

**THURSDAY, JUNE 5, 2025**

**11:13 A.M.**

ACTING SPEAKER HUNTER: The House will  
come to order.

Good -- still morning. Good morning, colleagues.

The Reverend Kent McHeard will offer a prayer.

REVEREND MCHEARD: Shall we pray. Good and  
gracious God, thank you for this opportunity to gather in this Chamber  
with these representatives. Thank you for their service to the people  
of New York. We pray that You enable wisdom upon each one as  
they become the voice for those who have no voice, become strength  
for those who are weakened, to advocate for the disabled and the  
disadvantaged and the food disadvantaged. Father, we thank You also  
for the staff that do work behind the scene. A special thank You to  
Anthony who met me in the Concourse and guided me here. Bless the

work that is to be done here. Give strength, wisdom, and direction, we pray in Your most holy name. Amen.

MEMBERS: Amen.

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, June 5th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I move to dispense with the further reading of the Journal of Wednesday, June the 5th, and that the same stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you so much. Good morning, colleagues and guests that are in the Chambers. This is a great day to be on this side. The sun is shining and pretty much all is right with the world. But I would like to share this quote with you today. This one is coming from Matshona Dhliwayo. She is a Canadian-based philosopher, entrepreneur and an author of many books such as *The Little Book of Inspiration*. Her words for us today: "Knowledge is the seed, intelligence is the stem, understanding is the branch and wisdom is the fruit." Again, these words coming from Matshona Dhliwayo.

Madam Speaker, colleagues have on their desk a calendar -- a main Calendar and a debate list. Before any housekeeping or introductions, we'll be calling for the following committees to meet: Cities, followed by Governmental Employees, followed by Governmental Operations, Local Governments, Real Property, and Codes. I would want to encourage members who know that you serve on these committees to be in and around the Chambers today, so that when they're called, we're not waiting for you to begin the proceedings there. We're gonna begin our floor work today by taking up the following bills on debate: Calendar No. 100 by Mr. Burdick, Rules Report No. 256 by Ms. Rosenthal, Rules Report No. 297 by Mr. Braunstein, Rules Report No. 301 by Mr. McDonald, Rules Report No. 308 by Ms. Reyes, Rules Report No. 313 by Ms. Glick and Rules Report No. 324 by Mr. Jacobson. Majority members should be aware that there is going to be a need for a conference today once we conclude our floor work. Of course, Madam Speaker, we will check with our colleagues on the other side of the aisle to determine their needs as always. That's the general outline of where we're going today. So, if you could begin by calling the Cities Committee to the Speaker's Conference Room.

ACTING SPEAKER HUNTER: Thank you.

Cities Committee members to the Speaker's Conference Room. Please see Chair Burke in the Speaker's Conference Room, Cities Committee.

We have no housekeeping this morning, but several

introductions. We will start with Mr. Santabarbara for the purposes of an introduction.

MR. SANTABARBARA: Thank you, Madam Speaker.

I rise today in recognition of Reverend Kent McHeard. He's from the City of Amsterdam in my Assembly District and he is joining us today to offer the opening prayer, as he just delivered just a few moments ago. Thank you for being here, Reverend McHeard. A fitting honor for someone who has dedicated his life to faith, service and community.

For more than 20 years, Reverend McHeard has lead the Woestina Reformed Church in Rotterdam Junction guiding his congregation with compassion, humility and devotion. And he has been a source of comfort for some of our most difficult times. Most notably organizing a prayer vigil after the Schoharie limousine tragedy to help bring healing and unity to our community. He currently serves as President of the Greater Amsterdam School Board and has served as chaplain to a number of volunteer fire departments and he's been active with Boy Scout Troop 48 and countless community boards and committees.

Revered McHeard is a dear friend and he's always been available to attend the many events throughout my Assembly district and ceremonies that I've hosted, offering the invocation and -- and offering prayer to us in our community. Most recently, we just met each other out at the Woestina Cemetery to place flags for our

veterans on Memorial Day and he was there, of course, to -- to bless the flags and also to lend a hand as well. He's also a proud husband to his wife Colleen and two sons, Garret and Parker. He is a scholar of faith with degrees from Word of Life Bible College, Liberty University and Master of Divinity from New Brunswick Seminary. I'm grateful to have him here in the Chamber with us.

