeping the water clean, but it's that I don't, you know, we don't have any -- any provisions for that in -- in the bill.

MR. SLATER: And again, I just want to make sure I'm clear because frankly, I spoke with nearly all my town supervisors and they did not raise an objection to this.

MS. BARRETT: They do not what?

MR. SLATER: They didn't raise an objection to what we're discussing --

MS. BARRETT: Uh-huh.

MR. SLATER: -- and -- but I also want to make sure that there's no trapdoors for our municipalities during this time. That's why I'm just trying to explore with you what their responsibilities and obligations will be during this -- during this time -- timeframe that we're discussing. And so, we've established that they -- that there's really -- they could do nothing, they could pass an additional moratorium, they can continue to explore potential projects within

their communities within the one-year moratorium period and that from the municipality standpoint, there's really no additional burden that's being placed on them governmental.

MS. BARRETT: Correct.

MR. SLATER: That's all I wanted to make sure I was clear on.

Thank you very much for answering my question [sic], Ms. Barrett.

MS. BARRETT: Certainly.

MR. SLATER: Thank you, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: Mr. Lemondes.

MR. LEMONDES: Thank you, Madam Speaker. Will the sponsor yield for a question or two?

ACTING SPEAKER BUTTENSCHON: Will the sponsor yield?

MS. BARRETT: Yes.

ACTING SPEAKER BUTTENSCHON: The sponsor yields.

MR. LEMONDES: Thank you. One simple question. I -- I think I heard this but I want to make sure that this bill arises in its current format without knowing the full fiscal impact; precisely the tradeoff of the economic benefit that would come from these data centers that are being delayed, correct?

MS. BARRETT: This has nothing to do with -- with

that. That's not what this bill is. There is no fiscal impact. It's -- it -- it's going to look at those issues, but there's nothing in the bill itself.

MR. LEMONDES: Right. I'm talking about lost opportunity. Something very different.

MS. BARRETT: I -- I don't really -- I mean, that's not addressed here. I'm not sure what you're -- what you're referring to but if you want to speak on it, go ahead.

MR. LEMONDES: And I will. Thank you.

MS. BARRETT: Sure.

MR. LEMONDES: Madam Speaker, on the bill.

ACTING SPEAKER BUTTENSCHON: On the bill.

MR. LEMONDES: So I want to reference a meeting that I was at that's relevant to this where -- this was in Central New York where the three businesses that participated, all large businesses, all said they would not seek future expansion in New York State because it was too difficult. Bills like this contribute to that. The regulatory burden and the tradeoffs when we delay, delay, delay pents-up economic activity, seeks a landing spot someplace and it doesn't have to come here as has been said in spades by many of my colleagues. And so as we generate moratoriums, that economic activity will -- will no doubt seek other places to go. Maybe some of it'll still stay, maybe in the future they'll come back, but it will seek other landing spots.

The -- the beneficial multiplicative impact of that money that would be building these, employing people, the

construction and trades, etcetera, etcetera, will be either completely lost or delayed going to other places. Direct and indirect benefits as well. This is very similar to -- I'm gonna go back to Governor Cuomo in 2014 or 2015 when he's told the Remington Manufacturing Plant that their expansion plans should leave New York and they did. They went to Alabama and the Governor there welcomed them with open arms. That was multiple millions of dollars of economic expansion that took flight.

I don't think we're in a position as I said last night, some of you remember, we had 33 congressional seats in 1850. We've got 26 now. The policies coming out of this Chamber are chasing people away in droves --

ACTING SPEAKER BUTTENSCHON: Mr. Lemondes --

MR. LEMONDES: Yes?

ACTING SPEAKER BUTTENSCHON: -- please relate to the bill at hand.

MR. LEMONDES: Yep, I am --

ACTING SPEAKER BUTTENSCHON: Thank you.

MR. LEMONDES: -- and I will. I'll do a better job of that. Thank you, Madam Speaker.

So the bottom line is the economic impact of large-scale projects like this are -- are -- are beneficial and there's nothing wrong with seeking the environmental impact statements and understanding what -- what is involved in putting that project in place.

And I think we -- we do a pretty good job of that already. But in general, making it more difficult for more businesses to start operations hurts us overall and exacerbates the outmigration as proven by our Governor's statements begging people to come back.

Thank you, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: Mr. Morinello.

MR. MORINELLO: Thank you.

On the bill.

What I find --

ACTING SPEAKER BUTTENSCHON: On the bill.

MR. MORINELLO: -- interesting, no offense -- what I find interesting is I've been here ten years. One of the -- the constant discussions is about the middle class, about employment, about generating of income. And what I have found in that ten years is this Body has found ways to pick the people's pocket, but here we have a industry that is not going away, that states are begging for it. This produces household -- head-of-household jobs, good union jobs. This produces income for communities. And the narrative that is being put out there that is scaring the general public and it's a false narrative; they're dirty, they pollute the water, we don't have enough power.

First of all, they're all circular power -- water so that they're not displacing the water, number one. Number two, they're not noisy. These are not mining. These are data centers. Twenty-five years ago the City of Seattle built their own and what they did was

they leased it out to various industries as an income source. No noise. It was in a 15-story building and they've built additional ones. But you know what is un -- underlining this? It's the false narrative of the power in the grid.

The Independent System Operators have shown that this State has deactivated 4.315 megawatts of power and you know what they've added? 2.274 megawatts. They've almost -- they haven't even put back half of what they've taken out. And of that 2.274, only 1 -- 1.0 approximately is solar. They can't replace it, but they won't change their mental attitude. They won't open their minds, they're tunneled visioned. We can not do it with only one source of power and what are we gonna do? We're gonna have missed opportunities as my other colleagues have stated and why? Because if you have a developer and they want to build a data center, they're going to another state. They're not gonna wait for a year and then 18 months for a study to be looked at and then decide it. And in the meantime, they're out -- out-pricing the consumer with the cost of electricity trying to figure out what they can do. You cannot take power off if you can't replace it and it's been shown they can't replace it with the focus that they have.

Because of all the negatives, because of the fact that they're hurting union jobs -- listen to this one: There was an argument in one city council meeting in the last week and the head of the electrical union came and explained how many jobs data centers have been providing to their union electricians, how much

head-of-household money, how much tax money is going in. And you know what somebody jumped up and said? *Yeah, but they're only temporary jobs.* All labor jobs are temporary unless you're in -- actually in a factory. The construction industry moves from one project to another, to another. They don't sit on one project forever. But that is how this country was built and this State is on a collision course with progress. This State is on a collision course with moving forward and whose pockets are they going to pick next year? I don't think they can stay awake late enough at night to figure out what other sources of income. Every new bill you see there's a penalty going to the State, okay? They're trying to figure out every way to fund their programs.

This year's budget, unsustainable. We have ways to attract it if people would just sit down and discuss. It should not be us --

ACTING SPEAKER BUTTENSCHON: Just a reminder that you're on the bill, sir.

MR. MORINELLO: I'm sorry. My time's up?

ACTING SPEAKER BUTTENSCHON: No, that you're on this bill.

MR. MORINELLO: Okay. Well, because of all of that, I vote in the negative.

Thank you.

ACTING SPEAKER BUTTENSCHON: Thank you.

Mr. Simpson.

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

ACTING SPEAKER BUTTENSCHON: Will the sponsor yield?

MS. BARRETT: Certainly.

ACTING SPEAKER BUTTENSCHON: The sponsor yields.

MR. SIMPSON: Thank you. I want to focus on the requirements for a renewable energy, you know, for data centers that are 5 megawatts or more. Would you say that that's gonna produce more demand for solar development?

MS. BARRETT: For renewables, yes.

MR. SIMPSON: Okay. Do you realize that each 1 megawatt requires approximately almost an acre of land?

MS. BARRETT: If -- if it's --

MR. SIMPSON: (Indiscernible)

MS. BARRETT: -- on land, but there a lot of other places that we should be including brownfields and kinds of rooftops and -- and -- we also could use geothermal. Geothermal wouldn't require, you know, any acres at all.

MR. SIMPSON: Right. And then I'm also interested in, you know, the dates a data center would progressively require more renewable energy to meet the future deadlines, right? Future dates. Like you start out at a third --

MS. BARRETT: Yes.

MR. SIMPSON: -- through 2000 -- 2034?

MS. BARRETT: Yes. It does increase.

MR. SIMPSON: And it could be on site?

MS. BARRETT: Could be on site.

MR. SIMPSON: So in -- in planning these data centers, that could require large purchases of property for future --

MS. BARRETT: Large what?

MR. SIMPSON: I'm sure that the planning of these data centers if they were gonna to rely on solar it would require the developers to look at large tracks of property that they would need to secure to meet these --

MS. BARRETT: Doesn't have to be. You know, geothermal -- I mean, in -- in other parts of, you know, this -- the country, I mean whole buildings and stuff are run on geo -- geothermal. We have to be really building out our renewables here in the State in more innovative ways.

MR. SIMPSON: All right. Well, I think you've answered my questions --

MS. BARRETT: Okay.

MR. SIMPSON: -- I'm gonna go on the bill.

MS. BARRETT: Thank you.

MR. SIMPSON: May I go on the bill?

ACTING SPEAKER BUTTENSCHON: On the bill.

MR. SIMPSON: Thank you, Madam Speaker. I'm -- I share a lot of the concerns that have been expressed here by my

colleagues over the antibusiness aspect of data centers that shows that we have not done the job to prepare for future energy needs for this State and it's really hurting us. Especially when we include green energy policy with future development of proposed projects that in my district, because of the need for solar and the State's energy policy, we're seeing the Adirondacks, which is known for its open spaces, lack of commercial development, now open prime property for the State to invest in renewable energy, because obviously, in the -- in the more economic, urban areas, there are no open spaces to locate these.

So in my district, the number one issue that I'm hearing from my constituents is over the erosion of the local control with renewable energy projects where they have been left out of the conversation that's being funded by ratepayers through our policy. But you heard the sponsor agree that we would need more solar generation. Doesn't necessarily have to be here in New York but it's gonna be somewhere. I ultimately think that it's gonna lead to more pressure on the communities that I represent and in conflict for -- with what my constituents want.

So for those reasons, I am strongly opposed to this bill.

ACTING SPEAKER BUTTENSCHON: Mr. Chludzinski, just a reminder we're eight minutes left within debate.

MR. CHLUDZINSKI: Thank you, Madam Speaker. I'm just going to go on the bill.

ACTING SPEAKER BUTTENSCHON: On the bill.

MR. CHLUDZINSKI: While I fully agree that we must be cautious and thoroughly study how these large data centers impact our communities especially when it comes to safeguarding our environment, drinking water, the energy grid, I cannot support this bill because it is packed with other excessive regulations and I'll point some of those out right here. The timelines are completely unrealistic in this piece of legislation. The bill calls for a one year pause or moratorium on these facilities. However, the sheer amount of data, agency consultations and reports that the bill forces the DEC to take part in will take long over a year to complete; I believe we even mentioned 18 months. So this isn't a temporary pause, it's a bureaucratic roadblock that will freeze the development of these data centers far longer than the one year.

The energy requirements don't make sense, just like the unachievable mandates of the CLCPA, this bill demands that data centers rely almost entirely on renewable energy. The State hasn't proven our grid can handle these aggressive targets and staggering amounts of land are required to build necessary renewable energy solar panels, wind turbines to power such facilities.

This also forces costly mandatory giveaways. The bill legally requires any data center using 20 megawatts of power or more to pay for and install green energy upgrades like solar panels, battery storage, cold climate heat pumps for the surrounding neighborhood. No major tech company is going to bring in billions of dollars of investment to New York if they are forced to take on the

financial burden retrofitting local, residential housing just to open their doors in the State of New York. It also drives away good union labor jobs. Data centers bring thousands of high-paying jobs of our local trades; construction workers, electricians and engineers.

While I strongly support the piece of this bill that guarantees the prevailing wage and apprenticeship programs, those protections mean absolutely nothing if the projects are never built here in New York. By packaging a sensible study with overregulation and impossible energy dictates [sic], this bill will simply drive multi-billion dollar investments into neighboring competitive states such as Ohio and Virginia. We should be able to protect our environment and our ratepayers without passing laws that intentionally destroy local jobs here in the State of New York.

For that reason, I'll be voting no.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will not be supporting this legislation. If there are exceptions, members may vote differently at their desks now.

Thank you.

ACTING SPEAKER BUTTENSCHON: Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this legislation. For those that would like to vote differently, they can do so here in the Chamber.

ACTING SPEAKER BUTTENSCHON: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Gallagher to explain her vote.

MS. GALLAGHER: Thank you, Speaker [sic]. I rise today in support of this important bill. The rapid rise of data centers has been driven by the on slot of -- of artifical intelligence. These data centers like the AI technology they power are being adopted so quickly that we are the -- at the risk of being overrun by them before we have even had a chance to fully understand what it is we're giving away.

But there are some pieces we know for sure; data centers hog local energy and water, raising utility bills and depleting our precious resources. They create air noise, light pollution and unceasing vibrations, making local communities sicker and less comfortable. In an existential moment when we must urgently reduce our energy consumption and transition to renewables as quickly as possible, they ensure that we are consuming exponentially more energy every year, fueling our addiction to fossil fuels. It should not come as a surprise that the tech and fossil fuel oligarchs are both benefiting from this same broken system. The oligarchs want us to

believe that the unfettered adoption of AI and data centers that power it are natural and inevitable. That New Yorkers have to just accept water and energy shortages as -- as the cost of progress. They want us to believe that job loss caused by AI will be painful, but it is just another natural cost of capitalism, which we must not question.

I firmly reject these notions and I am immensely proud that today, as a Legislative Body, we reject them, too. I'm heartened today to vote for this omnibus bill which will put some sensible restrictions in place so that our regulations can catch up with the adoption of technology so that we have time to think about how we can protect people over the profits of a handful of billionaires.

This bill won't do everything. I wish the moratorium were longer than a year. I wish renewable energy goals were stronger and sooner. But this bill grapples with what many of the threats presented by data centers --

ACTING SPEAKER BUTTENSCHON: How do you vote, Ms. Gallagher?

MS. GALLAGHER: -- and because of that, I vote yes.

Thank you.

ACTING SPEAKER BUTTENSCHON: Mr. Burdick.

MR. BURDICK: Thank you, Madam Speaker, for allowing me to explain my vote. I commend the sponsor for this thoughtful approach to data center development. As she said, this

legislation calls for a one-year pause. The bill, which excludes data centers requiring less than 20 megawatts, provides a smart plan that uses the pause intelligently and collaboratively. The establishment of an independent service classification for large data centers is essential to ensure that ordinary ratepayers aren't subsidizing large data centers and it makes great sense to set energy efficiency goals and to set labor standards.

I wish to note that with all due respect to some in the Minority, I find it puzzling to hear some waxing eloquent on the love for local control. It's curious that I wasn't hearing that love for local control when I offered legislation to provide local control to prohibit the application of pesticides in reservoir stems and water courses connected to public water supplies. Seems that some certain local control is loved, other local control isn't.

This bill is leading wisely into the future by providing a framework which brings together all stakeholders for the orderly development of data centers in our State. This bill is good for the New York economy while protecting ratepayers.

I am voting in favor of this bill.

Thank you.

ACTING SPEAKER HUNTER: Mr. Burdick in the affirmative.

Mr. Gray to explain his vote.

MR. GRAY: Thank you, Madam Speaker. So first, let me begin by recognizing the intent behind this bill. No one in this

Chamber wants reckless growth. And the questions around energy, water and all the other concerns are fair questions that deserve real answers. But the moratorium is not an answer, it is a sign that's hung on the front door of New York that says, *we're out to lunch for a year*, pauses every region of New York State that is working to attract investment and put people back to work. Right now, we have trade lay -- labor unions ready to build and ready to employ their members. The moratorium tells them, *no, wait.* It tells the companies looking at New York that their welcome mat has been pulled back from the front door. That is a chilling message and once it goes out, the investment goes with it. It does not sit around and wait for us to figure this out, it goes somewhere else where somebody has already done just that.

This bill also leans on renewable energy requirement at the very moment that these projects need firm, dispatchful, baseload power. If we are serious about reliable power for new large loads, the conversation should be having -- is about supporting construction of baseload generation and that includes nuclear. That is the honest path for both reliability and affordability. Pointing these projects towards requirements that the grid cannot -- cannot even meet doesn't make us greener, it makes us slower.

And the fact that we're not flying blind, the Public Service Comission is already studying the exact issue and its impacts. The expertise we are asking for already lives within the process that we operate in. We do not need a moratorium to learn what the agency is charged with that is already working on it and then in the middle of

examining it.

I also remind this Body of the basic realty of what's on the ground. The work of NYISO and the utilities to study and connect a project of this size takes longer than the timeline that this bill dicstate -- dictates. The market is already -- has its own pause built in. We do not need to legislate one over the top of the very agencies we charge for carrying this work out.

Madam Speaker, data centers are something that we are not disting [sic] or exotic [sic]. Every part of our every day life in New Yorkers [sic], we use data centers. Every one of us --

ACTING SPEAKER HUNTER: Thank you, Mr. Gray. How do you vote?

MR. GRAY: I vote in the negative.

ACTING SPEAKER HUNTER: Mr. Gray in the negative.

Mr. Beephan to explain his vote.

MR. BEEPHAN: Thank you, Madam Speaker. As they say, all politics is local. So I respect and I understand the concerns of my colleagues, but this is a real issue that faces my community. I've heard from hundreds of residents through e-mails, rallies, town board hearings and even from my town board members and each one of them were asking for New York State to act on a moratorium for data centers.

So with that, I am proud to vote in the affirmative on behalf of my residents.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Beephan in the affirmative.

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Madam Speaker. I rise to explain my vote on this very important bill and I want to thank the sponsor and all who sort of contributed to this final product in what we're passing today. You know, we constantly hear from constituents who are concerned, communities who are concerned, but also municipalities and the realty is, what often stops progress is not having answers to questions. What we're trying to do is say, let's not change -- not a moratorium, not end or say never again, but say, let's take a pause so that we can answer people's questions. We have the tools now. We understand what is needed in the community, what is needed -- what happens not just at the electric rate that that company is charged, but what happens when they're -- they're pulled from the grid; throws everyone in the community into higher prices. We need answers to those questions before anyone is gonna be able to be successful in building these in our communities. It is not just the people demanding answers, it is out municipalities who are begging for help so that they have the toolkit to do what they need to do if this is truly the progress we want to make here in our State.

I commend the sponsor, I'm proud to support this bill and vote in the affirmative and I hope everyone understands that the quicker we can get to how we do something, the quicker we can get to

doing it.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Clark in the affirmative.

Ms. Tapia to explain her vote.

MS. TAPIA: Thank you, Madam Speaker. I rise in support of the Responsible Data Center Development Act and I co -- I commend the sponsor of the bill. The grouth -- the growth of data centers across our State and the country are putting on an enormous traint [sic] on our energy. And right now, when a massive data center moves into our community neighbors do not have a say.

According to the NYISO 2025 Power Trends report, data centers' electricity demand could increase the load of our grid by 2 -- by -- by up to 4,000 megawatts by 2030. To put that in protective [sic], that is a roughly equivalent of the total electricity consumption of every household in the State of New York. This bill is the responsible answer to that challenge. It enacts a temporary one-year moratorium while we study the real impacts of data center development of our commune -- on our communities. It ensures these facilities pay their fair share of utility costs instead of passing them on take -- on ratepayers and it protects the workers who -- who build them with prevailing wage standards.

I am also so proud that my bill A09297 was included in this legislation. It ensure [sic] that any time a large data center is built or expanded, the community where it operates receive concrete

benefits, including utility bill credits for local residents and investments in clean energy technology. We do this with other industries --

(Crosstalk)

ACTING SPEAKER HUNTER: Thank you, Ms. Tapia. How do you vote?

(Crosstalk)

MS. TAPIA: -- to invest our --

(Crosstalk)

ACTING SPEAKER HUNTER: How do you vote, Ms. Tapia?

MS. TAPIA: Yes, I'm voting yeah --

ACTING SPEAKER HUNTER: Ms. Tapia in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. So to me, I -- I -- I'm having a difficult time with this vote and I just wanted to explain why and kind of where I'm coming out on this. I think when I toured the ISO last fall and I heard about the number of data centers that were already here and the number of data centers that were kind of in -- in a -- in a queue to be approved and then learning about what the -- the ISO had said about our grid, you know, I was really concerned about that. I think that -- but I think our grid is already messed up as it is. It is. I -- I think that in a way I feel like data centers are kind of getting vilified for a larger problem that needs

to be examined in terms of, you know, the unrely -- unreliability of our grid.

I also am coming at this as somebody that has served on a town board of a -- of a larger small town and also has been a town attorney for a very small town. Thank goodness for the Association of Towns and the Association of Counties. Even a small town understands how to enact its own moratorium. It's -- it's made pretty -- pretty simple in a way for -- by the Department of State, there are forms that are available. We did that, the small town that I represented, we did that for solar when big solar arrays were starting to -- to arrive. So I think that there's a way that the localities can handle it, but I do think that we need to take a holistic look at the things that are really overburdening our grid moving forward.

I just don't think that this bill does it for me and I think, for right now anyway, despite, you know, letters asking for the moratorium for my constituents, I will be voting no in this instance.

So thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh in the negative.

Ms. Bailey to explain her vote.

MS. BAILEY: Thank you, Madam Speaker. I rise to explain my vote and although this legislation is being characterized as a one-year moratorium on data centers, in my mind it -- it goes further than that and really, the devil's in the detail. And when you look in the detail and -- and one of my biggest concerns is it's establishing

renewable energy requirements and thresholds that could potentially shape how these facilities operate in the future. And my concern is that we already see -- have seen what happens when the State sets aggressive energy goals and then fast tracks that implementation. We live it everyday in the 133rd Assembly District with the creation of ORES. And time and time again, local communities have found their voices diminished as we continue to advance its priorities on energy policies.

So before we create mandates tied to data center development, we should be asking what those requirements ultimately mean for our local municipalities; the taxpayers, the land use decisions, the infrastructure. But what also troubles me is the timeline that's established in this bill. The moratorium would last for one year, how in -- however, the information from the reporting would not be available for up to 18 months. So if the purpose is to pause the development until we have the facts, the reshort -- the report should be available before the moratorium expires, not after.

You know, I -- I struggle with this vote personally myself. If it was, you know, when we're looking at a straight moratorium on the data centers, but the devil really is in the detail and affixing those renewable energy, aggressive renewable energy threshold in the language of this bill, I cannot support that --

ACTING SPEAKER HUNTER: Thank you --

MS. BAILEY: Thank you.

ACTING SPEAKER HUNTER: -- Ms. Bailey. How

do you vote?

MS. BAILEY: No.

ACTING SPEAKER HUNTER: Ms. Bailey in the negative.

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: Thank you, Madam Speaker. I rise today with some concern. While I understand that the conversation surrounding data centers, generally and nationally, does create some pause and hesitation, especially in a State like New York. The data center conversation on Long Island, in New York is very different. Where it exists in heavily populated areas with higher energy costs, usually they exist there because they have to. Because of lace -- latency issues, because of many different reasons that -- that the centers would need to be localized with endpoint users.

When it comes to the industry as a whole, I look back to what we've done with the crypto mining space; the jobs we left on the table, the jobs we simply moved across the boarder, the tax dollars we left on the table. And seeing another industry come and go, seeing another opportunity come and go in New York seems like business as usual for this House.

So I'll be voting in the negative and I do support some level of guardrails and -- and continuing the conversation, but I don't think that this bill is the solution.

I'll be voting in the negative.

Thank you.

ACTING SPEAKER HUNTER: Mr. Blumencranz in the negative.

Ms. Shrestha to explain her vote.

MS. SHRESTHA: Thank you, Madam Speaker. Every technology has the potential to do good when it's used properly. But this aggressive push for a generative AI is being led by corporations like Meta, Google and Amazon and it is designed to consolidate corporate power and displace workers. And to do this at the cost of immense energy consumption and disruptions caused by these large data centers needed to provide the computing power.

One project in Utah, for example, is estimated to have the footprint of around 2,000 Walmart stores. So the regulations that we are voting on today are the first necessary steps toward reigning in the intentions of these corporations and to make sure we protect ratepayers and also we give State the time that is needed to decide how we are going to tackle with the dat -- data centers that are coming in.

I will be voting in the affirmative.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Shrestha in the affirmative.

Mr. Keith Brown to explain his vote.

MR. K. BROWN: Thank you, Madam Speaker. I rise to explain my vote. I feel constrained about this bill, but ultimately I feel that this bill risks putting New York at a competitive

disadvantage in one of the fastest growing industries in the world. Artifical intelligence and cloud computing depend on data centers and a one-year moratorium sends a message that New York -- that it -- that this State is closed for business just as other states around the country are competing to attract these investments. Data centers bring billions of dollars in private investment, construction jobs and long-term tax revenue. Instead of creating clear rules and allowing projects to proceed, this bill freezes development for a year. Businesses making site selection decisions often move quickly. If New York pauses projects, companies may choose states such as Texas, Virginia, Ohio and Pennsylvania instead of New York. Once those investments leave, they may never return, leaving New York in the dust. I fear we're gonna turn New York into another Rust Belt state.

Rather than a blanket moratorium, we should require stronger reporting, environmental standards and community protections while allowing projects to continue. A pause creates uncertainty for investors, utilities, local governments and workers. AI and cloud infrastructure becoming as important as roads, railways and power plants and if New York limits data center growth, it could lose opportunities and advance manufacturing research and technology development. The State should lead in the responsible development, not delayed development all together.

We used to be the Empire State at one point in time. A one=year moratorium is the wrong solution. New York should regulate, approve data center development and leave it up to local

municipalities who are better equipped to handle it and not stop its development.

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

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

Mr. Cashman to explain his vote.

MR. CASHMAN: Madam Speaker, to explain my vote. And I'll start off by saying I'm gonna vote in the affirmative. But I want to provide some perspective. For a number of years, I served as an officer for the New York State Association of Towns working with colleagues from the 933 towns around the State. And one of the things that I learned very quickly was problems transcend municipal boundaries, and many of our small businesses and our farmers and our families are concerned about the electric rates. With these data centers, they're going to put strain on the electrification of the State and the prices are going to go up for these individuals. That's the first concern that people have. So that's why we're looking at it with a much wider aperture.

The second thing is the impact on infrastructure. Many municipalities like mine, the Town of Plattsburgh, has a shared regional water supply. We actually provide water to two other municipalities. So when you're looking at the new infrastructure that's needed for these facilities, you have to be looking at it through, again, a much wider aperture. If something is in a moratorium in one municipality, but creates strain across the municipal boundaries, it

creates a new pressure point.

The final component to this and I would agree with my colleagues from the environmental standpoint. We must be looking at how to protect the environment. I myself differ from some of my colleagues. I believe that we do need to have a mixed energy economy. Being in the North Country, I do support the need to emphasize tapping into natural gas where is appropriate. However, however, what we should also be doing is leveraging the best technology of tomorrow with the technologies that are emerging at the same moment. So having some of these goals and objectives with thermal energy is completely a responsible approach to move forward.

With that, I yield my time and I also vote in the affirmative.

Thank you.

ACTING SPEAKER HUNTER: Mr. Cashman in the affirmative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Madam Speaker. The data center one-year moratorium gives us a chance to catch our breath so we can establish the proper guardrails to protect us against the excesses of data centers. I'm particularly excited about the provisions in the bill that will prohibit the increased utility infrastructure costs due to these data centers from being passed along to residential customers so that the additional costs will be paid by those that are building or benefitting from the data centers.

I vote if the affirmative.

ACTING SPEAKER HUNTER: Mr. Jacobson in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Thank you, Madam Speaker. This conversation is reminding me of a hearing I attended with my colleague on energy and I had asked the question to a former PSC commissioner when we see how people always complain about utility cost -- companies raising the rates, but when the PSC approved a $43 billion in future ratepayer increases that pay for green energy mandates I said it's like no one's paying attention. He said to me, *Assemblyman, people are paying attention. You know who's paying attention? The site selectors. The businesses are paying attention.* The businesses are seeing what we're doing with this vote today about putting up a moratorium. This does not send the right message to the business community. We already have one of the worst business climates in the country, we already have the -- one of the least competitiveness ratings in the country, our taxes are high -- some of the highest in the country, our regulations are some of the most costly in the country, our energy costs are 70% higher than the national average.

This -- all of this does not add up to an incentive to want to invest in New York State and my colleague said this is gonna help save ratepayers money, no, it's not. Nothing we've done in this Chamber over the past several years have done anything to save

ratepayers money, it's only cost them more money because of this hostility towards natural gas despite the fact that 60% of our generation -- or 60% of New Yorkers heat their homes with natural gas, 40% of our generation comes from natural gas and we got this march to full electrification which does nothing to ensure reliability, affordability, feasibility, it's just not working. This jeopardizes this.

I just think it sends the wrong message across the board. It's all part of a plan to really dismantle the infrastructure system we have in place. We need to build out our infrastructure, we need dispatchable baseload generation. Natural gas, nuclear is dispatchable baseload generation. This does nothing. They don't want either of them as part of this plan. That's problematic. We can do a better job, there's a lot more we have to do on this.

But for that reason and others, I'm gonna be voting in the negative on this bill.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano in the negative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you.

On the bill.

This legislation is really sourced by the experience in other states who have been taken over by data centers and the impact on residential utility rates in a way that is very damaging. New York State is a pro-technology state. A lot of our economic growth is in the

technology sector, but we need more time to figure out where this kind of activity is gonna fit in our utility rate system, our energy use system, how we're gonna protect not just residential ratepayers, but the impact of data centers is gonna have a negative impact in some areas of the State on energy capacity for other kinds of businesses. We need time to figure it out. This is a wise time to take a pause, but people are gonna come to New York. The technology companies are gonna come to New York.

We also have to say to the data center world and the brilliant people that figure out all this stuff, can you find a less energy intensive way to perform these functions to store and reuse data? Can you do it in a way where you're not polluting our water, warming up our water? Lots of tests -- other states are regretting they didn't ask these questions. We'll ask these questions and then move forward in a united way.

I vote aye.

ACTING SPEAKER HUNTER: Mr. Otis in the affirmative.

Mr. Zaccaro to explain his vote.

MR. ZACCARO: Thank you, Madam Speaker. This bill before us today is one that proposes a one-year moratorium on utility rate increases, and this legislation is particularly crucial for families that I represent in the Bronx and across New York who are facing rising living costses [sic] and by halting utility rates and increasing this for one year we provide essential relief to households

struggling to make ends meet. Many families are already forced to choose between keeping their homes warm or putting food on the table and this moratorium alleviates that burden allowing for constituents to become and breathe a little bit more easier. And this bill also provides and prioritizes vulnerable communities recognizing that low income households and communities of color have been dis -- disproportionately affected by these rising costs and this bill is a step forward towards equity and energy access.

The bill also emphasizes investments in renewable energy and energy efficiency programs ensuring that our transition to clean energy benefits everyone, particularly those who have historically faced environmental injustices. And I want to thank the sponsor and all those who worked together to get us to this moment because together we can continue to support our communities while paving the way for a sustainable energy future.

And with that, Madam Speaker, I proudly vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Zaccaro in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 40, Calendar No. 423, the Clerk will read.

(Pause)

THE CLERK: Assembly No. A10025, Calendar No.

423, Clark, Colton, Shrestha, Santabarbara, Bronson, Levenberg, Griffin, González-Rojas. An act to amend the Social Services Law, in relation to caregiver requirements for certain day care homes.

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

An explanation has been requested.

Ms. Clark.

MS. CLARK: Hi. Thank you, Madam Chair -- or Madam Speaker. This legislation updates Social Service [sic] Law to align the supervision requirements that are currently in child care centers to those in family and family-based childcare providing settings.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

ACTING SPEAKER HUNTER: Will the sponsor --

MS. CLARK: Of course.

ACTING SPEAKER HUNTER: -- yield?

The sponsor yields.

MS. WALSH: Great, thank you. So we debated this bill last year --

MS. CLARK: Yes.

MS. WALSH: -- and the Governor vetoed it.

MS. CLARK: Yes.

MS. WALSH: So I guess my first question is, what was your understanding of the Governor's veto message? What were her concerns?

MS. CLARK: Yeah. So there were some emergency concerns. We've actually had many meetings and many conversations since then with the Governor's team and the Governor's floor because we believe that some of those concerns that were outlined in that veto message are actually addressed, you know, that the -- the -- the bill's not putting anyone in jeopardy because of all the other safety requirements that are put into the regs when caring for children in family-based settings.

MS. WALSH: Okay. Is it -- so based on the meeting -- or the meetings that you had were, you know, like with the Second Floor after the veto to just kind of say what happened?

MS. CLARK: Yeah. It's productive, trying to understand because as we know, not only does this, you know, align our ratios between two different childcare providing settings, but it also would, if done, create thousands of childcare slots immediately because it would lower the ratio level at the -- 18, you know, up to 18 months from 24. And so, it would help alleviate some of our childcare short -- struggles that we're having in terms of availability for spots. So we've, in all of that context and looking at other regs, we've had a lot of conversations. I hope they're productive and you know, I hope we can continue to work with the Governor to make this reality.

MS. WALSH: Yeah. So and we know that certainly creating better and more affordable and more plentiful childcare has -- has been a big issue for the Governor. So I mean, do you think that if the bill passes and arrives at her desk this year, do you expect a veto again, or do you -- have you received any assurances that it won't be vetoed this time? Or --

MS. CLARK: I have no assurances --

(Laugher)

-- I have a lot of hope.

MS. WALSH: Death and taxes, that's the only thing we know about, right? Yeah.

(Laughter)

MS. CLARK: Yes. So I hope we've, you know, done our part to really make sure that the other -- the other regs that are out there by OCFS have really addressed ensuring that every provider does monthly, you know, fire drills, has evacuation plans, change it, you know, based on children, children with disabilities, ratios, whatever it may be, that's already covered in the regs. We're not going to make -- we're not gonna let any provider setting be dangerous or unsafe for kids.

MS. WALSH: Right, yeah. It did -- the way I read it was that the Governor raised -- said the bill raised serious concerns about the ability to safely evacuate from a home-based setting during a fire or other emergency. So in other words -- so big picture, what we're doing here with this bill is we're saying that previously -- well,

under current law, the Social Services Law says that you need a certain caregiver to child ratio and that ratio changes under current law when the child hits two -- two years old?

MS. CLARK: In family-based providers. In center-based providers it's 18 months.

MS. WALSH: Right. That already -- that had already changed for the -- like a daycare that's outside the home --

MS. CLARK: Yep.

MS. WALSH: -- that had already dropped from two years to 18 months. And what you're hoping to do with this bill, if I'm understanding it right, is to align the rules that we already have in place for the out-of-the-home childcare and -- and make it apply also across the board to the home itself, right?

MS. CLARK: Yeah. And we're the only -- there's only one other state that has ratios and age similar to us. Forty-eight other states either have higher ratios at 18 or -- months, or just changed the ratios completely. So we have seen it implemented in family-based providers in 48 other states with what ratios we're looking at done well and safely.

MS. WALSH: I guess one of the questions that it -- it was sort of discussed really in -- in terms of the Governor's veto as well is kind of what are the structural or operational differences between childcare centers and home-based programs. And what I'm hearing you say is there really isn't any based -- because we got regulations across the board that affect both kinds here --

MS. CLARK: The point is both -- all settings have to have evacuation plans --

MS. WALSH: That's right.

MS. CLARK: -- if you can't evacuate children safely, then you can't do this. We're not gonna meet the other regs to be able to have a -- a child -- childcare -- childcare in your home or in a -- in a center-based provider. Whether it's stairs or whatever it may be, those are in center-based as much as they are, you know, in -- in home-based providers.

MS. WALSH: Do -- is there any concern regarding just enforcement and oversight when you change the ratios? Could that potentially place additional pressure on regulatory agencies to monitor compliance and ensure that safety standards are being maintained?

MS. CLARK: It doesn't change it. They are already under thorough -- thoroughly looked at and -- and OCFS is currently regulating that at us -- at a very high level, so it doesn't change that. And we know because they do it already, because they're under this -- this regulatory framework that is very thorough already, we know that they're going to have to meet a -- a basic safety plan if they're going to do this, so...

MS. WALSH: Okay. Fair enough.

And then I was gonna ask you something else and now it's gone out of my head here. I lost it, so there you go. It happens sometimes.

MS. CLARK: It's my lucky day. No, I'm just kidding.

(Laughter)

MS. WALSH: Especially working like the hours we've been working the -- the last few days. But thank you very much for answering my questions.

Madam Speaker, very briefly on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So this is a bill that really last year we all supported it; it was unanimous. So not to -- to belabor the point, but I thought it was worth at least a short conversation to discuss, you know, what the Governor's rationale was for vetoing it last year and I tend to agree with what the sponsor is saying which is that a cross setting, we have sets of regulations that ensure for compliance monitoring, for evacuation plans, for various things that must be observed in order to protect and ensure children's safety which is our primary concern.

There -- there is an argument to be made that when you're talking about an 18-month-old and a 24-month-old, this entire age group are very busy, little people that are running around and can get bumps and can get into different scrapes and potentially dangerous situations. So there -- there's -- there's an argument to be made that by reducing the caregiver to child ratio from the 18 months to the two years, there's a potential that -- that there may be a little bit less supervision for the children. And I would never want us in our desire

to create more childcare slots in any way impact adversely and I'm sure the sponsor would agree with this as well, would never want this to adversely impact child's -- a -- a child's safety because a child's safety is paramount. But I do think that by making this change which we've already made with out-of-the-home childcare centers, by bringing that in parity in -- in the -- to the in-the-home, I think that we could have a beneficial impact of increasing the number of slots of children that could be served in at-home programs, while at the same time not meaningfully impacting a child's safety.

So I will again this year be supporting this bill and I thank the sponsor for answering my questions and we'll see what the Governor decides to do with it this year.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Lunsford.

MS. LUNSFORD: Thank you, Madam Speaker. At this time I would like to advance the A-Calendar and take that up immediately.

ACTING SPEAKER HUNTER: On Ms. Lunsford's motion, the A-Calendar is advanced.

On consent, page 3, Rules Report No. 470, the Clerk will read.

THE CLERK: Assembly No. A01670-B, Rules Report. 470, Rosenthal, Forrest, Cruz, Glick, Seawright, Reyes, Davila, Lucas, Simon, Shimsky, Levenberg, Tapia, Simone, Raga, Burdick, Weprin, Lavine, Kelles, Paulin, Sayegh, Meeks, Hevesi, Otis, Gibbs, Solages, Taylor, González-Rojas, Valdez. An act to amend the Correction Law and the Executive Law, in relation to prohibiting the use of restraints on incarcerated individuals during labor, absent extraordinary circumstances, and on pregnant persons during a custodial interrogation.

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

This bill is laid aside.

THE CLERK: Assembly No. A02535, Rules Report No. 471, Paulin, Colton, Weprin, DiPietro, McDonough, Burdick, Santabarbara, Slater, Simone, Lunsford, Conrad, McMahon, Chludzinski, Fall, Burke, Kay, Gray, Sempolinski, Griffin, Giglio, P. Carroll, Gallahan, Brabenec, Bendett, Rivera, McDonald, Bronson, Clark, Shimsky, Otis, Shrestha, Levenberg, Beephan, Solages, Jackson, Barrett, Dilan, Eachus, Cashman. An act to amend the General Municipal Law, in relation to optional disability coverage for county probation officers.

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. A02631, Rules Report No. 472, Sayegh, Taylor, Lemondes, Durso, Hyndman, Jackson, Slater. An act to amend the Real Property Tax Law, in relation to granting an additional tax exemption for two qualified veterans living in the same household.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03226-A, Rules Report No. 473, González-Rojas, Hevesi, Lee, Rosenthal, Griffin, Woerner, Seawright, Davila, Shimsky, Lavine, Gallagher,

Cunningham, Cruz, McMahon, Jackson, Slater, Raga, Yeger, Simone, Glick, Lunsford, Sayegh, Steck, Taylor, Tapia, Alvarez, Beephan, Kassay, Dinowitz, Burdick, Reyes, Levenberg, Colton, Paulin, Kay, Stirpe, Cook, Pheffer Amato, Weprin, Braunstein, Gandolfo, Simpson, Tannousis, Meeks, Lemondes, Eachus, Durso, Otis, Shrestha, Clark, Barrett, Brabenec, Palmesano, Bendett, Kelles, DeStefano, K. Brown, Tague, Jensen, R. Carroll, Miller, Walsh. An act to amend the Civil Practice Law and Rules, the Penal Law, the Criminal Procedure Law, the Judiciary Law and the Executive Law, in relation to anti-stalking orders.

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

Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. González-Rojas to explain her vote.

MS. GONZÁLEZ-ROJAS: Thank you, Madam Speaker. I rise today in strong support of the Ceasing Repeated and Egregious -- Extremely Egregious Predatory Behavior Act, or CREEP, for short. Too many New Yorkers are living in fear, being stalked, harassed and threatened, often by people they're not related to

and have never had an intimate relationship with. Yet under our current laws, unless someone fits into a narrow category of relationship, the only really option for protection is to call the police or pursue a criminal process. That is unacceptable.

This bill offers something deeply important; a civil pathway to safety. It gives survivors control and access to an Order of Protection without forcing them into a criminal legal system that they may not trust, may not feel safe engaging with, or simply do not want to rely upon. And let us be clear. Stalking today does not only happen in person. It happens online, through cyberstalking, deep fakes, location tracking, harassment across social media, and the spread of intimate images. Our laws must catch -- must catch up to the realities of the digital age. The CREEP Act is thoughtful, balanced, and rooted in due process. It creates a civil remedy, not automatic criminalization, while ensuring protections remain in place for those who need it most.

I want to thank my Senate sponsor, Andrew Gounardes, for his steadfast partnership and leadership in advancing this critical legislation. I want to thank the countless advocates, survivors and organizations. And a special thank you to C.A. Goldberg, whose partnership, expertise and relentless advocacy on behalf of survivors have been instrumental in shaping this bill and pushing for protections that reflect the realities people face today.

Every New Yorker deserves the right to live free from fear and harassment. I will be voting in the affirmative and urge

my colleagues to do the same. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. González-Rojas in the affirmative.

Ms. Bailey to explain her vote.

MS. BAILEY: Thank you, Madam Speaker. I rise today in favor of this piece of legislation, and I thank the sponsor for bringing it forward. Because protecting victims and ensuring timely access to Orders of Protection must remain a priority. At the same time, I'm hopeful that a future chapter amendment can address a small but important -- important technical issue within the bill. As currently written, certain enforcement responsibilities are assigned to the clerk of the court. In Supreme Court proceedings, that role is typically performed by the county clerk, who may not be the individual with the direct information necessary to ensure orders are promptly transmitted or provided to the appropriate parties. A simple change from clerk of the court to court would help eliminate potential confusion and reduce the risks of delaying and getting critical protections in place for victims.

I also have a concern regarding the filing fees. Current statutory requirements generally require fees to be paid through the clerk's office. In 2023, the Legislature recognized a similar concern and created an exemption for another type of Order of Protection petition, and I am hopeful that we could pursue a similar exemption here. While a fee waiver application process does exist, experience has shown that these processes can sometimes be

cumbersome and create unintended barriers. And I would never want to see a victim delay or forego seeking measures necessary for their safety because of paperwork requirements or uncertainty surrounding the filing fees.

For those reasons, I support the legislation while also advocating for these practical improvements to ensure the laws work as intended and provides a stronger possible protection for our victims. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Bailey in the affirmative.

Mr. Tannousis to explain his vote.

MR. TANNOUSIS: Thank you, Madam Speaker. I stand today strongly in favor of this piece of legislation. In my time as an attorney and prosecutor, I saw many instances where there were patterns of harassment and/or stalking. For one reason or another, a criminal Order of Protection could not be received, perhaps because maybe there was an issue with a criminal case, and also there was no actual relationship between the parties, which means they wouldn't be able to go to family court.

So this is a very important piece of legislation. I think it will solve many issues for victims across the State, and I am proud to be here today voting in favor of this. Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Tannousis in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. So just so that we have a full record to consider here, I wanted to just at least express -- you know, we've opted not to debate this bill today, but I think in fairness we should talk about some concerns that have been raised by some individuals within the court system that are worried about some of the unintended consequences of the bill, and that would be primarily a very lengthy memo that was submitted in opposition. One of the things it points out is that the legislation could allow those already seeking Orders of Protection in criminal courts to initiate parallel proceedings in civil Supreme Court, which could create duplicate proceedings and unnecessarily burden the courts. I don't know if that's something that could be corrected through a chapter amendment of some kind, but I personally did not see it as enough of a reason to oppose or fully debate the bill. I'm happy to support it. I do think that when behavior -- when stalking behavior doesn't quite rise to the level yet of harassment and it certainly hasn't reached the level of assault, but it's nonetheless something that needs to be addressed, I'm glad that this will be available to victims of this very creepy behavior.

So I hope that any -- any imperfections can be corrected in -- in a chapter, but I will be supporting it today. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh in the affirmative.

Mr. Keith Brown to explain his vote.

MR. K. BROWN: Thank you, Madam Speaker. I just wanted to rise to speak briefly about it and thank the sponsor for this bill. You know, this is a public safety measure because we have a mental health crisis in our State. And there was a terrible case on Long Island that was just publicized in *Newsday* where a woman very simply posted something on marketplace, and she had been stalked tremendously by an individual that needed help, and -- and he needed to get psychiatric help. And then there's myself, who -- I inherited someone who had a mental illness problem from my predecessor in the Assembly, and I have had a very difficult time with the current system, trying to get -- even though we got an Order of Protection, it didn't stick. And -- and I have spoken to our local police department ad nauseam, and also the local court system about doing something to make sure that this person doesn't create a -- a threat to myself, my family, my staff or herself. And -- and I wish her nothing but the best of luck to get the help that she needs. But this bill, quite frankly, is spot on because it will help this individual get the psychiatric treatment that that person needs.

So thank you very much to the sponsor, and thank you, Senator, for sponsoring this in the Senate. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Brown in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03518-A, Rules Report No. 474, Bichotte Hermelyn, Simon, Zinerman, Seawright, Jackson, Colton, Walker, González-Rojas, Hyndman, Santabarbara. An act to amend the Executive Law, in relation to requiring contracting agencies to contact minority- and women-owned business enterprises when such enterprise is listed on a utilization plan and when a contract is awarded.