Madam Speaker, if you would please welcome him to the House and extend to him all the cordialities of the Chamber. Thank you.

ACTING SPEAKER HUNTER: On behalf of Mr. Santabarbara, the Speaker and all members, we welcome you, sir, to the Assembly Chamber and extend the privileges of the floor to you. Thank you so very much for your comforting words this morning and also the great works you are doing in our community. Hope you enjoy our proceedings today. Thank you so very much for joining us, sir.

(Applause)

REVEREND MCHEARD: Thank you very much.

(Applause)

ACTING SPEAKER HUNTER: Ms. Buttenschon for the purposes of an introduction.

MS. BUTTENSCHON: Thank you, Madam Speaker.

I have the great honor to introduce the Bellick (phonetic) family from Utica, New York. Anessa (phonetic) and

Sanad (phonetic), mom and dad, and their sons, Adam, Emil (phonetic) and Benjamin. They're here today to see the workings within Albany, as well as to spend some time throughout the community. Each one of these young men are not only academically sound, but are athletes within the community and spend quite a bit of time at many events. And Benjamin is one that you will find at most of our events as he supports so many that are within the working class.

So please, if you could introduce and welcome them to Chambers.

ACTING SPEAKER HUNTER: On behalf of Ms. Buttenschon, the Speaker and all members, we welcome you this morning to our Assembly Chamber and extend the privileges of the floor to you. And hope you enjoy our proceedings today. It's always wonderful to see a whole family come together to participate in civic engagement. So thank you so very much for joining us today.

(Applause)

Mr. Durso for the purposes of an introduction.

MR. DURSO: Thank you, Madam Speaker.

So today I get the distinct honor and privilege of introducing a good friend, a constituent and a former member, Marc Herbst is joining me today. Marc served from 1994 to 2002 for District 14. He's up here today visiting us and some members from Long Island.

So, Madam Speaker, if you would be so kind to offer him all the privileges of the floor and welcome him back to Albany.

ACTING SPEAKER HUNTER: On behalf of Mr. Durso, the Speaker and all members, welcome back, Assemblymember. We welcome you to the Chamber and extend the privileges to you. It's wonderful to have you back in our Chamber. Thank you so very much for joining us today.

(Applause)

Mr. Anderson for the purposes of an introduction.

MR. ANDERSON: Thank you, Madam Speaker.

I rise to make a brief introduction this morning on behalf of a civic organization from the 31st Assembly District. Our friends from the 149th Street South Ozone Park Civic Association are celebrating 50 years this year, Madam Speaker. Fifty years of advocacy, community engagement and representation for the neighborhood of South Ozone Park. Currently the group is led by Miss Aracelia Cook who is up here with us today, along with her various board members and general members. They are dedicated to preserving and enhancing the beauty and rich history of South Ozone Park. Their efforts also include working closely with residents, community groups, elected officials such as myself and city and state agencies to ensure the community stays informed on important local issues. Madam Speaker, they have consistently supported and celebrated the neighborhood's diversity through the years, fostering an inclusive environment and encouraging everyone to get involved. And if you know Ms. Cook, she's a woman from the block and she always wants to make sure that you're getting involved and you know

your best, so that you can do your best as a neighborhood.

Madam Speaker, reaching 50 years is no small feat and I want to give a heartfelt thanks to this civic association for taking this opportunity to travel with -- travel to Albany to visit the State's Capitol, many for their first time, but also to celebrate this 50 years of advocacy.

Madam Speaker, please, please, please, please afford these members of the South Ozone Park community the cordialities of the floor of the People's House.

ACTING SPEAKER HUNTER: On behalf of Mr. Anderson, the Speaker and all members, we welcome you to the Assembly Chamber, esteemed group the 149th Street South Ozone Park Civic Association. Congratulations to you for 50 years. It's quite an accomplishment. We extend the privileges of the floor to you and hope you enjoy our proceedings today. Thank you so very much for joining us.

(Applause)

Ms. Levenberg for the purposes of an introduction.

MS. LEVENBERG: Thank you, Madam Speaker.

I rise to introduce three wonderful, young people from the 95th Assembly District, Alec Elkin, Sadie Spagnoli and Dahlia Beck. They are -- each of them goes to a different high school. They are seniors and they are going to be heading off to college in the fall. Alec is a senior at Hendrick Hudson High School, Class of 2025 and he will be going to SUNY Albany in the fall. Sadie is Croton on



Hudson [sic] -- or Croton-Harmon High School, Class of 2025 and she will be going to University of Texas at Austin in the fall. And Dahlia Beck is a Haldane High School, Class of 2025 senior and she will be attending University of Southern California in the fall. We are going to miss them greatly, as they have also done a little volunteer work in my office and I couldn't be more grateful for all of their hard work. And I know that not having listed their entire résumés, that they've had many accomplishments in their young lives and I know that they will have many more.

So, please, Madam Speaker, if you could offer them all of the cordialities of the floor, I would appreciate it. Thank you.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Ms. Levenberg, the Speaker and all members, we welcome you to the Assembly Chamber and extend congratulations to you for your academic career in high school and for your continued academic success. Some of you are staying, some of you are going very far away, but we definitely wish you well wishes. We hope you enjoy our proceedings today and thank you so very much for joining us. Good luck to you all.

(Applause)

Mr. Lasher for the purposes of an introduction.

MR. LASHER: Thank you, Madam Speaker.

I rise today to welcome my son, Benjamin Lasher, who is a 13-year-old 7th grader at Booker T. Washington Middle School, MS-54, in the 69th Assembly District. And Ben -- I have -- I

have really been proud to watch Ben get very involved in Model United Nations this year and take a real interest both in the affairs of the world around him and in the process of deliberation and debate and legislation. And so, I'm excited for him to be here today and tomorrow to see the legislative process firsthand and also to -- to keep me company in these -- in these waning days of the Session.

So, I would be grateful if you would welcome him and extend to him the cordialities of the Chamber.

ACTING SPEAKER HUNTER: On behalf of Mr. Lasher, the Speaker and all the members, welcome, Benjamin, to the Assembly Chamber. We are extending privileges to you. One of them may be unlimited snacks in the Members' Lounge, but we do really appreciate your interest in civis and continuation of advocacy for things that are very important to you. So, congratulations to you academically. We hope you enjoy your time here today hanging out with your dad. Thank you for joining us today.

(Applause)

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

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to make an introduction. We have been joined in our Chambers by the handsomest young man in here. His name happens to be Jack Knight and he's almost four.

So, if you will please welcome, dear staff son here, Jack Knight. He has joined us there, he's with his daddy. He's a little

shy this morning. He wasn't this shy last year, but it'll change.

ACTING SPEAKER HUNTER: On behalf of Mrs. Peoples-Stokes, the Speaker and all members, it's always wonderful to see family members. Hi, Jack. We hope you have an awesome time here with us today. Thank you so very much for joining us today.

(Applause)

We're going to start debates.

Colleagues, if we could take our seats and have quiet.

Thank you.

(Pause)

Ms. Cruz for the purposes of an introduction.

MS. CRUZ: Thank you, Madam Speaker.

I'm here joined today by Mr. Mac Phipps. He's here to talk to our colleagues about his remarkable story. Mac is a legendary New Orleans rapper who rose to fame in the late 1990s after signing with the iconic No Limit Records and collaborating with artists like Snoop Dog. He was born into a family of artists. Mac began writing music at an early age and was celebrated for his lyrical depth and authenticity. In the 2000s, his career was tragically derailed when he was wrongfully convicted of a crime he did not commit; despite having no criminal record, no physical evidence tying him to the scene and no credible witnesses. In a stunning undermining, miscarriage of justice, prosecutors twisted his lyrics, altering pronouns and slicing lines and taking some lyrics that were as old as four years prior to the crime to portray his art as a confession, while the men who

confessed to the crime was turned away by the police. Mac spent 21 years behind bars but never lost his commitment to healing and mentorship, earning the Humanitarian Award, guiding young men and advocating for justice from within prison walls.

In 2021, he was granted clemency by the Louisiana Parole Board and Governor John Bel Edwards, who unanimously recognized the injustice in his case. Since returning home, Mac dedicated his life to uplifting others, mentoring at Risk Youth, teaching music and fighting for first amendment protections for artists. His album, *Son of the City*, is both powerful and a testament to his journey and the message of resilience. Mac's story is not only one of injustice, it is one of transformation, strength and power and the power of using his voice. He's joined with us -- he's joined -- he's joining us today with his wife.

So, Madam Speaker, please help me welcome him and his wife to our House and extend the cordialities of the House.