ACTING SPEAKER HUNTER: On a motion by Ms. Bichotte Hermelyn, 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. A04134-A, Rules Report No. 475, Stirpe. An act to amend the Executive Law, in relation to extending the time for a business enterprise to cure defects in an application for certification and curing defects where a certification was denied, revoked or changed.

ACTING SPEAKER HUNTER: On a motion by Mr.

Stirpe, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. I'll be supporting this bill. I think that it will help. What this bill does is it will offer up to a 60-day grace period, rather than the current 30, for MWBE applicants, those seeking certification, to cure any defects that are in their certification application. So I -- I mean, I think that I've heard anecdotally of applicants who don't even really receive a notice that they've been denied or that they have problems with their application until that 30-day period has basically elapsed. So I think an -- an additional time will be beneficial. I think that the MWBE system overall needs a lot of work, but because we have to vote on these things one bill at a time, I think that this -- this is a helpful thing. So I thank the sponsor and I vote yes.

ACTING SPEAKER HUNTER: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04619-B, Rules Report No. 476, Solages, Zaccaro, Taylor, Lupardo, Hevesi, Shimsky, Levenberg, Steck, Burdick, Stirpe, Dinowitz, Rivera, Williams, Benedetto, Dilan, Cruz, Magnarelli, Davila, Lavine, Meeks, Reyes, Bronson, Kay, Buttenschon, Burroughs, Bendett. An act to amend the Tax Law, in relation to the taxation of vapor products.

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. Jensen to explain his vote.

MR. JENSEN: Thank you, Madam Speaker, to explain my vote. I rise in support of this legislation. I believe it's a very important piece of legislation to streamline the way New York regulates vapor products and vaping purchases in stores by moving taxing authority from the Department of Health to the Department of Tax and Finance. We can ensure that New York State is effectively managing the excise tax on these products, as well as ensuring that New York can better regulate how these products are being sold, and that products being sold on the illicit marketplace and those importing illegal vapes into our State can be more tightly prosecuted. Additionally, by having a system that mimics the method that's used in Connecticut, we can ensure that while New York's tax collection on

vape products has decreased by 35 percent, we can keep the tax revenue steady to ensure that the revenue from these taxes can go to support measures that help to increase public health outcomes.

With that, I'll be voting in the affirmative. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Jensen in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05000, Rules Report No. 477, Bronson, Simon, McMahon, Raga, Griffin, Colton, Rosenthal, Levenberg, Ramos. An act to amend the Labor Law, in relation to liquidated damages for Labor Law violations.

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

This bill is laid aside.

THE CLERK: Assembly No. A05119-B, Rules Report No. 478, Anderson. An act to amend the General Business Law and the State Finance Law, in relation to solid waste removal invoices and directing penalties and fines related to such invoices to be deposited into the Environmental Protection Fund.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A05443-B, Rules Report No. 479, Chandler-Waterman, Meeks, Lucas, Forrest, Burroughs, Simone, Shimsky, Glick, Anderson, Simon, Griffin, Eachus, Cruz, Hevesi, Dais, Taylor, Cunningham, Shrestha. An act to amend the Executive Law, in relation to reports and awards by the Office of Victim Services.

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

Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Chandler-Waterman to explain her vote.

MS. CHANDLER-WATERMAN: Thank you, Madam Speaker. Today as we kick off June as Gun Violence Awareness Month, I am happy that we are finally prioritizing survivors by expanding the Office of Victim Services. No matter why someone's life has been lost or the victim of a crime, their family, their children, their loved ones should not have to suffer by being rejected for victim services because they have been seen to contribute to their death. This bill will remove contratorial [sic] language where the loved ones, the families are supported and not being retraumatized by

being rejected. And if they need to do crowd funding, GoFundMe, they still would be able to get victim services.

This is a step. This is historical. This is a big deal as our survivors came yesterday for a kick-off for a press conference. They told a story from Buffalo, from the Tops shooting, that didn't get any services. They talked about from Downstate to Upstate. This is a way to really prioritize survivors and say, *You matter. Your voice matters. I'm sorry that this has happened to you*. And as we -- a real way to celebrate the Gun Violence Awareness Month is to make sure we prioritize our survivors, and this bill right here will do that.

So I appreciate our colleagues today to be able to be in support of this. Thank you so much. I appreciate you. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Ms. Chandler-Waterman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05577-B, Rules Report No. 480, Miller. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the County of Herkimer; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Read the last section.

Oops. 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. A05655, Rules Report No. 481, Barrett, Woerner, Santabarbara, Eachus. An act to amend the Private Housing Finance Law, in relation to the Mobile and Manufactured Home Replacement program.

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. A05881-B, Rules Report No. 482, Zinerman, Shimsky, Hyndman. An act to amend the

Real Property Law, in relation to designating the 56th Assembly District encompassing Community Board 3 and Community Board 8 a cease and desist zone and establishing an affirmative defense to violations of non-solicitation orders and cease and desist zones.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(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. A05882-C, Rules Report No. 483, McDonald, Woerner, Bologna, Dais, Griffin, Hevesi, Stirpe, Lee, Kay, Brabenec, Buttenschon, Shimsky, Glick, McMahon, Manktelow, Angelino, K. Brown, Blankenbush, Romero, Otis, Paulin, Dinowitz, Solages, Sayegh, Gallahan, Simone, Alvarez, Rajkumar, Reyes, Burdick, Lasher, Lupardo, Barrett, Ra, Rosenthal, Simon, McDonough, Benedetto, Zaccaro, DeStefano, Blumencranz, Miller, Sempolinski, Chludzinski, Palmesano, Lemondes, Beephan, Maher, Lavine, Weprin, Pheffer Amato, Simpson, Hunter, Fitzpatrick, Burroughs, Novakhov, Slater, Stern, Steck, Bailey, De Los Santos, Clark, Shrestha, Wieder, Magnarelli, Seawright, Conrad, Jacobson,

Eachus, Gray, Cruz, Williams, Schiavoni, Bendett, Jensen, Lunsford, Kelles, Bronson, Tapia, Davila, Meeks, González-Rojas, Bores, Rivera, Mikulin, Santabarbara, Kassay, Hyndman, Gallagher, Rozic, Braunstein, Burke, P. Carroll, Lucas, Peoples-Stokes, Yeger, Taylor, Forrest, Anderson, Bichotte Hermelyn, R. Carroll, Cashman, Chandler-Waterman, Colton, Cook, Cunningham, Dilan, Fall, Gibbs, Giglio, Hawley, Hooks, Jackson, Kim, Morinello, O'Pharrow, Ramos, Septimo, Walker, Wright, Zinerman. An act to amend the Public Health Law and the Insurance Law, in relation to payments by pharmacy benefit managers to participating pharmacies.

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

This bill is laid aside.

THE CLERK: Assembly No. A06732, Rules Report No. 484, Gibbs, Glick. An act to amend the Correction Law, in relation to creating an identification card program for incarcerated individuals in local correctional facilities; and to amend the Vehicle and Traffic Law, in relation to issuance of and waiver of fees for identification cards issued pursuant to identification card programs under the Correction Law.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A06949-B, Rules Report No. 485, Kassay, Rosenthal, Bores, P. Carroll, Conrad, Rozic,

Valdez, González-Rojas, Romero, Stirpe, Shrestha, Schiavoni, Kay, Levenberg, Shimsky, Lunsford, McMahon, Bronson, Kelles, Otis, Fall, Gallagher, Tapia, K. Brown, Stern, Steck, Glick, Lavine. An act to amend the Environmental Conservation Law and the State Finance Law, in relation to food service item waste reduction.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A07353-B, Rules Report No. 486, R. Carroll, Rosenthal, Magnarelli. An act to amend the Education Law, in relation to protecting the independence of libraries and shielding librarians from civil and criminal liability for certain actions.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A07603-B, Rules Report No. 487, Hevesi, Simone, Simon, Buttenschon, Steck, Santabarbara, Lunsford, Bronson, Manktelow, Jensen, Bailey, Eachus, Berger, Magnarelli, Lemondes, O'Pharrow, Burdick, Meeks, Kelles, McDonald, McMahon. An act to amend the Social Services Law, in relation to providing additional support to children with complex needs under the jurisdiction of the State.

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.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker, to explain my vote. So, this bill is interesting to me. It amends the Social Services Law by expanding the powers and duties of the Council on Children and Families, with respect to children with complex behavioral health and service needs. Basically, the Council -- my understanding is that the Council on Children and Families, up 'til now, has been -- had, like, a -- largely an advisory role. And what this bill is gonna do is it's going to be tasking the Council on Children and Families with a whole lot of additional responsibilities. It's establishing it to, I don't know, like, it's gonna have them reporting things, it's significantly expanding their role. It's -- they're gonna have direct operational authority over service determinations and interagency dispute resolution. It imposes mandatory timelines. It goes on and on. I mean, I -- I hope that they're gonna be okay with this. I'm sure that they are. If the -- if the sponsor has brought the bill forward, I'm sure he's discussed it with them. It's a big change, though, and I really hope it works out. I do think that there is -- this is an important role for somebody to have.

So I -- I look forward to seeing what they're gonna be able to do, and I'm very happy to support it today. Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07833-A, Rules Report No. 488, Levenberg, Burdick, Slater, Santabarbara, Colton, Steck, Kay, De Los Santos, Bendett, Reyes, Berger, Hevesi, Lasher. An act to amend the Social Services Law, in relation to providing panic buttons to certain employees of city and county social services districts.

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.)

Ms. Walsh to explain her vote.

MS. WALSH: You all are gonna be so sick of hearing from me, but I really have to speak on this bill as well. I'm -- I was delighted to see it. You all know, because I probably talk too much about it, but I -- I've worked before with CPS. And CPS caseworkers have to go into people's homes at all times of the night, at all times of the day. These are -- these are homes where they're not

super happy to see CPS knocking at their door. It could be very, very unsafe. There are also public health nurses and other individuals that are working where they have to come into direct contact into people's homes, and it can be a very unsafe situation. And because of staffing shortages, it used to be that you could pair up and go two to a home and back each other up, but they -- you can't do that a lot of times anymore because of staffing. So you've got individuals going out. I mean, so the idea that -- I know it's gonna be a cost, and I really hope that maybe the State could help out with the cost in the future for local governments, but I -- I just had to vote in -- in the affirmative because I just think that this is important to help protect safety for the individuals that are doing this really difficult and sometimes very dangerous work.

So I'm very happy to vote in the affirmative and I thank the sponsor.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh in the affirmative.

Ms. Levenberg to explain her vote.

MS. LEVENBERG: Thank you, Madam Speaker. I rise to my explain my aye vote. And I thank my colleague for pointing out what some of the reasons are for why it is so important to pass this bill. This bill actually came out of the death of one of my constituents who was a social worker and went to -- knocked on the wrong door, and as a result she lost her life. Maria Coto. She was an amazing person. And this really evolved out of conversations with

labor about what we could do to support those -- those workers who do have to go out in the middle of the night and knock on doors without -- without protection.

This is not actually a very expensive piece of equipment. It's one that can be shared when people need to go door to door. And that's why it doesn't actually carry a fiscal impact because we do not believe it has much of -- of an expense at all.

So again, I thank my colleagues for supporting this, and we hope that it will help eliminate any future danger for those who go -- who do have to go out into the night. And I thank all those who helped -- helped this -- get this over the finish line. I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Levenberg in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07890-A, Rules Report No. 489, Friend. An act to amend Chapter 412 of the Laws of 1990 relating to authorizing the Commissioner of Environmental Conservation to lease a portion of State land to public television station WSKG, in relation to leasing such land, tower and associated utility lines to the Tioga County Emergency Services, the Newark Valley Central School District, the Berkshire Fire Department and the Town of Berkshire Highway Department.

ACTING SPEAKER HUNTER: On a motion by Mr. Friend, 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. A08216-A, Rules Report No. 490, Wright. An act to amend the Elder Law, in relation to establishing the Senior Center Council; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER HUNTER: On a motion by Mr. Wright, 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. A08294, Rules Report No. 491, Septimo. An act to amend the Executive Law, in relation to reciprocal minority- and women-owned business enterprise certification.

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

Read the last section.

THE CLERK: This act shall take effect on 270th 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. A08322-A, Rules Report No. 492, Pheffer Amato, O'Pharrow, Rozic, Dilan, Stern, Griffin. An act to amend the Retirement and Social Security Law, in relation to determination of salary base for members of the New York City Police Pension Fund.

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. A08334-B, Rules Report No. 493, DeStefano. An act in relation to authorizing the assessor of the Town of Brookhaven, County of Suffolk, to file [sic] an application for a real property exemption from Ministerios Sion, Inc.

ACTING SPEAKER HUNTER: On a motion by Mr. DeStefano, 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. A08434, Rules Report

No. 494, Kelles, Kay, Santabarbara, Simon. An act to amend the Mental Hygiene Law, in relation to establishing the Rural Suicide Prevention Council; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Thank you, Madam Speaker and my colleagues. I just wanna say thank you to a couple I know very well, Joe and Elisa Tobia of Corning, New York. Tragically, the Tobias lost their son Matt to suicide. They shared their story of how he asked for help, couldn't receive it. Really, how our State failed him. But they took that tragedy and wanted to help other families so they didn't have to experience the same thing. They brought this bill to our attention a few years ago. It got passed, the Governor vetoed it. They continued their push. Last year Joe came up and testified before the Mental Health Budget Committee, shared passionately, convincingly about why we need to make change.

This bill will -- this Council will create a comprehensive plan to make the changes necessary, because we know the rate of suicide in our rural counties is much higher than it is in our metropolitan area. This Council will work to address those barriers, those obstacles to access care. It will work to identify best practices, solutions and resources to help families who are asking for help, just like their son Matt asked for help. Hopefully with this Council -- hopefully this year the Governor will sign it and we could have this collaborative approach to help those families across our State, and particularly in our rural areas, which, again, we know have a higher rate.

So I again want to just say thank you so much to the Tobia family for taking your tragedy and trying to make things better for other families. So, thank you, Madam Speaker. I vote in the affirmative.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano in the affirmative.

Mr. Sempolinski to explain his vote.

MR. SEMPOLINSKI: Thank you, Madam Speaker. I also want to associate myself with Mr. Palmesano's remarks. I've known the Tobias for a long time. This is something that, you know, the entire Steuben County Delegation's very positive on and passionate about. I want to thank Ms. Kelles for carrying the bill, Chairwoman Simon for moving the bill. Mr. Blankenbush originally carried a version of this, and former member Gunther carried it and

got it passed in the Assembly when she was Chair of Mental Health. So this is an example of, at least on the legislative side, great bipartisanship, people working together to move a bill forward. It's passed through the Senate I believe four times; this will be the second time in the Assembly. And I very strongly urge the Governor to not veto this bill again, to sign this bill. And again, my heart goes out to the Tobia family.

ACTING SPEAKER HUNTER: Mr. Sempolinski in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08484-A, Rules Report No. 495, Stern, Schiavoni, Griffin. An act to amend the Veterans' Services Law, in relation to establishing a Hazardous Substance Exposure Registry.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 90th 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. A08569, Rules Report No. 496, Braunstein. An act to repeal subdivision 6 of Section 51 of the Public Authorities Law, relating to voting by members of the New York State Authorities Control Board.

ACTING SPEAKER HUNTER: On a motion by Mr. Braunstein, 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. A09007-A, Rules Report No. 497, Morinello. An act in relation to authorizing the Town of Niagara to alienate and discontinue the use of certain parklands and to convey such parklands to David Gaines.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morinello to explain his vote.

MR. MORINELLO: Thank you. Would the Chair grant me a moment of personal privilege, please?

ACTING SPEAKER HUNTER: To explain your vote, sir?

MR. MORINELLO: No, to say goodbye to everybody.

ACTING SPEAKER HUNTER: I think you'll have an opportunity to do that tomorrow, sir.

MR. MORINELLO: Okay. Thank you. I won't be here tomorrow, but thank you.

So I want to explain my vote. Thank you, everybody.

ACTING SPEAKER HUNTER: Thank you, Mr. Morinello.

(Applause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09537-B, Rules Report No. 498, Simone, Paulin, Schiavoni, Steck, Shimsky, R. Carroll, González-Rojas, Dinowitz, Lee, Wright, Simon, Seawright, Raga, Kassay, Bronson, Bores, Levenberg, Lunsford, Reyes, Otis,

Jackson, Shrestha, Forrest, Hevesi, McMahon, Clark, Burdick. An act to amend the Education Law, in relation to enacting the "Freedom to Read Act."

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

Read the last section.

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

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gandolfo to explain his vote.

MR. GANDOLFO: Thank you, Madam Speaker. This is a new version of the bill that we voted on last year that was subsequently vetoed by the Governor. This bill does address some of the concerns that were raised in debate, more specifically the involvement of the local school board that is elected by the people of those school districts, which is a step in the right direction. However, some of the language contained in the bill I feel is too broad. It does prescribe very particular and narrow guidelines on the process that the school board can implement in their own district, and at the end of the day, any appeal of the decision of the school board gets kicked up to Albany to the Commissioner, which I feel does not adequately protect local control and the local voice of parents and school districts.

So I'm encouraged that this did move in a little bit of a better direction. I don't think it's quite there yet, and for that reason I will be voting in the negative. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Gandolfo in the negative.

Ms. Glick to explain her vote.

MS. GLICK: Briefly to explain my vote. I want to thank the sponsor for making every effort to accommodate even some, I would say, unreasonable requests. There have been organized efforts to remove language -- literature from libraries, school libraries. And people can take a look at what their kids are reading and say, *I'd rather you didn't*. But denying other people's children the right to read everything that should be available to them -- and the list of banned books is pretty shocking in this country. And that doesn't lead down a good path, as we -- if anybody still knows history, that is not a good thing. Information that is in books should not be restricted.

So I withdraw my request and vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Glick in the affirmative.

Mr. Durso to explain his vote.

MR. DURSO: Thank you, Madam Speaker, to explain my vote. Again, as my colleague said, this is a bill that we debated pretty heavily last year, and I do appreciate the sponsor making some amendments to quell some of our concerns. But I still do have concerns in regards to the school board and anybody can

appeal their decision, which as my colleague said, would automatically get kicked up to Albany with the Department of Education Chair [sic], I believe, making the final decision. Once again, keeping that control with the local school boards who know their district the best is what we asked for, didn't get.

So until that happens I'll be in the negative. Thank you.

ACTING SPEAKER HUNTER: Mr. Durso in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10024, Rules Report No. 499, Romero, Hevesi, Raga, McDonald, Kelles, Stirpe. An act to amend the Criminal Procedure Law, in relation to certain guilty pleas.

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

This bill is laid aside.

THE CLERK: Assembly No. A10066-A, Rules Report No. 500, Magnarelli, Shimsky, Santabarbara, Colton, McDonald, Lupardo. An act in relation to establishing a comprehensive study examining highway safety standards and necessary worker protection improvements.

ACTING SPEAKER HUNTER: On a motion by Mr.

Magnarelli, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER ROMERO: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would you please withdraw the roll call?

ACTING SPEAKER ROMERO: The Clerk will withdraw the roll.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10143, Rules Report No. 501, Davila, Molitor Maher, Taylor, Simpson, Lupardo, Peoples-Stokes, Dilan, Walsh, Reyes, Tapia, Cruz. An act establishing a fiscal cliff task force to conduct a study on fiscal cliffs in the State's public

assistance programs and to make recommendations related thereto; and providing for the repeal of such provision upon expiration thereof.

ACTING SPEAKER ROMERO: On a motion by Ms. Davila, 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 ROMERO: 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. A10171-A, Rules Report No. 502, Durso. An act to amend the Highway Law and Chapter 398 of the Laws of 2025 amending the Highway Law relating to dedicating a portion of the State highway system to "Port Authority Detective Thomas Inman", in relation to changing the dedication of the bridge dedicated to Detective Thomas M. Inman.

ACTING SPEAKER ROMERO: On a motion by Mr. Durso, 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 ROMERO: 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 has passed.

THE CLERK: Assembly No. A10194-A, Rules Report No. 503, Peoples-Stokes, Zinerman, Lupardo, McMahon, Slater, Simon, Angelino, R. Carroll, Bronson, Rivera, Conrad, Lunsford, Clark, Meeks. An act to amend the Highway Law, in relation to adding the Harriet Tubman Underground Railroad Scenic Byway into the State Scenic Byways System.

ACTING SPEAKER ROMERO: Read the last section.

(Pause)

On a motion by Ms. Peoples-Stokes, 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 ROMERO: 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. A10299-B, Rules

Report No. 504, Tapia, Buttenschon, Schiavoni, Shimsky, Sayegh, Simone, Rosenthal, Levenberg, Dinowitz, Hevesi, Lupardo, Griffin, Rajkumar, Brabenec, McDonough, Smullen, Slater, Lemondes, DeStefano, Brook-Krasny, Palmesano, Seawright, Reyes, Maher, Kassay, Lunsford, Sempolinski, Santabarbara, Weprin, Giglio, Glick, Hyndman, Walsh, K. Brown, Simon, McDonald, Bailey, Cashman. An act to amend the Tax Law and the Public Health Law, in relation to allowing individuals to register in the "Donate Life Registry" through personal income tax filings.

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

Read the last section.

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

ACTING SPEAKER ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Thank you, Madam Speaker. Right now in New York we have 8,000 New Yorkers waiting for an organ transplant. Nearly 800 have been waiting for more than five years. The registration rate nationally is 64 percent, New York is at 52 percent. Sadly, last year we lost nearly 300 men, women and children waiting for a lifesaving organ transplant. We have the

third-highest need for organs, but one of the worst donation registries in the country. But probably the most important statistic we should all remember, one person who donates at the time of their death can save up to eight lives and impact the lives of 75 others. I've often said we can and must do better. My colleagues, this legislation sponsored by our colleague Ms. Tapia is doing much, much better. Thank you, Ms. Tapia, for sponsoring this legislation. In my opinion this is a game-changer. I've often said, the more we ask New Yorkers, remove barriers, remove obstacles, get that question in front of them, *Do you want to be an organ donor*, they are gonna say yes. So we got to continue to do that. Let's continue to do more, let's continue to do better, and let's get this passed and let's get this over the finish line, and let's have -- I know this last year this bill was vetoed. I know some changes have been made to make it better. Hopefully the Governor will sign this legislation this year. And when she does that, we are gonna save many, many more lives in New York State with this legislation because we're gonna get this question in front of millions of New Yorkers, and that's a good thing.

So I'm proud to support this legislation, I'm proud to cosponsor this legislation, and thank the sponsor again for your leadership on this.

Thank you, Madam Speaker. I vote yes.

ACTING SPEAKER ROMERO: Mr. Palmesano, how do you vote?

MR. PALMESANO: Yes.

ACTING SPEAKER ROMERO: Okay. In the affirmative, Mr. Palmesano.

Mr. Smullen.

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

This legislation is absolutely critical to the Donate Life program in New York State. We can do so much better. We can encourage so many more people to give the gift of life to ensure that lifesaving organ donation transplants make it through the system. New York has fallen behind our fellow states around this country, and it's time now for State government to do its share to make sure that people are given the opportunity to freely donate when they -- when their lives end unexpectedly, and to make sure that those who are waiting organ donation transplants get the organ that will save their lives.

This is very personal for me. I urge all of my colleagues to vote for this important legislation. I urge the Governor to sign it and get it done so people can do so on their income tax filings. As a cosponsor of this bill, I proudly vote yes. Thank you.

ACTING SPEAKER ROMERO: Mr. Smullen in the affirmative.

Ms. Tapia.

MS. TAPIA: Thank you, Madam Speaker. I rise in support of the Doorways to Donation Act, legislation that would allow New Yorkers to register as organ donors directly through their

personal income tax filings.

Every year, thousands of New Yorkers are waiting for a lifesaving organ transplant. New York has already created multiple pathways to register as a donor through driver's license transactions, voter registration, health exchange enrollment, and financial aid applications. This bill adds one more doorway; tax filing season, when millions of New Yorkers are already engaging with the State. This bill has the potential to expand the Registry -- the Registry by thousands in the coming years. Michigan, Wisconsin and California have already done this successfully. It is time for New York to follow.

I want to thank all my colleagues for their support, for being there for this. Because, I mean, this is personal to me, too. And I urge -- and I urge my colleagues to support it. Thank you, Madam Speaker.

ACTING SPEAKER ROMERO: Ms. Tapia in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10303, Rules Report No. 505, Shrestha. An act in relation to authorizing Janay M. Gasparini 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 Town of New Paltz.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROMERO: 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. A10379-C, Rules Report No. 506, Bores, Shimsky, Lee, McMahon, Stirpe, Conrad, Hevesi, Lunsford, Burdick, Burroughs, Wright, Tapia, Simon, Kay, Clark, Steck, Norber, Lasher, Shrestha, Eichenstein, Levenberg, Davila, Simone, K. Brown, Smith, Jacobson. An act to amend the General Business Law, in relation to prohibiting artificial intelligence companions from using features which are considered unsafe for minors.

ACTING SPEAKER ROMERO: On a motion by Mr. Bores, the Senate bill is before the House. The Senate bill is advanced, and the bill has been laid aside.

THE CLERK: Assembly No. A10398, Rules Report No. 507, Kay. An act to amend the Retirement and Social Security Law, in relation to providing certain death benefits to deputy sheriffs

employed by Orange County.

ACTING SPEAKER ROMERO: On a motion by Ms. Kay, the Senate bill is before the House. The Senate bill is advanced. There's a Home Rule Message at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROMERO: The Clerk -- 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 has passed.

THE CLERK: Assembly No. A10422, Rules Report No. 508, Braunstein. Hevesi, Otis. An act to amend the Public Service Law, in relation to certain sanctions and civil penalties.

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

Read the last section.

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

ACTING SPEAKER ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

This bill has passed.

THE CLERK: Assembly No. A10733-A, Rules Report No. 509, Rivera. An act authorizing the Commissioner of General Services to transfer and convey certain State land to the Richardson Center Corporation.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROMERO: 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 has passed.

THE CLERK: Assembly No. A10753-A, Rules Report No. 510, Paulin. An act to amend the Education Law, in relation to licensing requirements for prospective dentists.

ACTING SPEAKER ROMERO: On a motion by Ms. Paulin, the Senate bill is before the House and the Senate bill is advanced.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has passed.

THE CLERK: Assembly No. A10823-A, Rules Report No. 511, Solages. An act to amend the Education Law, in relation to the supervision of athletic trainers.

ACTING SPEAKER ROMERO: On a motion by Ms. Solages, 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 ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has passed.

THE CLERK: Assembly No. A10867-A, Rules Report No. 512, Levenberg. An act to amend the Village Law and the Public Officers Law, in relation to qualifications to hold the positions of village treasurer, deputy village treasurer, village clerk, deputy clerk and building inspector in the Village of Briarcliff Manor.

ACTING SPEAKER ROMERO: On a motion by

Ms. Levenberg, the Senate bill is before the House and the Senate bill is advanced.

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.)

Are there any other votes? Announce the results.

This bill has passed.

THE CLERK: Assembly No. A10921-A, Rules Report No. 513, Stern. An act to amend the General Municipal Law, in relation to exempting disabled veterans from certain fees relating to physical modifications of a residence to accommodate a disability.

ACTING SPEAKER ROMERO: Read the last section.

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

ACTING SPEAKER ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has passed.

THE CLERK: Assembly No. A10941, Rules Report No. 514, Maher. An act in relation to authorizing John Raftery 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 Town of Shawangunk.

ACTING SPEAKER ROMERO: The Home Rule [sic] is at the desk.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

THE CLERK: Assembly No. A11024, Rules Report No. 515, Simon, McDonald, Kelles. An act to amend the Mental Hygiene Law, in relation to a Statewide competency restoration workgroup; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER ROMERO: On a motion by Ms. Simon, the Senate bill is before the House and the Senate bill is advanced.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has now passed.

THE CLERK: Assembly No. A11056-A, Rules Report No. 516, Angelino. An act in relation to authorizing the Village of New Berlin to alienate and discontinue the use of certain parklands.

ACTING SPEAKER ROMERO: On a motion by Mr. Angelino, the Senate bill is before the House. The Senate bill is advanced, and there's a Home Rule Message at the desk.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has now passed.

THE CLERK: Assembly No. A11076-A, Rules Report No. 517, O'Pharrow, Durso, Rozic. An act to amend the Highway Law, in relation to dedicating a portion of the State bridge system to Detective Stephen J. Mullen.

ACTING SPEAKER ROMERO: On a motion by Mr. O'Pharrow, the Senate bill is before the House and the Senate bill

is advanced.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill is now passed.

THE CLERK: Assembly No. A11077-A, Rules Report No. 518, Burroughs. An act to amend the Highway Law, in relation to dedicating a portion of the State highway system in the Hamlet of Uniondale to Jomani Wright.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has passed.

THE CLERK: Assembly No. A11128, Rules Report No. 519, Eachus. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to adjudications and owner

liability for a violation of traffic-control signal indications in the Town of Palm Tree; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill is passed.

THE CLERK: Assembly No. A11131, Rules Report No. 520, Eachus. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the Town of Woodbury; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER ROMERO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has passed.

THE CLERK: Assembly No. A11247-A, Rules Report No. 521, Santabarbara. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a school speed zone camera demonstration program in the City of Amsterdam; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ROMERO: On a motion by Mr. Santabarbara, the Senate bill is before the House and the Senate bill is advanced. There's also a Home Rule Message at the desk.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill has passed.

THE CLERK: Assembly No. A11284, Rules Report No. 522, Committee on Rules (Berger). An act to amend the General Business Law, in relation to e-scooter mobile app disclosures.

ACTING SPEAKER ROMERO: On a motion by Mr. Berger, the Senate bill is before the House and the Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER ROMERO: 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. A11337, Rules Report No. 523, Committee on Rules (Kelles). An act authorizing the County of Cortland to transfer ownership of Linear Park to Lime Hollow Nature Center, Inc.

ACTING SPEAKER ROMERO: On a motion by Ms. Kelles, the Senate bill is before the House and the Senate bill is advanced. There's also a Home Rule Message at the desk.

Please 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11357-A, Rules Report No. 524, Committee on Rules (Romero, McDonald). An act to authorize the South End Children's Cafe to file an application for a retroactive real property tax exemption with the City of Albany assessor.

ACTING SPEAKER ROMERO: On a motion by Ms. Romero, the Senate bill is before the House and the Senate bill is advanced.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11453, Rules Report No. 525, Committee on Rules (Lunsford, Jensen). An act to amend the Tax Law, in relation to taxpayers, and combined groups including members engaged in providing professional employer organization

services.

ACTING SPEAKER ROMERO: On a motion by Ms. Lunsford, the Senate bill is before the -- the Senate bill is before the House and the Senate bill is advanced.

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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

This bill is passed.

THE CLERK: Assembly No. A11479, Rules Report No. 528, Committee on Rules (Pretlow, Sayegh). An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a school speed zone camera demonstration program in the City of Yonkers; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ROMERO: On a motion by Mr. Pretlow, the Senate bill is before the house and the Senate bill is advanced. There's a Home Rule Message at the desk.

Please read the last section.

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

ACTING SPEAKER ROMERO: The Clerk will

record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11533, Rules Report No. 527, Committee on Rules (Shimsky). An act authorizing the Town of Greenburgh, County of Westchester, to alienate and discontinue the use of certain parkland.

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

Read the last --

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 will record the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11552, Rules Report

No. 528, Committee on Rules (Stern, Fitzpatrick, DeStefano, Giglio, Kassay, K. Brown, Gandolfo, Durso, Ramos, Smith, O'Pharrow, Schiavoni). An act to amend the Tax Law, in relation to increasing the providing for the distribution of the revenue from extending the authorization for the hotel and motel taxes in Suffolk 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11569, Rules Report No. 529, Committee on Rules (De Los Santos). An act to amend the Social Services Law, in relation to authorizing the Commissioner of Health to establish nursing facility transition and diversion Medicaid waiting lists per designated waiver region.

ACTING SPEAKER HUNTER: On a motion by Mr. De Los Santos, 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 for the purpose of an introduction.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for allowing me the opportunity to interrupt our proceedings for the purposes of introducing a guest of mine from the great City of Buffalo. She is a former staffer here with me in Albany, and she is right now the Majority Leader of the City Council in the great City of Buffalo and her name is Leah Halton-Pope.

So would you please welcome my Council member to the Chambers and offer her the cordialities of the House?

ACTING SPEAKER HUNTER: Of course. On behalf of Mrs. Peoples-Stokes, the Speaker and all members, we welcome our very distinguished guest to the Assembly Chamber, the Honorable Ms. Leah Pope, the Majority Leader of the Buffalo City Council, to our Assembly Chamber, extending to you, ma'am, the privileges of the floor. We hope you enjoy our proceedings today. We thank you for joining us today and in the future. Thank you so very much for seeing you here today.

(Applause)

MRS. PEOPLES-STOKES: Madam Speaker, if we could now turn our attention to page 12, Rules Report No. 440. This one is by Mr. Rivera.

ACTING SPEAKER HUNTER: Thank you.

We are going to be on debate, colleagues.

On the main Calendar, page 12, Rules Report No. 440, the Clerk will read.

THE CLERK: Assembly No. A11550, Rules Report No. 440, Committee on Rules (Rivera, Peoples-Stokes, Hooks). An act to amend the Judiciary Law, in relation to judicial departments.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Rivera.

MR. RIVERA: Thank you very much. Before us is a bill that we passed last year at the end of Session, with some amendments that we can discuss shortly. The long and short of it is, the State Constitution empowers the Legislature to adjust judicial districts including increasing or decreasing their number and altering their composition once every ten years, and this allows for the reapportionment of justices within these altered districts, specifically to the 4th Judicial Department.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Would the esteemed gentleman from the City of Buffalo yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: For this esteemed gentleman, sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. JENSEN: You're -- you're very kind, Mr. Sponsor. It's déjà vu all over again. I think it was the same time of night where we did this -- did this dance last year.

You mentioned in your explanation that this version of the legislation we have before us today does differ from the version that was passed and vetoed by the Governor. What are the changes between the previous version and this version?

MR. RIVERA: Sure, I appreciate it. The primary change is in last year's version we created districts solely encompassing the Counties of Monroe, Onondaga and Erie, and sort of created a -- a additional district with all the remaining counties. What we've done is that larger county, larger geographically, we've divided into two. We think that it will be easier administratively to manage this way. And this is also coming from ongoing conversations that we had post-passage of last year's bill with the Unified Court System.

MR. JENSEN: What was the -- the reasoning behind changing the makeup of the proposed judicial districts this year as opposed to last year? Why -- why -- why did we choose to make the three urban counties -- or primarily urban counties with large -- large metro areas standalone judicial districts and -- rather than creating one

giant JD it was chosen to separate it into two -- three separate smaller JDs with more rural-based counties?

MR. RIVERA: Yeah. Part of that is feedback that we got from the Office of Court Administration. You know, geographically they're -- they're pretty -- you know, the district was pretty large. You and I come from Western New York where we're used to the haul between Albany to where we are. But this district, you know, would -- would be tough. And we think that, you know, in including the conversation it's actually improved it. I think that OCA is gonna feel better about it. I mean, they provided a letter of support, and it's clear in their take that, you know, administratively they're gonna be able to be able to -- to move on this in a -- in a more seamless way.

MR. JENSEN: Was -- and you mentioned that the OCA does support this version of -- of the legislation, and I saw the memo you referenced. And I think in the memo they did provide a -- a fiscal impact over the next fiscal year and the following fiscal year. In the recently-enacted budget, was there any allocation for some of the costs? The OCA referenced they would need to set up any new operational responsibilities for the new -- the three new judicial districts.

MR. RIVERA: Sure, sure. So, in this fiscal year there will be no impact. The changes of this bill make it so that in 2027 those that are seeking office will run on new lines, but those new offices won't be sworn in, won't -- those -- those new judges won't be

sworn in until 2028. So there's no fiscal burden this year on this. We anticipate a -- a modest cost into the next fiscal year.

MR. JENSEN: Okay. And I know with -- much like the version we saw last year, this legislation, in the bill text it does assign the judges from the -- Supreme Court judges from the current JDs. It reallocates them to their new respective JDs, whether they're staying in their assigned JD that they're in now, or to one of the three proposed new JDs. What was the logic behind choosing which judges would go to which judicial district in the text of the legislation?

MR. RIVERA: Yeah. I mean, I would say if I could narrow it down to three factors, although there were certainly a lot of conversations, I would say, you know, number one, we took into account keeping appellate judges together. So that's one. Second, you know, proper feedback from OCA, from, you know, administrative judges voicing their sort of thoughts on it and, you know, OCA certainly communicating that to us. And -- and in some scenarios, seniority was taken into account, too. But just like in any redistricting where we're gonna make this sort of change, you know -- well, I guess I'll preface before I even say that. The key to remember is that every one of these judges, their terms are not affected by this, there is no relocation necessary. Nobody's gonna have to suddenly run next year because of these changes. So, you know -- and -- and on top of it, remember, the OCA has all kinds of latitude in being -- you know, on appointing or moving judges where they need to move them. So, yes, in the bill it lays what judges are gonna go to what district, but know

that in the end OCA has a lot of space to determine, perhaps by caseload or whatever measure, if judges need to be moved from one area to another.

MR. JENSEN: And I -- and I do remember from our conversation last year that, you know, as you just mentioned and as we talked about last year, that a judge could be elected out of Richmond County and live in Staten Island, but be assigned to a JD up in the North Country. It's -- you know, even though they're elected out of a JD, they are Statewide officers to that respect.

So, I know we talked about and you referenced it in your explanation, we talked about it quite -- quite a bit last year that we were doing this because the State Constitution gives us the power every ten years to adjust judicial districts, whether it's to move counties or create new judicial districts. What's the reasoning for doing it now?

MR. RIVERA: That's a great question.

MR. JENSEN: Thank you.

MR. RIVERA: I would say, you know, this -- this conversation, for me, began two years ago when I originally proposed legislation that was originally, in my scenario, solely for Erie County and the 8th Judicial District. You know, simultaneously there was another member, who we might be hearing from shortly, that -- that was also proposing something similar in his district. And, you know, I think there was a clear conclusion; these districts have not been touched in a very, very long time. We believe that these lines have

existed for 175 years without ever being adjusted, despite drastic population differences, as you could imagine, from the mid-1800s to today. And I -- you know, I really say to that, you know, it's not about doing it now versus, you know, tomorrow. It's really why haven't we done this sooner? And there's really no reason why we would wanna kick the can any more, knowing that population and density and communities, and frankly, every way we live lives is drastically different from when this was originally done many, many, many years ago. You know, as the letter states from OCM [sic] they think that, you know, these lines go back to the establishment of the system, which goes back to 1847. And I could (indiscernible) say shame on us for not doing it sooner.

MR. JENSEN: Okay. I -- I do recall from last year, right from the beginning of our conversation, one of the big drivers from last year's bill was something that you had identified, particularly out of Erie County but then identified out of Onondaga and Monroe in that there was a lack of diversity on the bench, and I haven't heard you reference that as part of the reasoning for doing it today. Has that -- the need for this to happen because of that diversity on the bench no longer become a compelling reason to adjust the judicial districts in Western -- in Central New York?

MR. RIVERA: I would say the largest argument that we have on this is, like I said, you know, these -- these lines have existed for 175 years, and the nature of anything existing that long means that it doesn't reflect the community that it is in the now. I

would say that because of that we don't have role representation the way we should in -- in the Judiciary, and I'd say there's a lack of diversity in all kinds of measures in the Judiciary. But that is what happens when things are left to be left the same for such a long period of time.

MR. JENSEN: All right. And understanding so, to resume it this year, as you've said, this is more based on the need to right-size the judicial districts based on population, hence why the three metropolitan Upstate counties are receiving their own JD. Would that be an accurate assessment of kind of what we talked about up until this point in tonight's conversation?

MR. RIVERA: I would say there's a clear need for a change in addressing what we should have been doing for a very long time. The last time we touched districts at all in New York State goes back to 2007, and before that, quite a while. But in our region where we are, like I said, 1847 and there's no -- no reason not to pursue it now.

MR. JENSEN: So we saw that -- and I'll use the 7th JD where -- where I call home -- we've seen Monroe be separated from the rest of the counties within the Finger Lakes Region, and it does have -- Monroe does have an outsized population as compared to those -- those other surrounding counties. And I think you could make the same assessment for Erie and Onondaga. So we've seen that in that respect. How come we didn't extend same idea to the other judicial districts across the State? I know if you look at the -- the 9th

Judicial District you have Westchester County, Putnam, Dutchess, Orange and Rockland all within that same JD. Where you have Westchester is a prominent metropolitan community. They have Yonkers, which is the third-largest city in the State, and that has an outsized population as compared to the other four counties in that judicial district. Why didn't we look at the 9th Judicial District and also make the same reflective change we're seeing in Central, Western and the Finger Lakes?

MR. RIVERA: Yeah. I would say, you know, this has been a conversation that we've now gone on for two years, and in that process, you know, there's certainly been a lot of conversations with a lot of stakeholders. During that process, truthfully, no other region has -- has, you know, sought this -- sought that sort of direction.

MR. JENSEN: Well, I do -- I do I know there are -- one of our members on -- on -- in our Conference does have a bill that would do that. So I know you referenced another colleague who had a similar bill. So we did include one -- one other bill, but yet did not choose to incorporate all of the proposals to do that in this -- this legislation.

MR. RIVERA: I wasn't aware of that.

MR. JENSEN: Okay. Maybe next year.

Moving on. And I'm not a lawyer, so I'm going to ask this question and wait for everybody who does have a law degree in the room to glare at me --

MR. RIVERA: Well, that makes both of us.

MR. JENSEN: -- probably some who are sitting around you at the moment. But do you have any concerns that the changes in these JDs and the makeup of all the judicial districts in New York present a -- a challenge or a problem to the idea of one person, one vote and could potentially be a violation of the Equal Protection Clause?

MR. RIVERA: I don't think that. I would say the two reasons why I don't think that; number one, I had -- I kind of doubt that the Unified Court System would issue a letter of support if they thought that was a possibility. But additionally I'd say the uniqueness about judiciary districting and the way that we do it in New York State is, comparatively to other redistricting, is that in the redistricting in districts like ours or the Senate, you know, those districts can be cut up in so many different ways. But the way that judicial redistricting works for -- I'm sorry, the way redistricting works for judicial districts is that entire counties have to be kept whole. So it's not as if you could dissect it a bunch of different ways. It's based on the population and it's based on entire counties. So, no, I don't believe that's the case.

MR. JENSEN: But -- and once again, I'm not a -- once again, not being a lawyer, also not a State constitutional scholar --

MR. RIVERA: That makes both of us.

MR. JENSEN: It's nice that we're the ones doing

this. Isn't there a clause, I think it's in our Constitution or it's in existing State law, that the approximate amount of people per justice in each judicial district has to be approximately 50,000 people?

MR. RIVERA: Correct.

MR. JENSEN: Correct.

MR. RIVERA: Well, it's 50 -- for every 50,000 people there's one seat. There's one --

MR. JENSEN: There's one judge.

MR. RIVERA: Yes.

MR. JENSEN: So having said that, when you look at the way in which these -- the judicial districts that we're talking about today have been divided up, do you see a problem that in the 7th Judicial District as proposed in this legislation that contains Livingston, Wayne, Seneca, Yates, Ontario, Steuben and Cayuga County, they have a population of 4 -- 493,995 New Yorkers. They're assigned seven justices of the Supreme Court, which means that approximately every 70,570 New Yorkers have one judge, whereas in Erie County with 954,236 people, they have 19 judges and each person has approximately one judge for every 50,222 people. Do you see any issue with a discrepancy of close to 20,000 New Yorkers per judge between those two judicial districts?

MR. RIVERA: I would say given the nature of how counties are never gonna have the same population across the board it's a little apples and oranges. I would also say, you know, when we did Richmond County, it was only about 2,000 fewer people than the

7th Judicial District that we're proposing that had 495 and this has 493. So it's consistent with what was passed in 2007 as well. And if that stood, then this should stay.

MR. JENSEN: Okay. So there's no concern that not just within these six JDs that are being affected in this legislation, but all across New York State's judicial districts there is tremendous deviation, and no standard deviation between New Yorkers per judge on the low end to the high end?

MR. RIVERA: You know, like I said, if -- if the Unified Court System believes that this is appropriate, and after a lot of conversation it's seems to be fine with them, I'm -- I'm confident in -- in their support as well.

MR. JENSEN: All right. One other thing we touched on last year, the judicial districts are not the only thing that are affected by --

(Buzzer sounds)

Thank you very much, Mr. Rivera. I appreciate your answers.

MR. RIVERA: Thank you.

MR. JENSEN: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. RIVERA: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Great. Thank you. So, I -- I have a series of questions. We'll see how many I get through in -- in 15 minutes and -- and then we'll see where we're at. But I guess I want to start with the -- with the concept of the -- the process that was followed and the transparency of the process that was followed --

MR. RIVERA: Sure.

MS. WALSH: -- and getting us where we're here right now. So, how many public hearings were held on this legislation?

MR. RIVERA: No public hearings.

MS. WALSH: Pardon?

MR. RIVERA: No public hearings.

MS. WALSH: No public hearings. Okay. Was this bill ever brought before the Judiciary Committee for discussion or for debate?

MR. RIVERA: Oh, I would say no. No.

MS. WALSH: I think it was just brought -- I think it was just brought to Ways and Means, wasn't it?

MR. RIVERA: Yeah, I would say we passed this bill, gee, last June and, you know, it was reintroduced this week and here's where we are.

MS. WALSH: And here we are. Okay. Were there

any stakeholder meetings held with members of the bench or bar associations or the general public at all?

MR. RIVERA: Oh, I would say we've had a lot of conversations with bar associations. I have gotten letters of support from bar associations. There's been conversations with OCA, arguably one of the largest stakeholders. So, yeah, there's been a lot of conversations about it.

MS. WALSH: Okay. So have the bar associations in Onondaga, Monroe or Erie weighed in?

MR. RIVERA: Not that I'm -- well, if they have, I'm unaware. I've have received support letters from bars associations within those counties, but not those bar associations.

MS. WALSH: Okay. All right. Because what I'm looking at, my information that I've been provided, the only real letter of support that I've received is the one from the Unified Court System. I -- I don't have anything else other than that, and we've asked. But okay. And -- and we might as well talk about that while I've got it in front me. You were asked, I think, by the previous speaker about cost estimates, and you -- I'm -- I'm reading the Memorandum in Support from Unified Court System, but they don't contain any estimates as to cost. But that being said, our staff reached out to OCA and asked them for some kind of an estimate as far as what this would cost, and what we were told -- you -- you said I think on debate that it was -- I think modest cost is how you termed it. Okay. What I've -- what I've learned through our staff is that in 2028 the estimate is 3.6 million,

and then in 2029, $14.2 million. And the opinion that was expressed to me, which I have no reason to doubt and actually kind of -- kind of makes sense to me is that it -- it probably is gonna be quite a bit higher in terms of staffing up, salaries, furnishings, space for, you know, the chambers. And I -- I don't know if there's gonna be a need for courtroom space. I'm just not familiar with what you've got out there. But it's probably quite a bit higher than that. So is that, like, a surprising figure when you said that it was a modest cost, is that what you were thinking?

MR. RIVERA: Yeah, certainly. I mean, the Office of Court Administration manages a $4.5 billion budget every year, so if that number of 3.6 million is the number for the fiscal year 2028, I find that modest in comparison to the $4.5 billion budget that they oversee.

MS. WALSH: Right. Yeah, that's true. I think it was up, like, 8 percent this year. Yeah. Anyway. I wonder what it'll be next year. Who knows, right?

Was there any population study done regarding these affected judicial districts?

MR. RIVERA: Population study?

MS. WALSH: Population study.

MR. RIVERA: No, no. I mean, the math of the 50,000 per seat I guess is considered. But other than that, no.

MS. WALSH: Okay. It was interesting because I was just -- I happened to be -- I mean, God knows we've been busy

doing other things, but I happened to see that there were some new population numbers that were coming out about, you know, where in the State we're losing population, where we're gaining population. Where I live in Saratoga County we actually are one of the outliers; we're gaining population. But I think out in your neck of the woods there's -- there's been a population loss. Did that factor in at all into the way that the lines were drawn?

MR. RIVERA: No. No.

MS. WALSH: Okay.

MR. RIVERA: Truthfully, no. No, I mean, it was -- like I said, the only metric for determining how many judges in the district and -- and the size of the district to an extent were the 50,000 -- 50,000 resident rule --

MS. WALSH: Which is in the State Constitution.

MR. RIVERA: Yeah. I mean, and like -- like I said before, you know, if -- if we're concerned about, like, what the population should show, as I said before, the last time these lines were reviewed we're talking about, you know, 1847, and certainly population has drastically changed since then. The numbers that we used to determine the 50,000 is the 2020 Census, obviously. But, yeah.

MS. WALSH: Right. And -- and kind of going along with that, was LATFOR involved in these new redistricting maps for the judicial districts?

MR. RIVERA: No.

MS. WALSH: Or the Independent Redistricting Commission?

MR. RIVERA: No.

MS. WALSH: Or any bipartisan redistricting entity?

MR. RIVERA: No.

MS. WALSH: Okay. All right. Was OCA -- I know that they support this legislation, but were they -- and I apologize if you've already answered this -- but were they consulted, were they actively involved in this process?

MR. RIVERA: Yeah, I mean, I would say there were conversations that took place last year prior to the bill's passage last June. I would say after its passage there were more conversations that led to what we did with the district that I mentioned before, where we had a very large district with quite a bit of counties and we sort of split it in two. That was a recommendation by OCA.

MS. WALSH: Okay. And was the New York State Supreme Court Judges Association consulted during the drafting or revision of the bill?

MR. RIVERA: Oh, I've had multiple conversations with the Association.

MS. WALSH: Okay. All right. But have they issued any kind of a formal position or letter regarding the legislation?

MR. RIVERA: No.

MS. WALSH: Okay. All right. But it's your understanding that they support it?

MR. RIVERA: Oh, I wouldn't speak for them. You know --

MS. WALSH: Okay.

MR. RIVERA: -- I -- I -- you asked if they were sort of consulted, and I certainly met with them here and I had other conversations. So, yeah. Yeah.

MS. WALSH: Okay. All right. Just hang on one second. Just check my time here.

So how many currently sitting Supreme Court justices will be reassigned as a result of this legislation?

MR. RIVERA: Oh. I mean, the breakdown of what judges are going to what districts are in the bill. I don't have the number off the top of my head of which ones are going where. But, you know --

MS. WALSH: The -- the total number, though. Do you know the total number that's going to be reassigned? I don't need to know the where --

MR. RIVERA: No, yeah. No, I don't.

MS. WALSH: Okay. All right.

How -- what criteria were used to determine how judges would be reassigned into the newly-created judicial districts?

MR. RIVERA: Yeah, I -- I mentioned before -- I mean, the real considerations that were taken into account were, you know, feedback from OCA, ensuring that appellate judges were kept together in the same district, and then seniority was also considered as

well.

MS. WALSH: Could you just confirm the party enrollment breakdown of the judges that were reassigned into the new judicial districts?

MR. RIVERA: Truth, I am clueless on. I don't know.

MS. WALSH: You don't know.

MR. RIVERA: I don't know the affiliation of any of the judges.

MS. WALSH: Okay. All right.

When does the bill go into effect?

MR. RIVERA: Sure. So it would go into effect for the election cycle that is in 2027, but the actual districts themselves will be formalized in 2028. So those that are running -- you know, the -- the petitions will be passed out next February for the judicial convention. Those will be for the new district lines that will take into effect January 1, 2028.

MS. WALSH: Okay. All right.

What -- so I want to talk a little bit about what's going to happen to existing cases when the bill goes into effect. Does the case move to the new judicial district? You know, because -- well, in other words, will it follow with the judge? Will the judge be taking his or her caseload that they have existing with them into the new JD or will it go back on the wheel? How's that gonna work?

MR. RIVERA: Sure. I mean, the bill does not

contemplate particular caseloads or where cases are. That's up to, you know, the presiding judge of that region and, you know, OCA's management. So...

MS. WALSH: OCA will figure it out, you think?

MR. RIVERA: Well, the presiding judge will do what they do in any other scenario.

MS. WALSH: Yeah. Because, I mean, I would think with -- when you have a judge -- there's a certain efficiency with keeping a matter with the judge that has been working with it --

MR. RIVERA: Sure.

MS. WALSH: -- because there are motions, there are, you know, decisions that may have been issued. There -- there may -- you know, there may have been a lot of things. So we'll -- that'll be interesting to see how that gets handled. But that's not part of this legislation. That's just something that I was considering in terms of just the logistics of how this is going to work. Okay.

Will the new districts have part rules? What happens if the judicial district has different part rules from the district that the case was originally commenced in?

MR. RIVERA: Yeah. That's up to the presiding judge, the administrative judge. That's -- that's up to the, you know, the folks that are there now.

MS. WALSH: Okay. Were the judges themselves consulted about being in a new judicial district?

MR. RIVERA: No.

MS. WALSH: Okay. Nobody -- nobody put out a survey and said, *Do you feel like moving? Do you want some new chambers? Do you want maybe a whole new caseload?*

MR. RIVERA: A better parking spot. No, no.

MS. WALSH: Yeah, yeah. We'll get you a good parking spot.

What about the existing terms for the judges? Are they affected at all?

MR. RIVERA: The terms themselves are not affected at all.

MS. WALSH: I didn't think so. Okay. Is it -- is it possible, though, that voters in one county voted for a judge who would no longer be their elected official when this bill takes effect?

MR. RIVERA: That's the consequence of any redistricting, truthfully. So, you know, in a scenario where -- I'll just use my judicial district for example, the current 8th. If a voter voted for a judge that lives in Erie County, they still will be seen by Erie County judges. So that's -- in that respect it's not different. But, you know, when we discuss redistricting we run into that scenario. But, you know, there's elections that will happen every year for -- for different judicial spots, and that's how it is.

MS. WALSH: I mean, some -- some people are concerned that that really disenfranchise the -- the voters that supported that particular judge. They wanted that judge to be their judge, and now that judge will not be their judge in some instances.

MR. RIVERA: But it doesn't affect their term?

MS. WALSH: No, it doesn't affect their term, it just -- it potentially impacts the voters. You know? But anyway. Okay.

Previously, when this was debated last year, it was interesting to me that as I looked at the Memorandum of Support, you know, that accompanied the legislation, that the sponsor's memo -- like, the justification last year that was discussed, and we discussed it quite a bit I think as we debated the bill, was diversity. It was -- but the bill is substantially similar to last year. But why is there no mention of diversity this year in the sponsor's memo where there was in last year's?

MR. RIVERA: Yeah, I mean, I think that that point was debated well last year, and I think that, you know, as we continue in our conversations we're accomplishing the same thing. I'd say, you know, when I have conversations with folks that live in other parts of this State that are not represented by, you know, folks that are from their community, it is consistent across this -- across the department. I mean, I -- I spend a lot of time in Cattaraugus County and I have family in Niagara County, and I'm in Chautauqua County occasionally. And, you know, the likelihood in its current form that someone from Cattaraugus County is actually elected to the Judiciary given that Erie County being part of the judicial district prevents that county from really moving up in the world -- you know, if I asked a resident of Cat County, *Would you rather have a higher probability of being seen by somebody from Cat County or would you rather still be*

lumped in with Erie County, I'd imagine they'd want a higher probability of being seen by somebody from Cat County. So I think we're accomplishing something for rural communities, all the more so with the amendment that we've made. And, you know, that's why I think that more people have conveyed positive feedback on this over last year's.

MS. WALSH: Okay. I mean, do you think that there's more positive feedback because there's no longer a stated justification being given that diversity is the underlying reason for the change?

MR. RIVERA: I don't think that's why. I think it's because, you know, we listened and we addressed the concerns of other parts of the State. You know, I'm -- you know, the -- the -- the -- making Monroe and Onondaga and Erie their own judicial districts because they're the population centers in that region makes sense. You know, the letter clearly says from -- from OCA that, *By separating urban areas from rural ones, the bill will enhance the administration of the courts because urban and rural courts pose different administrative challenges. Additionally, by replacing three existing judicial districts with six, the legislation places the election of judges more closely into the hands of the people those judges serve*. You know, it's true. You know, urban center regions move and dictate and operate differently from rural areas, and I'm happy that we're able to accommodate both interests in this.

MS. WALSH: Yeah. I mean -- and again, I'm just

circling back in my mind to the earlier point that we were talking about about whether the caseloads are gonna follow the judges or not. I mean, you've got to wonder if you are in a rural area and the judge that you had your case with is moving to a more urban area -- and I might totally have this backwards, I don't know -- but whatever -- whatever the situation is, it could result in that litigant having to, you know, travel to the -- to the new location in order to follow that judge.

MR. RIVERA: Yeah. I -- I would say technically, that could happen today. I mean, OCA can move a judge from one region to another without this bill. So I -- I think it's -- that situation that you're proposing, it could happen today anyways. But I have confidence in the administration of -- of our, you know, our -- our AJs and our -- our presiding judges to -- to work that out.

MS. WALSH: Well, thank you very much for answering my questions. I'm -- I'm sure that our colleagues have other questions to ask as well, so I'll give them a chance.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Lunsford.

MS. LUNSFORD: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. LUNSFORD: I just wanted to rise in support of this piece of legislation because I think it is far overdue. Throughout my legal career, I've had the opportunity to practice law in dozens and

dozens of our counties. I think at last count I was over 45 of our counties. I have visited many of our county seats, seen many of our rural courthouses, and I know how different it can be to practice law in those counties and to seek justice in those counties. I believe that this redistricting will, as the sponsor mentioned, create an opportunity for people to have judges who are more likely to live in their communities, to have grown up in their communities, and to have a greater appreciation for the particulars of the people that they are serving. I think the closer judges are to the people that they see, the better the administration of justice. And when people know their judges have an understanding -- I mean, even in the simplest of cases. If you have a car accident and the judge regularly traverses that route, I think they have a better understanding of that case. Over and over I have seen someone who hails from Monroe County but has practiced law in Steuben or in -- I've gone as far as down as Cattaraugus. I've been in Wyoming County. I've been in Painted Post. I have seen judges who come from my area who are traveling from Rochester down five counties because that's where they got stuck. And I'll say, all due respect to some of our judges, what tends to happen is our less experienced judges tend to get put in rural counties. I've watched it happen. And I think that more experienced attorneys from the area will be more likely to seek office if they know that they are going to have an opportunity to serve in the counties that they're from. This is going to create a better bench. It's going to create a better set of candidates. I think it's going to create more justice for people,

particularly in our rural communities.

This is a net positive. I'm really excited that we're doing this. I think the changes this year have really met some of the concerns that I'd heard from OCA over the course of last year with just, frankly, administrative issues related to HR and payroll and things that are challenging for people. I'd heard from court officers -- truly was stopped in a church parking lot one time by a rural court officer who was concerned about how this would affect him, and the changes that we've made to the bill this year address his concerns.

This is a well-crafted bill. It's been well-argued by my colleague here, and I am extremely grateful that this is going to be happening for the people of Western and Central New York. Thank you very much, and I look forward to voting in the affirmative.

ACTING SPEAKER HUNTER: Thank you.

Mr. Sempolinski.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SEMPOLINSKI: I thank the sponsor for yielding. So, in response to the Floor Leader's questions, you'd indicated that there had not been any public hearings and we didn't go through regular order with the Judiciary Committee. We've had a

whole year. So last year this was dropped at the end of Session at the last minute, and this year it was dropped at the end of Session at the last minute. If there was a year of time in between, why wouldn't we take advantage of that time to have some sort of public hearing or -- or go through the proper procedure of going through the Judiciary Committee?

MR. RIVERA: Yeah. I would say in the case of last year, you know, there -- there's sort of something to be said around the way that it kind of came up suddenly. But given the fact that we debated this and had such a long conversation on it and engaged with so many -- engaged with OCA as much as we did and had been out there for a year, I -- I mean, I think -- I think there's been a lot of eyes on this. I'd also say, you know, we have a responsibility that the State Constitution gives us in this House to do this, and there's no reason to sort of cede that responsibility to anyone else. I think the biggest complaint that people will have is why did we wait 175 years to do it above all other things. So I guess that's my take.

MR. SEMPOLINSKI: Well, I'll get to the 175 years in a minute. I am also a little bit confused about the dramatic change in rationale, and the previous questioners asked about this, but I wanted to discuss it because it was so dramatic. Everything in the sponsor's memo last year was about diversity, and that's completely disappeared. How can you have a very similar bill one year apart and be doing it for two completely different reasons?

MR. RIVERA: I think it's a mischaracterization to

say we're doing it for two different reasons. I mean, I would say we knew then, last year, that it had been over a century since we had done this, and I'm sure I brought that up in the conversation.

MR. SEMPOLINSKI: Yup.

MR. RIVERA: But I'd also say, you know, with the amendment that we've made this year it clearly is taking into account all types of communities, not just folks that live in urban counties, but really the interests of folks in rural counties. So I think, you know, diversity can be defined in all ways and, you know, this is a big state that looks different from one corner to another, but in the end of the day, you know, we're all under the same court system. I'm -- I'm looking forward to a day where I could look at people that I know in Cattaraugus County or Niagara County and say, you know, *You now have a higher chance of electing someone from your county*, and that's what this does.

MR. SEMPOLINSKI: Well, I -- I represent Cattaraugus County.

MR. RIVERA: (Indiscernible) do.

MR. SEMPOLINSKI: We discussed Allegheny County I think last year --

MR. RIVERA: Sure, sure.

MR. SEMPOLINSKI: -- and I think your colleague mentioned Steuben County a second ago. So we'll get to that in a second.

We are reassigning judges, but I just want to clarify,

we are neither creating or destroying judges, they're just being shifted around?

MR. RIVERA: Correct. No new judgeships are being created.

MR. SEMPOLINSKI: So we mentioned a few times here, you've mentioned it a few times and I know it was mentioned in the OCA memo -- and I do appreciate you providing that -- you provided that to me yesterday, thank you very much, that was very courteous --

MR. RIVERA: Of course.

MR. SEMPOLINSKI: -- that these lines have been in place since 1847. And you have said that's a reason that all of a sudden now, in 2026, we have to change things. My -- my opinion on that would be sort of, if it ain't broke, don't fix it. If we've had the same geographic configuration since 1847, what's the need to change that configuration?

MR. RIVERA: I would say it's severely broke, and maybe that's sort of the foundational, you know, different take you and I'll have. I think it's very broken. I think that the fact that we've elected so many judges from such few counties is a reflection of it being broken. I mean, we -- I said it last year; we haven't elected a judge in Allegheny County since the early '80s. That's because this district was lumped in with Erie County, an almost million-person county, and the majority of judges reside in Erie County that don't know Allegheny County and they don't know Wyoming County. And

now we give them an opportunity to be represented by folks in their neck of the woods.

MR. SEMPOLINSKI: Well, it's a beautiful place, and I hope they come down and they're always welcome.

MR. RIVERA: Yeah, sure.

MR. SEMPOLINSKI: But I view it a little differently. I view having not repeated changes to judicial districts as a source of stability. We -- this Chamber dropped an atom bomb yesterday on the congressional lines and the State legislative lines. The Judiciary is supposed to be a source of stability for our system of -- of government. So, knowing over time how you're going to be allocated and who you're gonna be with for judicial purposes. Isn't stability a positive thing for -- for our government? Doesn't -- isn't a course of credibility for the Judiciary?

MR. RIVERA: I think what you're calling stability I would call acquainted approach.

MR. SEMPOLINSKI: Okay.

MR. RIVERA: So I would -- I would say that, you know, we look at these lines -- you know, there's a reason why Assembly lines have to be reviewed. There's a reason why Senate lines have to be reviewed. There's a reason why Congressional lines have to be reviewed. And in the Constitution it's clear: We should be doing this more often. We haven't done it in quite some time, and we haven't done it in our neck of the woods since practically forever. And there's really no reason not to pursue this now. We can't -- and,

you know, next year the population's only gonna look more like this year. So, you know --

MR. SEMPOLINSKI: Well, the diff -- the difference, I would say, with all due respect is --

MR. RIVERA: Sure.

MR. SEMPOLINSKI: -- those other lines, the legislative lines, you have to make them equal because the idea is you represent the same number of people that I do --

MR. RIVERA: Sure.

MR. SEMPOLINSKI: -- and that's less of a factor with the Judiciary. And also, if the concern is well, the population's much bigger than 1847 -- which I concede, although it's been declining recently -- isn't that just a reason to add more judges as opposed to change the district lines?

MR. RIVERA: I would make the argument that if we would simply have added 20, 30, 40 more judges in the current make-up, we would just be reproducing the same results.

MR. SEMPOLINSKI: Okay. Now --

MR. RIVERA: So if we add 20 more judges, we'd have that much more in the big urban counties and not in the rural counties.

MR. SEMPOLINSKI: So my concern is what might be going on here is while we can talk about rural representation, any time a, let's say, a partisan gerrymander is drawn, certain areas that are represented by the Minority party, yeah, they get crammed together

and they get an overwhelmingly large number of people in the Minority party. And the reason I'm concerned this would have the effect of partisan gerrymandering, I'll give you some numbers and see how you react to them. The Judicial District I'm most familiar with is the 7th; that's where I live. I live in Steuben County. Currently, the 7th Judicial District has 20 judges and is represented by 16 Republican judges and four Democrat judges. Now that judicial district will be split between -- of those 20 judges, seven will go with the rural areas, presumably they would be represented by Republicans, and 13 would go with Monroe County. So you would presumably be going from 16 Republican judges representing that full area to seven Republican judges. They would just happen to be rural Republicans as opposed to suburban or urban Republicans. So it would be a net gain of nine just in that district for the Democratic party.

MR. RIVERA: Yeah. I mean, I suppose what I would say is when looking at these lines and looking at this issue, I never looked at the affiliation of Judge A versus Judge B. And like I said, I -- I barely -- I don't -- I know a handful of judges in the -- in the county that I live in but don't know any of them anywhere else. And I'm happy that that stood that way because it allowed me to think sort of separate from all that. I mean, what you're pursuing in the conversation is like the difference between Ds and Rs, when in reality that's not what we're called to do. We're called to review these lines, ideally every ten years, and take into account, I believe, the interests and the commonalities within those areas. So, you know, I think that

there's a legitimate argument to be made that the interests of folks who live in urban counties are unique, and the interests of folks that live in rural counties is unique. And I think we're accomplishing -- you know -- you know, addressing those concerns. The affiliations of judges is, you know, I think, to me, in this conversation inconsequential, especially when you consider how many judges are cross-endorsed anyways. So, you know -- you know --

MR. SEMPOLINSKI: I would say just for the record that's much more common in the 8th Judicial District. It's very rare in the 7th Judicial.

MR. RIVERA: Perhaps. But, you know, I now can look at those counties that, you know, we're talking about -- Livingston and Steuben and Yates -- and know now they have a much higher probability of being -- the residents there have a much higher probability of being seen by someone from their counties. And I think, frankly, anybody that's looking to have a fair day in court, they're not thinking about whether the judge is a D or an R or -- or what -- you know, what -- how -- you know, what -- what -- where their background is. They like the idea, I'd imagine, that it's somebody that knows their community, knows their neighborhood. And I think that's what this accomplishes.

MR. SEMPOLINSKI: Okay. I'm gonna go on the bill. I thank the sponsor for answering my questions.

MR. RIVERA: Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. SEMPOLINSKI: So, as was sort of alluded to, I'm from a rural area. I represent a rural area. I'm proud to represent a rural area. And yeah, you might end up with more rural judges. I'm not concerned about parochial political interests. I'm concerned about the health of the system and the broad fairness of the system. And I think stability in the judicial system is a good thing.

I'd be certainly open if we have a problem to adding more judges. But, to me, this is very obvious that this is a partisan gerrymander designed to grab more judges for the Democratic party overall and, therefore, just like I was against partisan gerrymandering yesterday with the other bill, I'm against partisan gerrymandering today and I'll be voting no.

ACTING SPEAKER HUNTER: Ms. Clark.

MS. CLARK: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. CLARK: So I, too, want to join my, I guess, Finger Lakes Region colleague -- initially Judicial District 7, soon to be split -- in -- in a couple of different points of why I really just want to commend the sponsor for doing this, for making the change -- the changes that brought us to this point in this year with a lot more support from our courts and I -- I think in other ways, also making this a much more simpler or more efficient process in terms of the changes that have to be made within the court system.

I was just trying to recall in my head the last time a

Supreme -- a State Supreme Court justice was elected not from Monroe County. I can't think of one in all eight counties that are currently in the district. And so I do think as someone who in previous careers, not as an attorney, but doing other Statewide activities, having spent time driving across many, many, many, many counties in our State, think that, you know, this is actually the un-gerrymandering of the district. This, in 120 years, is actually saying we recognize the population shifts. We recognize how much of the internal knowledge that judges bring with them -- their lived experiences, the communities they grew up in -- how important that is in shaping the -- the justice that folks get in those places. So I actually think this is doing the actual reverse of anything that's been mentioned around gerrymandering in terms of making sure that opportunities are there to elect people from the communities which they serve or live. And I would -- you know, when it comes to stability or change, it hasn't happened often, but it has happened in the last 50 years that there have been two changes to the -- to the districts, and one was creating the 12th and one was creating the 13th Judicial District. And I would argue that neither of them would complain or think that this somehow created such an uproar. I would say if you went to both of those communities now, I think they would be very happy that those changes were made and that they are where they are, with their own judicial districts being able to elect people from their communities in a way that makes justice better served.

So I'm just really proud of the changes that were

made and the listening that happened to make sure that this was doing the things we wanted to accomplish, which was creating judicial districts that are very -- that very much reflect the communities and the changes that have been made -- the changes in population and all the different things over the last 100-plus years. I, too, question why it has not been done sooner. For those who are saying why now, I think the time is beyond when we should have done it.

So thank you to the sponsor for bringing this forward today, and you have my full support.

ACTING SPEAKER HUNTER: Thank you.

Mr. Molitor.

MR. MOLITOR: Madam Speaker, will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Thank you, Mr. Rivera. So, I just want to first talk about the judicial assignments; something you said before about how, you know, this could really benefit rural communities. So in your bill they'll be a new 16th, which is Erie County, right? It's one county?

MR. RIVERA: Correct.

MR. MOLITOR: And there'll be 19 seats in that county, right?

MR. RIVERA: Correct.

MR. MOLITOR: And so in the next election for all 19 of those seats, those judges -- there's a guarantee that the people running for those seats will be from Erie County, right?

MR. RIVERA: Well, not necessarily. And that's not even the case now. I mean, hypothetically, you could run in a different part of the State. That's how these -- this is how it's always been.

MR. MOLITOR: So maybe guarantee is too strong.

MR. RIVERA: Yeah.

MR. MOLITOR: But it's much more likely, right, that's what we're talking about here, that the next time those 19 seats become available, the people of Erie County will be able to choose on a lawyer from Erie County for those -- for those seats, right?

MR. RIVERA: Yes.

MR. MOLITOR: Now the new 8th is seven counties, and so you're still gonna have for those nine seats that remain in those seven counties, it's gonna be nine seats -- there's gonna be an election in all seven of those counties for those nine seats. So it's -- those counties are all competing against each other to elect somebody for one of those nine seats, right?

MR. RIVERA: But they're doing that now within the current 8th Judicial District.

MR. MOLITOR: Exactly.

MR. RIVERA: But now they have a higher

probability because Erie County is a million-person county almost, and the majority of those counties are substantially smaller.

MR. MOLITOR: Right. But in the current 8th you had Erie County with everyone else --

MR. RIVERA: Correct.

MR. MOLITOR: -- and now you won't have that, right?

MR. RIVERA: Correct.

MR. MOLITOR: Okay.

I'd like to talk about some of the practical applications of this particular bill. Right now in the 8th, which encompasses all of the counties that we are talking about, there are administrative judges. You have, you know, the criminal court judge who oversees all the criminal courts, and you have a surrogate court judge who oversees all the surrogate parts, and family court. And there's that sort of leadership-mentorship role. How will that change if this bill becomes law? Will the new 8th have its own administrative structure, or will it still get sort of administered by the 16th because it's in that -- in the area?

MR. RIVERA: I mean, in the end of the day that's up to the court system. But I'd imagine that -- yeah, I'd imagine that the court system would appoint from among that new district a new, you know, head judge.

MR. MOLITOR: Okay. So you'd have potentially a new administrative structure within the new districts as contemplated?

MR. RIVERA: Yeah. I'd imagine, yeah.

MR. MOLITOR: Okay.

Now, we've discussed before that just because you're elected -- you know, let's say Chautauqua County elects a judge in the new 8th District. There's -- there's no guarantee that that judge will actually sit in Chautauqua County because OCA has the ability to move judges really anywhere across the State, right?

MR. RIVERA: True. Yep, that's no different.

MR. MOLITOR: That's no different? That's what the law is right now?

MR. RIVERA: Sure.

MR. MOLITOR: So, you know, just because somebody -- just because a county, maybe it will now have, as you have said, a little bit of a better chance to elect somebody from their county doesn't necessarily follow that that person will be overseeing cases from that county, right?

MR. RIVERA: Well, we give OCA the latitude to kind of make the move -- make the sort of decisions and administrative choices that they make. All we can do is do the best that we can to try to make it more representative of communities, and that's what I think this accomplishes. What OCA does in its administration of the courts is up to OCA.

MR. MOLITOR: Would you agree with me, though, that -- and I don't wanna quibble about this, but I think it's a fair point. Would you agree with me, though, that if the concern was, you know,

we wanted to increase rural representation that we would maybe put some restrictions on where OCA can move judges and why they should -- you know, can move them?

MR. RIVERA: I would say if that's of interest of this Body, then that's a separate piece of legislation that somebody might want to pursue, but it's not contemplated in this bill.

MR. MOLITOR: Fair enough. I knew you were gonna answer it that way, but that's okay.

(Laughter)

Now, some of the expenses that we've been -- maybe we haven't really got into. Let's say you're -- you're one of the counties in the new 8th that has never had a Supreme Court judge sitting in your county. You would -- you said that part of the modest expense could be creating a new courthouse -- not a new courthouse, maybe a new court office and providing staff and -- and technology and supplies to that particular area, right?

MR. RIVERA: Sure. Yes.

MR. MOLITOR: Okay. So these new judicial districts, you -- in your conversations with OCA, these new judicial districts will be properly funded, you believe?

MR. RIVERA: Yes.

MR. MOLITOR: Okay. And just so that I -- I know that you and I know this, but just for the record, the reason why there's 19 judges in Erie County and there would be nine, I should say seats, in the 8th is because the Supreme Court designation has to follow with

the population, right? So the higher your population, the more judges are assigned to your area; is that right?

MR. RIVERA: Correct.

MR. MOLITOR: Okay. And would you contemplate that if this bill becomes law that if there were, let's say, an issue in the new 8th, maybe a judge was incapacitated for whatever reason and there was no judge -- no other judge in the 8th to be able to fill in for that judge who is incapacitated that OCA would very easily be able to still assign a judge from maybe the 16th or somewhere else to that area in order to fulfill that issue?

MR. RIVERA: Yeah. OCA has that discretion today with or without this bill, and this wouldn't change it.

MR. MOLITOR: Right. And the staff, let's say if you're a stenographer who currently works in the 8th and you're assigned to Chautauqua County, for example. Under this bill, would you still remain in the 8th because you're a current employee of the 8th, or would you become an employee of the 16th?

MR. RIVERA: That's a fair question. It is addressed in an OCA statement. They say, in their words, *This legislation ensures that no employees lose their seniority rights. All of the speciality courts will be able to continue operating, and there will be no adverse impact on case processing*.

MR. MOLITOR: Okay. So that's -- the way I interpret that is that they're sort of gonna have to go employee by employee and say, *Hey, do you wanna to go to the 8th* -- or *do you*

wanna stay in the 8th or do you wanna go to the 16th, and maybe -- and they'd have to go by their collective bargaining agreements and seniority; is that right?

MR. RIVERA: That's how -- I mean, that's what OCA would have to manage.

MR. MOLITOR: Okay. So it is potentially possible that, let's say there's an employee in the 16th -- well, you got an employee in Erie County right now, let's say a stenographer, and an employee in Chautauqua County who's also a stenographer, but the employee in Erie County, let's say, has more seniority and this bill becomes law, the employee in Erie County could say, *I wanna go to the 8th because I have more seniority*, and the employee in the 8th would have to maybe go elsewhere?

MR. RIVERA: That's a reflection of the collective bargaining agreement within that union, and -- and OCA's sort of space as -- as the sort of agency. So that's one off -- where somebody sits is something that's managed by OCA and not what we're doing here.

MR. MOLITOR: Right. That's kind of what I'm saying, is that OCA would have to make that determination --

MR. RIVERA: (Indiscernible)

MR. MOLITOR: -- and based upon what you said from the OCA memo, all seniority and contractual rights would be preserved, right?

MR. RIVERA: That would be the case today. If we

had somebody that was in Erie County and was considering relocating to Monroe County, that's a separate judicial district. You know, where they are in seniority and what their bargaining agreement says and what OCA does, that's all the same.

MR. MOLITOR: Well -- well, yeah, it is the same but there's a little bit of a difference. I mean, right now the -- the two stenographers that I'm talking about in my hypothetical example, right, they're -- they're there physically. There's no -- there hasn't been any sort of change -- like, there hasn't been, like, some open seat that's come available for them. But with this new law, and you have all these new districts, it's like sort of resetting things for people. Like, they have to make decisions where they wanna go and how they wanna do it. And I understand preserving all their contractual rights and seniority rights and all of that. But potentially, this bill could cause employees to make decisions -- like, say -- saying, *Hey, something new has happened here. I get to make a choice*. And then OCA's got to figure that out, right?

MR. RIVERA: Yeah. I -- I'd also say the flip side of that is -- and it's, I think, a beneficial idea -- and that is we're creating new positions in these areas, especially in the rural areas where, you know, they didn't exist before. So there's, again, a higher probability of people that live in those areas having a shorter commute. So it's -- it cuts both ways.

MR. MOLITOR: But the -- but the living in that area is not prioritized. What is prioritized is seniority and contractual

rights. So that's with the issue, right?

MR. RIVERA: I -- I guess -- I -- I'd just sort of defer again to my point before. Like, those sort of conversations are handled in the -- within the Office of Court Administration and the bargaining unit, and that doesn't change with this bill.

MR. MOLITOR: Okay.

I guess my last question -- and I don't -- I don't fully understand this. But you have -- you'll have nine seats in the new 8th. Will -- after -- if this bill becomes law, will OCA be able to move those seats anywhere within the new 8th? In other words, could they say, you know, *We're gonna take a seat from Cattaraugus County and a seat from Allegheny County and we're gonna move it to Niagara County and have four seats there*?

MR. RIVERA: Again, there's no difference in how that is today. I mean, in the -- in the current 8th Judicial District that has Erie and all the neighboring counties, like that -- there's no difference in -- in what could happen today with -- so there's no change.

MR. MOLITOR: Right. That's the way it is right now in the 8th.

MR. RIVERA: Yeah.

MR. MOLITOR: You know, the 8th could say, *We're gonna take seats from all of the surrounding counties -- or all the counties around it, Erie County, and put all the judges in Buffalo*. They could do that if they wanted, right?

MR. RIVERA: If it -- that's OCA's discretion.

MR. MOLITOR: Right. They have to keep them within the district, the seats themselves, but they could move them all to one major metropolitan area.

MR. RIVERA: They could move them wherever, truthfully. Yeah.

MR. MOLITOR: Well, they can move -- they can send judges wherever, but the seats themselves have to stay --

MR. RIVERA: Yeah.

MR. MOLITOR: Right? Right.

MR. RIVERA: Yeah.

MR. MOLITOR: Okay. Okay. Thank you, Mr. Rivera.

I'm gonna go on the bill.

MR. RIVERA: Sure.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: You know, I -- I do understand, you know, some of the reasoning for this bill, and I -- I do get that we haven't changed things in 175 years or whatever. But I -- I'm not quite sure that the reason for this is sort of like hand to rural counties is what this bill is actually about. If OCA already has the power to consolidate seats into a metropolitan area and they already have the power to move elected judges to anywhere in the State, then there's no guarantee that, you know, a small rural county is gonna get the judge that they elected. What is gonna happen, though, with this bill -- and I

mentioned this before, last year -- is that you are gonna separate major metropolitan areas from rural areas. Unnecessarily. You know, many of my friends in the judicial system in Chautauqua County started off in Buffalo. There was a job opening, you know, in one of our courts. They came down to Chautauqua County, they fell in love with Chautauqua County. They decided to stay there and raise their family. And it was because, you know, they didn't necessary -- necessarily apply to live in Chautauqua County, but they were assigned there. So I think this is really gonna upset the apple cart for a lot of employees of the 8th Judicial District and the Unified Court System. You know, I'm sure there are other reasons why this bill is being advanced right now, this year, this time of the year.

(Buzzer sounds)

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bronson.

MR. BRONSON: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BRONSON: I wanna to start by thanking the Speaker, the sponsor and staff who have made the adjustments to this bill over last year's bill. I'm strongly in support of this legislation which will create new judicial districts for Monroe County, Onondaga and Erie Counties. This is a reform that is constitutionally grounded, historically precedented, administratively sound and long, long overdue.

As OCA said in their Memo of Support, this legislation will ensure that the election of judges is more closely in the hands of the people those judges will serve. It's been over 100 years since we've changed these judicial districts, yet we're allowed constitutionally to change them every ten years. It's time for us to make the change because our communities have, indeed, changed. Redrawing of lines last happened in 2007, and that related to the judicial district for Staten Island, which at the time was grouped with the district with Brooklyn. At that time, an argument was made that because Brooklyn had six times the population of Staten Island, it resulted in Brooklyn electing all of the Supreme Court judges. The same principle happens here, where judges are not elected from those who they will serve mostly. It was also stated at the time -- and I couldn't agree more, because the situation applies today -- constituents deserve home-grown judges; jurists who know their community. Who come from their community. Who would be accountable to their community. That's what this legislation is about.

As Labor Chair, I also want to address the practical question that matters most to those who work in our courts. That is that they -- those workers will not be disrupted, nor will the operations of the court be disrupted. OCA submitted the Memorandum in Support of this legislation, and they pointed out that there will be no adverse impact on case processing, all speciality courts will continue to operate, and the legislation continues to have the protection of employee seniority rights. Employees will not be disrupted by this

piece of legislation. It is important that OCA is supporting this legislation, because that is the Body that will administer these judicial districts, as they are under the current judicial districts.

For the constitutional integrity of this reform, for the administrative soundness of this reform, for the confirmation by OCA that this is the right thing to do, and for the precedent set by the Staten Island example, and all -- mostly of all, that because it will be the people closest to these judges who will be selecting these judges, for all those reasons I look forward to voting in the afformative -- affirmative, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bologna.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you very much, Jon. I just got to tell you, this is the last time we get to debate.

MR. RIVERA: I know.

MR. BOLOGNA: We've known each other for a long time, so --

MR. RIVERA: Yes, we have.

MR. BOLOGNA: It's -- I thank you very much, and

it's been a pleasure serving with you, my friend.

MR. RIVERA: Thank you.

MR. BOLOGNA: So, I wanna touch on something that a few of my colleagues have, and I just kind of wanna circle back to it for a second. Last year's memo, as we discussed, stated that the bill's goal was to address the lack of diversity amongst judges in Western New York, specifically, Erie, Monroe and Onondaga Counties. They have very few justices from communities of color. Is that still the goal of the bill?

MR. RIVERA: I would say the goal of the bill is to address the diversity across the district -- or I would say across the department. But that also surpasses, you know, sort of the diversity that you're probably alluding to. It really has to do with the interests of folks that live in every kind of county in -- in the 4th Department. I'd say this bill does a better job of -- of addressing the diverse natures of our counties. You know, OCA said it clearly themselves in their letter; you know, *By separating urban areas from rural ones, the bill will enhance the administration of the courts because urban rural courts pose different administrative challenges. Additionally, by replacing three judicial districts with six, the legislation places the election of judges more closely in the hands of people those judges serve*. I think we are gonna make it so that if you live in Herkimer or Lewis or Oneida or Oswego, you have a better chance of being seen by a judge from your county, and no matter what, that's always a good thing.

MR. BOLOGNA: So what you're saying is the diversity -- the racial diversity was removed intentionally. So can you tell us why the Legislature is concerned about racial diversity amongst judges -- which was strong enough to pass both Houses last year -- is no longer stated in the sponsor's memo this year?

MR. RIVERA: I'd say the commitment to investing in diverse community is ever present in this House. I don't think that that's questionable. I would say that, you know, as we amended the bill we're taking into account, you know, those interests and many more, and I'm happy with the product that we have in front of us.

MR. BOLOGNA: So I guess I just want to -- I'm gonna to refer to a debate -- our debate last year where you said, and I quote, *In the new maps there's a higher probability that individuals who reside in those counties are gonna find themselves in front of a judge that is from their community. We're focusing now on the sort of ethnical racial part -- ethnic* -- sorry -- *ethnic and racial part of it*. Is that still accurate? Do you still -- like, do you still believe that? Is that still the intent of this legislation?

MR. RIVERA: I would say statistically that's still gonna be the truth. It's clear that Monroe, Onondaga and Erie are -- make up the majority of the -- of the ethnic diversity in the region. But I'd also say, you know, the interests of those communities should be heard just as much as the interests of folks that live in Allegheny and Steuben and Livingston. So I'm -- I'm happy that this accomplishes all those things.

MR. BOLOGNA: So in the sponsor's memo this year, the reason for the reorganization are, quote, *Population changes in Western New York*. So can you tell us what specific population changes occurred that weren't present when the district lines were last drawn?

MR. RIVERA: From 1847? The difference in population?

MR. BOLOGNA: Yeah, sure.

MR. RIVERA: I'd imagine they're starkly different than what they were in 1847. You know, the Titanic has sunk, we landed on the moon. A million things have happened in that -- in that period of time, and I am confident that the way that the world looked like then looks very different in every measurable way.

MR. BOLOGNA: That's fair enough. Would -- so the bill does create three new judicial districts, correct?

MR. RIVERA: Correct.

MR. BOLOGNA: Okay. Separate district offices, separate administrative structures, separate election infrastructure. Can you -- and -- and I know we talked a little bit about this earlier, but can we just talk about the -- the costs of what that is and what we're anticipating that being annually?

MR. RIVERA: Yeah. So I -- I would say this year there is no fiscal impact because the changes don't take place in this fiscal year. I would say in the following fiscal year we've estimated at $3.6 million. And that -- you know, that -- those costs include

additional staff, you know, district offices, salary and fringe for said staff, you know, real estate costs. What OCA requires to administer the system that they're tasked to administering.

MR. BOLOGNA: Okay. So I'm gonna shift to a constitutional portion now. Cases brought in what is currently the 8th judicial district, including Election Law and constitutional challenges, would be drawn from a wheel consisting exclusively of judges elected in Erie County, should this go into effect.

MR. RIVERA: I would say any cases brought in Erie County, if this moves forward, will be seen by Erie County judges.

MR. BOLOGNA: Okay. So have we considered how that impacts the composition of panels in high-stakes political cases? I mean, we -- we've kind of done this in years past where we -- where certain cases were only allowed to be seen in certain counties. I mean, we can surmise as to the reasons for that. But, you know, do you have any concerns of -- of the political bias that would come in?

MR. RIVERA: I guess as I alluded to earlier, you know, I -- you know, when reviewing these judge placements and how it was all lining up, I was absolutely truly unaware of what affiliations were of what judges. I would say, you know, given -- and I'd additionally say that given OCA's latitude on -- on where they can move judge anyways, that's not as much of a concern because it could look different purely by OCA's determination anyways.

MR. BOLOGNA: I would -- I would agree with that assessment a little bit. But again, we -- we do a lot of things in this

Chamber that -- that -- that strike at the -- the heart of the impartial Judiciary. So I -- I have a little -- little hard time following down that path, but I -- I do appreciate it.

So the Constitution allows for the Legislature to redraw district lines once every ten years. This bill would redraw them again just 18 years after 2007 and then redo it again in 2027. Is that -- do that I have that right or no?

MR. RIVERA: The last time was 20 -- 2007 (indiscernible/crosstalk).

MR. BOLOGNA: 2007. But it just didn't change, correct?

MR. RIVERA: Our -- in our region it did not change.

MR. BOLOGNA: Okay.

MR. RIVERA: It solely was for Richmond County.

MR. BOLOGNA: So what I'm gonna do is I'm just gonna go back to one of my -- my earlier questions when I said what specific demographics or -- or -- or census criteria has changed since 2007 to make this monumental change?

MR. RIVERA: Well, I --

MR. BOLOGNA: Can you point to specific --

MR. RIVERA: I guess -- are you asking, like, why didn't we change it in 2007 when we redid Richmond County?

MR. BOLOGNA: Yeah.

MR. RIVERA: I -- you'd have to ask the members of this Body in 2007 why they did what they did. It predates you and I,

so I can't speak to it.

MR. BOLOGNA: But to my -- my friend Mr. Sempolinski's point, if it's not broke, don't fix it. Is there -- has there been such a monumental shift from 2007 to today that -- and if there is, can you please point to that statistical data points and those census points, and can you provide some type of demographic changes that would prompt this kind of a piece of legislation (indiscernible)?

MR. RIVERA: I guess I dis -- I disagree with the sentiment that it's not broke; I think it's very broke. I think that we should be embarrassed that we haven't looked at our lines for the region that we live in in over a century. I think that if your argument is since the population doesn't look that different from a couple of years ago, why have -- why are we doing this now, I would say the measure of a couple of years ago doesn't totally make sense because really, the question is why is it that this was unchanged from1847 and we're now in 2026. So I would say there is deep urgency why we should pursue this. I think it's truly not reflective of the communities that we live in in every measurable way. Especially if we consider how population numbers in and of themselves are drastically different over the century-and-a-half. I mean, there's no argument to be made to push this another year, knowing how long it's been in its current state.

MR. BOLOGNA: That's -- that's fair enough. Mr. Rivera, thank you very much for your time.

MR. RIVERA: Thank you, sir.

MR. BOLOGNA: Madam Speaker, I'm gonna on the bill real quick.

ACTING SPEAKER HUNTER: On the bill.

MR. BOLOGNA: So we accept in this Body that there's gander -- gerrymandering legislative districts for partisan advantages is -- is wrong. Well, at least I thought we did until last night. But this bill applies the same logic to the Judiciary. Carving up urban Democratic strongholds into standalone judicial districts is wrong. It's guaranteeing that Election Law challenges and constitutional cases in Erie County will be decided by judges who ran on the Democratic ticket in Erie County. We really should not be tolerating that kind of engineering in the legislative context, and also in the context of what we've voted on in the past 24 hours and are going to be voting on in the next 24 hours, we really shouldn't tolerate that at all, especially in this Body.

The sponsor's memo says population changes in Western New York justify redistricting, but the current district lines were drawn before 2007. No census change since then plausibly requires isolating exactly three counties. And that the sponsor's own prior memo identified as minor -- majority and minorities, the population were a concern. A neutral demographer could draw these lines. No neutral demographer would draw them this way.

So this Chamber passed a bill last year, the Senate passed it, the Governor pocket vetoed it. We haven't heard what her objections were necessarily, and we haven't fixed whatever was

wrong. So we're running it back and hoping she signs it. This isn't legislation, this is hoping.

So with that I'll be a negative on this one.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MRS. PEOPLES-STOKES: Thank you. Mr. Rivera, this particular legislation only focuses on one sector of the judicial population in the State of New York; is that right?

MR. RIVERA: Correct, the 4th Department. Yes.

MRS. PEOPLES-STOKES: Just State Supreme Court judges.

MR. RIVERA: Correct.

MRS. PEOPLES-STOKES: So it's not gonna impact a Court of Appeals, it's not gonna impact Claim -- Court of Claims or anything else like that?

MR. RIVERA: No county court, no city court, no town court, no family court. No.

MRS. PEOPLES-STOKES: And this is something that hasn't changed in over 100 years?

MR. RIVERA: Yes.

MRS. PEOPLES-STOKES: Well, you know what? Thank you very much. I wanna go on the bill.

MR. RIVERA: Thank you.

MRS. PEOPLES-STOKES: I -- I do appreciate the work that you --

ACTING SPEAKER HUNTER: On the bill.

MRS. PEOPLES-STOKES: -- put out on this bill because this is more -- this is important than most people think. And I realize that there's some people who really would like to get -- stay stuck in the diversity position, but I don't wanna stay stuck there. Because this doesn't always have to be about diversity. However, you should always want to think about that because if you're not thinking about the inclusive process of diversity, then you're not gonna get to the right place where you need to be with the law. Now, I understand that there are some municipalities within the County of Erie, where I live, that you don't even have to have a law degree to be a judge; is that correct? And so I'm really kind of hoping that those folks who do not have law degrees do not have access to an opportunity to be a State Supreme Court justice. I should have asked that question to you, Mr. Rivera. Perhaps you could answer that later because I'm not sure. I know I've heard some very questionable decisions that were made not by a person who's been to law school, but by somebody who happens to be appointed as a judge in one of the communities that -- in and around Buffalo. And so I do have some concerns about that.

But I think right now at -- at this point, in this day in 2026, there is no reason why we should look for the same demographics to represent our judicial population that we did 100 years ago. Things change, and we should actually want to change with them. And to be honest, I'm -- I'm a little offended that people are looking for, *Why did you have diversity last year and you didn't have diversity this year?* Maybe it's because at the national level people are storming on diversity so hard, you wanna step away from that and get to the real place where we need to be. And that's -- how do you get a judge that could speak to my needs, just like he could speak to yours, without using my name? That's kind of sad that we're in this position in this country. But here's where we are. And thank you, Mr. Rivera, for stepping up to the plate to say where -- this is where we are, here's where we need to be, and here's the goal line to get there. So thank you very much for reintroducing this legislation, and I -- I hope that this one doesn't get the veto pen this time because it's fair, it's just, and I think it's gonna make for better communities all the way around.

So thank you for your efforts on this, and I do look forward to supporting it.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Rivera. I kind of want to -- actually, last year during this debate my predecessor who sat here, our now Leader, Mr. Ra, engaged you in a dialogue and in a discussion, knowing -- you know, the judicial districts has [sic] other impacts, in particularly [sic] our Board of Regents.

MR. RIVERA: Yeah.

MR. PALMESANO: Right now we have 17 Board of Regents, 13 of them, one for each judicial district. How do we address that issue? Do you have any plans to address that issue?

MR. RIVERA: Yeah. You know, with -- with the addition of new judicial districts it will mean there will be no more additional Board of Regents slots. So there should be three new Board of Regents positions created.

MR. PALMESANO: And given the fact, though, the New York State Board of Regents is not just a statutory authority, it's a constitutional authority. Wouldn't that -- because now we're gonna have to -- you're saying we're gonna have to change the numbers. I mean, obviously, you're going from 17 members -- if we go three -- 13 per -- we have now and then it would 16 plus four, so we're gonna go from seven to 20. It's not just statutory changes, it's really -- isn't there a constitutional change that's gonna be required because it's constitutional authority? So isn't that something that's gonna have to be addressed, and won't that take time? And until we are able to fix

that, won't we be in violation of the State Constitution? I'm not a lawyer, I'm just asking questions.

MR. RIVERA: I join you in not being a lawyer. I would say, you know, there's clear time on this. You know, the -- the actual elections that are affected by this take place in 2027. The actual districts themselves don't exist until 2028. So there is sufficient time between now and then to manage this. I would say, you know, my interpretation is that it speaks to, you know, the amount of Regents being equal to the amount of judicial districts, therefore, three new Regents positions should be open. And between now and 2028, you know, I'm confident that this -- this Body who appoints said Regents will -- will figure that out.

MR. PALMESANO: But again, I guess I'm going back to the point. If cons -- if it's a Constitutional authority, not just a statutory authority, and an education Body, wouldn't this require a constitutional change, let alone just a statutory change? And if that's the case, for it to be a constitutional change we'd have to vote this year and then vote in the next concurrent Legislature to make that effective for 2028, just like you wanna do with the Congressional districts.

MR. RIVERA: It's our interpretation that it's not a Constitutional change.

MR. PALMESANO: Okay. Have you had any conversations with SED about this? I mean, at all?

MR. RIVERA: No.

MR. PALMESANO: No? I mean, given the fact this

came up on the discussion last year and given the fact that we knew this put this in conflict with the -- the Board of Regents and that now you're moving forward with it again, wouldn't it have been a wise idea to have a conversation with the State Education Department and how we're gonna do this?

MR. RIVERA: I wouldn't use the word "conflict." That's not the case. I would say, as I mentioned before, you know, if this were to pass and signed by the end of the year, we still have all of 2027 to figure that matter out and work out the timing of it. So I'm -- I'm not concerned at all.

MR. PALMESANO: And I know that you said it's your interpretation is this doesn't require constitutional [sic]. But what if your interpretation is wrong? So --

MR. RIVERA: It's happened before.

MR. PALMESANO: I'm -- I'm sure it has. I'm sure it's happened to all -- all of us in some way. But my concern is if you're just going based on what your interpretation is, saying that it doesn't a need constitutional change, just a statutory change, if you're wrong then we miss that opportunity. The only way we can change the Constitution, as you know, is we have to pass it in two concurrent Legislatures, which this would be the first one. Then we'd have to do it -- because if we can't -- if we don't do it this year, say we find out next year it can't be done. Someone challenges it and say we're violating the Constitution. Then we'd have to pass it in 2027 or '28, and then again in '29 or '30. Then we're behind. Then we have a

problem. Then it is a problem, which is kind of where I'm going with this question. Why didn't we have this conversation with SED, with the lawyers on all parties to see if this is a constitutional concern? Because just saying it's our interpretation, I'd just -- I'd rather have some firm ground to stand on that, just given this, because this could be very problematic.

MR. RIVERA: I don't know if there was a question in there. I -- I guess I would speak to the --

MR. PALMESANO: Well, let me rephrase it. If it's ruled it requires a constitutional change and we follow the direction that you're heading in now that we have enough time and we could just do it statutory and if it's determined, no, this does require a constitutional change and then we're into next year, then we have a big problem because we're in violation of the Constitution and then we -- then we do run out of time because then we're getting into '29 or '30 before it becomes effective, true?

MR. RIVERA: I -- I guess you're describing a hypothetical situation that we just don't agree on the premise of. We don't believe --

MR. PALMESANO: I -- I understand you don't agree with me and I know you're saying it's hypothetical. But it is a possibility, correct? Anything's a possibility. Can you say emphatically that it won't happen? I'm not a lawyer, but I sound like one on TV, I guess. I mean, if it's a possibility, shouldn't we be concerned about it and address it?

MR. RIVERA: I just don't believe it to be a possibility. And I don't -- we don't believe it's a constitutional issue.

MR. PALMESANO: I know. You -- you guys have made it very clear you don't believe it is. But my concern is what if it is, it is a poss -- it could be a possibility? There's no uncertainty there. And we might have had some certainty if there were some conversations with the State Education Department, if there were some conversations maybe with the Governor's office to get some interpretation on this. Maybe that's something she might consideration -- take into consideration in considering this bill and hopefully vetoes it, in my opinion. I'm just talking about one point of it. I don't like the other parts of it, either, but that's neither here nor there. But I just think -- so you're saying from your perspective we could take action sometime next year and just add three Board of Regents through the statute; is that what your persact -- is that what your understanding is, you could just do this statutorily?

MR. RIVERA: No, I mean, this -- this Body elects Regents just about every year, and in 2028 we will elect three more.

MR. PALMESANO: I understand. And the same thing, the same term, five-year term?

MR. RIVERA: Yeah, that's unaffected.

MR. PALMESANO: Okay. And this -- again, you're just gonna hold to the point that this doesn't require any type of constitutional change and this is just a statutory change from your perspective and that you're gonna just move forward and say that we

can just do it -- and just -- that we could just appoint them; is that what you're saying?

MR. RIVERA: That's -- yes.

MR. PALMESANO: Okay. Mr. Rivera, thank you for your time.

MR. RIVERA: Thank you.

MR. PALMESANO: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: Yeah, I appreciate the discussion. I really wanted to get this point on the record. My colleague, my predecessor, our Leader asked this question and I thought it was a really good question to ask and to reinforce. And the thing I'm just finding puzzling and troubling is, we knew this question came up last year and we asked the question, maybe -- should there be some conversations with SED? There were none. And I know -- I understand the interpretation from your side is this doesn't impact the Constitution, it doesn't require a constitutional change. Again, I'm not a constitutional -- I'm not lawyer, I'm not a constitutional expert, I'm not a legal expert. But if it's something that could happen, if it's something that could be a problem, shouldn't we make sure we're dotting the i's and crossing the t's in the timeframe we need to dot the i's and cross the t's? Because the problem is if someone were to challenge this from a constitutional perspective and we don't have any action taken this year, our only right of recourse, then, is to pass it in the '27-'28 term, and then again in the '29-'30 term. And then we're --

then we're behind -- behind the eight ball as far as that's concerned. Now maybe it could just be as easy as just appointing more Regents; maybe that's the case. If it is, then, you know, I'll say you're right. But my concern is the possibility -- my concern is that there could be a challenge to this because it says the Board of Regents is a constitutional authority, not just a statutory authority, and that constitutional authority is -- is -- is formed and directed and dictated by the language of the Constitution. Again, I'm not sure what the Constitution says, but if it says one per district or if it says -- if it says specifically 13 judicial districts and you have that, we could run into problems. And I think that's just part of the problem with this bill. I mean, I think the other part of it is what's going on in the political side of it. Just like when we talked about it on the -- the redistricting amendment we did the other day -- or last night. It's just very concerning, very problematic from my perspective.

I do appreciate the conversation with the sponsor on the -- the issue I was bringing up, but the broader view on top of that I just think is more problematic, and for that and many other reasons I will be voting in the negative on this bill and urge my colleagues to do the same. Thank you, Mr. Rivera. Thank you, Madam Speaker. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Bailey.

MS. BAILEY: Thank you, Madam Speaker. Would the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. BAILEY: Thank you very much, Mr. Rivera. And last year I think you and I had quite a conversation in and around how the -- the judges were -- where chosen for each judicial district. I'm not gonna go specifically in that direction, but more so maybe the number of justices per district.

As we heard earlier tonight, you know, the 500 -- the -- the one judge per 5 -- 50,000 individuals. So when we're looking at -- I'm gonna take the 7th JD specifically -- I can speak to that pretty fluently -- we're right now looking at seven justices with the proposal that is before us. That would be about 70,570, the population, per justice. How did we come up with seven justices in that district and left 14 in the new 15th District, which would be Monroe County, where that's looking at, per judge, 54,246 individuals?

MR. RIVERA: Yeah. I would say given the nature of how this redistricting has to happen, where entire counties have to be kept intact, there is gonna be this sort of deviation because no county has the same population. And there's no way of dividing a county, like in the case of our districts where we all relatively represent the same amount of people. Because we have to keep counties intact, this is -- this is going to be sort of part of it.

MS. BAILEY: Okay. So we're keeping counties

intact. That's not in question. But if we added -- if we took and we placed eight justices in the 7th Judicial District as it's presented and maybe went to 13 in Monroe County, we're just shifting the population per justice. We're not changing the -- the county lines. So I guess my question is, how did we come up with the number of justices per district if -- if that 50,000 was not there in place?

MR. RIVERA: I -- I would say this bill began last year where we were designating Monroe, Onondaga and Erie County as their own standalone districts. From there, obviously we've amended it to include changes including to the county -- or the district that you're mentioning, and those were done with a lot of conversation with OCA, and the approval, you know, as they've mentioned in their letter, of -- of this district and its layout. So, you know, conversations with OCA was a big factor.

MS. BAILEY: Okay. So let me ask a question, and it was mentioned I -- I believe earlier that there are -- that this is impacting Supreme Court justices across -- you know, across these districts. Court of Claims judges are often acting Supreme Court judges. Has that been taken into account based on where some of these Court of Claims justices are sitting currently right now, which might be in part of these districts?

MR. RIVERA: No. But the reason you wouldn't is because that's up to OCA to administer. If a -- if a certain judge is in a certain place today, they might not necessarily be there tomorrow. The Constitution is specific to what we're doing, which is the actual

seats themselves. What OCA does in its administration shouldn't be taken into effect in this because that's not based on population, but with this is. And, you know, that's unchanged in this. OCA can manage it in whatever way it wants of where it places Court of Claims judges.

MS. BAILEY: Thank you. So oftentimes, Court of Claims judges are placed in areas based on caseload, to help with caseload. And if memory serves me right, I think we had three appointed Court of Claims justices last year that went into the current 7th and 8th District combined. So was that taken into account at all as to where these -- these justices may sit when we came up with the number?

MR. RIVERA: Yeah.

MS. BAILEY: I'm just trying to figure out why we're looking at, you know, upwards of 20,000 additional individuals per judge in the proposed 7th JD versus, you know, take the -- the 16th District proposed in Erie County that has 50,000.

MR. RIVERA: Yeah. I -- I would say caseloads are not taken into account with this because that's a highly variable number that -- that could move pretty easily. But then I'd also defer to -- to OCA's letter. It's clear that they say that there will be no adverse impact on case processing. So, you know, they're taking it into account on their end. And if they're making the statement that this is not gonna adverse caseloads, then I would take their word on it.

MS. BAILEY: Okay. And I guess one of my

concerns and -- and maybe this was or was not, and maybe you can share this with me if it was -- if it was thought through. I just look at the 7th JD as it's proposed. So it's the -- it's the - the rural communities outside of Monroe County as to what it's currently -- you know, what it is. You have -- you have Livingston, Wayne, Seneca, Yates, Ontario, Steuben and Cayuga. And we're looking at one judge per 70,000-plus individuals in that district. Obviously, there's going to be a larger area when we're looking, you know, square-mileage commute, potentially. Will that disenfranchise any of those folks in the rural communities now, potentially?

MR. RIVERA: I would say no. It gives them a higher probability of being seen in their counties because now Monroe County is not part of their judicial district.

MS. BAILEY: Okay. I see that a little bit different but, okay. Because currently when you're looking at, you know, the Monroe County and the 20 judges that -- or not Monroe County, but the 7th JD with the 20 judges that we currently have right now in the 7th Judicial District, you know, those judges are being, you know, placed in all of these counties as it is anyways. So I just -- I guess my -- my question would be I'm still hung up on that 70,000 and how we got there when we really should be looking at a number that's 50,000 and just moving one judge from one area to another, one judicial district to another, would help even out some of those -- those population counts. Which I believe -- I mean, OCA obviously would be able to do that. So if they're listening, I hope that's taken into

account when we're looking at it.

But those were my questions, and I do appreciate you very much for --

MR. RIVERA: Thank you.

MS. BAILEY: -- answering them. And, Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. BAILEY: I -- you know, last year I had concerns, and we're not gonna dwell on the debates that we had last year in and around this, but it actually had to do with the square miles that were being looked at when we -- when we came up with some of the judicial districts. You know, taking out the -- the three cities, in essence, out of -- out of the -- the current 5th, 7th and 8th Judicial District, you know, it is what it is. I just find it very interesting that the 7th Judicial District as it's proposed tonight, the population per justice is looking at about 70,571. The 8th Judicial District is looking at 60 -- 67,009 in population. The 5th Judicial District is looking at 61,455 individuals per justice. We then go to the 15th District in Monroe County, looking at 54,246 individuals. The 14th District of Onondaga, looking at 52,946. And then looking at the 16th District in Erie County at 50,223. So my concern is about the number of justices that are being assigned to the populations in these counties and in these districts as presented to us, and I really hope that, you know, OCA can take a look at that and maybe we can shift some of those numbers. Or we look at those Court of Claims justices that have been

assigned to help with caseload to ensure that, you know, there aren't some unintended consequences based off of this move.

And, therefore, Madam Speaker, I will not be able to support this piece of legislation as presented tonight. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. In case anybody was saying, *Hey, wait a minute, she already spoke*, I -- I'm exercising the option of a second 15 just to -- and I ask would the sponsor please yield for a couple of clarifying questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. RIVERA: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you so much. So I -- I just wanted to clarify a little bit of what was said earlier about the Board of Regents.

MR. RIVERA: Yeah.

MS. WALSH: My colleague to the back of me had asked questions about that. So, currently there are 13 members on the Board of Regents for the 13 JDs, and I believe that you had mentioned that with the addition of the 14th, 15th and 16th newly-created JDs that we would need three more members of the Board of Regents; is that right?

MR. RIVERA: Yes.

MS. WALSH: Okay. Will any of the five-year terms be affected for the existing 13 members of the Board of Regents?

MR. RIVERA: No.

MS. WALSH: Okay. When will the additional three Board of Regents members be added?

MR. RIVERA: 2028.

MS. WALSH: 2028? Okay. And was the State Education Department consulted when drafting this piece of legislation because of the impacts that this will have on them?

MR. RIVERA: No. I mean, the language sort of defaults. It says, you know, where there are judicial districts there has to be an equivalent number of -- of seats. And, you know, more seats will be created. And like I said before, all of 2027 is ahead of us, and really the remainder of 2026, to -- to sort of have those conversations. But I have confidence in this Body in 2028 that they're gonna be able to -- to, you know, elect more -- more Regents.

MS. WALSH: Okay. And then just following up on an earlier line of questioning, we were talking a little bit about the judges that are gonna need to be moving. Now, I understand that, I think, salary-wise or even staff salary-wise and benefits, it's not gonna change because you're not adding judges. And I'm assuming that you wouldn't be adding staff, but I don't know that. But you had kind of said that that would be handled, you know, by the -- administratively and all that stuff. But do you happen to know, out of the judges that are going to be moving, will there be a need to locate, fit up and

furnish and whatnot the -- the additional -- additional Chambers, or how will that work? Do you know?

MR. RIVERA: I would say there's certainly gonna be costs associated with this. When we create new, you know, new spaces, there's certainly gonna be a cost to it. You know, like I said, we projected it in fiscal year '28 to be 3.6 million. You know, I -- I would say that's -- that's inclusive of potential additional staff, you know, office space, you know, real estate costs. But I'd also say there's -- there's collaboration that exists in every county really between OCA and local county governments, and -- and that's gonna be, you know, worked out, as OCA does today.

MS. WALSH: Okay. I think that now I have all of my questions answered, and I would like to please go on the bill. And thank you very much. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: Thank you. So I just wanted to -- we -- we -- a number of us have asked questions tonight and from my part I just wanted to kind of recap what we heard during the debate and then I have a few other things to say.

So in terms of -- I asked how many public hearings were held on this legislation? Zero was the answer. Was this bill ever brought before the Judiciary Committee for discussion or debate? No. Can the sponsor confirm whether any stakeholders meetings were held with members of the Bench-Bar Associations or the general public? That there were conversations, there were conversations that were

had. There was no population study. LATFOR wasn't used, Independent Redistricting Commission, IRC, no, they weren't used. Any bipartisan redistricting entity, no, they weren't used in the development of the redrawing of these -- of these maps.

We have already kind of talked about what the fiscal impact is even though there wasn't a fiscal note that was really attached to the legislation. We've kind of sussed that out with OCA a little bit. I -- I personally, this is my editorial, but I -- I personally think it's probably a little -- gonna be more expensive because usually things are in terms of costs of these things, but we'll see. And although there were -- there were -- it was alluded to that there were conversations with other associations and community organizations, specifically the Bar Associations of Onondaga, Monroe and Erie did not weigh in. That was the answer that was given.

This bill we know has been introduced in the last week of Session. We know that there was no fiscal impact statement that was included. As far as when I asked the sponsor whether he could confirm the party enrollment breakdown of the judges reassigned into the new districts he said that -- that he didn't. He had -- he had no idea and that he had never thought of it. And I just think that, you know, Madam Speaker, I think that every time that we alter the structure of our Judiciary, we really should do it only when there is clear evidence that the benefits outweigh the costs and consequences. Today, we're being asked to create three new judicial districts in the 4th Department, yet we have not been provided with a compelling

showing that this major reorganization is necessary, that it will improve the administration of justice, or that it represents the best use of taxpayer resources.

Reorganizing judicial districts is not a minor technical change. It effects court administration, judicial elections, staffing and long-term costs. Before we redraw the judicial map, we should have clear data, broad stakeholder consensus and confidence that the change will meaningfully improve access to justice and court efficiency. Good government requires more than good intentions, it requires careful justification. When questions remain about necessity, cost and impact, the prudent course is not to rush forward. The prudent course is to pause, to gather the evidence and to ensure that we are solving a real problem rather than creating new ones.

I think that this bill would consolidate the handling of Election Law cases into more favorable, democratic-controlled jurisdictions. I think that this proposal follows a series of actions taken by the Majority recently to influence redistricting, last night, judicial assignments and control over election related rulings. And I do not believe that this bill builds trust in the impartiality and independence of the Judiciary and I think instead that it really politicizes the courts even further.

So for all of those reasons and the reasons mentioned by so many of my colleagues, I will be voting in the negative. And I would encourage my colleagues to do the same.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

On a motion by Mr. Rivera, the Senate bill -- is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you very much, Madam Speaker. The Republican Conference will be not supporting this legislation, but if there are any exceptions, members may vote differently now at their desks.

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 aggressive legislation. However, there may be a few that would desire to be an exception and 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.)

Mr. Sempolinski to explain his vote.

MR. SEMPOLINSKI: Thank you, Madam Speaker. I'm gonna be voting no. You know, this has been a frustrating couple

days cause -- and we've only got three branches of government. We blew up one yesterday with a legislative redistricting. Been a lot of talk about what that was about and it'll net probably four or more congressional seats for one particular political party. We're gonna blow up Judicial branch here. There's a lot of talk about what that's about, but it'll net a couple dozen seats for that same political party. And you know, it's -- it's frustrating because when we start messing with our institutions like this for particular short-term gain, parochial interest, political interest, it hurts everyone in the long run regardless of our political affiliation.

I think districts that have been in place, judicial districts' stability from 1847 is a good thing and whether someone's political party has most of the seats or not. So we really all know what this is all about. I won't be part of it. I'm for preserving our institutions. I'm for preserving our three branches of government and hopefully we won't make drastic changes to the Executive tomorrow.

I vote no.

ACTING SPEAKER HUNTER: Mr. Sempolinski in the negative.

Mr. Rivera to explain his vote.

MR. RIVERA: Thank you very much. I just want to thank those of my colleagues that have been supportive of this; an issue that's been close to -- to my heart for the last few years. The fact that we're able to address the longstanding issues in the -- in -- in our region, it means a lot that we're able to tackle this. I want to thank the

folks here and -- and the staff that -- that allowed it all to happen and -- and personally thank everyone here. This is most likely my last bill debate as a member of this House and I just want to thank everybody for your support over the years and certainly to the Speaker.

Thank you very much.

(Applause)

ACTING SPEAKER HUNTER: Thank you, Mr. Rivera.

Mr. Bologna to explain his vote.

MR. BOLOGNA: Thank you, Madam Speaker. Really my -- my colleague, Mr. Sempolinski, said it perfectly in the past couple seconds here. But one thing that he didn't say was that he actually stands to benefit from this piece of legislation more than anybody in this room, and when the guy who probably stands to gain the most power, most benefit from a piece of legislation tells everyone how bad of an idea this is, I'm gonna listen to that guy.

So with that, I am going to be voting no emphatically on this piece of legislation.

ACTING SPEAKER HUNTER: Mr. Bologna in the negative.

Ms. Bailey to explain her vote.

MS. BAILEY: Thank you, Madam Speaker. I just -- I just have to reiterate again hoping that someone other than just my mother is watching us tonight when I explain my vote here. And it -- it really does have to do with the number of justices assigned to each

judicial district based off of the population and what we should be looking at. The math is not mathing. I hope OCA is listening and I hope that they assign an additional justice to the proposed 7th JD here.

It really, you know, every day I stand on this floor I talk about rural up -- Upstate New York. That is who I am, that is who I represent and here again, I just feel it's another piece where, you know, we're missing that. So I hope someone's listening and I hope that, you know, we can look at the numbers and even if we move one out of the proposed, I don't have my glasses on, 14th JD I think it might be, into the 7 JD, you know, I -- I would be appreciative but until -- I -- I just can't support this bill and I will be voting no.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Bailey in the negative.

(Pause)

Mr. Morinello to explain his vote.

MR. MORINELLO: Thank you. I vote no on this bill but I'm a little suspect. It was either last year or the year before they made a change on where you can bring certain election challenges and isn't it coincidental that one was Erie County and one was Monroe County and now they moved to make them separate judicial districts which those two counties have a majority of one party of registration. I just find these actions as suspect.

Because of those reasons, I vote no.

ACTING SPEAKER HUNTER: Mr. Morinello in

the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker and colleagues, if we can now turn our attention to Rules Report No. 447 by Mr. Gibbs, followed by Rules Report No. 347 by Ms. Lucas, followed by Rules Report No. 499 by Ms. Romero, Rules Report No. 239 by Ms. Rosenthal and Calendar No. 376 by Ms. Kay. In that order, Madam Speaker.

(Pause)

ACTING SPEAKER HUNTER: Page 14, Rules Report No. 447, the Clerk will read.

THE CLERK: Assembly No. A05846-B, Rules Report No. 447, Gibbs, Simone, Levenberg, Lavine, Davila, Reyes, R. Carroll, Seawright, Paulin, Cunningham, Shrestha, Burroughs, Taylor, Gallagher, Simon, Cruz, Shimsky, Valdez, Zinerman, Raga, Rosenthal. An act to amend the Election Law, in relation to providing a remedy for election disruptions.

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

An explanation has been requested.

Mr. Gibbs.

MR. GIBBS: Thank you, Madam Speaker. Bear with me one second. The purpose of this bill is to extend the time frame of the votin' in the event of a disruption at a poll site. Under current law, if there is a disruption at a polling place that prevents individuals from votin', the only remedy is a court order to extend time which is not always immediate or an additional day of voting in the case of a natural disaster or other emergencies. Most often, voting time is lost and never made up. This bill would address this by creating automatic extension of voting time if there is a disruption for more than one hour at a polling place.

In addition, this bill will create a communication process for boards of elections to inform the public, candidates and committees on the ballot and local news medias and civic organizations.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. GIBBS: I would be honored, Member Slater.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SLATER: Thank you very much, Mr. Gibbs. It's a good looking tie you got there.

MR. GIBBS: Thank you. I think I took it from your

closet --

MR. SLATER: You probably did.

MR. GIBBS: -- last Session.

(Laughter)

MR. SLATER: I just wanted to -- if we could just walk through the legislation here. I appreciate the explanation and you did say that courts are able to, currently under the law, extend time if there's a disruption presently?

MR. GIBBS: Courts are able to extend the time, yes.

MR. SLATER: Is there evidence that courts are routinely denying relief when legitimate voting disruptions occur?

MR. GIBBS: Not that I know of, no.

MR. SLATER: So if the courts aren't really -- we're not seeing this proliferation of denial, what specific problem is the current process in this bill attempting to solve that can't already be addressed through judicial intervention or the existing law?

MR. GIBBS: Well, that's an amazing question, Member Slater. In 2022 during early votin' for the general election, a bomb threat was called into the main early votin' site in my district, the Jackie Robinson Educational Complex. It took over two hours for -- before NYPD allowed people back in to actually start votin'. This was done on the last day of early votin' and what was considered a competitive Governor's race. This legislation would establish a set standard for local bipartisan election officials just to extend the time for votin' at impacted polling places when the disruption to votin' lasts

more than one hour. It's simple.

MR. SLATER: Yeah. That -- that sounds really horrific and I -- and I really feel horrible that your constituents had to go through that and I'm glad no one was hurt and obviously that it wasn't in fact a -- a significant or serious situation. Did anybody in that situation go to the court to ask for an extension?

MR. GIBBS: No. They --

MR. SLATER: No. So --

MR. GIBBS: -- didn't know how to.

MR. SLATER: So the court didn't deny an extension in that case, there was just no application by either a voter or the Board of Elections to extend because of that particular circumstance?

MR. GIBBS: I'm quite sure this is the first time it happened in our district, so my constituents, voters, probably didn't under -- didn't understood [sic] that they had the opportunity to go to court to extend the time. This legislation would give them that opportunity without going through all the harassments of going back and forth to court, which can be troublesome at times and so on.

MR. SLATER: But in this case there was no application and their court didn't deny? That's my basic --

MR. GIBBS: There was no application with no court process, Member Slater.

MR. SLATER: If current law already allows courts, election officials and the Governor to address these types of election disruptions, because I believe the Governor can also order these types

of actions, why is an entirely new automatic extension framework necessary?

(Conferring)

MR. GIBBS: I don't believe the order -- I mean, the Governor can order these extensions, Member Slater.

MR. SLATER: But the court can?

MR. GIBBS: Yes.

MR. SLATER: But the court can.

Is it correct that under this bill if a disruption exceeds one hour, voting must be automatically extended?

MR. GIBBS: Well, yes. If -- if it exceeds one hour. This is what the bill says.

MR. SLATER: What discretion remains for local Boards of Elections once that one-hour threshold has been reached?

MR. GIBBS: Repeat that question for me, I'm sorry.

MR. SLATER: What -- does the local Board of Elections have discretion once the one-hour threshold has been reached?

MR. GIBBS: Once this bill is passed they will. No, they don't -- they don't.

MR. SLATER: Right. Once the bill -- once the bill -- once the bill has passed.

MR. GIBBS: Well, to answer your question, no, they don't at the moment.

MR. SLATER: Can commissioners determine under

your bill, can commissioners determine that despite a -- a disruption, voters still had a meaningful opportunity to vote during the remainder of the day?

MR. GIBBS: I'm sorry, I was distracted. Please repeat the question.

MR. SLATER: Under your proposal, can commissioners, local Board of Election commissioners determine that despite a disruption, voters still had a meaningful opportunity to vote during the remainder of the day?

(Conferring)

MR. GIBBS: No.

MR. SLATER: And does the bill assume that every disruption lasting more than one hour requires the same remedy regardless of the circumstances?

(Conferring)

MR. GIBBS: Correct.

MR. SLATER: Currently if -- I -- I just want to make sure I understand, when you go into a -- a -- at least when I go into my polling places --

MR. GIBBS: Uh-huh.

MR. SLATER: -- oftentimes there's more than one machine in that polling place.

MR. GIBBS: Certainly.

MR. SLATER: So is this specifically related to the actual polling location or is it also encompassing polling machines?

(Conferring)

MR. GIBBS: It could be either.

MR. SLATER: So it could be both a polling -- it could be a machine breakdown or a disruption or inability to enter a polling place?

(Conferring)

MR. GIBBS: Well, they want me to read you what the definition of disruption is, but i'mma say that, you know, in the polling site if there's a broken polling -- if there's a broken poll in the polling site, Board of Elections do have commissioners who would then send out another commissioner to just look at or shut the site down. That's not considered disruption in this legislation.

MR. SLATER: So it's not considered disruption. Because under the definition it talks about to be unable to vote for a period of time exceeding one hour, obstruction or interruption. So I guess the question that I'm trying to ask is is an interruption also regarding the machines?

(Conferring)

MR. GIBBS: Yeah. It can be if you can't vote.

MR. SLATER: But now my -- my follow-up to that is, don't the -- the Board of Elections currently have processes in place so that when there is a machine breakdown there is a backup option for voters to continue to cast their ballots?

(Conferring)

MR. GIBBS: Yeah -- yes, but this only applies if a --

a repair or a substitution to a votin' machine or system cannot be made. Emergency ballots may not be given out during the repair or the substitution.

MR. SLATER: So if a machine goes down you can't use a Plan B option?

(Conferring)

MR. GIBBS: It doesn't, no.

MR. SLATER: It -- it does -- your bill doesn't speak to that or you're not allowed to do that under the current law?

(Conferring)

MR. GIBBS: So i'mma read the -- the description of disruption. Disruption: Additional time for votin' pub -- publicity -- publicity of remedy in the event that early votin' or Election Day votin' at one or more polling place is disrupted prior to the close of polls of any day of election for duration exceeding one hour, the Board of Elections that day of elections to account for the last -- the lost time voters or such impacted election districts. So pretty much --

(Conferring)

Yeah, so -- yeah. If the machine goes down they do it off the (indiscernible).

MR. SLATER: So if the machine goes down, you're on -- the Board of Elections Commissioners would then be able to decide themselves if -- do they have the flexibility to say that they're -- even though there was a Plan B machine or they were able to collect affidavits that they are still -- have to -- are they mandated to extend

even in -- in that situation when ballots were still being able to be cast?

(Conferring)

MR. GIBBS: I mean there's no votin' going on, period. If there's a disruption it's shut down, period.

MR. SLATER: Okay.

MR. GIBBS: There's no ballot being cast, there's no ballot being collected.

MR. SLATER: So basically again, so we're really just talking about the extremes of if a tree falls and blocks the entranceway of a polling place or like that terrible situation you were describing about -- describing in your district. But if -- if ballots are still able to be cast, then that does not meet the standards of the definition.

MR. GIBBS: Well, I think if a tree is blocking the polling site it's preventing from [sic] voters from coming into vote, that's considered disruption.

MR. SLATER: Right.

MR. GIBBS: So at that point the polling site will be shut down until the tree is removed.

MR. SLATER: Right.

MR. GIBBS: And then the commissioner would deem the polling site safe to continue voting or to resume voting.

MR. SLATER: Right. I just want to make sure that we're clear for our county Board of Elections that in those instances

because that happens. Machines go down, but they --

MR. GIBBS: All the time.

MR. SLATER: -- do have backup plans, they do have other machines available. So as long as someone is able to enter safely into a polling place and cast a ballot --

MR. GIBBS: Yes.

MR. SLATER: -- even if a machine goes down, this wouldn't -- that -- that machine going down would not qualify under disruption? I just want to make sure we're perfectly clear about this.

(Conferring)

MR. GIBBS: Not necessarily, no.

MR. SLATER: Who decides not necessarily?

MR. GIBBS: Our commissioners.

MR. SLATER: So both commissioners would have to agree that there was a disruption as defined in the law if it extends more than an hour. So if a machine goes down for 45 minutes it doesn't meet the criteria. If a machine is down for 90 minutes because you have to cross a county or go from one side of the City to the other or whatever the problem might be, then the Board of Elections Commissioners may agree that the machine going down -- because I understand what you're trying to say on the physical aspect of -- of ingress and egress of a polling place. I understand that completely.

MR. GIBBS: Right.

MR. SLATER: But I'm trying just make sure that we're clear in the law that you're proposing that it doesn't also apply to

the machine itself. So if a machine goes down for an hour-and-a-half, the Board of Elections Commissioners could then determine that an additional time is needed to be added on at that particular polling place?

(Conferring)

MR. GIBBS: Yeah. If the voters can't vote, that's a disruption. But also, you alluded earlier that at your polling site there's multiple polls there, right? Multiple voting polls there.

MR. SLATER: Yeah.

MR. GIBBS: So if one goes down, you use another or the third.

MR. SLATER: Right. And I just -- that's 100%. That's what I wanted to make sure, that if there are other opportunities. Again, whether it's using another election district's polling machine that is in the same polling place or again, voting via affidavit that that does not trigger -- that that does not trigger the disruption definition. That's fine, we can --

MR. GIBBS: Well, Member Slater, I'm not one of these professional politicians, but I do understand that if you're assigned to vote at one polling place, you got to vote at that polling place. There's no going back and forth, right? So that's why this bill if there's a disruption, will allow them to shut down and then recoup that time, opposed to sending voters to another district to vote in another votin' place.

MR. SLATER: And again, I understand what you're

-- what -- what you're trying to achieve here. I think we just want to make sure we're clear on -- on what some of the practicality -- practical pieces of this is.

If the commissioners disagree about when a dis -- a disruption began, does the bill default to the time the first report was received by the board?

(Conferring)

MR. GIBBS: Yes.

MR. SLATER: And what happens if a disruption actually began well before it was reported? So if a disruption began at, you know, ten but they didn't get the call until 10:45 because they were trying to deal with it, when does the clock start?

(Conferring)

MR. GIBBS: Yeah, it's -- it's all their discretion. They can start earlier, they can recoup the time or go back time -- the time started and the time it was reported.

MR. SLATER: So what happens if a -- if a constituent or even, listen, even a -- an election's poll worker calls and reports an issue and the Board of Election Commissioners investigate it and they disagree with the facts that are presented to them. What happens in that case?

(Conferring)

MR. GIBBS: The law provides that the law kicks in.

MR. SLATER: And it says what?

MR. GIBBS: It says simple, the Commissioners have to act and then extend that time, recoup that time unless it's the next day.

MR. SLATER: But if the Commissioners don't agree with the premise that was presented to them, then the -- then they just would not extend the extra time, correct?

(Conferring)

MR. GIBBS: You know, that'd be breaking the law. They have to comply. You know, it's the law. The law says --

MR. SLATER: But if the --

(Crosstalk)

I understand what you're saying, but if the -- if -- if you and I are the Elections Commissioners and we both go, *Nah. We don't -- we don't buy this*, are we required as the Board of -- even if we're for the Board of Elections Commissioner, we're saying, *we don't think this is actually what happened*, are we still required to add additional time? Or do we have the authority to say we're gonna continue to operate as is?

MR. GIBBS: If voting was stopped, if voting was disrupted, yes, you would have to return that time. You have to give that time back.

MR. SLATER: And how do they verify that it indeed in fact was disrupted? How do I know that it's not just a disgruntled citizen who's calling and saying, *I have -- I've been waiting for the last hour to cast my vote*, what happens if they're not telling the truth?

MR. GIBBS: Such as life. We had a bomb threat and there wasn't a bomb at the school, but yet our voters was [sic] disrupted for two hours while the NYPD searched for a bomb.

MR. SLATER: But -- but the NYPD --

MR. GIBBS: I'd look to the constituent who said, *hey, I don't want the Governor to win. There's a bomb in the school*.

MR. SLATER: Right. But in that case you had the NYPD actually there. I'm saying like if one person just calls and said that, *I haven't been able to cast my vote for an hour and ten minutes,* are we required to act on that one report?

MR. GIBBS: If the voting is going on, no, it's not a disruption if the voting is going on. But if there's a disruption, if there's a big argument and a fight and the Commissioner deemed, *hey, it's unsaf*e, he or she will shut it down.

MR. SLATER: Could polling places across New York close at different times on Election Day under this legislation?

MR. GIBBS: I'm sorry. Repeat that again, I'm sorry.

MR. SLATER: Could polling places across New York close at different times on Election Day?

MR. GIBBS: Yes.

MR. SLATER: Is Statewide uniformity and polling hours an important election administration principle?

(Conferring)

MR. GIBBS: Definitely not more than this, no.

MR. SLATER: So could one polling place remain

open until 10 p.m. while another closes at nine?

MR. GIBBS: Yes. That's what this bill provides, especially if you have to recoup that time.

ACTING SPEAKER HUNTER: You can have your second, Mr. Slater.

MR. SLATER: Thank you, Madam Speaker.

Could a polling place remain open even later depending on the length of the disruption?

MR. GIBBS: Yes.

MR. SLATER: What happens to the staff?

MR. GIBBS: (Indiscernible)

MR. SLATER: What happens to your poll workers who were there starting -- they -- they report at 5 o'clock in the morning.

MR. GIBBS: That's Board of Elections. So they may be recouped with overtime pay. That's a Board of Elections matter.

MR. SLATER: Is the Board of Elections authorized to pay overtime?

(Conferring)

MR. GIBBS: Yes, they could split shifts. Yes.

MR. SLATER: They can -- but what happens if they don't -- if they don't have enough people? We're struggling right now with election workers. So if an elect -- if you don't have enough people to split shifts and you're in there at 5 a.m. and then there's a disruption and the Board of Election Commissioners tell you, *hey,*

*your shift now is gonna end at 10, 11 at nigh*t, what reprieve do we provide for the election workers?

(Conferring)

MR. GIBBS: Yeah. I mean, if he was on line at nine to vote and there's disruption you have to honor that. You have to -- they have to stay and honor those voters, those constituents who's coming out to vote.

MR. SLATER: Has New York previously authorized polling places within the same election to close at different times?

(Conferring)

MR. GIBBS: No. I'm not sure of that one.

MR. SLATER: And so -- and so we -- we really do have a hard stop to ensure accuracy of votes so that all pencils and votes are down at a specific time on Election Day.

(Conferring)

MR. GIBBS: This is emergency situation, Member Slater.

MR. SLATER: And -- and I understand that. But is there not an impact that could happen if we staggered closing times, especially in regards to public confidence in -- in our elections? People hate the fact they have to wait as long as they do as it is with a 9 o'clock closing and now we're gonna tell them that they got to wait even longer for those results?

MR. GIBBS: You know, votin' matters. The impact will be voters didn't vote. That would be a horrible impact.

MR. SLATER: And I agree. I'm not disagreeing with you. But I -- I think that there's questions about staggering these election polling places potentially and having them close at different times.

On page 3, lines 1-4, is it correct that ballots that are cast during an extended voting period may not be segregated from other ballots?

MR. GIBBS: Yes.

MR. SLATER: If a court later determines that an extension was improperly granted, how would those ballots be identified?

MR. GIBBS: That's a good question.

(Conferring)

It wouldn't happen. I couldn't tell you who you voted for. We -- they wouldn't go back to finding out.

MR. SLATER: Well, then wouldn't that skew the, potentially, results of the election if a -- if a judge says that those ballots that were cast after 9 o'clock because of an extension that should not have been granted and now we can't find those ballots? How do we rectify that?

MR. GIBBS: That -- that can't be the call or the remedy. Look, if there was a disruption at the polling site and we shut the polling site down, this bill simply says we're gonna recoup that time. So, you know, again, that's the remedy to recoup the time and we shut the polling down. So like you said, if we shut it down at 8:50

and then we reopened it at 10 o'clock, it's the time.

MR. SLATER: I understand but we're also -- and I -- and again, I -- I understand what you're -- what you're saying but if that gets challenged in court for improperly extending those hours, are we not, because of the fact that we're not separating the ballots, are we not preventing meaningful judicial review of the extension decision?

MR. GIBBS: Member Slater, this bill protects the voters. The court don't have the authority to throw out votes. Sorry.

MR. SLATER: Well, that's for the courts to decide though, right? If the extension itself is challenged, how would a court --

MR. GIBBS: No. It's -- it's -- we have to decide. That's why we're here. We have to decide that. That's what this bill is going to decide.

MR. SLATER: If it gets challenged in court, if there's a situation that gets challenged in court, I don't think that they're gonna be asking us here to -- to make that decision. If the extension itself is challenged --

MR. GIBBS: Every law can be challenged in court, Mr. Slater.

MR. SLATER: I'm sorry?

MR. GIBBS: Respectfully, every law can be challenged in court.

MR. SLATER: And I hope many of them that get passed here do.

(Laughter)

If the extension itself is challenged, how would a court fashion a remedy once all ballots have been mixed together?

(Conferring)

MR. GIBBS: Yeah, that happened before the extension.

MR. SLATER: No. If -- if -- if the extension is challenged and you mix all the ballots, how do you remedy that once all the ballots have been mixed together?

MR. GIBBS: Who's challenging the extension?

MR. SLATER: Well, what happens if I don't believe that an extension should've been provided and I go to a court, I go to a judge and I challenge the extension in court and a judge agrees and says, *no, you're right. There was voting going on and they should not have been given the extension,* but you already co-mingled all the ballots together so you can't then extricate the ballots that were cast beyond the time that the court believes should have been cast.

(Conferring)

MR. GIBBS: This is before the fact, Member Slater.

MR. SLATER: Well, I -- I think when you're dealing with Election Law you also have to think after the fact, because all these laws that we're passing have a real life impact --

MR. GIBBS: Certainly.

MR. SLATER: -- and especially when it comes to making sure that we have a process that people can have trust in. And

I understand what you're trying to accomplish, but these are the nuances of the Election Law that we have to make sure that we're really ironing out.

Has a fiscal analysis been completed regarding the additional staffing and operational cost this bill may impose?

MR. GIBBS: No. Again, that's a Board of Election issue.

MR. SLATER: And so we have not reached out to the Board of Elections whether on -- on a county level or even the State Board of Elections to figure out if there's going to be a fiscal impact here?

MR. GIBBS: This is emergency situation. We don't think it's gonna happen all the time, God willing. Thank God there was no bomb in Jackie Robinson Educational Complex.

MR. SLATER: Thank God is right.

MR. GIBBS: But you know what, those two hours the cops were investigating, voters lost those two hours of voting.

MR. SLATER: I -- I just want to go back to our inspection workers again. Is there a limit on how many hours an inspection worker can work at a poll?

MR. GIBBS: Give me a second, all right?

(Conferring)

No.

MR. SLATER: And so again, if there's a three hour -- two hour disruption, polls open at six, we're going to 11?

MR. GIBBS: Yeah --

(Conferring)

Yeah. If it's early votin' it could be potentially the next day. I recall when I was a young, struggling kid I looked for these Election Day jobs, you know and I would stay there 12 hours because I know they would pay handsomely on overtime, and most of the time they would provide a car ride home.

MR. SLATER: But in -- but respectfully, there's also poll workers who aren't -- who aren't young, who aren't younger kids --

MR. GIBBS: And again --

MR. SLATER: -- and they're just doing their part to support our institutions and to do their role to make sure that we have a -- a working democracy. And so, if you're asking someone who's not a young kid trying to make a few extra bucks to stay that extra time, I just -- I just have a concern with that, but -- but that's okay.

MR. GIBBS: Well, Member Slater, as a district leader, you know, my responsibility was to make sure that our seniors who are working the polling at night did receive car payers or car stipends. So I think Board of Elections are very mindful when it comes to seniors or adults working late night shifts.

MR. SLATER: I agree. I think they do their --

MR. GIBBS: Transportation is provided.

MR. SLATER: -- best to accommodate them. I agree. I think they do their best to accommodate.

Does this bill provide any additional funding for counties that may be needed to implement these new mandates?

MR. GIBBS: No.

MR. SLATER: And I just want to make sure that I -- all my questions were answered.

Mr. Gibbs, thank you very much for answering my questions.

MR. GIBBS: Mr. Slater.

MR. SLATER: Madam Speaker, on the bill if I may.

ACTING SPEAKER HUNTER: On the bill.

MR. SLATER: I agree with Mr. Gibbs that every -- every voter deserves an opportunity to cast a ballot and every legitimate disruption of a polling place deserves an appropriate remedy. But the question before us today is not whether election dis -- disruptions should be addressed, the question is whether this bill improves upon the system that we already have.

Under current law, when a significant disruption occurs courts can act. Existing remedies are already available and can be tailored to the facts of a particular situation. This bill replaces that system with an automatic extension framework that raises more questions than it answers. If voting is interrupted for more than one hour, voting must automatically be extended. Polling places throughout New York could potentially close at different times on the same Election Day. One location could close at 9 p.m., another 10 p.m. and another even later. That would be a dramatic departure from

the uniform administration of elections that voters have come to expect and frankly, trust.

This bill also creates factual disputes that are difficult to resolve. When exactly did the disruption begin? When did the disruption end? What happens when election inspectors, voters and commissioners disagree? Rather than relying on a neutral court to determine those facts, this legislation creates an automatic process that may generate additional confusion and litigation.

Perhaps most concerning is the language regarding the ballots cast during an extended voting period. This bill specifically prohibits those ballots from being segregated from all other ballots. If a court later determines that an extension was improperly granted, how can meaningful judicial review occur if those ballots can't even be identified? We should not be creating a system where courts are unable to effectively review election procedures after the fact.

I'm also concerned about the practical impact on county Boards of Elections; particularly our smaller counties and all of our election workers that we continue to rely on. Additional staffing, additional public notice requirements, additional reporting requirements and potentially extended voting hours all carry costs and administrate -- and administrative burdens that are not addressed in this legislation.

At its core this bill appears to be a solution in search of a problem. The examples cited involve situations where existing

legal remedies were already available, yet instead of strengthening those tools, this bill creates a new and complicated framework that risks inconsistent application across our State. I say it all the time when we talk about Election Law and I'll keep saying it with every bill that we discuss for the next 36 hours, however much time we're here, election laws need to be clear. They should be uniform, they should inspire confidence. Unfortunately, this legislation creates uncertainty where certainty is needed the most.

And for all those reasons, Madam Speaker, I will be voting in the negative and I urge my colleagues to do the same.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Chang.

MR. CHANG: Thank you, Madam Speaker. Will the sponsor --

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. GIBBS: Hey, Mr. Chang. I'm honored.

MR. CHANG: Hey.

MR. GIBBS: How you doing?

ACTING SPEAKER HUNTER: The sponsor yields.

MR. CHANG: Thank you very much, Mr. Gibbs --

MR. GIBBS: How you doing?

MR. CHANG: -- thank you, thank you. When you wrote this bill, had you consulted the Board of Election operations?

MR. GIBBS: No, I did not.

MR. CHANG: I'm a 30 year experienced poll site coordinator --

MR. GIBBS: Thank you for your service.

MR. CHANG: -- thank you. And I've done about a dozen different polls sites. Even during 9/11 as a -- as an emergency, I experienced that, what destruction's all about. So --

MR. GIBBS: Quite sure you've seen a lot in your day.

MR. CHANG: -- maybe those issues you wrote this law has been already addressed. Poll sites don't need power, everything can be done by affidavit.

MR. GIBBS: I -- I disagree, Member Chang. Poll sites need all the power. This is where our democracy lies, this is where the vote go. We need power, we have to protect our votes.

MR. CHANG: No, no, no. Electrical power.

MR. GIBBS: This is what the bill is, it protects the vote.

MR. CHANG: I'm talking about electrical power.

MR. GIBBS: Oh, electrical power. I'm sorry.

MR. CHANG: Electrical power. There was a time --

MR. GIBBS: I didn't hear electrical, I'm sorry.

MR. CHANG: -- there was a time that we had spring mechanic machines that don't require any power. It -- it needs muscle power.

MR. GIBBS: There you go, there you go. Thank you.

MR. CHANG: Now, in disruptions, because why these disruptions are -- are exist because public safety determined by the cop inside the poll site and determined by the poll site coordinator or who runs that. Those are the two people determines if their emergency does exist for -- for public safety, then a police officer takes over.

MR. GIBBS: That's not always the case. But let's talk hypothetical for a second.

MR. CHANG: Certainly.

MR. GIBBS: You said in 9/11 you was at a polling site, right?

MR. CHANG: I was there at poll site 9/11.

MR. GIBBS: What happened at 9/11?

MR. CHANG: Okay. Well, one thing is it took about an hour for the whole system to close down. We got a word from headquarters, everything closes down. Everything. So they rescheduled that I think three weeks later.

MR. GIBBS: Oh, three weeks later? Right.

MR. CHANG: Three weeks later.

MR. GIBBS: Oh.

MR. CHANG: And -- and the vote was all canceled out and they redid it again during 9/11. That I was clear about that.

MR. GIBBS: It was a tragedy, it was a disaster.

MR. CHANG: Yes, it was. Actually, I was down in Chinatown less than a mile away World Trade Center. I saw it when it came down.

MR. GIBBS: Yeah.

MR. CHANG: And I had white dust on -- on my clothes, too.

MR. GIBBS: And I'm glad you're here to talk about it today, Member Chang.

MR. CHANG: Oh, yes, yes. But there are other emergencies and -- and I heard from other poll sites, flooding in the basement. Now, that becomes a hazard if you have flooding and what they did was they issue emergency ballot, affidavit ballot on the spot. So you don't need to have the machine, you just have a pencil and paper and envelope and fill that out and that will be counted as a ballot. Even though manually, but it has been done.

MR. GIBBS: Member Chang, this bill will not preclude any other remedies. That's a great remedy, but any disruption this bill addresses. Whether it's a flood, a fire, a fight, a threat, a bomb, a terrorist --

MR. CHANG: Certainly. So that's --

MR. GIBBS: -- a Nazi.

MR. CHANG: Sorry. That's determined by the police officer on the ground or -- or the official Board of Election to just determine to make sure the site is safe for continual operations.

MR. GIBBS: I don't think NYPD can predict what's

gonna happen during the day, and I don't think they have the authority to shut down a polling site or an election site. Again, it's up to the Commissioners.

This bill simply addresses and says, hey, if there's a disruption whether [sic] it may be, we will give the voters an opportunity to come back when the polling site is safe to cast their vote. We want to protect the vote. The vote got you here today, Member Chang.

MR. CHANG: Certainly. Because the Board of Election already solved that problem. As long you are in -- within that poll site at 9 o'clock, even though there's 20 million people in that poll site, they will get the chance to vote even after 9 o'clock as long you are in that poll site. Are [sic] you know about that?

MR. GIBBS: But you're talking about curfew. Right now we talking about extension. So of course if you inside the polling site before 9 o'clock, you can stay in there 'till 10 o'clock to vote if that's --

MR. CHANG: That's correct.

MR. GIBBS: -- how long the line is. But there's a disruption where they say, hey, you cannot vote anymore because there's a disruption like i.e., a bomb threat, maybe a fire next door, maybe a flood, maybe another --

MR. CHANG: Well, that's where --

MR. GIBBS: -- plane hitting another tower. That's a disruption and we're simply saying in this bill that the voters deserve

an opportunity to get those two or three hours that was disrupted back to vote. Votin' is important. Let's protect the power to vote.

MR. CHANG: That's why you need to consult. There's a Board of Election operation. They have a contingent emergency to address those issues. I went through it myself for 30 years, I've seen it --

MR. GIBBS: Oh, you an expert.

MR. CHANG: -- because even for myself, I -- I always protect the voters to come into vote. The problem is not that many people come in and vote as what, you know, the -- the turnouts unfortunately not as robust as other states in New York City. But I always in my best interest when I run that poll site is to make sure everyone gets in on that site by 9 o'clock, and if they're in by 9 o'clock, it could be 20 million people in that poll, I'd make sure that it will stay operation [sic] even past midnight because they have that right to vote. So --

MR. GIBBS: I thank you for protecting our democracy. Were you a commissioner?

MR. CHANG: No, I'm not a commissioner.

MR. GIBBS: Oh. So how could you do all the things you said you was just doing? Only the commissioner have the power to do everything you just said that you were doing. Only the commissioner have that power to do that.

MR. CHANG: Because there's more than one commissioner. There's a -- there's a Board of Commissions [sic] in

there and --

MR. GIBBS: Oh.

MR. CHANG: -- and you always get the instructions from headquarters.

MR. GIBBS: Oh.

MR. CHANG: You don't make that decision yourself.

MR. GIBBS: Oh. Okay. You was instructed, okay.

MR. CHANG: There's always instructions.

MR. GIBBS: I thought you was making instructions. I apologize.

MR. CHANG: No. There's always instructions and -- and there's a -- a 100-page manual on what -- what happens to the site, you know --

MR. GIBBS: Have you read that --

ACTING SPEAKER HUNTER: Colleagues, colleagues. Firstly, we need to not talk over each other --

MR. CHANG: Oh, sorry.

ACTING SPEAKER HUNTER: -- and secondly, we need to be speaking on the bill.

MR. CHANG: Okay.

ACTING SPEAKER HUNTER: This is fascinating stuff, listing to your histories. That's great, but we need to be speaking on the bill, please. Thank you.

MR. CHANG: So does the -- does -- does the bill

also account for emergency ballot?

(Conferring)

MR. GIBBS: What about emergency ballot, Member Chang? I'm sorry, I'm confused.

MR. CHANG: Emergency ballot is -- is once they've verified a voter is -- can be voted, you get a ballot, a paper ballot, an envelope, you fill everything out, seal it and it's good.

MR. GIBBS: Usually that happens when they can't find your name at the polling site. They give you that ballot, put it in the envelope and then --

MR. CHANG: That's what I call (indiscernible).

MR. GIBBS: -- when they find your name they submit that ballot to vote when they find your name.

MR. CHANG: It's called affidavit ballot and then they count it -- it's normally -- it's normal operations. They will account for that at the Board of Election at the end of the day. It's called affidavit ballot.

MR. GIBBS: Member Chang, this is for disruptions, but I do enjoy the dialog.

MR. CHANG: Now, when you say early vote, this -- this bill also includes regular Election Day and also as well as early voting; is that correct?

MR. GIBBS: Correct. Any day you can vote.

MR. CHANG: So even for early voting, if -- if there, you know, they have nine days of early voting. If they can't miss in

one day, they can reschedule for the next day, isn't it?

MR. GIBBS: Member Chang, I created this bill because in my district there was a bomb threat, and as a result, for three hours, two-and-a-half hours technically, was -- the polling sites were shut down.

MR. CHANG: Certainly.

MR. GIBBS: I heard from my constituents who was very, very disappointed because they could not vote because of a bogus bomb threat simply because someone didn't like Governor Hochul, and as a result, 70, maybe 80 constituents of mine could not vote that day.

MR. CHANG: You mean, at that -- at that nighttime they are unable to open up before 9 o'clock closing?

MR. GIBBS: There was no law that said they could do that, you know.

MR. CHANG: So was emergency ballot was issued to them?

MR. GIBBS: I'm sorry, can you repeat that?

MR. CHANG: Emergency ballot. There is a procedure for emergency ballot to give to these voters.

MR. GIBBS: No, they weren't given out.

MR. CHANG: So the procedure was --

MR. GIBBS: They didn't have an opportunity to even receive emergency ballot because they were kicked out of the polling site. Like if someone say there's a bomb threat, Wayne gonna

kick all of us out. Well, that's what happened at the polling site there. They kicked everybody out, they didn't get an opportunity to receive emergency ballot. And in fact, they didn't even come back to get an emergency ballot.

MR. CHANG: So somewhere the procedure wasn't followed, that's -- that's what it sounds like.

MR. GIBBS: Well, this bill addresses that. For all emergencies, all disruptions voters will have an opportunity to come back to the poll to recast their vote if they're disrupted.

MR. CHANG: Well, they have -- they do have an opportunity for affidavit ballot. They have an opportunity to do that. So I'm not sure --

MR. GIBBS: In your case. I mean, yeah.

MR. CHANG: I mean, that's -- that's a backup plan and you don't really need electrical power to -- to -- to count for votes, paper ballot --

MR. GIBBS: It's not about electrical power, Member Chang and I think this is a bit redundant, this argument. Simply -- this bill simply says if there's a disruption, whether it's emergency, we're gonna recoup those two, three hours that the disruption caused and give those voters an opportunity to vote. Whether they Republican, Democrat, Independent or so on, they have an opportunity to come back and cast their vote. That's important.

Now imagine you going to a polling site. You walked seven blocks and you get to this polling site and you see the

police and all these bomb dogs out there and they say, *hey, Mr. Chang, you can't vote right now because we got to take care of the bomb*. Now you gonna sit there for two, three hours, 9 o'clock, 10 o'clock they close the polling site and won't allow you to vote. And you're gonna be disgruntled like my constituents. They were disgruntled because they could not vote because of a bogus bomb threat.

MR. CHANG: Well, I -- I -- I understand this concern and there is constituent procedures and Board of Elections for that. If -- if it's physically that there is a, again, like flooding in -- in the -- in a facilities and unable to operate, they always have alternatives. They always have some advantages or have some off-site to administer the vote.

MR. GIBBS: Well, you know, in your 30 years experience, Member Chang, I know you know that you cannot give a voter, a constituent an affidavit out in the street --

MR. CHANG: No. No, it's not --

MR. GIBBS: -- you cannot do that.

MR. CHANG: But it could be another polling site --

MR. GIBBS: So if they're shutting down the polling site, you're out in the street. You as a former commissioner or whatever your role was, respectfully, at the Board of Elections --

MR. CHANG: No. I was a plain -- a coordinator at the site --

MR. GIBBS: -- you cannot go out on the street and

say, *hey, Mr. Voter, don't leave. Take the affidavit and vote in the street.* You can't do that.

MR. CHANG: No, no, it doesn't. It doesn't operate that way. We have --

MR. GIBBS: This bill says, *hey, let them come back into the building and let them vote. Simply*.

MR. CHANG: The Board of Election operations always care about chain of custody. So there will always be alternative.

MR. GIBBS: I'm sorry, repeat that. I'm sorry.

MR. CHANG: Certainly. The Board of Election people always take serious of chain of custody to make sure all the information are stayed. If there was an emergency in that site that had to be closed down because of public safety, okay, there is alternative by the Board of Election operation either redirect to another poll site, or there might be a temporary poll site vehicles out there. But --

(Pause)

And even if the poll site is reopen, as long they're there before 9 o'clock --

MR. GIBBS: Are you on the bill, Member Chang? Because this is dialog. I'm -- we just going back and forth.

MR. CHANG: Okay. All right. So -- so the question is -- is -- is have you considered on -- on early voting there could be another schedule instead of just extended hours during early voting, you get nine days of early voting?

MR. GIBBS: Yeah, we could consider that. That's what the bill says. The bill gives you an opportunity to come back whether it's early votin', late votin', it gives you an opportunity to recoup those hours you lost during a disruption.

MR. CHANG: That means they can come back then for the next day.

MR. GIBBS: No, not the next day.

(Conferring)

No, not everyone can come back the next day. Not everyone can come back in the next hour. Some people be discouraged. Some people have to walk seven, eight blocks and you said seniors, right? Member Slater said something about protecting seniors. Some seniors walk six, seven blocks just to cast their vote. So imagine an 85-year-old woman walking to the polling site with her walker and she gets there and say, *hey, ma'am. You can't vote today because there's a disruption here.* Now she have to walk seven blocks --

MR. CHANG: I -- I understand that, too.

MR. GIBBS: -- with her walker and she's discouraged. She's not walking back and she's not gonna sit around and wait three hours 'till they open the polling site again. This bill gives her the opportunity to come back later on and cast her vote safely.

MR. CHANG: Yes, they can if they opened up the polls [sic] site deemed safe by both poll site coordinators and the

police if it's deemed safe. If it's not deemed safe, then the Board of Election have to create an alternative, isn't it?

MR. GIBBS: Is that a question or are we still dialogin'?

MR. CHANG: You know, that's --

MR. GIBBS: Can you repeat the question? Because I -- I thought we were just talking.

MR. CHANG: So -- so if the poll site is deemed safe and reopen and a person is as long as before 9 o'clock, do you think they need an extension?

(Conferring)

MR. GIBBS: Yeah, it's simple. If there's an hour disruption there should be an hour tapped on at the end.

MR. CHANG: I understand. Okay.

On the bill.

MR. GIBBS: Thank you, Member Chang.

MR. CHANG: Thank you very much --

ACTING SPEAKER HUNTER: On the bill.

MR. CHANG: -- thank you. Yes, interesting dialog, but I think this bill, it's -- it needs to be scrubbed, it needs to be thawed out, it needs to work with the Board of Election operations. There are contingency based on my experience of 30 years as coordinator with a dozen different sites and even down at 9/11 that time when it went down. So from my personal experience, now in New York City may not be -- may be different in the rural or

suburbian because they may not have that robust support. But in New York City, there is contingency to make sure that the people get to vote on time.

Now, if it's during Election Day, because it's by law, it's 6 o'clock to 9 o'clock. That's structured by law, can't change. But as long as person can be in that site by 9 o'clock, you can still vote and even though you're still waiting on line at 10 o'clock or 12 o'clock at midnight, you can still vote as long you're in that site. And even if you're outside, as long as the police knows that you're waiting in line, you're still eligible to vote.

So I think this law itself is -- is little bit -- it's not defined as destruction but there are ways that Board of Election has solved.

In this case I would vote negative.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Durso.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. GIBBS: Certainly for Member Durso.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Mr. Gibbs. I'm probably gonna ask you some questions that may have been asked already, but I

just want to kind of simplify it for myself.

MR. GIBBS: You're a member, Durso. You can do what you want.

MR. DURSO: Thank you, sir. So as you said, this is for a disruption. So let's just say it's the first day of early voting --

MR. GIBBS: Yes.

MR. DURSO: -- and there's a disruption and the polling site is closed. It has to be closed, correct? You cannot walk in to vote?

MR. GIBBS: Correct.

MR. DURSO: That -- that would be the disruption --

MR. GIBBS: Yes.

MR. DURSO: -- for the definition of this bill?

MR. GIBBS: Hold on. One second.

(Conferring)

Yeah. If the polling was closed, yeah.

MR. DURSO: So you -- you cannot vote? The -- the -- the polling site is closed?

MR. GIBBS: That --

(Conferring)

No voting is going on, correct. So there's a disruption, they're gonna shut that site down --

MR. DURSO: Right --

MR. GIBBS: -- there's no votin' going on --

(Crosstalk)

MR. DURSO: -- right and that's my question -- yes, no, no, no. That's perfect. The -- the site is shut down, nobody can vote, let's say it's for two hours --

MR. GIBBS: Yes.

MR. DURSO: -- right? That two hours have to be tacked on to that same day, right? The extension of that day, correct? If the polls close at nine or 6 o'clock because it's early voting, if it closes at six, it's gotta be extended to eight, right? Whatever the amount of time it's closed for, it has to be extended that same day.

MR. GIBBS: Generally, yes.

MR. DURSO: You say generally, what does that mean?

MR. GIBBS: Well --

(Conferring)

There could be possible situations where, you know, it's early votin', you can do it the next day. But the cutoff is on Election Day. You can't vote after Election Day.

MR. DURSO: Okay. So my question is then why would it not be extended that day if the -- if the concern, right, is people were not able to vote that day, but let's say there's another eight days of early voting. Why would they -- why would we extend the hours the next day when it seemed like the bill wants it to extend it that day? The next day it's open for eight, ten, 12 hours.

(Conferring)

MR. GIBBS: It would generally be the same thing

administratively and impractibal [sic] -- impractical.

MR. DURSO: But they can extend it the next day?

(Conferring)

MR. GIBBS: They can. In certain situations they can.

MR. DURSO: And who would make that determination?

(Conferring)

MR. GIBBS: Commissioners.

MR. DURSO: Okay. So the language in the bill says that essentially -- I'm terrible at math so just give me -- just hear me out for a second --

MR. GIBBS: You and me both.

MR. DURSO: -- let's say if -- if -- if voting is open for 100 hours during that week, you have to get 100 hours of voting in regardless of what day it is. Is that a better way to say it? So if it's closed for two hours this day, you -- you have to get it in somewhere along the line? Does it have to be the next day, could it be three days later that they add those two hours on?

MR. GIBBS: Generally it's the same day, right? So let's say hypothetically the disruption happened at 11 a.m. --

MR. DURSO: Right.

MR. GIBBS: --and it lasted three hours. My math is not as good as yours.

MR. DURSO: Mine obviously is not good.

MR. GIBBS: I'm about to pull out my calculator right now.

MR. DURSO: Okay.

MR. GIBBS: So from 11 a.m. to 2:00 p.m., let's say that's three hours, correct?

MR. DURSO: Right.

MR. GIBBS: Now the poll site is open --

MR. DURSO: Right.

MR. GIBBS: -- you resume voting once NYPD and the commissioners deem the site to be safe. You resume voting'.

MR. DURSO: Right.

MR. GIBBS: Voters have an opportunity to come in and cast they [sic] vote in a safe site.

MR. DURSO: Right, which we want. And I -- I don't -- I don't disagree with that at all. My question is those three hours have to be made up. Is there a part of this bill that says they have to be made up that day, or it just has to be made up at some time within that ten days of voting?

(Conferring)

MR. GIBBS: The thought is the same day, but ex -- extenuating circumstances where it may go over 'till the next day on early votin'.

MR. DURSO: Okay. So I could see it maybe going to the next day, but technically the way you're saying it to me and -- and just so I understand it, it doesn't have to be the next day. If they

lose three hours and if early voting is on a Monday, right, and it gets shut down Monday for three hours, technically the Commissioners could say, *we're gonna leave the early voting site open on Thursday for an extra three hours.*

MR. GIBBS: No. The deport (phonetic) should be the same day, you know, and again, and especially if the disruption happened earlier, say morning time, afternoon. You know, the thought should be the same day. Why carry over to the next day when you can actually --

MR. DURSO: I -- I would agree. I -- I -- I'm actually -- I'm not disagreeing with you. I'm just wondering why the legislation doesn't specifically say the next day or that day, because technically it could be -- does --

MR. GIBBS: It does say that, I'm sorry.

MR. DURSO: Okay. Perfect.

MR. GIBBS: It does say that, I'm sorry.

MR. DURSO: What does it say? It has to be the next day? I'm just trying to get it for clarification, I'm not --

(Conferring)

MR. GIBBS: It's on page 1, we're trying to locate the paragraph.

MR. DURSO: No problem, take your time.

(Conferring)

MR. GIBBS: Okay, great. Bear with me, my glasses are a little bit foggy.

MR. DURSO: No -- take -- yes, sir.

MR. GIBBS: The scheduled timeframe for votin' shall be then be adjusted accordingly for each such polling place and extended on that day of election all -- if extendin' the timeframe for votin' at such polling places on that day of election would be administratively and practible [sic] -- impracticable, excuse me. And such additional time for votin' should be schedule [sic] on the next day for votin' or a successive -- excuse me, successive, successive day for votin' in the same polling place.

MR. DURSO: Okay. So I take it is -- that as that day or the next.

MR. GIBBS: Or the next. Page 2.

MR. DURSO: Right? That's -- that's the way I'm --

MR. GIBBS: Correct.

MR. DURSO: -- can we all agree, right, that that's -- that's all it says? Everybody's shaking their head so I'm gonna assume --

MR. GIBBS: But -- but --

MR. DURSO: Right --

MR. GIBBS: -- yes, the next day. But the default is that day.

MR. DURSO: Of course, right. But it could be the next day. Not three days later. It --

MR. GIBBS: It can be technically be the next day, but the default is that day, end of day.

MR. DURSO: Perfect. Thank you, Mr. Gibbs. That's -- that was one of my questions.

My next question is when we talk about it has to be that polling site, correct? So in other words, if that polling site -- just for clarification, I assume it is, if -- if the polling site on -- on the corner of Van Buren Street just for all -- that's where I grew up, is closed, right, that you can't open a different polling site for another three hours. The next day it has to be that site?

(Conferring)

MR. GIBBS: Yes, the (indiscernible).

MR. DURSO: Okay.

MR. GIBBS: -- yes -- yes. The (indiscernible), yes.

MR. DURSO: Perfect. Now, one thing I want to go back to just -- just -- just as a -- just as a moment of clarity. When you spoke about --

(Crosstalk)

It's okay, let him talk, it's fine. When -- when -- when you -- when you talked about poll workers staying past time that they're being paid for, they don't get paid by the hour, correct? They get paid by a shift, I believe? Is --

MR. GIBBS: Yes. They may have to stay late if there's a line but yes, they get paid by the sift.

MR. DURSO: Okay. Is -- do poll workers get paid overtime?

(Conferring)

MR. GIBBS: That's outside of the scope of the bill.

MR. DURSO: Well, I -- I understand it's outside of the scope of bill, but we're making the Board of -- of Elections -- not making -- and rightfully so. Giving people the chance to vote --

MR. GIBBS: Requiring I think would be the word.

MR. DURSO: -- requiring, excuse me. Shouldn't we know if they are allowed to pay overtime because I -- I know for sure they can't force them to stay, right? I know nobody in here wants to force someone to stay at work. I believe we passed bills to -- to not do that. No so -- no forced overtime.

MR. GIBBS: That's up to the Board of Election. This is for emergencies only --

MR. DURSO: Agreed

MR. GIBBS: -- God willing it don't happen all the time.

MR. DURSO: Agreed. So let's just say worst case scenario the poll workers do not want to stay, right, and let's say polling closes at nine and they have to stay until 11 and they say, *I don't want to stay.* Is that another disruption?

(Conferring)

MR. GIBBS: They agreed to be poll workers, they don't get to just leave.

MR. DURSO: They can. They're -- they -- they agreed to be poll workers from five in the morning 'till the time the polls close. There's nothing that says that they have to stay until --

MR. GIBBS: Five in the morning until the polls close.

MR. DURSO: Yes.

MR. GIBBS: That's the answer right there, until the polls close. It could be 9 p.m., 11 p.m. I've worked polling sites at 12:30 a.m. the --

MR. DURSO: Sure. For -- for the people that were already there, right? So once you're on line, right, and poll closes at nine, right, you're allowed to vote. But now we're asking them, the polling stays open until 11. It's not about who's there, it's about anybody can come in, which we want, right?

MR. GIBBS: Yeah.

MR. DURSO: I'm just concerned about how they get paid. That is my question. I worry about, as -- as you've all heard me say, the worker and there is no provision in this bill to take care of the worker which some of them are -- are young, Mr. Gibbs. As you said, you -- you looked forward to working there and -- and making some of that money. We also have senior citizens that -- listen, if you told my grandmother who worked polls, *you have to stay*, she would tell you what to do with that. So --

(Laughter)

Let's be honest. I'm not just -- I'm being serious. So what is the remedy then in that case if we don't have enough poll workers?

MR. GIBBS: Thank you for breaking the monotony

but --

MR. DURSO: Yeah. I mean, listen --

MR. GIBBS: -- because my comfortability gets me in trouble in these Chambers --

(Crosstalk)

MR. DURSO: That's okay. I'll get myself in trouble today, Mr. Gibbs.

MR. GIBBS: Excuse me.

MR. DURSO: Sure.

(Conferring)

MR. GIBBS: You know, and I've been through this too before, you know, there's a long wait. Look, you got to wait. There's a line, you have to wait. That's the process, you know.

MR. DURSO: Okay.

Thank you, Mr. Gibbs. I appreciate you answering my questions.

MR. GIBBS: It's been amazing. Thank you, member.

(Pause)

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you very much, Madam Speaker. The Republican Conference will generally not be supporting this legislation. But if members do wish to support it, they can do so

now by voting at their desks.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this legislation. For those that would like to vote differently, they can do so here at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Anderson to explain his vote.

MR. ANDERSON: Thank you, Madam Speaker. The Constitution of the State of New York charges the Legislature with establishing election procedures and this piece of legislation authored by my colleague fulfills that responsibility by creating a clear remedy when access to voting is interrupted. Actually, if you look at Article II, Section 8 of Election Administration, the Constitution expressly con -- con -- contemplates legislative regulation of election boards and election administration and the bill gives the boards a uniform process to follow during disruption. I think that's important because disruptions happen all the time.

I remember a few years ago there was a disruption at one of my poll sites in the Rockaways and I think that just making sure that the poll workers, the board administrators and all of the

relevant staffers have a uniform protocol to follow is going to be key and important when these emergencies do come up. They're very far and few between and we want to just make sure that those processes and procedures are there.

And I thank my colleague for -- and his team for working on this piece of legislation. And I vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Anderson in the affirmative.

(Pause)

Mr. Gibbs to explain his vote.

MR. GIBBS: Madam Speaker, I rise to explain my vote. In 2022, in my district, in my polling site, Jackie Robinson Educational Complex, we had a disruption in voting. We had a bogus phone call and saying there was a bomb threat simply because a young man did not like Governor Kathy Hochul. As a result, two, three hours of votin' was taken away from our constituents, many whom were seniors and did not get an opportunity to vote that year and was very dis -- excuse me, was very disappointed. This bill is just an opportunity to right a wrong, to tell the seniors who went to vote that day that we haven't forgotten about you and we're working very hard here in Albany to secure your vote and make sure that you have an opportunity not only to vote, but vote safely.

I want to thank the questions from my colleagues on the other aisle and I want to thank my staff for putting this legislation together for me.

I'm voting in the affirmaness [sic], Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Gibbs in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 347, the Clerk will read.

THE CLERK: Assembly No. A08192-C, Rules Report No. 437, Lucas, Hooks. An act to amend the Education Law, in relation to requiring signage be placed alongside cultural materials, including artwork and artifacts stolen during the transatlantic slave period and the domestic slave trade period, between the 16th and 19th centuries, with its peak between 1700 and 1870, indicating such cultural material was stolen and/or made with materials used in the exchange for enslaved human captives.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Lucas.

MS. LUCAS: Good evening to everyone. This bill would require museums that display works of art and artifacts, or arts and artifacts that were created using metal materials that were used in the exchange of enslaved human captives during the transatlantic slave period to prominently display such information on a sign or placard.

ACTING SPEAKER HUNTER: Mr. Gandolfo.

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

ACTING SPEAKER HUNTER: Ms. Lucas, will you yield?

MS. LUCAS: Absolutely.

MR. GANDOLFO: Thank you.

ACTING SPEAKER HUNTER: Sponsor yields.

MR. GANDOLFO: Thank you. I appreciate that. So I was doing a little research on this and this looks very similar to a bill we passed a couple of years ago related to Holocaust era art that was seized by the Nazis. So it's very similar in the framework here. So my question starts with almost the first line of the bill, it says, "every museum which has on display identifiable works of art", it goes on. "Every museum," does that apply -- does that apply to public museums, private museums? Is it possible to apply that requirement to a private museum?

MS. LUCAS: Yes.

MR. GANDOLFO: So a -- even a private museum would have to display the placard outlined?

MS. LUCAS: Yes.

MR. GANDOLFO: Okay. Does the State have the authority to force a private museum to do that?

(Conferring)

MS. LUCAS: Yes. It's consistent with the authority that they have when displaying materials and artwork from the

Holocaust.

MR. GANDOLFO: Okay. And -- now my next question is, how -- I guess, how is it -- how is it enforced? Is there any kind of task force that goes around and observes what's on display in museums that could potentially fit the definition in the bill, then would they request or tell the museum that they'd have to display --

MS. LUCAS: I'm sorry, that was a lot. Can you just --

MR. GANDOLFO: I'll dial it back.

MS. LUCAS: Thank you.

MR. GANDOLFO: How -- how is this, I guess, administered? Is there any State task force or agency that would go around to museums and find artifacts or pieces of art that fit the description and then they would, I guess, tell the museum that they have to put the placard up?

MS. LUCAS: There --

(Conferring)

It would -- it would ultimately be the art and historic preservation agency that oversees this. But there are also organizations out there that already have --

MR. GANDOLFO: Okay.

MS. LUCAS: -- a list of some of the artifacts as stolen. Of course, we can't know everything.

MR. GANDOLFO: Right.

MS. LUCAS: Yeah.

MR. GANDOLFO: Now, who determines the, I guess, historical timelines, the change of possession, whether something was seized involuntarily or purchased through legal means? How was that determined and who would make the final determination if there's a dispute?

MS. LUCAS: We kind of listed it during the time period in the bill --

MR. GANDOLFO: Mm-hmm.

MS. LUCAS: -- which includes the transatlantic slave periods --

MR. GANDOLFO: Mm-hmm.

MS. LUCAS: -- from roughly 1500s to 1877.

MR. GANDOLFO: Okay. So what --

MS. LUCAS: Does that answer your question?

MR. GANDOLFO: Not exactly. I'll --

MS. LUCAS: Not exactly. Okay.

MR. GANDOLFO: -- I'll rephrase it, because I -- I'm giving you a lot of words in the questions and my brain is kind of foggy, so I don't even know half of what I'm saying right now, Ms. Lucas.

(Laughter)

MS. LUCAS: Okay.

MR. GANDOLFO: Say a museum is told that you have to display this placard and they disagree with the assessment or maybe the curator of the museum says, *we don't believe it fits the*

criteria. The -- the -- the donor who gave us this piece of art doesn't think it was seized involuntarily. How would that dispute be resolved?

MS. LUCAS: Well, we're kinda not going on people's opinions or thoughts. There is historic facts that are attached to these artifacts. Like we know the Benin Bronzes, there's a history on that. Museums are designed and there to preserve history, and they have people that work there that are expert in this. So I would imagine that they would do their due diligence when someone comes to them and says, "yea" or "nay", whether we say, *hey, you know what? Put this on.* Or somebody says, *it -- it shouldn't be on.* It is their responsibility to do their due diligence.

MR. GANDOLFO: Okay. And, I guess, now that I'm reading the bill again, the word "identifiable" is there. So "identifiable" would, I guess, mean something of, pretty, I guess in the world of museums, a widely recognized piece of art or artifacts that would probably make it a little easier for them to determine --

MS. LUCAS: It could be widely recognized or not.

MR. GANDOLFO: Okay.

MS. LUCAS: It could be something in there that just really connects to the history of what was stolen or taken, or forcibly taken, or however you want to describe it, but it -- it -- it -- the true history of it would need to be told.

MR. GANDOLFO: Okay. And I think my final question to clarify here, there's the -- the piece about metals used in

exchange and if that is used in other art or -- can you provide an example of a metal that might show up in another artifact or some kind of art that would fall under this definition?

MS. LUCAS: Sure. As I mentioned before, the Benin Bronzes were crafted with metal material traded from Europe to Benin in exchange for enslaved human captives --

MR. GANDOLFO: Okay.

MS. LUCAS: -- so that would be a more popular example.

MR. GANDOLFO: Okay. And final question, if a museum is not in compliance, is there any penalty leveed against them?

MS. LUCAS: We -- we -- we haven't put anything within the bill --

MR. GANDOLFO: Okay.

MS. LUCAS: -- but that's a great idea.

MR. GANDOLFO: Maybe we'll see a chapter amendment.

But thank you, Ms. Lucas. I appreciate you clarifying those questions for me. I appreciate it.

MS. LUCAS: Thank you for the questions.

MR. GANDOLFO: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

(Pause)

Ms. Lucas on the bill.

MS. LUCAS: Thank you, Madam Speaker, on the bill. I rise in support of my bill, A08192-C. Museums play a vital role in preserving history and educating the public. But education is only meaningful when it includes the full truth.

Throughout the transatlantic slave trade and the domestic slave trade, countless cultural artifacts, works of art and valuable materials were taken through theft, seizure, forced sale and other involuntary means. Many of these items remain on display today, often without any acknowledgement of how they were acquired. This bill simply requires museums to provide signage, identifying artifacts that are known to have been stolen or created using materials exchanged for enslaved human captives. It does not remove these items from public view. Instead, it provides visitors with important historical context by telling the complete story behind these objects. We honor individuals and communities whose labor, culture and heritage were exploited. Transparency strengthens education and acknowledging difficult truths helps us better understand our shared history. And let me emphasize, we have a shared history.

I respectfully ask for your support of A08192-C and I want to also thank my colleague who did the bill in which we mimicked this after and I hope I can say his name, Chuck Lavine.

Thank you, Madam Speaker.

(Pause)

ACTING SPEAKER WOERNER: Read the last

section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: First, I want to -- I want to commend -- commend and thank the sponsor, because I have a similar -- it was a bill, it's now a law that requires that material stolen or procured by the Nazis or their allies during the Second World War bear this similar placard.

We are here because of American democracy and it is our obligation to preserve American democracy. And we have -- we're doing that at a time when there are really, really disgusting attempts to whitewash American history. Every great nation has its strengths, every great and complex nation has its faults. But if we don't recognize those strengths and we don't recognize those faults, then we severely impair the ability of our children and our grandchildren to preserve our democracy.

I'm very happy to vote in favor of this measure and again, I commend the sponsor.

ACTING SPEAKER WOERNER: Mr. Lavine in the affirmative.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the A-Calendar, page 9, Rules Report No. 499, the Clerk will read.

THE CLERK: Senate S08 -- 8944s [sic], Rules Report No. 499, Myrie (A10024, Romero, Hevesi, Raga, McDonald, Kelles, Stirpe). An act to amend the Criminal Procedure Law, in relation to certain guilty pleas.

ACTING SPEAKER WOERNER: An explanation has been requested.

Ms. Romero.

MS. ROMERO: Thank you, Madam Speaker. This bill modifies various sections of the Criminal Procedure Law to allow flexibility in our plea bargaining system if and only if the judge, the district attorney and the defense attorney all agree and if the prosecutor and judge are of the opinion that the plea and sentence are in the interest of justice, then this law that we will hopefully pass today will allow the defendant to enter into a plea bargain with a sentence that is below the statutory minimum for that charge.

ACTING SPEAKER WOERNER: Thank you, Ms. Romero.

Mr. Molitor.

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

ACTING SPEAKER WOERNER: Will the --

MS. ROMERO: Certainly --

ACTING SPEAKER WOERNER: -- sponsor yield?

MS. ROMERO: Certainly.

ACTING SPEAKER WOERNER: The sponsor yields.

MR. MOLITOR: Thank you, Ms. Romero. So I want to go through the practical application of your bill. So it's my understanding that in New York State we have plea restrictions; meaning, someone is charged by indictment after a grand jury with certain offenses, the court is restricted from accepting a reduced plea based upon our laws; is that correct?

MS. ROMERO: Yes.

MR. MOLITOR: Okay. And so, for example, the first two sections of your bill on page 1 would allow the court and the prosecution, if they both agree -- they have to both agree -- if they both agree, it would allow them to basically waive that law and would allow them to accept a plea reduction that is less than what the statute set is -- requires; is that correct?

MS. ROMERO: Well, not always. It doesn't always have to be necessarily a plea reduction. It could -- it could be a plea to the charge. It could -- it could also be a plea reduction. But the point, is that it would be a plea bargain if the judge, district attorney and defendant all agree and there are interests of justice standards that are -- that are agreed upon and the district attorney and judge all agree are met if and only if all of those conditions are existing. Then there

would be the possibility of a sentence that is below the statutory required.

MR. MOLITOR: Okay. So let's use an example. Let's say someone is charged with an A-1 drug felony for possessing eight ounces of fentanyl and they're indicted by a grand jury and the top charge is an A-1 felony, criminal possession of a controlled substance in the first degree. Under the current law that we have, the lowest plea that the court could accept on that charge would be a Class B felony, which is a one-step reduction, criminal possession of a controlled substance in the second degree. The -- the prosecution could say, *I'd like to offer something less, but my hands are tied because of the statute.* And the court would say, *yeah. We can't -- I can't accept anything less than a B felony on this charge;* is that correct?

(Conferring)

MS. ROMERO: I believe you can go A-1 to A-2. I'm just checking with counsel, but the point of your question is, plea bargaining, can you get a reduced charge? Yes. And what was the second part of your question? Sorry.

MR. MOLITOR: And that's as low as you can go under the current -- the current law?

MR. ROMERO: You can go one step down, correct. So is it A-1 to A-2, or is it A to B?

MR. MOLITOR: Let's make it easy --

MS. ROMERO: And --

MR. MOLITOR: -- if it's an A-2, you can go to a B; is that right?

MS. ROMERO: Sure.

MR. MOLITOR: Okay.

MS. ROMERO: For the hypothetical we're in.

MR. MOLITOR: But, let's say -- let's say maybe the defendant in that particular case agreed to testify, give information to the police and testify against some other individuals and maybe cooperate in a major narcotics investigation. And maybe, also, the defense attorney during the course of the plea negotiations was sharing some information about how this person got swept up into drug trafficking. Maybe there was a little bit of coercion involved. Maybe the person, you know, had a very terrible upbringing and maybe was maybe forced into the situation in some capacity. Maybe he had some mental limitations. Even though the defense attorney was bringing up all of that and even if the prosecutor wanted to offer something less than that B felony and even if the court wanted to accept something less than that B felony, the current law prevents them from doing so; is that correct?

MS. ROMERO: Correct.

MR. MOLITOR: Okay.

MS. ROMERO: The plea bargaining restrictions are extremely strict in that one can only go one less. Correct.

MR. MOLITOR: Right. And that's -- and that's for some circumstances, right? Like a -- a Class B drug felony can go two

steps down to a Class D. You know, a Class B violent felony can go down to a Class D violent felony. A Class C violent felony can go down to a Class D violent. It's not always a one step, but there are very strict plea reductions under the Criminal Procedure Law as it -- as it exists right now; is that correct?

MS. ROMERO: Correct. Once indicted, they're very strict -- if following the Criminal Procedure Law, there are very strict plea bargaining restrictions, yes. Hypothetically, one could dismiss the indictment, but -- but we -- it -- it's not common and, frankly, in many jurisdictions, not -- not --

MR. MOLITOR: So that was something I was gonna ask --

MS. ROMERO: -- frequent.

MR. MOLITOR: -- in some -- in some courts this does happen where a prosecutor will charge a number of charges, including some lesser offenses and where they feel like they can't get that plea reduction, they'll dismiss the top charge so that they can accept something less. You're right, it probably doesn't happen a whole lot, but that is something that can happen; isn't that right?

MS. ROMERO: Yeah.

MR. MOLITOR: Okay.

MS. ROMERO: Yes.

MR. MOLITOR: Now looking at page 2 of your bill, this -- this does something a little bit different. So in this section -- well, first, I should probably start by saying, we have sentence

enhancement categories in New York State. So if you're a -- a prior -- if you have a prior felony within ten years, you can be sentenced as second felony offender, just as an example, right?

MS. ROMERO: Do you want me to go through them for -- for you, the --

MR. MOLITOR: Well, I don't know if we want to bore everybody here --

MS. ROMERO: Oh. Well, I'm happen to but --

MR. MOLITOR: Go ahead. Go ahead.

MS. ROMERO: Okay. So under CPL 400, there is the second felony offender, or a predicate felon. 400.21, second violent felony offender. 400.15, which it means you have a current violent felony charge and there's a prior violent felony charge. Or a persistent violent felony offender; meaning, you have two or more prior violent felonies and you are currently charged with a violent -- currently charged with a violent felony.

MR. MOLITOR: Right.

MS. ROMERO: And those are the ones that are also as mentioned in the bill. And those are all aggravating factors that increase your sentencing exposure, the prior criminal history.

MR. MOLITOR: Right. So -- God bless you. So if you have -- if you're a second felony offender, a second felony drug offender or a second violent felony offender and the court finds that you are one of those three, then what would happen is your minimum sentence would actually increase. It's mandatory minimum increase;

is that right?

MS. ROMERO: Yes. In addition to the aforementioned four parts that I put on under CPL 400, yes.

MR. MOLITOR: Right. And if you're found to be a persistent violent felony offender, that means that you have three or more -- well, you have two or more prior violent felonies within the last ten years. And -- what's that?

MS. ROMERO: Excluding prison time, but...

MR. MOLITOR: Excluding prison time, yes. But that's a mandatory A level sentence. So in the same sentence that you could get for murder, life imprisonment, you could get if you satisfy the persistent violent felony categories, right?

MS. ROMERO: And what that means for people watching, is that you could have life on the back end.

MR. MOLITOR: Right. Life on the back end. It's an indeterminant sentence, right?

MS. ROMERO: Yeah.

MR. MOLITOR: So this section would permit the court to accept a plea and if the people, the prosecutor requires it -- well, I have to -- I confess. This is a little bit confusing, this section. So it's my understanding that this section allows the court and the prosecution to agree, basically, to sentence someone outside -- with -- without designating them one of those category -- one or more of those categories; is that correct?

MS. ROMERO: The prosecution and the judge.

MR. MOLITOR: And the judge.

MS. ROMERO: A very important factor in this -- in this bill, is that you need all parties to agree to this -- this agreed upon plea bargain, yes.

MR. MOLITOR: Right. And the thing that -- and I've talked to you about this before, the thing that I find a little bit confusing is that under the section the court can take a plea and then before a sentence the prosecution can say, *I think so -- I think the defendant is a second violent felony offender and I want the defendant to be sentenced as such*. And if the defendant doesn't agree to that, the defendant can withdraw their plea; is that right?

MS. ROMERO: So what -- what is contemplated in that section of the law is that, in -- in plea bargaining, when the defense occasionally does not agree to a sentence, the defendant always preserves the right to withdraw their plea bargain. And so, this is -- including in this language that if the defense does not agree to that en -- enhancement as a part of the plea bargain, that the defendant is able to withdraw their plea if -- if the defense -- if the DA makes it a part of their plea bargain as -- as -- as created in the due process. Like, if they don't want this very special and unique sentence, then the defendant can withdraw the plea to this very special and intense plea bargain and try, you know, their mandatory sentence. They don't -- they won't get this beautiful, special, unique sentence. They can try what is contemplated under law.

MR. MOLITOR: Would you agree with me that

the -- the best practice in this scenario would be for everyone, the prosecution, the judge and the defendant, to agree prior to the plea what the -- you know, whether they're going to apply for the -- the felony enhancement or the sentence enhancement category? I mean, wouldn't -- wouldn't that be best practice instead of taking a plea, then the prosecution says, *well, I think they're a second violent felony offender*, and then having to withdraw the plea? It probably -- best practice would be they do it before they take the plea, wouldn't it?

MS. ROMERO: Undoubtedly.

MR. MOLITOR: Okay.

MS. ROMERO: However, the language as codified in this law is a reassure -- a reassurance or a reaffirmation that the defense retains the right to withdraw their plea if they don't agree with that additional requirement as the DA must require as a part of the plea bargain --

MR. MOLITOR: Right.

MS. ROMERO: -- as defendant -- as defendants do retain that right to withdraw their plea if they don't agree with the plea bargains. I think we can all agree, though, that the defendant would want to enter into this unique, special plea bargain we are creating here. But if they do not want the special plea bargain, they do not have to take it.

MR. MOLITOR: And I just wanted -- like I just want it to be clear for the record that, you know, if -- if they do things out of order here and they do every -- and all three parties do this -- well,

both parties and the court do this at the time of the plea, it's not gonna -- it's not gonna upset the apple cart, right?

MS. ROMERO: It would be best for the court and probably for all parties if they organized this on the record, did it beforehand and ensured that all parties were aware of it, I agree. But, of course, the defend -- defendant always retains the right to withdraw the plea if they don't agree or don't feel like it's right for them. But I understand where you're stemming from.

MR. MOLITOR: I agree. Thank you.

Now it's my understanding that the District Attorneys Association supports this bill; is that right?

MS. ROMERO: Yes. In addition to OCA, Vera Institute, Center for Community Alternatives and Legal Aid.

MR. MOLITOR: Okay. And I know that there are a couple of organizations that have -- are also in support of this bill and feel as if it's an important step towards the Marvin Mayfield Act, which I haven't read that act, but it's my understanding that the Marvin Mayfield Act would eliminate mandatory minimums across the board. Do you agree with those organizations that have provided support memos?

I'll take my second 15. Thank you.

ACTING SPEAKER WOERNER: You're on your second 15, sir.

MR. MOLITOR: Thank you. Would you agree that this is a step or is this something completely different from that?

MS. ROMERO: I believe that this bill is helpful for judicial economy. My reason for supporting this bill is that, frankly, as -- when I was a public defender, I engaged in plea bargaining and engaged, frankly, in long, expensive, intense, emotional trials that were costly to the court and engaged in long, intense sentences with my client that I don't believe were helpful.

I'll give you an example. Mark Torah (phonetic), stage 4 lung cancer, over the age of 65. He had two prior home burglaries attenuated from over 30 years ago. He had a bad time, he fell on hard times. He was using drugs when he was younger and did undoubtedly commit those burglary in the second degrees.

He came to me much later in life, but undoubtedly had a relapse. The District Attorney's Office indicted him on a burg second. But it was much later, later, later in his life. They were bound by the mandatory sentencing and that he was a mandatory violent persistent; meaning that they had to have life on the back end for this man that had stage 4 lung cancer. They had to offer him life on the back end, a plea bargaining offer and my client said, *screw it. We'll take it to trial.* I said, *Mark, you have lung cancer. This isn't a good idea. Maybe we can get you the best possible offer at the lowest end of the plea bargaining.* And he said, *I'm not going down without a fight*. Undoubtedly, he was convicted because we knew that he committed that burg second and what I wanted for him was something maybe more empathetic. Maybe more -- something that would be more helpful for him that could actually get him access to treatment

and -- and help and something that could get him assistance for his drug treatment. We ended up taking a two-and-a-half long week trial as well.

That's just one example that I -- I wish I was able to use something like this, that the judge and the DA both also said, *my hands are literally tied. I cannot offer anything else*. I said, *okay.*

To answer your question more directly, the point of this bill is that judges and district attorneys want more flexibility. Do I think that this is going to help millions of people? No. Do I hope -- think this even -- this is even going to help thousands of people? No. I think that this is gonna help a small percentage of people in cases where the judge and the DA and the defense attorney, obviously, agree. And it will help -- it will do a little bit of good. I do not think it's gonna open the floodgates. I do not think that this is gonna be a -- a bill that, like, radically changes the system, but it will allow for some positivity in cases where -- where there is, quote -- like a literal interest of justice opportunity where judges and DAs want to do some good for a client that makes sense.

And I hope that answers your question in a way that is, like, gives you where I'm coming from with my experience. And I think that I'm not trying to open the floodgates, I'm trying to help a very small percentage of people, which would only make sense if the judge and the DA agree.

MR. MOLITOR: Do you think that because, you know, we have 62 district attorneys and they all sort of operate a little

bit differently. Do you think that there could be maybe an uneven application of this law across the State where, you know, some DAs who maybe feel that the interest of justice is a much broader sort of concept will be more likely to offer a plea reduction from a -- a violent felony or a major drug case than some other DAs who maybe think the interest of justice is a -- a much more narrower scope and will never offer it?

MS. ROMERO: Yeah. I -- I can't answer that and -- because it's gonna be on a case-by-case basis. It's gonna be carefully and thoughtfully used --

MR. MOLITOR: It's my -- it's my understanding that both the prosecution and the court have to agree, right?

MS. ROMERO: Yes.

MR. MOLITOR: Okay. So just because the DA wants to offer maybe a -- a particular plea reduction, a judge in that case could say, *I'm not gonna agree to that*, right?

MS. ROMERO: Yes. And I can just say from my personal experience as a mitigation attorney in my county, that I've -- I've come with mitigation many times to the court saying that, you know, *my client should be offered X, Y, Z.* And I've had the District Attorney be on my side, fully on board to the court and the judge has said, *absolutely not.* I've had the court be on my side and we've presented it to the DA and the DA had said, *absolutely not.*

So it's -- it -- from personal experience, it's very challenging to get all parties to agree to a mitigation type situation. It

happens and when it does it's beautiful. But, like I said, I do think that this will be a narrowly tailored and thoughtful opportunity for the court.

MR. MOLITOR: Thank you, Ms. Romero, for answering my questions. I'm gonna go on the bill.

MS. ROMERO: Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: Thank you. So -- oh. I don't know why I put my microphone down. So, you know, I -- I've been a defense lawyer and I've been a prosecutor and from my personal experience, every case is unique. The -- the defendant is a unique person, unique individual. The witnesses are all unique, the evidence is unique. And, you know, sometimes in the midst of a case something happens and you need both as a prosecutor and a defense lawyer and even a judge, you need the flexibility to achieve a just result. And a just result isn't always, you know, sorry, the law says you have to go to prison for a long period of time, because we're talking about an individual, a person. And I think the built-in protection in this particular bill is that the prosecutor and the court have to agree to this plea reduction. It's not just one -- one side. So I think there are a lot of benefits to this bill.

On the flip side, I am concerned about the lack of, maybe, sort of a uniform application of our mandatory sentencing guidelines in New York. You know, there's a reason why we have sentence categories like second felony offender, second violent felony

offender, second drug offender and a persistent violent felony offender. It's because what -- what -- what this Legislature has said in the past is, if you continue to commit crimes, if you continue to ignore the laws of society and hurt people, you should be in prison for longer periods of time for the protection of society and hopefully so that you can rehabilitate.

So some people, I think -- and, you know, maybe I'm a little bit -- I haven't quite made up my mind on this particular bill, but I think some people will be very uncomfortable with the court and the prosecution being able to deviate from those mandatory sentence enhancement categories. You know, it's not always the case that judges and prosecutors apply the law as evenly and -- as they probably should. It's -- and depending on where you live in the State and, you know, what kind of DA you have, you could see maybe -- you know, maybe this could open the floodgates, I'll say it and essentially eliminate mandatory sentences on -- on violent felony crimes. And in other parts of the State, this won't get used at all. So, you know, we -- we don't know. We just don't know.

So I'd like to thank the sponsor for answering my questions and we'll see how I vote.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROMERO: Absolutely.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. TANNOUSIS: So, Ms. Romero, I'm not going to be as extensive as Mr. Molitor was, but just wanted to ask just a few questions. So, obviously, this bill would apply only to post-indictment cases, right?

MS. ROMERO: Yes.

MR. TANNOUSIS: Okay. So this would not apply to cases that are --

MS. ROMERO: Can I actually correct?

MR. TANNOUSIS: Yes. Of course.

MS. ROMERO: So, I mean, you can enter into a plea bargain at any time.

MR. TANNOUSIS: Right.

MS. ROMERO: And you will -- and thank you for giving me the ability to correct myself.

So you can enter into this plea bargain at any time and you are able to do it pre-indictment as well, obviously.

MR. TANNOUSIS: Right.

MS. ROMERO: And one is still open and exposed to the CPL 400 intensity even pre-indictment.

MR. TANNOUSIS: Correct.

MS. ROMERO: Yeah.

MR. TANNOUSIS: So you are, obviously, you know, I'm sure across the State people, you know, plea bargain on felonies and FCIs, for example. But in regards to this bill, this bill would apply after an indictment is had on the particular case, right?

MS. ROMERO: No. You can enter into -- you can enter into a plea bargain and this plea bargain opportunity would be able -- would be open to --

(Conferring)

Oh, sorry. Actually, you're right.

MR. TANNOUSIS: Okay.

MS. ROMERO: Thanks.

MR. TANNOUSIS: I just -- I just want to clarify for the public. Okay. So --

MS. ROMERO: Never mind.

MR. TANNOUSIS: No. It's okay. It's late, so I understand.

MS. ROMERO: Yeah, yeah.

MR. TANNOUSIS: And just to be sure, right now, if this bill were not to be enacted, okay, the prosecutor, obviously, would have to -- if -- if the prosecutor wanted to, for example, dismiss the top count in an indictment, for example, that prosecutor would have to make an application to the court and convince the court to dismiss that top count for the purposes of disposition, correct?

MS. ROMERO: Can you repeat? Sorry. I was just --

MR. TANNOUSIS: Sure.

MS. ROMERO: -- thinking about post-indictment plea bargaining.

MR. TANNOUSIS: Sure. No problem. So the -- the way that the law is right now and the way that the potential practice is right now, is if a defense counsel and a prosecutor got into an agreement as to a plea bargain --

MS. ROMERO: Mm-hmm.

MR. TANNOUSIS: -- and the top count, for example, of an indictment had to be dismissed, the prosecutor would make an application to the court to seek the court's permission to dismiss the top count on that indictment for the purposes of that disposition, correct?

MS. ROMERO: Yeah.

MR. TANNOUSIS: Okay. And the -- the court, of course, would potentially grant that application given what the prosecutor says is the reason for that dismissal, correct?

MS. ROMERO: Okay.

MR. TANNOUSIS: Yes?

MS. ROMERO: Are you cross-examining me? Sorry. Yes.

MR. TANNOUSIS: Yes? Okay. All right.

MS. ROMERO: Yes.

MR. TANNOUSIS: The -- now we mentioned predicate felons, for example and I know it's late at night and we do

have some people on -- hopefully, in the general public that are watching this that are knowing that we're working at 10 o'clock at night, but if you could just -- what -- what is a predicate felon?

MS. ROMERO: So a predicate felon means you've been convicted of a felony within the past ten years and that, also, timeline, it means that you're taking out prison time as well.

MR. TANNOUSIS: And, of course, if you could just tell us, the public, what is a violent predicate felon?

MS. ROMERO: A violent predicate felon means that that is a violent felony.

MR. TANNOUSIS: Got it. So that felony within the last ten years is a violent felony and, of course, there's different sentencing guidelines because of your history, right?

MS. ROMERO: Mm-hmm.

MR. TANNOUSIS: Okay. And of course, the reason why you're introducing this bill is because of that history, there's a certain sentencing that -- that you're bound by because of that indictment, right?

MS. ROMERO: Correct.

MR. TANNOUSIS: Okay.

MS. ROMERO: Yes.

MR. TANNOUSIS: Thank you very much.

On the bill.

MS. ROMERO: Sure.

ACTING SPEAKER HUNTER: On the bill.

MR. TANNOUSIS: Madam Speaker, I have -- there's no question in my mind that the sponsor's intention here and I'm sure the Senate sponsor as well, is very well-intentioned because they are looking to streamline plea bargains that occur in courts across our State every single day.

However, there is a reason why there are certain sentencing guidelines in this State, why the defendant's criminal history matters when these plea bargains are being negotiated across the State. There is something that occurs to a case once a person's case goes before a grand jury and there is an indictment brought forth by a grand jury in the county where that potential alleged crime has occurred. And the way that it works now is that in order to -- to plea bargain down an indictment, the prosecutor, the district attorney, the one that actually sought the indictment, would have to get permission from the court to dismiss the top count, for example, or two counts or three counts on the indictment and seek the court's permission to get that count dismissed in order to move forward on a plea bargain. Although this law before us, the prosecutor would have to consent as well as the defense attorney, I feel that this law potentially will not give the correct responsibility to that prosecutor to actually out -- lay out there to the court the reason for that dismissal and the reason why those charges need to be dismissed.

I've said this many times in this Chamber, that the prosecutor has a duty; not just to the general public, not just to a victim of a crime, but the prosecutor has a duty to the defendant.

They have a duty to ensure that the defendant's rights are not violated. And the prosecutor being the one that has the duty to actually seek that indictment in that grand jury, it is the prosecutor's responsibility to outline why those counts should be dismissed on that indictment because the prosecutor should be accountable to the general public and to that victim. And I feel that this bill potentially takes that responsibly a little bit away from that prosecutor and just makes it okay for him -- for that -- for he or she to consent along with the defense counsel and the court. It may be helpful in certain cases, but I feel that it diminishes the role of that prosecutor as to what their role actually is in the criminal justice process.

The unfortunate part is that the actions of this Legislature the past few years have not exactly led to the confidence of many people around the State that they have the public safety of the general public and victims in mind. So there are people in this State that worry that if we pass this law and now make it easier to dismiss certain counts of an indictment just by consent, that we may be coming here during the next few years and maybe even taking away that consent of the prosecutor, making it even easier.

So I put various things on the record. As I said, I -- I'm pretty sure, very sure that the sponsor's intentions are well and why -- why she's pushing forward this piece of legislation. But given all the reasons I have put on the record now, I vote no on this bill. And I encourage all my colleagues to do so.

Thank you very much.

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?

MS. ROMERO: Yes, Judge.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MORINELLO: Would it be a fair statement to say charges can be brought either by indictment before a complaint or it can be just a regular charge?

MS. ROMERO: Well --

MR. MORINELLO: Talking about like an --

MS. ROMERO: In general?

MR. MORINELLO: -- an indictment, but there had been no underlying charge before the indictment?

MS. ROMERO: Correct.

MR. MORINELLO: Okay. Are you familiar with judicial diversion?

MS. ROMERO: Yes, Judge.

MR. MORINELLO: Okay. Judicial diversion, if I'm correct, would be where, depending on the charge and there's certain categories that would qualify for it, would allow an agreement between a defendant, a defense attorney, the district attorney and the court to perform certain functions in exchange for a reduction in

charges; would that be correct?

MS. ROMERO: Yes.

MR. MORINELLO: Okay. So let's take a -- an indictment. Let's start with the indictment, where an indictment comes out and there's a minimum decrease in the -- in the plea bargain from an indictment, but it still has a minimum mandatory to it, okay? And the defendant qualifies for judicial diversion, goes through all of the processes and he's accepted, okay? Are you with me on that so far?

MS. ROMERO: Yes.

MR. MORINELLO: Okay. Now, if the defendant performs all of the functions of the requirements, the agreement would be that he gets sentenced to the agreed upon sentence; would that be correct?

MS. ROMERO: Are you speaking about the bill or a -- a different judicial diversion hypothetical?

MR. MORINELLO: No, no. I'm just talking about moving into where this could apply.

MS. ROMERO: Okay.

MR. MORINELLO: Okay?

MS. ROMERO: Yes.

MR. MORINELLO: So he completes the process and they still have to put -- incarcerate him based upon the agreement on the minimum mandatory, correct?

MS. ROMERO: Right, Judge.

MR. MORINELLO: So if that -- if the court feels that that defendant has not only completed all of the requirements but has gone above and beyond, without this that court would still be restricted to incarcerate that person; am I correct?

MS. ROMERO: Under -- essentially, Judge, under mandatory minimums, yes. But what's special here is that these are really unique and intense --

MR. MORINELLO: Oh, oh. I'm not finished.

MS. ROMERO: Oh, okay. I wasn't sure if you wanted me to answer your question.

MR. MORINELLO: Let -- let me finish.

MS. ROMERO: Okay.

MR. MORINELLO: So now the court is sitting there with a dilemma that they have someone who's over produced on their rehabilitation; gotten a degree, got married, has children. Because that rehabilitation, because of the courts may have been two or three years. And it could take that long sometimes. Would you agree with that?

MS. ROMERO: If not longer, yes.

MR. MORINELLO: Would you agree that this can be then utilized in that position?

MS. ROMERO: Yes, Judge. And I -- I think that this could be used in rehabilitative courts, that this could be used in mitigation courts, this type of plea bargain in the same exact way that you're -- you're referencing, that the interest of justice type standard

could be created in a mitigation type court where people could prove their ability to show exceptional circumstances.

And if I may, the interest of justice standard as codified in this language is nature and circumstance of the criminal conduct, available evidence as available to all parties, the history and character of the defendant that would obviously be put onto the record by the defense.

And as I mentioned many times, but it bears repeating, that the prosecutor and judge must both be of the opinion that the plea and the sentence are both of the interest of justice in order for this plea bargain and sentence to go forward in order for anyone to go underneath the statutory minimum --

MR. MORINELLO: Very good.

MS. ROMERO: -- which are all of those things must be met, each of them individually.

MR. MORINELLO: Thank you.

I -- I thank the sponsor for -- for answering my questions.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MORINELLO: The reason I was going there is, I'm gonna give you practical experience. When I was a judge, I used to do much judicial diversion. I had a defendant and I'll never forget this one and we could only plea -- make the agreement, he did qualify for judicial diversion. His crimes qualified for it and there's a

category. And my very first speech on this floor was supporting our Majority Leader's addition of crimes to that because I understood the concept and I supported it. But in this situation, this individual and -- and we needed the ability to have him know he still could go to prison, okay, even if he want -- if he did a good job. Well, he did an exceptional job. He got a college degree, never missed one of his treatment program appointments, never showed dirty for drugs when we tested him in court. Got married, got a degree, got a job and his wife got pregnant. He finished the program. I was saddled with putting him in jail for two years. And I couldn't do it. I got called on the carpet by the administrative judge for the criminal courts and I still refused. I argued and argued. Finally brought the DA in, had him want -- look and I convinced the DA to allow the charge to be withdrawn, take a plea to a lesser charge and we were able to give him a conditional discharge. He has gone on with his life and he's very successful.

The reason I'm bringing this up is, you need a hammer sometimes to get their attention. But this bill, should it become law, would have alleviated a lot of what I had to go through, my getting called on the carpet and that we might have been able to resolve this in a much more civil manner.

From practical experience, I don't see this as a step towards avoiding or eliminating minimum mandatories. What I see it as is a way that we can keep minimum mandatories, but have an escape hatch if we need it. And remember, one of the things we

always argue in this Chamber is judicial discretion. And we argue and I've argued against taking it away. This continues judicial discretion. You need the prosecutor and the defense attorney.

With that being said, I will support this bill and I urge my colleagues to do the same because of the practical experience I've been able to put on the record.

Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

(Pause)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote's been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. So, while I expect a variety of votes on this matter, the Republican Conference will generally be opposing the bill. But there -- like I said, if there are exceptions, people are certainly free to cast those now at their seats.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this legislation. For those that would like to vote differently, they could do so at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Romero to explain her vote.

MS. ROMERO: Thank you, Madam Speaker. I believe in small incremental change. This bill will not help millions or maybe even thousands of people, but for the defendants that are involved in these plea bargains, maybe the hundreds of people, we will have done a little bit of good today.

I'm proud to support this bill. I want to thank Alana, the Speaker, Jen Ashley, Judge Zayas, also the two cool girls that were behind me, that are now maybe somewhere else. Also, OCA, Vera, the Center For Community Alternatives and the District Attorneys Association of New York, all organizations that for a very unique moment have all come together to be on this bill and agree that it's a step forward for the criminal legal system.

With that, I vote in the affirmative and I'm very appreciative of everyone that helped us get here.

Thank you.

ACTING SPEAKER HUNTER: Ms. Romero in the affirmative.

Mr. Molitor to explain his vote.

MR. MOLITOR: Thank you, Madam Speaker. I made a decision finally.

So if -- if you're a DA who abuses this escape hatch

and let's everyone get a plea deal, then you're responsible to the voters that elected you. If you're a judge who abuses this and let's, you know, people get plea deals that shouldn't, you're responsibile to the people that elected you. But I think it's just and fair that we should treat individual defendants according to their individual circumstances.

So I'll be voting yes.

ACTING SPEAKER HUNTER: Mr. Molitor in the negative -- oh. Mr. Molitor in the affirmative.

Mr. Otis to explain his vote.

MR. OTIS: I'll be voting aye, but I just wanted to compliment the sponsor and all of the colleagues who debated on this issue. This was a intelligent, legal discussion. It was not a political discussion and I think for all attorneys in the room, I think we need to put in for CLE credit for being here for that debate.

Congratulations to all of you for really a very good dialogue.

Thank you.

ACTING SPEAKER HUNTER: Mr. Otis in the affirmative.

Mr. Gibbs to explain his vote.

MR. GIBBS: Thank you, Madam Speaker. I rise to explain my vote. Listening to Judge Morinello just a little while ago, I thought about my experiences. It's no secret that I'm New York's first formerly incarcerated New York State Legislature [sic], the country's

second. And in my experience with the law and being arrested and accepting a plea bargain, I wasn't given an option. The judge understood my case, the district attorney understood my case and it seemed like the Legal Aid attorney understood my case, but they couldn't come to an agreement on the charge. Though self-defense, they all agree that, you know, a young Black man with a Legal Aid would not receive a self-defense charge and instead they gave me Manslaughter B, with the promise that I would serve three years. And in expediency and in fear, I accepted that plea bargain.

A10024 recognizes that justice is not a one size fit all [sic]. It allow [sic] judges and prosecutors in appropriate cases to consider the full circumstances of a person's conduct and background and reach a resolution that serves fairness, accountability and the interest of justice. This gives the court the flexibility. This bill helps avoid outcomes caused by rigid plea rules. It allows prosecutors and judges to resolve unique cases more fairly. It recognizes that not every case fits neatly in its legal box.

So, in closing, I will say I'm affirmative on this bill. And I want to encourage all my colleagues to do the same. Let's make justice fair for all.

ACTING SPEAKER HUNTER: Mr. Gibbs in the affirmative.

Mr. Tannousis to explain his vote.

MR. TANNOUSIS: Thank you, Madam Speaker. I want to thank the sponsor and my colleagues. I think it was a pretty,

very good discussion here today. And I know, obviously, I have some colleagues that will -- that will be voting yes on this bill. I just felt it necessary to explain why I am voting no on this.

On its face, I would say yes. This bill could be a tool to be utilized to actually dispose of cases in the interest of justice. And everything, of course, in the criminal justice system, as I've always stated from the very beginning, needs to treated on a case-by-case basis. However, the reason I am voting no is because I believe that there are certain responsibilities in the different roles involving the criminal justice system. The prosecutor has certain responsibilities, defense counsel has certain responsibilities, the judge has certain responsibilities. I think the greatest responsibilities in that is the actual district attorney's position, and I believe that there shouldn't be a law passed to put -- to basically take that district attorney off the hook in terms of having to explain themselves as to why certain charges should be dismissed. And I believe that that district attorney has a responsibility to the public, to the victim and to the defendant.

While I understand the many yes votes that I see here today, I myself, given my own personal beliefs, will be in the negative.

Thank you very much.

ACTING SPEAKER HUNTER: Mr. Tannousis in the negative.

Mr. Sayegh to explain his vote.

MR. SAYEGH: To explain my vote. Listening to both sides and being an attorney myself, very often when there's a criminal case, the expectation is there's equity in the law and it protects every individual by the same rules and procedures. But we all know that in anything, when we set policy and rules, there's always best practices but one size does not fit all. And very often we've dealt with cases where the judge and the prosecutor both agree that there's special circumstances where the law forbids them from making a decision that they feel is more fair and more just.

So for that reason, allowing that discretion, we all speak about allowing the court to have discretion, this is a case that allows discretion in special cases and that's why I'm in support of this legislation.

ACTING SPEAKER HUNTER: Mr. Sayegh in the affirmative.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the main Calendar, page 6, Rules Report No. 239, Clerk will read.

THE CLERK: Assembly No. A10357, Rules Report No. 239, Rosenthal, Reyes, Dinowitz, Simon, Glick, Cunningham, Tapia, Shimsky, Bichotte Hermelyn, Burdick, Braunstein, Lucas, Seawright, Stirpe, Kim, Dilan, Taylor, Septimo, González-Rojas,

Levenberg, Mitaynes, Ramos, Otis, Weprin, Kelles, Lee, O'Pharrow, Pheffer Amato, Gallagher, Romero, Hevesi, Cashman, McMahon, Simone. An act to be amend the General Business Law, in relation to providing for the protection of health information.

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

An explanation had been requested.

Ms. Rosenthal.

MS. ROSENTHAL: This bill provides comprehensive health data privacy protections for individuals regarding their regulated health data and provides for the rights of consumers and responsibility of processors regarding regulated health data.

ACTING SPEAKER HUNTER: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BLUMENCRANZ: Ms. Rosenthal, so --

MS. ROSENTHAL: Mr. Blumencranz.

MR. BLUMENCRANZ: -- this isn't the first time we've debated this bill. We've seen --

MS. ROSENTHAL: No.

MR. BLUMENCRANZ: -- it already. Can you tell us a little bit about the changes you've made since the Governor's veto message regarding the -- maybe the definition surrounding what is and is not considered health data?

MS. ROSENTHAL: Sure. One sec.

(Pause)

So, generally, the defense -- definition of "regulated entity" and "regulated health information" were amended. There's a new verification process. It eliminates the 24-hour waiting period that we spoke a lot about last year. And, additional -- there are additional exemptions for federal law. Basically, those are the ones.

MR. BLUMENCRANZ: Okay. So when you talk about a regulated entity, Section IV, this means that an entity that controls the processing of regulated health information of an individual who is a New York resident, or B, is physically present in New York while that individual is in New York, or C, is seeking to receive services in New York if the entity is located in New York.

So what does "physically present" mean in this current definition? Does the company have to be physically present? Does just the individual?

(Conferring)

MS. ROSENTHAL: The individual is physically present in New York.

MR. BLUMENCRANZ: So let's say I'm wearing an

Oura Ring and I don't have the tracking for geolocation on and I live in Ohio and I travel to Buffalo to get some food. Would Oura, for that specific customer, then be violating the law even though they don't know where the customer is because they are receiving health information under this law and they're not a New York resident?

MS. ROSENTHAL: So you're not a New York resident?

MR. BLUMENCRANZ: They're not a New York resident, no.

MS. ROSENTHAL: Okay. But you are in New York --

MR. BLUMENCRANZ: They drove into New York for the day.

(Conferring)

MS. ROSENTHAL: For the -- for the time that you are physically present in New York, you're subject to New York's laws.

MR. BLUMENCRANZ: So if I'm Oura, right? They make those rings that track my heartbeat, which would be considered a vital sign --

MS. ROSENTHAL: Which I don't use, but some do.

MR. BLUMENCRANZ: -- or an Apple Watch.

MS. ROSENTHAL: Yeah.

MR. BLUMENCRANZ: Let's say I don't have geolocation options on my Apple Watch, but I am receiving my

heartbeat. How is Apple supposed to know where I am and how are they supposed to know that they are no longer in compliance with the law?

MS. ROSENTHAL: If you -- if you do not have your geolocation tracking on, then you've opted out of them tracking you.

MR. BLUMENCRANZ: I have, but I am -- I'm still opted in to, under this definition, sensitive health data because I'm receiving information about my heartbeat. So I just want to know how compliance is supposed to work for a company like that, right, because they don't know where I am, but they do know that they would be out of compliance if they served a New York -- or a non-New York resident in New York?

(Conferring)

MS. ROSENTHAL: So they -- they wouldn't be able to process that information unless it were strictly necessary.

MR. BLUMENCRANZ: Okay. So you utilized this term "strictly necessary". Most privacy laws use "reasonable necessary" as a standard. Why did you choose the far more restrictive "strictly necessary" standard? And can you define what "strictly necessary" means within the definition of this bill?

(Conferring)

MS. ROSENTHAL: "Strictly necessary" means, for example, if you wish to purchase -- let's see -- some weight loss -- weight loss medication and it would be sent to you. Strictly necessary would be your name, your address, anything necessary for them to

process it and -- and -- and send you the product.

MR. BLUMENCRANZ: Okay. So that -- that brings me to maybe some examples that you can help me with because this -- this law's pretty confusing, especially for maybe some of those who have to comply.

A retailer's algorithm notices a shopper buying prenatal vitamins and starts showing baby ads. Is that retailer now processing the regulated health information? And if yes, has the bill just made all of Target's entire recommendation engine illegal without having that separate authorization for the user?

MS. ROSENTHAL: I mean, yes, that would be health information.

MR. BLUMENCRANZ: A violation.

MS. ROSENTHAL: But the way -- a place like Target -- Target, like, labels what category the product is in. So that would necessarily be, you know, a health and wellness, whereas your candy bar would not be.

MR. BLUMENCRANZ: Well, the reason I ask this question is because Section 1122-b(13), you state that -- and I find this pretty sweeping and -- and still pretty concerning, any data that's derived or extrapolated from non-health information by algorithms or machinery. So with that definitional inclusion within the bill, I find that you -- you sweep into other categories of non-health data that may potentially touch health data, which is why virtually every industry that this may touch is still pretty concerned about the language.

MS. ROSENTHAL: First of all, the Washington State law has comparable language and there hasn't been any trouble for the industry to comply.

MR. BLUMENCRANZ: So is your language parallel to Washington State's law?

MS. ROSENTHAL: It is -- it is very, very similar. And has the same effect, basically.

MR. BLUMENCRANZ: So --

MS. ROSENTHAL: It's -- yeah.

MR. BLUMENCRANZ: In the content of that same -- the inference clause that I -- that I recently brought up, a search engine, right?

MS. ROSENTHAL: A what?

MR. BLUMENCRANZ: If I go into a search engine and I type in knee pain.

MS. ROSENTHAL: I can't hear you.

MR. BLUMENCRANZ: Has the act of --

MS. ROSENTHAL: You type in --

MR. BLUMENCRANZ: Knee pain. Like, my knee hurts.

MS. ROSENTHAL: Knee -- knee pain. Okay.

MR. BLUMENCRANZ: Why does my knee hurt?

MS. ROSENTHAL: Knee pain. Okay.

MR. BLUMENCRANZ: Has the act of returning the results of a search engine, is that using curated, regulated health

information? And if so, is it the website's obligation to report and ask for permission or is it the search engines? Or is it both? Will I have to go through the process of clicking through an acceptance when I Google it because it's health information now and then when I go to the website?

(Conferring)

MS. ROSENTHAL: I mean, if they're not processing that information or selling it, then it's irrelevant.

MR. BLUMENCRANZ: Well, if I go on Google and I input information --

MS. ROSENTHAL: Like you see certain --

MR. BLUMENCRANZ: -- they would be fundamentally processing it, right?

MS. ROSENTHAL: It -- processing is for -- is strictly necessary information. So you're just looking for information but not to obtain a service.

MR. BLUMENCRANZ: Okay. So given that, if I am going to a grocery store and I am part of a grocery store loyalty program that's now covered under this, what happens? Walk me through it. So do I need 12 point font, authorization forms at every checkout point or --

MS. ROSENTHAL: No.

MR. BLUMENCRANZ: -- every time I purchase something?

MS. ROSENTHAL: It -- it depends on what you're

purchasing.

MR. BLUMENCRANZ: So is the grocer going to have to look at what I'm purchasing to determine whether or not I have to comply with the law?

MS. ROSENTHAL: Well, I mean, generally, the grocer -- it depends. Are you talking about, like, the neighborhood bodega? They're really not in the business of using your information. But, in general --

MR. BLUMENCRANZ: Let's say I'm going to Stop & Shop.

MS. ROSENTHAL: Sorry?

MR. BLUMENCRANZ: Let's say I'm going to something like Stop & Shop.

MS. ROSENTHAL: Mm -- hmm.

MR. BLUMENCRANZ: I go into Stop & Shop. I go to buy my groceries. I also happen to buy some prenatal vitamins. They're going to have to disclose to me that they may be utilizing health data or are no longer utilizing health data?

(Conferring)

MS. ROSENTHAL: So they -- because that can be reasonably linked to your health, they would need -- get -- need to get consent.

MR. BLUMENCRANZ: So when would they need to get consent? If -- when I'm purchase -- if I'm at Stop & Shop and I go to the counter, who -- when they scan the item, now it's like --

MS. ROSENTHAL: Uh-huh. Yes.

MR. BLUMENCRANZ: -- when you're over 18, you're like, now you need a consent to -- you know, you're over 18. It would be the same thing with health data if I'm purchasing something that could be considered sensitive?

MS. ROSENTHAL: Hold on one sec.

(Conferring)

Okay. So you were asking for that product, so, you know, your -- your consent, it is strictly necessary. So you don't have to --

MR. BLUMENCRANZ: And I see how the application --

MS. ROSENTHAL: -- to consent.

MR. BLUMENCRANZ: -- I see how the application can apply online, right, because it's easier to collect information that way. But on the fly in a grocery store, if they are tracking what you're purchasing over time for loyalty program purposes, not necessarily for the purposes you may be looking to catchall here, they'd still have to fall into the compliance realm, wouldn't they? There'd still have to be an acceptance of the use of the information when you go to purchase something. And I just, you know, when you're at a grocery I'm not necessarily sure how that was gonna work. I do have a -- I do want to --

MS. ROSENTHAL: If -- if they're selling your information, which would not be allowed. If they're selling it that's

something different. If they needed just to -- you know, they don't need consent to sell you prenatal vitamins. What's necessary for the transaction is, perhaps, your credit card or your -- you want to get bonus points, your loyalty card. If you want to repurpose that information in ways that benefit the grocer and not you and that you would not expect, they would have to get consent.

MR. BLUMENCRANZ: Can you tell me how your bill affects the use of data for RND purposes?

(Pause)

So not necessarily selling it --

MS. ROSENTHAL: If you --

MR. BLUMENCRANZ: -- but utilizing it for the use of research and development.

MS. ROSENTHAL: Well, if it -- so if it's disaggregated, so you -- you know, perhaps, there's a -- a profile of female, age 35, lives in a city or whatever, you know -- it if doesn't -- if you can't read it and identify it as Jo -- Joanne, then it's fine.

MR. BLUMENCRANZ: But dissimilar to HIPAA because this goes further as to what may be qualified versus the federal regulations, correct?

MS. ROSENTHAL: Well, yeah. But it's -- it's -- it's different than HIPAA.

MR. BLUMENCRANZ: It is. So going back to just some of my examples because I'd love to understand who is and is not strictly necessary to comply. So if I go into an app on my phone

looking for a map to get directions to what turns out to be a clinic. Is the navigation company --

MS. ROSENTHAL: Wait. That turns out --

MR. BLUMENCRANZ: -- now liable?

MS. ROSENTHAL: -- turns out to be...

MR. BLUMENCRANZ: Yeah. Sorry. It was just a little loud. It turns out to be clinic. So if I use a map to go to a clinic --

MS. ROSENTHAL: Uh-huh.

MR. BLUMENCRANZ: -- now they understand, in my search history they have me going to a clinic, maybe even regularly, they -- they can see that information. They use it for traffic data, not necessarily health purposes --

MS. ROSENTHAL: Right.

MR. BLUMENCRANZ: -- would they still be caught in the regulatory --

MS. ROSENTHAL: They're -- they're not using it for health purposes? You're just going to a parking lot? You're...

MR. BLUMENCRANZ: Well, you're putting -- the input is a piece of what you consider within your definitions of health information --

MS. ROSENTHAL: Uh-huh.

MR. BLUMENCRANZ: -- traveling to and from a clinic. Would that be caught within the definitions here?

MS. ROSENTHAL: I mean, were you going to the

clinic or were you just parking there?

MR. BLUMENCRANZ: I put in my phone I'm going to a dermatology clinic. I put in the -- the actual name of the clinic.

MS. ROSENTHAL: So that could be reasonably linkable to your health information.

MR. BLUMENCRANZ: So when I do that, does Waze then -- let's saying I'm using Waze or Google Maps, do I have to understand what I'm consenting to each and every time I put in that address? Is it something when I sign up for the app they have to do? How does that framework look for your everyday user?

MS. ROSENTHAL: Well, when you sign up for the app.

MR. BLUMENCRANZ: So never again after that? They just have to do it once.

MS. ROSENTHAL: Once a year.

MR. BLUMENCRANZ: Every year? Every 12 months?

MS. ROSENTHAL: Yeah.

MR. BLUMENCRANZ: Okay. So I'm curious how this affects the small business that might have or utilize this information. Let's say I'm a small business, but I utilize something like Stripe or Square for payment processing. Am I --

ACTING SPEAKER HUNTER: Mr. Blumencranz, are you taking your second?

MR. BLUMENCRANZ: Yeah, I'll take my second.

ACTING SPEAKER HUNTER: Okay. Go ahead.

MR. BLUMENCRANZ: Am I on the hook for liability if that health data is utilized one way or the other, or is Stripe or another payment processing company that I'm utilizing, is a small business on the hook? Who has to pay for the compliance metrics that are gonna be necessary here now?

MS. ROSENTHAL: Well, in -- in other states, there are -- there are measures that companies will be occurring [sic] some cost to -- you know, there would be some compliance costs.

MR. BLUMENCRANZ: What about a landlord, if they receive a request from a tenant for disability accommodations? Landlord's trying to understand the metrics surrounding what they need to do in their buildings, they own multiple buildings. Is keeping that file on the record conceivably considered sensitive health data under the catchall definitions you have in the bill?

MS. ROSENTHAL: I mean, the landlord is not selling or using your health data?

MR. BLUMENCRANZ: They could potentially be utilizing that data for --

MS. ROSENTHAL: For what?

MR. BLUMENCRANZ: Non-health purposes; understanding how they can better serve the building when it comes to treating individuals with disabilities more fairly --

MS. ROSENTHAL: I mean --

MR. BLUMENCRANZ: -- but they're collecting the

data nonetheless, which would be caught in the compass of the bill.

MS. ROSENTHAL: I think that's a little farfetched.

MR. BLUMENCRANZ: It happens.

MS. ROSENTHAL: Does it?

(Crosstalk)

MR. BLUMENCRANZ: It's one of --

where landlords collect information --

(Crosstalk)

MS. ROSENTHAL: I mean, I thought I knew what landlords do. I didn't realize they do that, too.

MR. BLUMENCRANZ: I'm sorry?

MS. ROSENTHAL: I have never ascribed that kind of action to a landlord. I know about other things that they do that, perhaps, are unsavory, but I never heard that they're gonna capture, you know, you're disabled and what are you -- what are they going to do with that? So I think that's a farfetched example.

MR. BLUMENCRANZ: Well, it depends on the accommodation you receive. But I understand that -- again, I'm looking at the most farfetched because the definitions are so broadly reaching and --

MS. ROSENTHAL: Well, you know, I must say that in the event that a company is really perplexed or confused, that's why we have an attorney general who can answer those kinds of thorny questions.

MR. BLUMENCRANZ: Has the Attorney General's

Office since the passage the last time and this time said they're prepared to -- to --

MS. ROSENTHAL: Yes.

MR. BLUMENCRANZ: -- subscribe to each and every single business --

MS. ROSENTHAL: Yes.

MR. BLUMENCRANZ: -- that may be willing --

MS. ROSENTHAL: Yes.

MR. BLUMENCRANZ: -- to --

MS. ROSENTHAL: Yes. And -- and there is no private right of action here, which --

MR. BLUMENCRANZ: Yes.

MS. ROSENTHAL: -- you know, we did have. So we do have to rely on the attorney general. So they're well aware of that it would fall under their -- their aegis.

MR. BLUMENCRANZ: So under this bill, violations can result in penalties up to 15,000 per violation or 20% of revenue received in New York. How could these violations arise from a single database containing thousands of customers? Or is it, you know, that if there was a single breach, how -- how would that work? What does that -- what does that metric look like?

MS. ROSENTHAL: Can you repeat the beginning part because I didn't hear it?

MR. BLUMENCRANZ: Just how the -- how the violation system is supposed to work, especially for businesses that

might be not operating with the level of sophistication of, say, an Amazon.

(Conferring)

MS. ROSENTHAL: Okay. So the -- the penalties are no more than $15,000 per violation.

MR. BLUMENCRANZ: Or 20% of revenue --

MS. ROSENTHAL: No.

MR. BLUMENCRANZ: -- in New York.

MS. ROSENTHAL: No.

MR. BLUMENCRANZ: No? That's not currently included in the bill?

MS. ROSENTHAL: No.

MR. BLUMENCRANZ: Is there a single organization representing New York businesses that currently supports this bill in its current form?

MS. ROSENTHAL: I don't know. I -- I don't know that -- you know, that's something you could find out --

MR. BLUMENCRANZ: I have.

MS. ROSENTHAL: I -- okay, good. I don't know.

MR. BLUMENCRANZ: Well, I ask because you have companies in areas and sectors, credit card, you have businesses and coalitions in multiple different spaces that you wouldn't think would be interested or concerned with the catchall of the language here who are. Do you feel like your bill is creating a serious regulatory burden? And do you have an estimated cost to consumer or

business on how to comply with this regulatory framework?

MS. ROSENTHAL: Absolutely -- absolutely not. As much as we in New York State like to break ground and be the first, Washington State has successfully implemented this there. They do have a private right of action. There has -- there have been none. And this bill is interoperative with other states' privacy laws and our child data requires similar -- similar provisions that are protective of a child's personal data. So I think they're used to complying and it's not anything really new or revolutionary.

MR. BLUMENCRANZ: Okay. So just going on into compliance a little bit more.

A -- a customer demands deletion of all regulated health information, but the company is required by tax law or by a litigation hold or insurance regulation to keep the underlying record. The bill does exempt the deletion necessary to comply with legal obligations, but who decides what's necessary? And will the company receive a penalty either way or would they have to ask for compliance from the AG's office?

MS. ROSENTHAL: I mean, once again, the AG would be the best source of guidance. And -- and they will be providing rules and regulations that may be helpful in complying with the law.

MR. BLUMENCRANZ: Under your definitions in this bill, is there any data held by any modern business that an algorithm couldn't conceivably link to health data, health inference

here? Under you definition of health inference.

MS. ROSENTHAL: I mean, I --

MR. BLUMENCRANZ: I'm just trying to see because it seems like this starts as a health bill and ends as a data regulation --

MS. ROSENTHAL: No.

MR. BLUMENCRANZ: -- bill.

MS. ROSENTHAL: No.

(Conferring)

It's actually companies that are pulling your data and inferring certain health conditions. It's the companies themselves that are doing this so that they can use the information, sell the information, market to you. And, for example, and this happened in 2012, Target interpreted somebody buying lotion, fragrance free, that the purchaser was pregnant, started sending ads for baby products. This is something that the person had not told their family, their friends and their parent saw the ads for baby products. So this is Target inferring from the purchase a health condition.

MR. BLUMENCRANZ: So but where -- I'm concerned about innovation in this bill, too, because where it starts that way it does devolve. You have within the inference clause and the RND exclusion, you sort of say --

MS. ROSENTHAL: Uh-huh.

MR. BLUMENCRANZ: -- two things that are contradictory. You say -- it's says -- it can, "Improve a product --

improving a product is allowed." And then in the Research and Development it is excluded. So you can't use the data for research and development to improve it, but you are allowed to use it for improvements without complying? So which -- which is it? If I'm using it for improvements but I don't call it RND, it wouldn't qualify or it would? It seems like there's a bit of --

MS. ROSENTHAL: It has -- it has to be deidentified for RND purposes.

MR. BLUMENCRANZ: But not for innovation purposes? So improving a product is allowed. So I can use that non-deidentified data --

MS. ROSENTHAL: Yes.

MR. BLUMENCRANZ: -- to improve --

MS. ROSENTHAL: Yes.

MR. BLUMENCRANZ: -- my product?

MS. ROSENTHAL: Yes, yes.

MR. BLUMENCRANZ: -- but I can't use it as a form of research or development for product improvement?

MS. ROSENTHAL: You know, if that's an area of concern, we can have the AG clarify.

MR. BLUMENCRANZ: I really think that it'd be great to get that clarity here on the record, too, but I understand that they'll be definitely working on -- on some of the -- the kinks in this.

Okay. I think that's all my questions for today from you --

MS. ROSENTHAL: Thank you.

MR. BLUMENCRANZ: -- Ms. Rosenthal. Thank you.

Thank you so much.

On the bill --

ACTING SPEAKER HUNTER: On the bill.

MR. BLUMENCRANZ: -- Madam Speaker. Everyone agrees that sensitive heath information should be protected. The question is whether we should pass a bill so broad that Governor Hochul has vetoed a nearly identical version because of the scope and concerns on clarity.

This legislation goes far beyond protecting medical records. It regulates information that might merely allow a health condition to be inferred. Not diagnosed, not treated, not recorded by a doctor, but inferred. As a result, businesses across New York will be forced to guess what data is covered and what isn't. They'll be forced to hire lawyers and interpret vague definitions. We're navigating one of the most restrictive policy frameworks in the nation. Hospitals have concerns, banks have concerns, credit cards and credit unions have concerns, technology companies have concerns and small businesses have concerns. When every one of your bill's effects is very concerned about its passage and implementation, it's reason to pause and second guess whether or not we're getting it right on the first or second try.

New Yorkers deserve privacy protections that are

clear, that are targeted and that don't get in the way of daily life and don't make products inherently more expensive to meet regulatory frameworks. What they do deserve is not having another Albany mandate built on ambiguity, uncertainty and unintended consequences.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

(Pause)

Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will generally be not in favor of this legislation. But if there are exceptions, members should vote now at their seats.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this bill. For those that would like to be an exception, they can do so at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Otis to explain his vote.

MR. OTIS: Briefly, like to compliment the sponsor on the bill. The number one value that we should be backing up in legislation like this is the right of an individual to have, if it is their choice, their healthcare information kept private.

In a world where none of what we do is really protected or unavailable to anybody that goes online, anybody that accesses information a variety of ways, it's important that we protect the individual who makes the decision. Note that this bill leaves the decision with the individual. That's where the decision should be.

My compliments to the sponsor and I'm hopeful that this bill will pass both Houses and be signed into law.

I vote aye.

ACTING SPEAKER HUNTER: Mr. Otis in the affirmative.

(Pause)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: To explain my vote. New Yorkers are using health apps, devices and other digital platforms each and every day to monitor and log their health status. From step counters to period tractors to mental health journals, businesses are gathering our private information each and every day. What most New Yorkers and most people don't realize is that none of this

information is protected by HIPAA. We've seen attacks on reproductive rights and so many other privacy concerns. We in New York State need to institute some protections now more than ever. And the New York Health Information Privacy Act will ensure we have strong protections and that our data will not be weaponized against us, sold to the highest bidder and will be protected because it is, after all, our data. Companies want to make money off it, but we need to give them permission to use it for research, for development, but not to sell. And it's up to us whether they have access to use it for their own profits.

I would like to thank the many advocates who have worked on this bill, especially Allie -- Allie Bohm from NYCLU. I'd like to thank the AG's team for their perseverance and of course I'd like to thank the Assembly Program and Counsel, Emily and her team. And my Legislative Director, Nika (phonetic) and of course, everyone who supports this because they understand that our data belongs to us.

I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Rosenthal in the affirmative.

(Pause)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. So I -- I agree with the sponsor, that every New Yorker really does deserve strong protections for their health information. The question I keep coming back to, though, is whether this bill really strikes the right

balance between protecting privacy and preserving innovation, research, healthcare options and economic growth. I think that this bill really does impose broad and very uncertain requirements on entities far beyond traditional healthcare providers. It creates substantial compliance burdens and risks that were -- are unintended consequences for consumers, for researchers and businesses alike. Before creating an expansive new regulatory regime, we really should ensure that the problem has been clearly identified, the cost fully understood and the definitions sufficiently precise.

So because I don't believe it does strike that appropriate balance, I respectfully vote no.

Thank you.

ACTING SPEAKER HUNTER: Ms. Walsh in the negative.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 37, Calendar No. 376, the Clerk will read.

THE CLERK: Assembly No. 10207-A, Rules Report -- Rules -- Calendar No. 376, Kay, McDonald. An act to amend the Real Property Tax Law, in relation to requiring that tax amounts extended on the final assessment roll, and any interest or penalties subsequently accruing thereon, be rounded to the nearest five-cent denomination prior to inclusion on any bill of notice.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. We're going to continue more work on the main Calendar on debate. We're starting with Rules Report No. 351 on page 10 by Ms. Torres, Rules Report No. 441 on page 12 by Ms. Walker, followed by Rules Report No. 443 on page 13 by Ms. Walker.

ACTING SPEAKER HUNTER: Thank you.

On debate, page 10, Rules Report No. 351, the Clerk will read.

THE CLERK: Assembly No. A09349-B, Rules Report No. 351, Torres, Shimsky, González-Rojas, Reyes, Glick, Levenberg, Tapia, Zinerman, O'Pharrow, Simon, Lasher, Santabarbara, Lee, Steck, Romero, Bores, McMahon, Conrad, Cruz, P. Carroll, Zaccaro, Moreno, Shrestha, Raga, Sayegh, Forrest, Griffin, Clark, Cook, Woerner, Hevesi, Kay, Davila, Kelles, Gibbs, Lavine, Kassay, Burroughs, Rosenthal, Burdick, De Los Santos, Lunsford,

Seawright, Bichotte Hermelyn, Gallagher, Hyndman, Burke, Jacobson, Cunningham, Taylor, Alvarez, Jackson, Simone. An act to amend the General Business Law, in relation to prohibiting the use of surveillance pricing.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Torres.

MS. TORRES: Thank you, Madam Speaker. This bill is a targeted prohibition on a harmful market behavior known as surveillance pricing. This practice is at the core of our affordability crisis and it causes harm to consumers and the marketplace by creating a fog of pricing that presents -- that prevents consumers from comparison shopping, creates unfair situations where two individuals receive different prices for the same goods or services and overall leads to higher prices in the marketplace.

ACTING SPEAKER HUNTER: Mr. Durso.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. TORRES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Ms. Torres. So just in your explanation there you said surveillance pricing is what again in your definition?

MS. TORRES: So -- well I can read you the definition in the bill --

MR. DURSO: But you -- but what you just explained in your --

MS. TORRES: Yes.

MR. DURSO: -- explanation --

MS. TORRES: Yes.

MR. DURSO: -- you said surveillance pricing is essentially --

MS. TORRES: Essentially when -- when a company, corporation and entity uses your personal data which can be for example, your zip code, your browsing habits, you know, all kinds of information that is collected on you to set a price.

MR. DURSO: So to set a price.

MS. TORRES: Mm-hmm.

MR. DURSO: So in other words, just using an example off of what you just said and I'll -- I'll -- just because that -- I just want to ask a question for clarification. By using a zip code, for example, right. So in other words, if my zip code is, which it is, it's 11762, I can't be offered a different price than the person in the zip code next to me, correct?

MS. TORRES: Yes. Potentially, yes.

MR. DURSO: Okay. But I can't be offered a different price, but I can be offered discounts?

MS. TORRES: Yeah. So the bill -- so the bill goes

into discounts --

MR. DURSO: Okay.

MS. TORRES: -- so the bill goes into discounts and we define bona fide discounts which are legitimate discounts that are not based on any piece of personal data that includes things, like, we go into detail on the bill, but things like coupons and retention offers and these sorts of things that are generally available in the market. We also define what is called a bona fide custom discount and that is a discount based on personal data in certain circumstances. For example, loyalty programs, hotel programs, membership programs if you're a certain member of a particular group like a veteran, like a senior, et cetera and also discounts based on your purchased history with a particular retailer.

MR. DURSO: Understood. Now how would those particular retailers -- or how are they allowed to track your history buying at that store or a restaurant or hotel? What can they use to track that?

MS. TORRES: So they can use pretty much whatever data is available to them on the internet that they collect on us. So they, you know, this -- there's often examples of when you're searching for a flight, if you're searching for a -- a gooder [sic] service and companies can combine different pieces of your data profile to set a price for you that is different from a price that someone else receives.

MR. DURSO: So -- so those companies are allowed

to use your personal data in certain circumstances?

MS. TORRES: Well, right now they're using our personal data to set prices --

MR. DURSO: Correct.

MS. TORRES: -- in many different ways. What this bill does is it prohibits surveillance pricing. So it prohibits the ability for an entity or a service provider to set a price using your personal data. So --

MR. DURSO: I am --

MS. TORRES: -- personal data -- so a -- a price should be set based on supply, demand, what the market can bear, not your personal data. That's what this bill is all about.

MR. DURSO: Understood. So in other words, you cannot -- I cannot have a different price for a good than you based on -- like I said, if I walked into a store and I'm carrying a -- a -- an expensive bag or I have expensive shoes, right, they can't look at me and say, *that guy's essentially got money*, right, *I'm gonna charge him more* but my colleague in front of me is wearing sweatpants and they say, *he might not have enough, sorry.* So they're gonna charge him a lesser amount. That's what you mean by --

MS. TORRES: That -- that's essentially the -- the spirit of the bill.

MR. DURSO: Understood.

MS. TORRES: And discounts -- and discounts are allowed. They are allowed. Bona fide discounts are allowed.

Legitimate discounts are allowed. Custom discounts as I said, bona fide custom discounts, they are allowed as well based on personal data in particular circumstances.

MR. DURSO: And -- okay. So that's what I -- I want to drill down on at this second. You just said we can't price people if you walk into a store or a restaurant, anything like that, because of an algorithm surveillance of that person and using their personal data, but we can in certain circumstances. What are those certain circumstances that you can use personal data to give someone a discount?

MS. TORRES: Okay. So I'm gonna run through them when you can use personal data. You go through them in the bill. The first is loyalty programs, membership programs. For example, Hilton Honors, you're a Hilton Honors person, you can use personal data to set discounts on -- on that. Group discounts for veterans, you're in a -- in a special class of consumers. You can get discounts there. You have to voluntarily provide that information in order to get said discount. And most times if you're, you know, you go to Applebee's and you get the veteran's discount, sometimes they'll ask you for, you know, a -- a military ID. And then purchase history, because that purchase history is the relationship that you've developed with the retailer. So they can offer -- so for example, I think we talked about this in -- in committee --

MR. DURSO: We did, yes.

MS. TORRES: -- when, you know, you -- you go to

a store often and they've collected data on your preferences, they can offer you -- let's say it's at a grocery store, you buy a certain seltzer, they can offer you chips with the seltzer at a discount, they can offer you a -- a premium brand of seltzer because they know you like seltzer.

MR. DURSO: Understood. So --

MS. TORRES: At a discount.

MR. DURSO: Right. So they can offer me that -- that discount because I'm essentially a frequent customer there --

MS. TORRES: Mm-hmm.

MR. DURSO: -- right? So I can go in and because they essentially have my data, right, they can offer me --

MS. TORRES: Your purchase history.

MR. DURSO: Which is my data, right --

MS. TORRES: Yes.

MR. DURSO: -- because they're -- they're obviously keeping track of what I purchase --

MS. TORRES: Yes.

MR. DURSO: -- right? So what I'm -- what I'm trying to understand is you're saying that they can use personal data in certain circumstances, but not in others and I just want to answer --

MS. TORRES: Oh, you understand that -- okay. Got it. Got it. So --

MR. DURSO: Yeah, and that -- and that's what -- one of my questions is because again, you're saying that they're

allowed to. Because the way I read this and -- and that's why I'm asking, I could be wrong, was that you cannot collect people's personal data and give them a price because of their personal data.

MS. TORRES: Yes.

MR. DURSO: My shopping history is my personal data. So they can offer me a discount on a certain seltzer because they know exactly what seltzer I'm drinking, right, but my friend in front of me - and I hate that I'm just gonna be using him a lot as an example - if he's on line behind me, does he have to receive the same discount even though, right -- so if I'm in front of him and I get lemon seltzer for $7 a case and then he goes up and it's nine --

MS. TORRES: Mm-hmm.

MR. DURSO: -- right, are we now in violation of that law because I got the discount and he's not?

MS. TORRES: Well, that -- so the thing about your -- your pur -- your purchasing history is that's unique to you. So you get unique discounts based on your purchase history based on that relationship, that consumer to business relationship that you have developed. That's based on your purchase history. He might have a different purchase history. That's the -- that's the relationship he's developed between the consumer and the business.

MR. DURSO: So can he bring a private right of action based on this bill stating that he did not receive -- he's paying more than me, right? He's right on my --

MS. TORRES: He's getting a discount.

MR. DURSO: I'm sorry?

MS. TORRES: He's getting the -- a discount.

MR. DURSO: No, no. He's not gonna get the discount because --

MS. TORRES: Oh, no. Who's -- someone's getting a discount.

MR. DURSO: Right.

MS. TORRES: Yes.

MR. DURSO: I'm paying $7 for the case, he's paying nine. Can he file a private right of action because he's not getting a discount but I am?

MS. TORRES: No. There's no language on private right of action in this bill. This bill does not include --

MR. DURSO: There's no lang --

MS. TORRES: There's no private right of action in this bill. In the B- print, there is no private right of action.

MR. DURSO: Okay. So the Attorney General could not -- is -- is not going to be instituting fines or anybody that --

MS. TORRES: She can -- she -- she has --

MR. DURSO: Okay.

MS. TORRES: -- enforcement authority but she does not have a private right of action.

MR. DURSO: So there is no private -- private right of action in this legislation whatsoever?

MS. TORRES: Correct.

MR. DURSO: Okay. So to backtrack on that, under the General Business Law now, right, to my understanding, any business entity that sets up the price of a specific good or service using personalized algorithm pricing and directly or indirectly advertises, promotes, labels or publishes a statement, display, image or for announcement personalized algorithm pricing to a consumer using his or her personal data must provide a clear and conspicuous disclosure stating that the price for such goods and services was set by an algorithmic using your -- algorithm, excuse me, using your personal data. That is -- and I'm sorry.

MS. TORRES: It's okay.

MR. DURSO: I actually didn't realize it was so long. That is the current General Business Law. Now, will this new law if it goes into effect, will it change that?

MS. TORRES: Yes, because that was a disclosure so we passed that in budget last year. It's a disclosure so retailers, companies online have to disclose that when they're using an algorithm, using your personal data to set prices. So you see that on different retailers online. I see it. Now, it's no longer a disclosure. Now, surveillance pricing with this bill, when we pass it, it's a ban. It's a prohibition on surveillance pricing.

MR. DURSO: So you just used those words again and I -- again, I just want to be consistent. You said personal data --

MS. TORRES: Yeah.

MR. DURSO: -- right? So is that only online is what

you mean by it? Or are you meaning it any store, restaurant, chain restaurant, you know, a drugstore, anything like that, they cannot use personal data to set a price for you?

MS. TORRES: Most of these occurrences occur online because that's the -- the mass amount of how -- it -- it's how corporations collect our personal data when we're exchanging it online --

MR. DURSO: Okay.

MS. TORRES: -- so the practice happens mostly online. It doesn't happen really in -- in brick-and-mortar stores.

MR. DURSO: Okay. And -- and --

MS. TORRES: But for example -- I'll give you an example --

MR. DURSO: Sure, please.

MS. TORRES: -- you know, I'll give you one example is, you know, like Target. Target has a mobile app, Target you can buy online and there's also a -- a, you know, you can go to a physical store, right? And so, you know, one example of surveillance pricing that happened I think fairly recently was you had a customer that had the mobile app, looked at a product on the mobile app and then kind of drove a little bit closer to a target, went to the tarking [sic] -- the target parking lot and the price went up. That's an example.

MR. DURSO: Okay.

MS. TORRES: Because they're using your -- your

location --

MR. DURSO: Right.

MS. TORRES: -- to figure out, *okay, they're close to Target. They're actually gonna buy the good*.

MR. DURSO: And I'm fine with that.

MS. TORRES: Yeah.

MR. DURSO: And -- and -- and -- and -- and I think I stated that during committee --

MS. TORRES: Mm-hmm.

MR. DURSO: -- I don't want anybody to pay more because an algorithm pick ups that maybe I have or look like I have money or anything like that. But what I am concerned with is the language in the bill when it comes to, as we keep saying, personal data, right, and bona fide discounts.

So going back to bona fide discounts and we're gonna get into the online portion of it --

MS. TORRES: Yeah.

MR. DURSO: -- and some other concerns I have. But the bona fide discount, right, again, explain to me what a bona fide discount is when it comes to a brick-and-mortar store.

MS. TORRES: Sure. So a bona fide discount is a discount that is generally available to the public, one that is not based on personal data at all. It's not based on personal data. So let's say it's like 2-for-1, you bring a friend, you refer, all kinds of promotions and -- and we list a couple in the bill. Let me see where we see it --

MR. DURSO: Really?

MS. TORRES: -- yeah, I see it. Okay. So, you know, based on things like bulk purchases and subscriptions, end of season sales, flash sales, early bird sales, inventory-based sales. All of that is available and nothing has changed with regards to discounts. They're called bona fide discounts because they're general discounts that are available in the market.

MR. DURSO: They're available to everyone?

MS. TORRES: Everyone. Yes. Yes.

MR. DURSO: Okay. So let's just say I go to a specific hardware store. I try not to use names of stores, I don't like to give anybody advertisement. But because I frequently shop there or I haven't been there in a long time and they say, *hey, we haven't seen ya in six months. Here's a $25 gift card*, or a discount, right, and again, my next-door neighbor who has never shopped there does not get that and -- are they allowed to give me that discount?

MS. TORRES: Yes.

MR. DURSO: They are?

MS. TORRES: That's a retention. That's a "we miss you, come back" discount. Yes.

MR. DURSO: Okay. Now, in the previous version, right, we had this discussion. There seemed to be a little confusion on maybe if that was allowed. Do you think that the B- print has now changed that?

MS. TORRES: It is. We've clarified that --

MR. DURSO: Okay.

MS. TORRES: -- yes. We've clarified that in the B-print.

MR. DURSO: Okay. So I'm gonna focus a little bit on more of the online portion of this. Because you're saying this seems to be a online issue mostly.

MS. TORRES: Largely. Largely.

MR. DURSO: Okay. So still -- it still remains the same as they can -- you cannot be offered discounts using personal data, correct? And now --

MS. TORRES: Well, you -- you can be offered a discount. Like, you're -- you're still gonna be able to have all of your discounts and even we have exceptions. Like I wouldn't even call them exceptions, they're bona fide custom discounts. They're defined as discounts that use your personal data in particular situations and the reason why they're there is because we've met with so many industry leaders, so many members of the business community who said, *it's important to have these discounts.* We agree, and we included it in the bill.

MR. DURSO: Okay. So there's a big online shopping platform that's out there. Again, not using names. But I regularly get if I go onto that website, things will pop up on it, you know what I'm saying, these sneakers are for sale. Or, these are at, you know, the -- it's now personalizing that sale to me and it also knows what I've shopped for. Is that not allowed anymore through

this piece of legislation?

MS. TORRES: So I want to just take a step back --

MR. DURSO: Sure.

MS. TORRES: -- and talk about the online marketplace a little bit. So I think I know perhaps who you're referring to.

MR. DURSO: We probably all do. I'm just not saying the name.

MS. TORRES: Yes, okay. That's fine.

MR. DURSO: Okay.

MS. TORRES: So that's an online marketplace, right, and there's independent third-party retailers on that site. You're allowed to offer discounts. If you're a retailer on that site, for example, you can get or you can offer a discount to a consumer that's -- that's personalized based on purchasing history, for example. Let's say that the larger retailer, however, what they cannot do is they cannot cross-reference the data from the other smaller retailers to set prices or discounts for you because that's an abuse of the data. And -- and I'll -- and I'll tell you a little 'bout -- a little bit about why we care about that and about why that's important because you have a lot of small businesses that operate on these sites and then you have a large --

ACTING SPEAKER HUNTER: Mr. Durso, you take your second?

MR. DURSO: I'm sorry, ma'am?

ACTING SPEAKER HUNTER: You're taking your second, Mr. --

MR. DURSO: Oh, please. If I may.

ACTING SPEAKER HUNTER: Yup.

MS. TORRES: -- and then you have a large online marketplace that collects all of this data on you, all of this data on you and they use that data to set prices. They use that data also to offer you a customized discount and perhaps they don't offer someone else a customized discount based on personal data when you didn't shop at -- at the retailer.

MR. DURSO: Right. And not that I'm sticking up for them at all but as you just said, the third-party which is usually that smaller entity that's selling it through the larger entity, the third-party is allowed to offer you that discount --

MS. TORRES: Yes.

MR. DURSO: -- but the bigger company is not allowed?

MS. TORRES: They can -- they can offer you the discounts related to how they operate as a marketplace. So for example, let's say the marketplace does direct delivery service or they do a direct service for you. They -- they can offer that to you --

MR. DURSO: Right.

MS. TORRES: -- but they can't use the personal data to offer you a -- a special discount or you -- to steer you to certain retailers. That's what they can't do. That's the whole idea of

surveillance pricing. That --

MR. DURSO: So --

MS. TORRES: -- that's why it's a problem.

MR. DURSO: Okay. So they're saying you can't use my personal data to -- to -- so if there's two separate retailers on that -- using that platform, you can't direct me to one in particular one?

MS. TORRES: And not the -- and not the other because of the data that the online marketplace has. Because it -- it's also -- it's also a competition issue, right? Because an online marketplace might want to direct you to a particular retailer and not another one and that hurts small businesses that are on the broader online marketplace.

MR. DURSO: Okay. So just a couple more questions, Ms. Torres. What evidence currently other than like you said, an example that you've given before, demonstrates that surveillance pricing is a widespread problem?

MS. TORRES: Sure. I'm gonna give you a couple.

MR. DURSO: Sure.

MS. TORRES: So in 2025, there was an interim study done by the Federal Trade Comission that found that several existing clients of surveillance pricing solutions including large retailers, a significant number of stores including grocery stores, a power retailers, health and beauty retailers, home goods, furnishing stores, building and hardware stores, travel and financial service firms and general merchandise retailers participate and -- and -- and use the

tools of surveillance pricing, if you will.

MR. DURSO: Understood. So just for clarity, when it comes to discounts, is this only -- this is really for every business, correct? I know there are certain, when it comes to insurance, right, we talked about banking institutions, that's federally regulated to a degree, right? So --

MS. TORRES: Yeah.

MR. DURSO: -- so this doesn't affect that. What -- what about when it comes to higher education institutions, colleges, right? So if a college, as many kids now are -- are getting set for college, right, and they're essentially shopping around, right, and a college uses your data, right, in other words, whether it's online presence, whether it is any information about you, right, to offer you a scholarship, right. Would this affect that ability for the colleges to give you any type of discount, any type of different price than it would give it to me, than my friend here sitting in front of me?

MS. TORRES: No. This -- this does not affect --

MR. DURSO: I know.

MS. TORRES: -- grants, scholarships, need-based financial -- financial aid. It does not. It does not. And -- and that's something that's come up in conversation and in the rules and regulations that will be promulgated, you know, 180 days after this goes into effect it's going to be laid out because that's a concern that came up. This is not the intention of the bill, it does not touch that issue.

MR. DURSO: I understand it's not the intention, but it will not affect that --

MS. TORRES: Will not affect.

MR. DURSO: Okay. Thank you, Ms. Torres. No more questions. I appreciate it.

MS. TORRES: Thank you.

ACTING SPEAKER HUNTER: Mr. Bologna.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. TORRES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you, Ms. Torres. So some of the questions I have are gonna be with regards to the financial service industry and banking specifically, which I believe was added in the B- print version of this bill, is that -- is that an accurate statement?

MS. TORRES: Yep.

MR. BOLOGNA: Okay. So what specific documents of the examples of surveillance pricing by a New York State-chartered bank prompted banks to be added to the bill?

MS. TORRES: So the -- the banks -- so in conversations that we've had with the banking industry, they have told us that they do not participate in surveillance pricing, and because

they do not participate in surveillance pricing we didn't think they needed a carveout or exemption.

MR. BOLOGNA: Okay. So there's not an example of something where someone brought an actual specific case of -- of an incident or a -- a -- an occurrence of trouble with surveillance pricing with banks in New York State? That has not happened, right?

MS. TORRES: Well, I mean what I'll say is there are in I would say, you know, like the Fintech world, the banking world, there's lots of examples where you have retailers that use or that offer credit cards, that offer banking tools that, you know, potentially could be participating in this. But what I will say is that we've spoken to the banking industry and they say they do not do this.

MR. BOLOGNA: All right. So if we can't identify a record of abuse in the financial services or banking industry, then what specific banking problem are we actually trying to solve by adding them to the legislation?

MS. TORRES: They're not -- no. They're not -- they're not included. There's -- there -- there's a carveout for them, essentially, here.

MR. BOLOGNA: Okay. So would you agree that banks are regulated by federal banking regulators and the Department of Financial Services?

MS. TORRES: Sorry, say that -- say that again?

MR. BOLOGNA: Banks are already regulated by the federal banking regulators and Department of Financial Services in

New York State, right?

MS. TORRES: Yes.

MR. BOLOGNA: Okay. So --

MS. TORRES: Sorry, and forgive me, I'm -- yeah. I think I understood your question.

(Crosstalk)

MR. BOLOGNA: You're fine. It's -- it's 11 something so I -- I get it.

So what regulatory gaps -- wait -- exist that these regulators have failed to address?

MS. TORRES: I guess this bill doesn't capture banks --

MR. BOLOGNA: Okay.

MS. TORRES: -- it's not -- it's not capturing banks.

MR. BOLOGNA: Okay. Okay. Thank you very much and thank you, I appreciate it.

MS. TORRES: Thanks.

ACTING SPEAKER HUNTER: Mr. Norber.

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

MS. TORRES: Sure.

ACTING SPEAKER HUNTER: Will the sponsor yield?

The sponsor yields.

MR. NORBER: Thank you very much. Thank you,

Ms. Torres. Just a few questions regarding how this would apply to platforms such as Google and Facebook and because many businesses these days are implementing the platform themselves on Facebook, Instagram, Google, which enabled them and allowed them to pinpoint specific behaviors that -- that anybody has while searching on Instagram or Google and there is no way to really disable these features if they want to advertise on these platforms. And these days, everybody, every organization and business is utilizing these tools. So I just wanted to see --

MS. TORRES: How it --

MR. NORBER: -- how could this be avoided at -- in terms of surveillance pricing when that's pretty much what it's all about?

MS. TORRES: Yeah. I mean if -- if Google and -- and I think some of the other online services you mentioned, if they're setting prices for things, this -- this affects them. So if they are setting a price for service, then this would impact them. If they're an entity setting a -- a price.

MR. NORBER: So this would impact who, the -- this would impact the -- the business that's utilizing the tools?

MS. TORRES: Yeah. If Google has a business, Google as an entity.

MR. NORBER: Could they -- could they be actually receive -- could they receive a violation or --

MS. TORRES: Potentially if they're setting a price

using --

MR. NORBER: Just because they're using Google?

MS. TORRES: No, no, no. Because -- as an entity, if they're a -- they're a business or corporation and so if they are -- if Google is selling me a service, Google sells service email --

MR. NORBER: They sell ads.

MS. TORRES: -- yes, they sell things --

MR. NORBER: And services.

MS. TORRES: -- and so, if they're selling things to a consumer --

MR. NORBER: Right.

MS. TORRES: -- and they're using surveillance pricing as we've defined it here and there's a violation, yes.

MR. NORBER: The whole thing is a violation. That's what I'm trying to get at.

MS. TORRES: No, no --

MR. NORBER: It is because --

MS. TORRES: -- it -- okay.

MR. NORBER: -- 'cause if let's say a person is searching on the web apartments and then somebody wants to sell to them roofing services or moving services or whatever it might be, I mean, isn't that a -- a form of surveillance pricing --

MS. TORRES: This is --

MR. NORBER: -- just because they're searching for an apartment --

MS. TORRES: Well, if you're -- I mean --

MR. NORBER: -- because that's a personal thing.

MS. TORRES: Marketing is not really addressed -- marketing is not addressed in this bill if that's what you're referring to. Marketing, advertising --

MR. NORBER: Marketing, adver -- okay.

MS. TORRES: Yeah. Yeah.

MR. NORBER: If a person -- if we're gonna look at a person's personal information, is behavior on the web considered to be part of that personal information?

MS. TORRES: Personal data, yes, but we're talking about pricing here. So like, you can search online, that is free. Like, you can go online and -- and search online. But if -- if the entity as a business is setting a price, then yes. This is not a -- a big broad data privacy bill --

MR. NORBER: Okay.

MS. TORRES: -- like this is not -- if that answers your question. This is about pricing.

MR. NORBER: Okay.

MS. TORRES: Yeah.

MR. NORBER: So if let's say an example I want a -- a person is -- is searching on the web Versace, Cartier, things like that. And I want to sell and my business is gonna sell to him a $1,000 necklace. Okay? Would that be considered to be a problem? Surveillance pricing?

MS. TORRES: No. I don't -- I mean, companies -- companies can and do monitor your browsing habits, so it wouldn't be -- I mean, you couldn't like, put a violation on -- on the internet. But if a company -- if some -- if a company bought your data, we don't have a data broker bill, we don't have like a, you know --

MR. NORBER: Well, no --

MS. TORRES: -- prohibition on --

MR. NORBER: -- I would advertise that --

MS. TORRES: -- on selling data.

MR. NORBER: I want to find all the people that are looking on the -- on the web for Versace.

MS. TORRES: I mean, we can take up a bill like that. My bill doesn't really address that.

MR. NORBER: No, but that -- I thought that was -- I thought that's --

MS. TORRES: Yeah. They just -- you -- you can't set a price based on that.

MR. NORBER: Okay. So a month later, I'm not selling that necklace the way I would like to sell it and now I've decided to sell it for $100 --

MS. TORRES: Mm-hmm.

MR. NORBER: -- and to say -- to a different market, a different geographic market. Would that be a violation?

MS. TORRES: If it's not based on personal data you can. If it's not based on someone's personal data, you haven't

personalized the price for an individual, then you're able to adjust the prices --

(Crosstalk)

MR. NORBER: The way the AI algorithms work right now on Instagram and -- and Google is only according to personal data. And so they really see everything. They know exactly how to find these specific types of consumers.

MS. TORRES: Yes.

MR. NORBER: So this is the way the -- the platform is built in terms of those tools.

MS. TORRES: Yeah. I mean, they would -- if -- if they are -- if they are engaging in surveillance pricing and selling you products or services based on surveillance pricing then yes, they would be in violation, mm-hmm.

MR. NORBER: The corporation would be --

(Crosstalk)

MS. TORRES: The business, the entity. Yes.

MR. NORBER: Okay. Because I think there's an issue -- could be an issue here in terms of the way these systems are enabled. The tools that -- that they want us to use, the businesses to use are already -- are already embedded with surveillance pricing.

MS. TORRES: Mm-hmm.

MR. NORBER: So I'm just not sure how this bill could -- maybe could be fixed in that way because that's my opinion. If somebody doesn't want to give them trouble -- if right now I'm

gonna Google selling me these -- these tools and they will and then the State comes back and says, *you're not allowed to do exactly what Google is adver -- is letting you do*, then that's my whole concern.

MS. TORRES: I mean, I think it, you know, definitely when the bill hopefully comes into effect there'll be rules and regulations that the AG will develop and I hope that we'll be able to address some of this. But I -- I just want to reiterate that it is around pricing and pricing offered by entities and -- and service providers. So I'm -- I'm thinking of this as -- as Google and -- and Instagram as entities and service providers providing a service.

MR. NORBER: But am I allowed to change my price from time to time for that -- for -- for whatever I'm selling?

MS. TORRES: Are you -- if it's -- I mean, dynamic pricing, yes. Like this doesn't address dynamic pricing. You can change a price based on supply/demand and what the market can bear, yes. But based on personal data what this bill says is no, you can't use personal data to change -- to change a price.

MR. NORBER: Okay. So if I wanted to change my price and do this in a way that doesn't make -- creating violations for myself, how would I do that? On my platform, on my website, on my app?

MS. TORRES: You know, based on prior purchase history, based on -- just not -- not in use of personal -- not in use of personal data. Just use -- based on supply and demand and inventory conditions and -- and the things that we have historically set prices on

--

MR. NORBER: Okay.

MS. TORRES: -- as businesses and -- and corporations.

MR. NORBER: Okay. Thank you very much. No more questions.

MS. TORRES: Thank you.

ACTING SPEAKER HUNTER: Mr. Palmesano.

MR. PALMESANO: Thank you, Madam Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. TORRES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Good evening, Ms. Torres. How are you tonight?

MS. TORRES: Good. As great as can be, it's early.

MR. PALMESANO: Yes, I know it's -- it's early, right? It sure is. I don't have a lot of questions, I just want to go over a couple of things and I'm gonna spend more of my time talking on the bill. But I did want to ask you when I was listening to the debate because I think most of my colleagues covered most of the questions. You had mentioned that this legislation does not capture banks; is that correct?

(Conferring)

MS. TORRES: Yeah. The -- so the -- and forgive me because it's late --

MR. PALMESANO: You're fine.

MS. TORRES: -- the intent is not to capture banks because they don't engage. They told us that they don't engage in surveillance pricing so they're not -- they're not included. I think you're talking about the GBL --

MR. PALMESANO: Yeah, 'cause the original version --

MS. TORRES: Yeah.

MR. PALMESANO: -- they had the exemption in but this one removed that.

MS. TORRES: Yeah. What -- what's in there now -- what's in there now is -- there was a -- the FCRA, the -- the Federal Credit Reporting Act [sic] because in some -- for example, if you take out a loan, a mortgage or what have you, you have to -- you -- you have to provide or use personal data as part of that because for -- for function of credit -- credit score.

MR. PALMESANO: Right, but you -- but just for the record, you did remove the GLBA, right?

MS. TORRES: Correct.

MR. PALMESANO: And what we're hearing from obviously the banking industry who've expressed opposition is that -- that should go hand-in-hand with the federal credit -- FCRA. So you removed it so I think that's -- you'll get some concerns from that

perspective.

I just want to speak on the bill. I just wanted to get --

MS. TORRES: Sure.

MR. PALMESANO: -- that clarified if I could. Thank you.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: Yes. I appreciate the questions from my colleagues, I think they covered most of the questions. To me, this is more about more misplaced priorities at a time when our families are struggling in the midst of an affordability crisis. Now is not the time to institute an outright prohibition on certain price discounts, coupons and promotions and this would only exacerbate the affordability challenges facing our New York families rather than providing meaningful solutions. And rather than discouraging businesses from using a customer's personal identification -- identifiable information to increase the price of goods, this legislation would actually limit popular discounts and promotions in New York State.

When we talk about some of the programs, discounts that, you know, that have -- families have benefitted from these programs, some of the ones that I have a list of here, what programs are at risk: the Just for U personalized savings program, personalized lightening deals, personalized restaurant promotions, we miss you, win you back offers, possible hotel -- hotel loyalty programs, browse

abandonment offers, rewards program challenges at different (indiscernible), electric shelving labels savings, milestone life events, birthday promotions, things of that nature, even military seniors. And although they say there's exemptions for this, you have -- some of these you have to actually apply for and qualify for.

This legislation and I understand the intent of it, I'm not questioning the intent of the sponsor, but has a host of opposition from a diff -- a number of different groups. Even recently this week, the colleges in -- the independent colleges and universities came out expressing their concern that they could face significant legal and operational uncertainty regarding their ability to administer financial aid programs to help students afford college. That's a concern. The hospital and tour -- the hospitality and tourism industry have expressed concerns. The New York State Bankers Association expressed concerns relative to the removal of this one provision that they believe should be in there and for whatever reason it was removed in this print and that should go hand-in-hand along with the FCRA. The Financial Technology Association has expressed concern, a host of other issues. Our -- our small business community, the NFIB says this is a -- something would impose a comprehensive ban on pricing prac -- (indiscernible) and they will no longer be able to offer targeted promotions, loyalty programs and personalized savings options to help New York households manage their budgets effectively. The Food Industry Alliance says the potential -- this potential ban will further increase the cost of groceries and prohibit

the ability for retail food stores to offer discounts, rewards, program and couples -- coupons. The Retail Council says this is an outright -- this outright prohibition on certain price discounts, coupons and promotions will exacerbate the affordability challenges facing New Yorkers. One industry after another. Again, I understand the intention on what the sponsor's trying to do, but now is not the time to take away the opportunity for families to save money in the midst of an affordability crisis and a quality of life crisis that's going on here in New York.

So for this reasons [sic] and many other and points my col -- my colleagues brought up, I'm gonna be voting in the negative on this legislation and I encourage my colleagues to do the same.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Zaccaro.

MR. ZACCARO: On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. ZACCARO: So today I rise not just as a legislator, but I rise as a father. Like parents across New York, I know what it means to sit at a kitchen table and to make tough choices. I know what it means to stretch a paycheck, as many of us has [sic] learned over the last couple of weeks. I know what it is to compare prices and to ask whether there's enough left at the end of the month for groceries, school supplies, transportation and the little moments

that our children deserve. And every parent knows that calculation. Every working family knows that calculation. And when New Yorkers make those decisions, they deserve one simple thing; a fair price. Not a manipulated price, not a secret price, a fair price.

But today, powerful corporations are using personal information in ways most consumers never see and never consent to. They track our online behavior, they collect our data, they analyze our habits and they feed that information into algorithms designed to answer one simple question; how much more can we charge this person? Think about that. Two people sitting side-by-side looking at the same product, the same flight, the same hotel room, the same sporting event ticket, yet one pays more than the other. Not because of supply and demand, not because of market competition, but because an algorithm has decided that they can afford to pay more.

Colleagues, that is not transparency. That is not fairness. That is not free market. That is digital discrimination. And what makes it even worse is that consumens -- consumers often don't even know that this is happening. The decision is hidden, the process is hidden, the price is hidden. Meanwhile working families are oftentimes left paying the bill.

In the Bronx, I represent hard working people who do everything they can. They wake up every single morning, they work long hours, they care for their families, they contribute to their communities, they play by the rules. But oftentimes, they feel like the rules are written for them -- not written for them. They feel like the

deck is constantly stacked against them, and when companies use personal data to quietly charge more people, that feeling isn't paranoia, it's reality. Technology should make life better and artificial intelligence should empower consumers, not exploit them. Innovation should create opportunity, not create new ways to squeeze working families. If a company wants to compete, let it compete by offering a better product, a better service, a better price. Not by spying on consumers and charging them whatever the computer predicts they will tolerate. And at a time when families across New York are struggling with the cost of housing, groceries, transportation, childcare, we cannot allow hidden algorithms to make life more expensive.

And what this bill does today is it draws a very clear line. It says your personal data should not be used against you. It says that your privacy should not be a profit center and that your wallet should not be target of a secret algorithm. And so today, Madam Speaker, we send a clear message that in New York, fairness matters. That in New York, transparency matters. That in New York, consumers matter.

And I want to contend -- I want to commend the bill sponsor for bringing this important legislation forward. A mom and a colleague like many of you all who understand what this reality is like for the people that you serve in your communities. And so today I stand in full support of this bill and of this legislation because I stand for New York families and I stand for transparency and as a father and

as a representative of the Bronx and someone who believes that all New Yorkers deserve a fair shake.

And so Madam Speaker, with that I yield my time and I will -- I proudly vote in favor of this bill and I look forward to its passage.

Thank you so much.

ACTING SPEAKER HUNTER: Thank you.

Ms. Torres.

MS. TORRES: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. TORRES: So I just wanted to one, just correct one thing for the record because I know we were talking about banks and banking. Banks are technically covered, but they are exempted for credit-related decisions and they've told us again and again that they do not practice in -- they do not practice surveillance pricing. So I wanted to make that clear for the record.

And then I wanted to talk a little bit about why -- why I did this bill. Surveillance pricing represents a fundamental shift in how prices are set. Behind our screens, corporations quietly collect treasure troves of our data, our personal data. From our mouse clicks and browser history to our zip code and even when we are getting our next paycheck. Companies are tracking our behaviors online and building specific consumer profiles on us to infer our quote-unquote, "price sensitivity", including the highest price we are willing to pay

for a given product or service. Companies will call this personalized pricing which can suggest that there's a type of value within this pricing for the consumer. But the reality is, that we as consumers, we as New Yorkers have no idea what a true price is anymore because I can get a different price compared to my neighbor for the very same product or service. It might be because I shopped right before getting my paycheck and the retailer knows I have more money to spend. It might be because of desperation, because corporations that use surveillance pricing prey on our desperation; including lack of time to comparison shop, like when we need to take an emergency trip or buy medicine for our sick children. Because under surveillance pricing, the reality is that if you really want or need something and a seller knows it, with surveillance pricing you will likely pay more for it. Most policymakers will call that exploitation, but corporations will call it revenue generation or efficiency.

This is all because our data has value and in today's digital commerce world, it is available to them in limitless ways that they can use to impact pricing. This also means that some consumers may get discounts, some may not and some may be charged a higher price without anyone knowing it. Many, many corporations are using software pricing tools and pricing consultants to determine price sensitivity to optimize prices accordingly and time and time again, these tools are mentioned on investor and earning calls as ways to maximize profits for corporations by finding the maximum price consumers are willing to pay. This is simply not how our economy

should work. Advancement in technology can absolutely bring innovation to our lives, but when it comes to pricing and affordability, the practice of surveillance pricing is exploitation, plain and simple.

New Yorkers shouldn't be put in a position where we have to decide between affording our groceries and protecting our privacy. You shouldn't have to constantly clear your cookies to get a lower price. You shouldn't have to sign up for subscriptions and memberships offering a quote-unquote "discount" in exchange for full access to every personal data point in your life. Shopping online shouldn't feel like a bait-and-switch. We need this ban on surveillance pricing because our screens are not public storefronts. New Yorkers should not be spied on or ripped off, they deserve fair pricing. They should have the ability to compare and to find the best deal and feel secure in knowing that the price they see is legitimate and the price that is offered to other consumers.

This legislation recognizes that personal data should not be used as a tool to extract the highest price possible from each individual consumer. It promotes transparency, it safeguards privacy and it ensures that technological innovation works for people rather than against them. This legislation also helps to level the playing field for small businesses because larger corporations and online marketplaces have the ability to collect vast amounts of data and buy sophisticated pricing tools that facilitate this practice but most small businesses do not. Banning surveillance pricing promotes fair competition in the marketplace.

And a last word on discounts: This bill preserves the ability to -- for businesses to offer a wide array of discounts including personalized savings, retention offers and even discounts based on purchase history, but it does not allow unfair pricing based on personal data.

Finally, I just want to thank a lot of people who were part of this. I want to thank the Speaker and his team. I want to thank Senator May on the Senate side for this -- for -- for carrying this in the Senate. I want to thank our tremendous Attorney General, Tish James and her entire team, Chair Rozic. I want to thank Program and Counsel and a very large coalition that we worked with including AARP, New York UFCW, RWDSU, the American Economic Liberties Project, Zephyr Teachout, Groundwork Collaborative, 1199, CSEA, AFL-CIO, DC 37, the NAACP, Consumer Reports, the Small Business Majority, the Community Service Society and many, many more. And I also want to thank everyone who's here with me including my Chief-of-Staff, Ramdat Singh.

With that I withdraw my request and vote in the affirmative.

Thank you.

(Pause)

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote's been requested.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker. The Republican Conference will generally be opposed to this bill. However, there may be exceptions and those individuals can vote yes at their desk.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this piece of legislation. For those that would like to be an exception, they can make that exception at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bologna to explain his vote.

MR. BOLOGNA: Thank you, Madam Speaker, to explain my vote. I'm voting no on this legislation because I do not believe we've adequately addressed significant ambiguities in the bill before us. During debate, the sponsor suggested that the legislation does not affect banks or financial service industry. Respectfully, I disagree. The language before us does not clearly support that conclusion. In fact, I continue to question why the exemption for entities regarding -- regulated under the GLBA were removed in the

first place.

More importantly, this debate highlights a broader problem. It's not enough for members to stand up and tell us that -- what the bill intended to do, it's our responsibility to write legislation that clearly states what it does. Intent is not law, statutory language is law. There are too many grey areas in the bill, too many unanswered questions about the scope and too much uncertainty about who may ultimately be affected. I'm particularly troubled by the rationale that we should pass a bill now and fix any deficiencies in future chapters. That's not a responsible way to legislate. We should solve major questions before enactment, not after.

When regulated entities face uncertainty regarding their legal obligations or potential liability, they respond conservatively. In the financial sector that could mean tightening lending standards or reducing acts to credit and the people most affected are often not those with great resources, but first-time home buyers, young families, working-class New Yorkers and borrowers with limited credit histories. And what brings me back to the question I have repeatedly asked throughout the debate is what specific problem in the banking or financial service industry were we trying to solve with this bill? And I still have yet to get a good answer on that.

And for that reason, I cannot support the legislation before us.

Thank you.

ACTING SPEAKER HUNTER: Mr. Bologna in the

negative.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 441, the Clerk will read.

THE CLERK: Assembly No. A11557, Rules Report No. 441, Committee on Rules (Walker, Hooks). An act to amend the Election Law, in relation to the form of submission and abstract for proposed amendments to the Constitution.

ACTING SPEAKER HUNTER: An explanation been requested.

Ms. Walker.

One moment please, Ms. Walker.

On a motion by Ms. Walker, the Senate bill is before the House. The Senate bill is advanced.

An explanation has been requested.

Ms. Walker.

MS. WALKER: I thought you were gonna say "read the last section", Madam Speaker.

This bill would authorize the Legislature to determine the form in which a Statewide proposed constitutional amendment is submitted to the people of the State of New York on the ballot. It also requires that such proposals are presented in the clearest language and with the most accurate descriptions. This is critical given the gravity

of a constitutional amendment. It is a moment that should be treated with the sanctity and clarity it deserves and it is a rare opportunity for voters to have a direct voice in State policy.

As my brother would say, straight talk leads to straight understanding. Clear language is the best pathway to understanding and we cannot accurately engage -- gauge the sentiment of the electorate on a proposed amendment if they cannot understand it.

The Legislature will be required to use best efforts to comply with the plain language requirements and best efforts to -- to score no more than an eighth grade reading level. The bill preserves the plain language standard which is already part of the law. That means the proposed amendments will use concise language no more than... that's it.

ACTING SPEAKER HUNTER: Mr. Sempolinski.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. WALKER: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SEMPOLINSKI: Well, first, Chairwoman, I want to wish you good morning because we are past midnight. So bear with me if I'm a little punchy. So the way that I'm gonna walk through what it does, what I think has not changed and then what I

think has changed and maybe ask you to clarify some things if -- if that's all right.

MS. WALKER: No problem.

MR. SEMPOLINSKI: So my understanding is that this calls on the Legislature to produce the form and abstract of any concurrent resolutions that are constitutional amendments. Can you sort of describe to us what those would be? What is the form? What is the abstract?

MS. WALKER: The form shall include a descriptive title of up to 15 words, a summary of the tax ballot proposal of up to 30 words in plain language that describes the change in policy to be adopted and not the legal mechanism.

MR. SEMPOLINSKI: And am I correct that under this proposal, the form and abstract could either be included in the constitutional amendment when it's passed, or it could be its own separate concurrent resolution as long as it's past a certain amount of time, I believe 120 days prior to the General Election which a particular constitutional amendment is considered?

MS. WALKER: That is correct.

MR. SEMPOLINSKI: Okay. So there's some flexibility there in timing on when the Legislature would produce this particular information?

MS. WALKER: Yes.

MR. SEMPOLINSKI: Okay. Now, a lot of the things that didn't change or are similar to or, you know, the same as

current Election Law are the provisions regarding the type of language; is that correct?

MS. WALKER: That's correct. The plain language requirement which requires that the language be easily comprehended and concise, no more than one pass of sentence, no use of semicolons and utilized multiple sentences as necessary and no double negatives remains.

MR. SEMPOLINSKI: And am I correct that those rules are already included in Election Law in Section 4-108 to which this law adds a new subdivision? So it's referring back to previous subdivision in Section 4-108 and they're really aren't any changes as far as what plain language means. You're using the same plain language, rules that the Board of Elections is compelled to use under current statute?

MS. WALKER: I believe that's a correct assumption, yes.

MR. SEMPOLINSKI: Thank you, Chairwoman. And the level of vocabulary and sophistication of the language currently would be at the eighth grade standard and under this bill would also be at the eighth grade standard; is that correct?

MS. WALKER: That is correct.

MR. SEMPOLINSKI: Okay. And the effective date of this would be effectively immediately. So anything that would pass in the current Session, you know, maybe perhaps amendments that we'll pass later today or maybe -- or maybe amendments we passed

yesterday, those would -- this would apply to those, right?

MS. WALKER: That is correct.

MR. SEMPOLINSKI: Okay. So that's -- I wanted to go over -- those were a lot of things that -- that didn't change.

Now, what does change, am I correct that prior to the passage of this potential law, the Board of Elections is mandated to produce the form and abstract for constitutional amendments? That is our current process and -- and my understanding, longstanding process?

MS. WALKER: That is correct. You said that the Board of Elections would be the folk who promulgate the language.

MR. SEMPOLINSKI: Right. Prior to this, under current law.

MS. WALKER: That's correct. And there is also a place for the Office of the Attorney General to weigh in on that as well. And so this bill actually makes that requirement a little more concise.

MR. SEMPOLINSKI: It actually -- you anticipated that was one of my next questions. So the AG would pull a similar role to what she does now as far as advising this process?

MS. WALKER: Not necessarily.

MR. SEMPOLINSKI: Not necessarily. Okay. So it's sort of mandated that she does now. If it goes to the Legislature she doesn't -- it's not a requirement that she advises. It's not like she has to submit an opinion prior to the passage of a constitutional amendment.

There's no requirement for her action like that?

MS. WALKER: In this, no.

MR. SEMPOLINSKI: Okay. And my understanding of the role of the BOE should this pass would be they cannot make any amendment or alteration to the language that would be produced by the Legislature. However, they would still determine the order in which propositions are placed on the ballot; is that correct?

MS. WALKER: Yes.

MR. SEMPOLINSKI: Okay. So why is this change needed now?

MS. WALKER: Well, one of the goals that we mentioned is about making the -- the process just more clear and more concise. This provides the Legislature with an option to draft the plain language that will appear on the ballot for voters. You know, there's an age old adage that says, sometimes the people who are closest to the problem are also closest to the solution. And since the Legislature will be drafting the statutory amendment, then it'll be easier for the legislative intent to be able to be realized in a ballot question. It would avoid a lot of confusion with a number of different authors lending to the ballot question and what it may look like as in the past.

And Section I of Article 19 of the State Constitution places a duty on the Legislature to submit a proposed statement -- amendment to the people for approval. And so this bill is not inconsistent with that requirement and with that intent that the

Legislature approves such amendments.

MR. SEMPOLINSKI: So we went through -- there isn't really a lot of changes to, you know, the level of language, it's eighth grade. There aren't changes to what plain language means and you had indicated at the outset during your explanation that the hope was to make things clearer. And I understand what you're saying as far as, you know, legislative intent, but we're not changing the words that you're allowed to use or the format of those words. It's just whose writing them is different. So I don't understand why it would make it clearer for the electorate if we wrote it as compared to the BOE if the rules that we have to follow as far as difficulty and how plain it is are exactly the same.

MS. WALKER: Well, the -- there is already a constitutional duty for the Legislature to make amendments to the constitution. And so, quite frankly it follows a pretty decent path that the folk who would be writing such language should be the people who would be involved in preparing the actual amendment in the first place.

In addition to that, it still sets clear readability standards, it would also reduce a lot of last minute lawsuits, procedural confusion and it basically -- it creates clarity and not controversy. And so we want to just ensure, again, that the people who were the closest to recognizing that as constitutional amendment was necessary, are also the folk who were explaining it to the people so that there is no confusion at the ballot.

MR. SEMPOLINSKI: What is the partisan makeup of the Board of Elections?

MS. WALKER: It's bipartisan.

MR. SEMPOLINSKI: Correct. Right. That -- that's my understanding. It's always equal representation on the Board of Elections between the two major parties; that being the two parties that receive the most votes on their party line in the most recent gubernatorial election. They each have half control of the Board of Elections. That's my understanding. Is -- is that also your understanding?

MS. WALKER: Yes, sir, it is.

MR. SEMPOLINSKI: Okay. What's the makeup of the New York State Legislature?

MS. WALKER: It's bipartisan.

MR. SEMPOLINSKI: Well, I -- I agree because, you know, we're in two different political parties. But I would say it may not be equally bipartisan as the Board of Elections which is mandated to have equal representation from each of the two major political parties. Obviously --

MS. WALKER: Well, I -- I guess it depends on what you mean equal. We generally have equal constituencies in number.

MR. SEMPOLINSKI: That's true. That's true. What I'm saying is the Board of Elections is mandated by statute to have equal control between the two political parties and the New York State Legislature is supermajoritarian in one particular political party.

So one might feel, as I do, that you're taking this from a truly statutorily bipartisan Body and handing it to a partisan Body.

MS. WALKER: Well, not necessarily. The Legislature has the option that they may choose to exercise or not. And if they don't exercise it, then the Board of Elections, which is again, another bipartisan Body, may be able to draft the language.

MR. SEMPOLINSKI: So just -- so just to clarify that, there is not a mandate that the Legislature act, they have the option to act and they could kick it back to the old process if they wished?

MS. WALKER: That's correct.

MR. SEMPOLINSKI: Okay. Now I would imagine for the more controversial, the more important referendums, the -- the Legislature might be more likely to act and that those would be the ones that we would be the most concerned about partisan bias leaking into the process.

MS. WALKER: I wouldn't necessarily agree with your assessment.

MR. SEMPOLINSKI: Okay.

MS. WALKER: I just think that the Legislature has the option to elect who -- for -- in the purposes is -- will be about being clear and being concise and ensuring that the Legislative intent of the statutory amendment is communicated to the people of the State of New York in a way that is understandable, readable and is plain language.

MR. SEMPOLINSKI: How does a constitutional amendment get on the ballot?

MS. WALKER: A constitutional amendment gets on the ballot by being voted in this House in two consecutive Sessions, terms, Legislatures and then there'll be a ballot question on the ballot to the people.

MR. SEMPOLINSKI: That is also my understanding. So for something to be on the ballot, it has to have passed both Houses of the Legislature twice effectively --

MS. WALKER: Correct.

MR. SEMPOLINSKI: -- by that process. So therefore, we know that whatever the Majority and the Legislature is is by definition in favor of the amendment. Otherwise it wouldn't be on the ballot. So therefore by definition, the Legislature is biased in favor of the amendment.

MS. WALKER: I can't necessarily say I agree with that.

MR. SEMPOLINSKI: Well, if they -- if they --

MS. WALKER: But you are safe to make that interpretation.

MR. SEMPOLINSKI: Well, my -- my point is that if they weren't in favor of the amendment, the amendment wouldn't be offered because we're the ones offering the amendment.

MS. WALKER: I don't think that's the part that I disagree with. You know, we're having a lot of conversation about

one party, other party, this party, that party. The goal of this legislation is not to advance any campaigns, it's not to advance any particular political party. This is about having a clear and readable and concise and understandable piece of information which will be on the ballot that the people will have a voice in how our constitution is made.

MR. SEMPOLINSKI: Let's -- let's imagine, heaven forbid, that the Legislature which, as I said, will love whatever referendum's on the ballot, produces something that is biased toward the proposal. What would be the recourse to prevent that bias from leaking into the ballot?

MS. WALKER: Well, there is a standard that was presented in a case. The case is *Fernandez v. The Board of Elections*. I am looking for the language as it relates to that standard. And when challenging a ballot proposition, the petitioner must show that the language on the ballot is not misleading, nor ambiguous, nor illegal and that is consistent with existing law.

So the language is not, you know, the -- whomever is the drafter does not have unfettered opportunity to be able to just write, you know, whatever it is that they choose to write without the necessary checks and balances of the Judiciary.

MR. SEMPOLINSKI: So Chairwoman, that would be adjudicated through the courts. There's no sort of review by the Board of Elections or any other Body that's baked into your statute, you would have to go and sue basically?

MS. WALKER: Yes.

MR. SEMPOLINSKI: Okay.

MS. WALKER: And people have exercised that right.

MR. SEMPOLINSKI: All right.

Well, Chairwoman, I appreciate you answering my questions at this early, or late, however you want to look at it, hour.

And I'm gonna go on the bill.

MS. WALKER: Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. SEMPOLINSKI: So I -- I do have some very grave concerns about this piece of legislation. I'm gonna be voting against it. And as I laid out in my questioning and I appreciate the Chairwoman being so gracious to answer my questions, we have a process that is working. I'm gonna --

ACTING SPEAKER HUNTER: Do you want a second -- okay.

MR. SEMPOLINSKI: -- go on my second 15, yeah.

We have a process that is working. It has been longstanding. It inherently forces by statute the description of a constitutional amendment to a truly perfectly bipartisan organization. And I think that's appropriate because it's important that the people, if we're going to, as we discussed last night, trust the people to make the changes to the constitution, they have to be presented a fair objective description of what they may be signing up for or what they may be

declining to sign up for. And we all know that there is one party that has dominant control of this Chamber, of the Chamber down the hall and we would be handing this grave responsibility over to a very partisan, very -- by definition, extraordinarily political Body. And the immediate temptation would be to produce a biased description. And as I said, we wouldn't know they would have that temptation because they would've been the ones that just voted for the proposition to put it on the ballot multiple times. And so they're gonna want to convince people to vote for it, and certainly I think people should be able to campaign for or against any proposition that's on the ballot. We heard last night people are getting ready to campaign for or against the proposition that'll potentially be on the ballot in 2027 that we passed last night. But it shouldn't be done on the ballot. That should be unbiased, that should be fair. It should not be political, it should not be driven for partisan purposes.

And -- and I'm concerned obviously about the timing. We had a very controversial constitutional amendment that we did last night. I -- I hear rumors that we may do another one before we're done. And so to now change the process I think is -- is extraordinarily problematic, I think it will lead to bias. I think it is, once again, as we've been doing this week, injecting partisanship where partisanship should not be undermining our institutions. We have a process that works. If it ain't broke, don't fix it. And just as I have said over the last couple days, stop messing with the constitution, let's not mess with the process by which the people, the sovereign people of the

State of New York will be determining whether to change their constitution. This is partisanship in the process that we simply do not need and can't afford if we're gonna have a healthy democracy in the State of New York.

ACTING SPEAKER HUNTER: Mr. Bologna.

MR. BOLOGNA: Thank you, Madam Speaker. Would the sponsor for a quick question?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. WALKER: Yes, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: Thank you very much. So are you familiar with the term, like when we talk about polling or asking questions, are you familiar with the term "framing"?

MS. WALKER: Yes.

MR. BOLOGNA: Okay. So would you agree that --

MS. WALKER: Like you're about to frame your question?

MR. BOLOGNA: Possibly.

MS. WALKER: Oh!

MR. BOLOGNA: The day is young. So would you agree, though, that depending on how -- I could be asking the same question, but depending on how I ask that question is gonna prompt a different response from the respondent?

MS. WALKER: You want to give me an example of

that?

MR. BOLOGNA: I would love to. I'd love to. I actually have a couple right here. So let's say -- let's talk about hamburgers. I'm actually kind of hungry, let's talk about hamburgers for a second. So, option one is: Would you like a juicy, flame-grilled hamburger with fresh toppings?

MS. WALKER: No.

MR. BOLOGNA: Okay. Would you like to eat processed remains of slaughtered cows served on bread? Same hamburger.

MS. WALKER: No. And I am from South Carolina so...

MR. BOLOGNA: My wife is also from South Carolina. Your vinegar based -- what if I used vinegar-based barbecue, there we go. We could use slaughtered pork. But my point is, is that we're still talking about the same product. We're still talking about the same thing, but the way that that question is framed prompts a different response from who's getting -- who's receiving the question. Would you -- would you work with me on that one?

MS. WALKER: I can work with you on that.

MR. BOLOGNA: All right. Thank you very much and you know what? That's all I need.

I'm going to go on the bill.

Thank you so much.

ACTING SPEAKER HUNTER: On the bill.

MS. WALKER: Easy debate I've ever had. Thank you.

MR. BOLOGNA: That's what I'm here for.

So I want to start with something simple, a demonstration and this is beyond hamburgers. But you know, if two pollsters show up at your door and one says, *do you support allowing the Legislature to provide voters with clear, plain language explanation of proposed constitutional amendments*? And the second one asks, *do you support allowing politicians who wrote the amendment, voted for the amendment and directly benefit from the amendment's passage to also write the description of that amendment for the voters?* Which do you think that the voters are going to go with? The same question, the same underlying policy, two completely different answers because the framing determines the response and every political consultant and every pollster in this State knows that. And yet, with this bill, we're handing the Majority party the pen and really, the Supermajority party the pen. That's what this bill does. It's stripped of its jurisdiction memo, it removes the authority to draft ballot proposition language in the State Board of Elections, a statutory equally bipartisan Body structurally designed by law to have equal representation from both parties and it gives that authority to this Legislature. A Legislature that at this moment is one of the most lopsided partisan Bodies in the history of the State.

So let me be precise about the current law because the sponsor's memo kind of glosses right over it. Right now the Board

of Elections drafts ballot summary, the Attorney General advises the public comments and the final language is certified and transmitted. That's the process. There's multiple eyes on it, there's a public record and the Board is required -- required by statute to use plain language in eighth grade reading level, the same standard that this bill claims to impose on the Legislature. So I ask again, what -- what problem is being solved here? And the answer, if we're being honest, is not a readability problem, it is a -- it's a problem of control. Because look at what's happening in this building right now. Look at the context in which this bill is being rushed to the floor while we're simultaneously advancing a redistricting amendment that would allow this Legislature to draw its own congressional lines. Every majority good -- every major good government organization in the State: Citizens Union, NYPRIG, League of Women Voters, Reinvent Albany has come out and said exactly what this is, a power grab dressed up as a procedural reform. They said it plainly. This bill is purpose bill to benefit the expected 2027 redistricting amendment. It exists so that when this amendment goes to the voters, the Majority gets to write the question. And this bill makes it --

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

MS. WALKER: Would Mr. Bologna like to answer a few questions?

MR. BOLOGNA: No. I'm just going to keep going on the bill if that's all right.

MS. WALKER: Okay. Thank you.

MR. BOLOGNA: Thank you so much.

ACTING SPEAKER HUNTER: He does not yield.

MR. BOLOGNA: So this bill makes it almost explicit. It carves out a prior Session, the 2023-2024 Session from its reach, but it applies immediately to this Session forward. There's a reason for that timing. There's a reason a specific amendment they have in mind. This is not a General Election reform. This is a precision instrument.

Now, I want to talk about the Board of Elections for a moment because I think it's worth understanding what we are dismantling and why it was built the way it was. The board is bipartisan by design -- not by accident, by design. The entire architecture of the institution reflects a foundational understanding that elections and the processes surrounding elections must not be controlled by either party, but both equally at the same time. This is not a Republican idea or a Democrat idea, this is a -- an idea of democracy. You separate the players from the referees. You build structural independence into the process so that no single faction can tilt the table. This bill quite literally eliminates that. It says the Legislature, which is to say right now, Democratic Majority, will write the ballot question. And then it says that the Board of Elections must transmit that language without amendment or alteration. That's not a check, that's a rubber stamp with a government seal on it. This bill does include one supposed guardrail. The Legislature shall use "best

efforts" - a real legal definition there - "to write neutral plain language." So I want everyone in this Chamber to sit with that phrase for a moment. "Best efforts." It's not enforceable legal standard, it is the legislate -- sorry. It is the legislative equivalent of a pinky promise. So if the Majority writes a summary that is incomplete, strategically favorable or suddenly misleading, who corrects it? Well, the board can't touch it, the Attorney General's role's advisory. There's no mechanism. There's no remedy. The voter gets what the Majority decides the voters gets and that's the end of it.

I've been thinking about this institution a lot over the past 24 hours and I've been thinking a lot about my kids to be honest with you because I miss -- I miss the hell out of them, which I know is a sentiment that many of us share given how much time we've been away from our houses. But I keep coming back to what we are modeling and what we are building and what we're leaving behind specifically. I said yesterday that this Body has taken a machete to the New York State Constitution in the span of 24 hours and I really do mean that. But we're not just passing bad policy. We're systematically closing off the avenues through which the opposition could ever be effective. We're redrawing lines so that the mass favor one party, now we're writing ballot questioning so that the language favors one party. And we're doing it all while talking about clarity and good governance in protecting voters. I want to say something about how democracies end because it's usually Democratic. It is not a single villain, it is not a single moment, it's not a single law, it's a

series of incremental moves and this is one of a series of those moves in the past 36 to 48 hours that I fear are gonna continue.

As I said yesterday, the constitution was not written to protect us from our enemies. It was written to protect us from ourselves, from the very human tendency of people who have power, believe so completely in their own righteousness they stop questioning their own actions. I'm not questioning the motives of anyone who votes for this bill. I'm just questioning the system that this bill creates. A system where one party proposes, one party approves and one party writes the descriptions and the voters are left to decide based on that information that was crafted by the people who need a specific answer. That's not democracy folks, that's the theater of democracy.

Thank you.

ACTING SPEAKER HUNTER: Mr. Slater.

MR. SLATER: Well, good morning, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. WALKER: Yes, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SLATER: Thank you very much. I appreciate the debate that we've had so far on this. Happy Friday by the way, it is officially Friday. I wanted to, if we could, just talk a little bit about some more details here. Under the current law, who's responsibile for preparing the ballot abstract and form submission today?

MS. WALKER: Who was responsible for submitting it to whom?

MR. SLATER: Who is responsibile for preparing the abstract and form of submission today?

MS. WALKER: Oh, today, the Board of Elections.

MR. SLATER: The Board of Elections. And you told my colleague that the Board of Elections is a bipart -- a bipartisan Body?

MS. WALKER: I did. I also told him that I didn't want slaughtered meat.

MR. SLATER: You did say that. Well, he didn't offer you fries. There's a difference if you would've asked for fries and I think we all would've said yes.

Have you identified any instance where the Board of Elections was incapable of performing its responsibility that it currently has?

MS. WALKER: You mean in this instance or ever?

MR. SLATER: Well, we're trying to make a change and I'm -- and I -- I guess the -- the assumption is that the Board of Elections if you're wanting to make the change, is that the Board of Elections cannot perform its duty. So my question is, has there been an instance where the Board of Elections has not been able to either prepare the ballot abstract or form of submission?

MS. WALKER: So this provides an option to the Legislature to write a question, the abstract and/or the form. It does

not eliminate this opportunity in totality from the Board of Elections to be able to -- to perform that act. And quite frankly, the Board of Elections still has the opportunity to provide language as it relates to proposals, propositions and referendums.

MR. SLATER: Right. In the -- in the language it's a "may" versus "shall". It says that the Legislature "may" rather than "shall". So there still is the opportunity. We'll get that -- I'll get there in a second because I have some questions about that as well. Would the Board of Elections be able to revise or modify the language if the Legislature chooses to -- if this bill is passed, if the Legislature chooses to authorize -- to execute its authority, would the Board of Elections be able to make any revisions or modifications to the language that the Legislature provides it?

MS. WALKER: No.

MR. SLATER: On lines 20 and 21, it requires the board to transmit the Legislature's language without amendment or alteration. So under this bill, the Legislature drafts the amendment, drafts the abstract, drafts the form of submission and the board is just required to transmit that language without any alteration or modification despite its history of being able to do so?

MS. WALKER: Yes. In the event that the Legislature elects to exercise its option.

MR. SLATER: Understood. The bill references the Automated Readability Index. Is that a publicly available tool?

MS. WALKER: It's a formula, and if Mr. Goodell

was here he would be able to recite that formula verbatim --

MR. SLATER: I'm sure he could.

MS. WALKER: -- but I encourage you to read the previous debate of June 8, 2023 on this issue.

MR. SLATER: Okay. But my question remains, is this a publicly available tool?

MS. WALKER: Well, let's make it public again. I defer to you to Mr. Goodell's statement where he very eloquently laid out the formula.

MR. SLATER: So anybody can use it?

MS. WALKER: Anyone can use it.

MR. SLATER: Thank you. So could the State Board of Elections actually use the tool that's cited in your legislation?

MS. WALKER: Yes, they can. Can the State Board of Election use the tool?

MR. SLATER: Yeah, that was my question.

MS. WALKER: Yes.

MR. SLATER: Can the State Board of Elections utilize the ARI?

MS. WALKER: Yes.

MR. SLATER: And the law already dictates today, it already dictates, if I heard you correctly with my colleague earlier, the level by which we currently have the abstract and form submission written. There's a level, a reading level.

MS. WALKER: There's a -- yes. Eighth grade.

MR. SLATER: So if the board could use that tool, why aren't we simply just directing the board to apply that exact standard if they -- if you're wanting to use it here?

MS. WALKER: That's not how the tool works.

MS. SLATER: That's not how the tool works?

(Conferring)

MS. WALKER: The Automated Readability Index Score shall be calculated according to the following formula -- I wish I had a chalkboard --

(Laughter)

Divide the number of characters excluding spaces by the number of words and multiply that number by 4.71. B, divide the number of words by the number of sentences and multiply that number by .5. Add the results of paragraphs A and B of this subdivision and D, subtract 21.43 from the result of paragraph C of this paragraph and round to the nearest whole number.

MR. SLATER: So the Board of Elections can apply that today?

MS. WALKER: The Board of Elections has applied that.

MR. SLATER: Oh, it has?

MS. WALKER: Yes.

MR. SLATER: So then why are we -- if the -- if readability is the objective, why is there a transfer of authority necessary?

MS. WALKER: There is not a transfer of authority. There is an additional option. It's just more tools in the toolbox, sir.

MR. SLATER: Who within the Legislature is gonna determine whether the -- the ARI standard has been satisfied? Are we gonna ask Mr. Vanel to run the numbers every time? That's a joke. Who is gonna be -- in the Legislature, who's gonna determine whether that standard's been utilized?

MS. WALKER: It's an evaluation --

MR. SLATER: Performed by --

MS. WALKER: -- now that this is on the record, it's open to anyone and everyone to perform the calculation.

MR. SLATER: So there's nobody specifically tasked with performing that specific calculation in the Legislature?

MS. WALKER: The calculation will be conducted, sir. Is there a particular individual that the bill points to? No.

MR. SLATER: I'm just curious if there's gonna be a public disclosure that the AR -- the ARI score is acceptable?

MS. WALKER: They can just ask Mr. -- Mrs. -- Ms. Victoria Fernandez did for the court to decide whether or not best efforts were utilized in order to meet the ARI scores in compliance with the law.

MR. SLATER: So then, just to make sure I'm clear, we as a Legislature may exercise our ability to write these abstracts and -- and form submissions, but the only way that -- but we're not gonna verify or disclose to the public that it meets the ARI score

unless they bring a court order or perform the -- the calculation themselves?

MS. WALKER: It can be discussed in the -- in the Chamber but quite frankly, I believe that this is a very eloquently written decision which lays out the dynamics as it relates to best efforts on the Automated Readability Index as well as providing a framework by how to determine what is plain language. Is it easily comprehended, it is concise and does it -- does it -- it shall not contain more than one passive sentence and not use semicolons or multiple sentences as necessary.

In addition to that, you can also question, as was indicated by Mr. Bologna, if the question was hamburger or slaughtered meat, the -- the court to make a determination as to whether or not it was misleading, ambiguous, illegal or inconsistent with the law.

MR. SLATER: Is there any bipartisan approval requirement if the Legislature exercised its authority in this case?

MS. WALKER: No.

MR. SLATER: Most members of both political parties agree to the ballot language before it's proposed?

MS. WALKER: Well, they will agree to the amendment.

MR. SLATER: Not necessarily.

MS. WALKER: They have the option to if they chose to.

MR. SLATER: But before it's presented to the -- if the Legislature were to exercise that authority, there's no bipartisan collaboration or requirement before that language is provided to the voters?

MS. WALKER: There's no requirement, no.

MR. SLATER: Understood. The bill allows the Board of Elections to assign a ballot order number, correct? They still have that authority? That's one of the tasks that -- that they're given?

MS. WALKER: Yes.

MR. SLATER: So we trust the board to administer Statewide elections and aside -- and assign those ballot order numbers?

MS. WALKER: Yes.

MR. SLATER: Madam Chair, thank you very much for answering my questions. I think I'm just gonna use my remaining time to go on the bill if I can, Mr. Speaker.

ACTING SPEAKER ZACCARO: On the bill.

MR. SLATER: Mr. Speaker, no one is arguing against plain language. No one's arguing against -- no one is arguing that constitutional amendments should be difficult to understand and I think we've demonstrated today that they in fact -- the Board of Elections has done a pretty good job making sure that they are at a sufficient reading level. And every member of this Chamber should want voters to receive clear and accurate information before casting their ballot. But I'm left with a simple question: If readability's the

goal, why not direct the bipartisan State Board of Elections to use the very same readability standards that is cited in the bill? The sponsor has acknowledged that the ARI is available. She actually recited the formula to us which was great, brought me back to high school math. The sponsor has acknowledged that the Board of Elections could apply it and has acknowledged that the board already performs its function today. Yet, instead of proving the -- improving the existing process, this bill transfers authority from the Board of Elections to the Legislature itself. By the way, to the Legislature itself when politically advantageous.

Under current law, the Legislature proposes constitutional amendments and the Board of Elections prepares the explanation language. Under this bill, the Legislature drafts the amendment, drafts the abstract, drafts the form of submission and the board is required to transmit that language without alteration or modification. That's not simply a readability reform, that's a transfer of authority. And what safeguards are added in exchange? There's no independent verification, there's no bipartisan approval requirement, there's no meaningful check on how that language is ultimately crafted.

At a time when New Yorkers are already questioning whether too much power is being concentrated in too few hands, this legislation moves in the wrong direction. The people of New York deserve confidence that constitutional amendments are explained through an independent and trusted process, not by the very political

Body seeking their approval. That's why many New Yorkers will view this proposal not as plain -- as a plain language bill, but as yet another attempt to consolidate authority within the Legislature. The answer to public skepticism is not more control. The answer is more transparency, more independence and more public trust.

For those reasons, I cannot support this bill. I would encourage my colleagues to reject it as well. I vote no.

Thank you very much, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Ari Brown.

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

On the bill.

ACTING SPEAKER ZACCARO: On the bill.

MR. A. BROWN: At first glance, this legislation seems harmless. I mean, who would be against clear ballot language? Who could be against helping voters better understand constitutional amendments? But that's not the real question before us today. The real question is quite simple: Who should write the language that voters see when they enter the voting booth. Under current law, that responsibility rests with an independent entity. This bill transfers that authority to the Legislature itself, the very Body proposing the constitutional amendments. We were told this is merely an administrative change, I disagree.

You know, words matter. Every political consultant, pollster, advertiser and campaign professional in America, or in the world for that matter, understands that words matter. The entire

advertising industry exists because words matter. If words didn't matter, did not influence outcomes, there'd be no reason for this bill. We have seen this throughout American political history. The Inflation Reduction Act was presented to the public as legislation focused on reducing inflation, but years later, many Americans view it primarily as climate, energy and a tax bill. The No Child Left Behind bill sounded like a promise that every child would succeed. The actual debate became centered on federal mandates, testing requirements and Washington's role in local education. Heck, the U.S. Patriot Act sounded like a vote on patriotism. The real debate involved surveillance powers, privacy rights and governmental authority.

This bill asks New Yorkers to trust politicians with the power to write the description of their own proposals. If a voter spends 30 seconds just reading a ballot description and never reads the constitutional amendment itself, then the person writing those few sentences holds enormous influence over the outcome. That is exactly why independent review matters. If a constitutional amendment is good policy, just stand on its own merits. It should not require politicians to control the wording presented to voters. Government should not be in the business of writing its own sales brochure. The people deserve an independent explanation, not a politically crafted one.

And for that reason, I will be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Palmesano.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER ZACCARO: The sponsor yields.

MR. PALMESANO: Good morning, Ms. Walker. How are you today?

MS. WALKER: Good morning. I just heard the most amazing quote, the Board of Elections is bipartisan, not nonpartisan.

MR. PALMESANO: I would agree with that.

Well, on that note, though, it's bipartisan. They both, the Republican and Democrat, the way it works now, they have to agree on the language that's gonna go before the voters, correct?

MS. WALKER: They have.

MR. PALMESANO: That's how it works now --

MS. WALKER: Correct.

MR. PALMESANO: -- until after this -- until after --

MS. WALKER: Yes.

MR. PALMESANO: -- and at -- and your -- from your position I heard you say, *well, the Legislature writes the law so we're closer to it. So we know best how to portray that message to the*

voters. Is that an accurate statement, possibly?

MS. WALKER: Well, one of the things I said was there was an old adage which says that if you're closer to the problem, you're closer to the solution. But what I -- what -- one of the -- what I also indicated was that the importance of legislative intent to be able to be communicated by the authors of the actual amendment.

MR. PALMESANO: Sure. And if the -- the Legislature wants to when we pass a law, certainly there's nothing stopping the Legislature from conveying to the Board of Elections, *this is what we want to see happen.* They -- but they still -- the decision would rest with the Board of Elections, right?

MS. WALKER: This -- you mean in the present way?

MR. PALMESANO: Well, yeah. I mean, because you said the Legislature has the ability to express their intent. So another -- the way the system's working now, there's nothing stopping either the Democrats or Republicans for conveying what they believe the process, what should be said in the language now. They can -- they can convey that message but ultimately --

MS. WALKER: Yes. And quite frankly, that happened because there's also a third arm where the Office of the Attorney General --

MR. PALMESANO: Exactly.

MS. WALKER: -- also made recommendations --

MR. PALMESANO: Sure.

MS. WALKER: -- and ironically in the last iteration of a statutory amendment, the Equal Rights Act, the Board of Election wholly ignored the Office of the Attorney General's suggestions.

MR. PALMESANO: Okay. Now when we say about writing the laws being closer to it, like the Legislature, we write -- we pass tons of -- of bills, the Governor signs them to become law. Now do we pass the regulations that implement these laws? Doesn't that usually -- the regulations fall to departments or agencies who take the law that we passed and then they work -- the experts within those agencies put in place the regulations. Isn't that an accurate statement?

MS. WALKER: Yes.

MR. PALMESANO: So it -- couldn't you make the same argument here that we're writing the law, then we give it to the experts at the Board of Election who are experts in that. They make the interpretation and then they put their -- the -- the language together to convey to the voters, with input from the Legislature because nothing's precluding us from providing input from the Legislature. So why -- why -- tell me why that's not working. I just don't understand that -- how that's not working. It's been going on for over how many years? Decades?

MS. WALKER: I -- I don't -- I don't believe anyone said that it's not working. I think one of the things that I did communicate was that we put more tools in the toolbox as opposed to taking -- wholly taking it away from the Board of Elections. The --

MR. PALMESANO: Okay.

MS. WALKER: -- Legislature only has the option to exercise its right to write the question. It's not a requirement that the Legislature does so.

MR. PALMESANO: So are you saying that once this passes, this Body won't 100% write the language that's gonna go before the voters in 20 -- 20 -- '27?

MS. WALKER: Whether it's 100% or 50%, I can't speak to that. But what I can say is, they don't have to exercise that right if they don't want to. It's discretionary.

MR. PALMESANO: Sure. It's discretionary.

Now that language, but the Board of Elections, again, they have to agree on it. That goes back and forth and they work together to approve the language. Now with this, with the Legislature, who approves the language? Just the Legislature?

MS. WALKER: That's correct.

MR. PALMESANO: So they would basically be -- is it fair to say it'd be the -- because it's -- concurrent resolution through the Senate and Assembly, would that be fair that we say that the Speaker and the Majority Leader of the Senate would basically sign off on the language?

MS. WALKER: That's correct.

MR. PALMESANO: So the Minority Leader of the Senate and the Assembly would not have any input or sign off on that language; is that correct?

MS. WALKER: It's the Legislature. So quite frankly

--

MR. PALMESANO: I know, but --

MS. WALKER: -- it's every -- it's all of the bells and whistles that make up our Legislature.

MR. PALMESANO: So are you saying here, because we're the Legislature, are you saying here that the Minority Leader of the Assembly and the Minority Leader of the Senate will be a part of those discussions to sign off and agree to that language? Is that what --

(Crosstalk)

MS. WALKER: What I am saying is that the bill does not specifically lay out any particular position for whom will be the author. It says the Legislature. So it -- it -- it makes up all of the Body politic of the Legislature.

MR. PALMESANO: And I -- and I say you're saying this because it's probably being done in good faith, right? All of this is done -- so in the interest of good faith, would -- wouldn't it be maybe good for you to agree and say, *we're gonna let the Minority Leader Assembly and the Minority Leader of the Senate participate in crafting that language in a bipartisan fashion just like the Board of Elections does because the Legislature's closer to it. So we're gonna let them participate in it and sign off on the language.* Wouldn't that be a good way to show good faith to the voters?

MS. WALKER: Let me see if I can find good faith in here because I think your term -- the only term that I was able to find

is best efforts. And this is not -- it's not necessarily about the convenience of the Legislature. This bill is for the opportunity for the voters --

MR. PALMESANO: Sure.

MS. WALKER: -- to be able to have clear and concise and plain language to be able to understand the contents of the statutory amendment.

MR. PALMESANO: Sure. So let's -- let's just say -- let's just say for argument sakes you don't include the Minority Leader of our Assembly and the Minority Leader in the Senate in the discussions between the majorities and you want to put language, clear language, you could probably write something like this and this would be okay, right, to protect democracy, justice and fairness redistricting act? You could do something like that and then put that on the ballot with the -- with the redistricting amendment we passed yesterday. You could do that if you wanted to, correct? You could put that clear language on the ballot with that initiative if that's what you chose to do, right?

MS. WALKER: I think that's a hypothetical. It's very speculative.

MR. PALMESANO: But hypothetical but possible, right? You could do that if you chose to do that, right?

MS. WALKER: I -- I am not necessarily answering questions about what is gonna go on to a question as it relates to a statutory amendment which took place here. This bill just deals with

the authorization of the Legislature to determine the form in which the constitutional amendment is submitted to the people.

MR. PALMESANO: All right. And I -- I heard when you were talking about this, you made some comments that you said we believe this process, letting it change in the language would make this process more clear, more precise, right?

MS. WALKER: Correct.

MR. PALMESANO: So you said more clear, more precise and more political, right?

MS. WALKER: I did not say more political.

MR. PALMESANO: Oh, I thought I heard you say that. Maybe -- I don't think I have to hear you say that. I'm just joking, but that's all right. It is more political, but that's okay. That's -- I digress. You also said this creates clarity and is noncontroversial, right? Was that your word?

MS. WALKER: I did say clarity. I don't remember saying noncontroversial.

MR. PALMESANO: There are --

MS. WALKER: What I did -- what I did say was that --

MR. PALMESANO: We'll check that after --

MS. WALKER: -- there are procedural safeguards in the courts that will protect language from being misleading, ambiguous, illegal or inconsistent with the law and if the courts find that the ballot language is not -- is, you know, violates one of those

four tenets, then the -- the language will be struck.

MR. PALMESANO: All right. And that would take a -- a court challenge to do that, correct?

MS. WALKER: Correct.

MR. PALMESANO: All right. Ms. Walker, thank you very much for your time. I appreciate it. I appreciate you letting me banter with you a little bit on this.

Madam -- Mr. Speaker, on the bill.

MS. WALKER: Thank you.

ACTING SPEAKER ZACCARO: On the bill.

MR. PALMESANO: Yes, Mr. Speaker, my colleagues. I know the hour is late, early, whatever you want to look at it. As we talked about with the redistricting amendment yesterday, this all goes hand-in-hand, all germane together. You heard a lot about protecting democracy, preserving democracy, trusting the voters, faith in the voters. All in the interest though, ultimately, you will have the ability to draw the congressional lines. I said in my opinion it was a political hit job, it's a political power grab. And just when you don't think it could get any worse, in that you -- that's where you remove the language which basically took away not allowing for favorable or nonfavorable lines for one party or not, for one candidate or not basically to allow gerrymandering, and then we just think it can't get worse. What we have here now basically it removes a practice that has been in effect for well over 100 years of bipartisanship. Yes, not nonpartisanship, but bipartisanship and what

does that bipartisan ensure? It ensures that both sides come together, they might not agree on 100% of what it says, but they come together to work out the language that they put before the voters. I think the voters have trust in that concept.

What they don't have trust in is to say that one party who controls the whole operation up here has all of the say in that process. I don't see how you could say that. And even the existing process we do have has input from the Attorney General who is currently a Democrat by the way, most often has been a Democrat. So you still have that type of if you look at that, it still leans Democrat from that perspective. I mean, you can -- you can say this is about clarity. You can say this is about the -- being more precise, but it -- it's really more political. And when we talk about this being an eighth grade reading level, the thing about it is even though it is beyond the eighth grade reading level, because even an eighth grader with their knowledge and their IQ can understand what this Body is doing here tonight, could understand what this Body did here last night. They will understand what you did here tonight, what you did here last night isn't fair, it isn't right. It's dishonest, it's very, very wrong. Very, very wrong -- very, very sad and very, very shameful.

And I'll go back to what I've said that I heard you saying, *oh, we trust the voters, we have faith in the voters*. The problem is the voters don't trust us. And when you lose the trust of the voters, how can they have confidence in any action that we're taking up here? How can they have confidence in the work we're doing here

is in their best interest? Because the work we're doing on this bill right now is certainly not in the best interest of the voters. The work we did on that redistricting amendment which totally counters what they asked for, what they voted for, not once in 2014 to create the district -- Independent Redistricting Commission but again in 2021 rejecting your ability and your attempt to overturn that commission and what they voted for. Time and time again the voters have told us and you wonder why they don't trust us. And what do we do over and ever again? What did this Body do? You do an end-run around them. You say, *I know better. We know best.* All for the simple purposes of one thing, political power. And like I said, even an eighth grader knows that is wrong, that is not fair, it's dishonest, it's very sad and very, very shameful.

So Mr. Speaker, my colleagues, I am definitely voting no on this piece of legislation before us and I urge -- encourage my colleagues to do the same.

Thank you, Mr. Speaker. Thank you, my colleagues.

ACTING SPEAKER ZACCARO: Thank you.

Mr. Gandolfo.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER ZACCARO: The sponsor

yields.

MR. GANDOLFO: I appreciate that. So looking at this bill, the only two requirements I see that the Legislature would have to fulfill when drafting the ballot question language is that it would have to be in plain language and at the eighth grade reading level as determined by the formula; is that correct?

MS. WALKER: That's correct.

MR. GANDOLFO: So --

MS. WALKER: I'm sorry. Also, don't forget the best efforts requirement.

MR. GANDOLFO: And the best efforts are required for what? The -- for the plain language and the --

MS. WALKER: Best efforts for the reading level -- level.

MR. GANDOLFO: Okay. So I don't -- if those are the only two requirements I see here, if a voter, a New Yorker, felt that the language was misleading, how could they challenge that based on the grounds that it doesn't accurately portray what the question before them is?

MS. WALKER: They can bring a case it -- at the Albany Supreme Court of the State of New York. Albany County Supreme Court of the State of New York.

MR. GANDOLFO: Okay. But the only two requirements that the Legislature must fulfill is that it's in plain language and readable. So let's say we're doing new redistricting

maps and the Legislature decides to put the question as, *do you want to adopt the most fair, best impartial maps of all time?* And a voter might say, *oh, that seems not like objective language. That might be subjective.* And they want to bring an action. Is it my understanding that they can only bring an action if the language wasn't plain and if it didn't comply with the eighth grade reading level?

MS. WALKER: There are other requirements, also. There are requirements that were put in place by the interpretation of the law as it relates to being misleading, ambiguous, illegal or inconsistent with the law. But this particular bill deals with plain language and readability, best efforts for --

MR. GANDOLFO: And the interp -- the interpretation of what law that's in those other requirements?

(Conferring)

MS. WALKER: I'm sorry. What was your question?

MR. GANDOLFO: The other requirements. Before you mentioned also procedural safeguards. I don't see them referenced in this bill, so where might we find any provision that the ballot question is objective and not misleading?

MS. WALKER: Well, that was the finding in the Fernandez case. But I can also state that also in the law, the form shall include a descriptive title of up to 15 words, a summary of the text ballot proposal of up to 30 words in plain language that describes the change in policy to be adopted and not the legal mechanism. As well as state of what a yes or no vote means in up to 30 words in plain

language that identifies the practical outcome of each election result and not the legal mechanism.

MR. GANDOLFO: Okay. And that is -- that was the determination in the Fernandez case that you referenced? Or is that --

MS. WALKER: No, that's in the bill. Section 4.

MR. GANDOLFO: Section 4 of the bill.

MS. WALKER: 4 -- oh, 4 -- 44(a), sorry. 410(a).

MR. GANDOLFO: Okay. Now are there any -- I still don't see anything that says it can't be misleading. I just see plain language and reading level. So my concern is, we -- I think I heard you reference that, you know, a New Yorker can sue, bring it to court. My concern is that the only thing they can challenge is the plainness of the language and not necessarily the veracity.

I guess that's not a question, so I will go on the bill.

MS. WALKER: Thank you.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, not to drone in on the points that were made by my colleagues, but my concern is that when we're changing this, the only requirements really are is that the language is plain and understandable at an eighth grade reading level. We've seen there could be examples of ballot questions. For example, there could be a redistricting ballot question that says, *should these new congressional districts be adopted to restore fairness?* That's an example that was in Virginia. That could be an example here, but what is fairness when you're talking about redistricting? If there was

an objective standard of fairness we wouldn't of had a four hour debate on the constitutional amendment last night that was all based around fairness. So when we're putting questions to the voters and allowing only the Legislature, the party in power to write those questions, I don't know, maybe I am cynical after the procedures of this House over the last few days, but I don't exactly trust us to put something that accurately portrays what we're doing. Especially when it couldn't even be admitted what we were doing last night and why we were doing it.

So for those reasons, Madam Speaker, I will be voting no and I encourage my colleagues to do the same.

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 legislation. However, if there are the unlikely exceptions, they may do so at their desk.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in the affirmative on this bill. For those

that would like to vote differently, they can do so here in the Chamber.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Madam Speaker. The plain language requirements that we previously passed in this House were passed in 2023. The first opportunity for the Board of Elections to bipartisanly write language related to a constitutional amendment was in 2024 when we passed the Equal Rights Amendment language. Not only did they fail spectacularly in drafting something that was at an appropriate reading level and which met all the requirements, they were sued in the Fernandez case which then supplemented their language with equally bad language, both of which were at a grade 13 reading level. At this point, I would prefer an actual eighth grader write this language since the BOE can't seem to do it. I kind of don't care who does it as long as it's written in language people can understand.

Every single time I had to talk about that provision, I had to defend why it was written like that. I've spent more time talking about Prop 1 than I did myself that year when I was running for office.

I vote in the affirmative because I'd like New Yorkers to be able to understand what they're voting for.

Thank you.

ACTING SPEAKER HUNTER: Ms. Lunsford in the affirmative.

Mr. Chang to explain his vote.

MR. CHANG: Thank you, Madam Speaker. I'm kind of cynical. I'm wondering who's going to write the amendment. Probably some bunch of lawyers or some PhD's or English majors. They're not going to write eighth grade level and I agree with Ms. Lunsford. An actual eighth grader at eighth grade reading level should be writing this, but more than half of our eighth graders are reading below eighth grade reading level.

And that's why I'm voting negative.

Thank you.

ACTING SPEAKER HUNTER: Mr. Chang in the negative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. Yes, so it's quarter-after-one in the morning and everyday we do a quote around here, right? So my quote is, "No one believes more firmly than Comrade Napoleon that all animals are equal. He would be only too happy to let you make your decisions for yourselves. But sometimes you might make the wrong decisions, comrades, and then where should we be?" That's from animal -- *Animal Farm* by George Orwell. I mean, God forbid we should not stack the deck one more time, you know? I mean, let's just -- let's just keep stacking it. So,

yeah. I -- I am very cynical tonight. And what really makes me unhappy is that I know that at some point tomorrow when we finally pull the plug on all of this fun and wrap up Session for this -- this year, everyone will applaud and there will be speeches and we'll all be getting along, I'm not feeling it, folks. I mean, this -- this bill, the last one, the one -- the one from last night. I mean, it's just like every one is just worse than the next and this one is really just disgusting and -- and I -- I am a -- a hearty no on this one.

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.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. I'm going to take on these next five bills: Rules Report No. 281 by Ms. Lupardo, Rules Report No. 299 by Mrs. Peoples-Stokes, Calendar No. 478 by Ms. Paulin, Calendar No. 163 by Mr. Bores and Calendar No. 460 by Mr. Simone.

ACTING SPEAKER HUNTER: Thank you.

Page 8, Rules Report No. 281, the Clerk will read.

THE CLERK: Assembly No. A11217, Rules Report No. 281, Lupardo, Peoples-Stokes, Stirpe, Zaccaro, Dais. An act to amend the Cannabis Law, in relation to cannabis showcase event

permit requirements for microbusiness licensees.

ACTING SPEAKER HUNTER: On a motion by Ms. Lupardo, 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: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: The Republican Conference will be in the negative on this piece of legislation. Exceptions can be recorded now.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: The Majority Conference will support this bill. For those that would like to vote differently, they can do so here in the Chamber.

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 9, Rules Report No. 299, the Clerk will read.

THE CLERK: Assembly No. A08244-A, Rules

Report No. 299, Peoples-Stokes. An act to amend the Real Property Actions and Proceedings Law, in relation to registrations of residential mortgages in default.

ACTING SPEAKER HUNTER: On a motion by Mrs. Peoples-Stokes, 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: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: The Republican Conference will not be supporting this piece of legislation either. But if there are any yes votes, they can be recorded now.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: The Majority Conference will be in support of this bill. There may be some exceptions and they can voice those opinions at their desk.

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 42, Calendar No. 478, the Clerk will read.

THE CLERK: Assembly No. A10305-A, Rules -- Calendar No. 478, Paulin, Otis, Dilan, Shimsky, Hooks. An act to amend the Public Service Law, in relation to protections against termination of residential utility service in cases of medical emergencies, life-support equipment and elderly, blind or disabled customers.

ACTING SPEAKER HUNTER: Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: The Republican Conference will be in the negative on this bill. Exceptions may be recorded right now.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: The Democrat -- the Majority Conference will be in support of this bill. For those that want to vote differently, they can do so here in the Chamber.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk will record the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 30, Calendar No. 163, the Clerk will read.

THE CLERK: Assembly No. A06540-E, Calendar No. 163, Bores, Cunningham, Kelles, Forrest, Chandler-Waterman, Torres, Otis, Durso, Hooks. An act to amend the General Business Law, in relation to requiring synthetic content creations system providers to include provenance data on synthetic content produced of modified by a synthetic content creations system that the synthetic content creations system provider makes available.

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

Read the last section.

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

ACTING SPEAKER 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 41, Calendar No. 460, the Clerk will read.

THE CLERK: Assembly No. A08043-C, Calendar

No. 460, Simone, Reyes, Burdick, Lavine, Simon, Woerner, Bores, Romero, Griffin, R. Carroll, Lunsford, Williams, Kassay, Kelles, Lasher, Colton, Gallagher, Schiavoni, Lupardo, Valdez, González-Rojas, Seawright, Rosenthal, Hevesi, Moreno, Tapia, Kay, McMahon, Glick, Levenberg. An act to amend the Environmental Conservation Law, in relation to octopus farming.

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

Read the last section.

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

ACTING SPEAKER 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, do we have further housekeeping or resolutions?

ACTING SPEAKER HUNTER: No housekeeping, no resolutions.

Mr. Fall.

MR. FALL: Madam Speaker, I now move that the

Assembly stand adjourned and that we will reconvene on Friday, June 5th at 10 a.m., tomorrow being a Session day.

ACTING SPEAKER HUNTER: 10 a.m. tomorrow.

On Mr. Fall's motion the House stands adjourned.

(Whereupon, at 1:27 a.m., the House stood adjourned until Friday, June 5th at 10 a.m., that being a Session day.)