ACTING SPEAKER HUNTER: On behalf of Ms. Cruz, the Speaker and all members, we welcome you, Mr. Phipps, to the Assembly Chamber and extend the privileges of the floor to you. We appreciate you sharing your story with us and do hope for the best for you and your family in the future. Thank you for joining us today. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would

you please call the Government Employees Committee to the Speaker's Conference Room?

ACTING SPEAKER HUNTER: Government Employees to the Speaker's Conference Room. Government Employee Committee members to the Speaker's Conference Room.

Page 24, Calendar No. 100, the Clerk will read.

THE CLERK: Assembly No. A04725-B, Calendar 100, Burdick, Schiavoni, Simone, Epstein, Otis, Rosenthal, Levenberg, Lunsford, Santabarbara. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of drilling fluids, brine and flowback water from gas or oil wells, pools, or fields on any highway.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Burdick.

MR. BURDICK: Certainly.

This bill would amend Section 23-0305 of the Environmental Conservation Law to require the Department of Environmental Conservation to prohibit the use of oil and gas drilling fluids, brine and flowback water, on any highway for any purpose, including but not limited to deicing and dust suppression.

ACTING SPEAKER HUNTER: Mr. Simpson.

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

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. BURDICK: Of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SIMPSON: Thank you, Mr. Burdick.

So, what has changed from prior versions of this bill with the most recent one being vetoed by the Governor?

MR. BURDICK: So, great question.

This is a different and more focused bill. That earlier legislation was broader and could have interpreted to affect other sectors like solution mining. And in response to concerns raised at that time and subsequently we've tightened the language.

MR. SIMPSON: Okay. So, you mentioned "solution mining." That's a natural occurring wells that contain saline or salt, correct?

MR. BURDICK: So solution mining are one of the areas that would not be prohibited under this bill.

MR. SIMPSON: Right. But I -- my question was, that's a naturally occurring well and those fluids are okay. They're not gonna be --

(Cross-talk)

MR. BURDICK: Correct. Naturally occurring wells are -- are not part of the proposed regulation here.

MR. SIMPSON: They're a source of brine. Solution wells are a source of brine, if I'm correct. Do you agree?

MR. BURDICK: I do agree.

MR. SIMPSON: So your legislation says, prohibits the use of drilling fluids, brine and flowback water. Drilling fluids, flowback water from gas and oil wells are already prohibited in New York State. We banned fracking wells in 2015. So I'm trying to distinguish between the term "brine" and you're saying that wells that produce brine are -- are exempt?

MR. BURDICK: Correct. Because this is only dealing with fracking wastewater from oil and gas wells. And you're correct about prohibitions. However, this fracking wastewater are produced by suppliers from who -- are from out-of-state. And -- and so that's what this is getting at.

MR. SIMPSON: Well, thank you, because you're going right down the line where I wanted to go.

So those products that are being developed out-of-state and brought into New York State are regulated by DEC currently and permitted if they meet DEC regs.

MR. BURDICK: If you're talking about -- are you referring to the Beneficial Use Permitting Program [sic]?

MR. SIMPSON: The -- excuse me? I didn't...

MR. BURDICK: Beneficial Use, is that what you're referring to?

MR. SIMPSON: No. I'm -- I'm asking -- you mentioned that since these fluids are already banned in New York State, they're being produced in other states and brought into New York State and used on, I presume, used in New York State. If that's

the case, they're regulated and permitted by DEC currently.

MR. BURDICK: So, you know, one thing that I think needs to be clarified is the extent to which that occurs. And, you know, we've had a conversation about that. And it's not exactly airtight, far from it. You know, their process, for example, does not test for radium. And, you know, the concern that we have is that we have, really, a loophole here. And that loophole needs to be closed, and that's the intention of -- of this legislation.

You know, high-volume fracking fluid products are banned, but this applies to any fluids resulting from gas and oil wells. And so, that's the regulatory gap that we intend to address with this legislation.

MR. SIMPSON: Let me rephrase my question. Are there fluids coming from other states from outside of New York? Because currently, there are no fluids that we can use in New York State except for solution mine -- brine.

(Pause/conferencing)

MR. BURDICK: Yeah, so the answer is yes. There are fluids that come from out-of-state, but also, fluids can be produced domestically here in New York State.

MR. SIMPSON: Fluids from where? Fracking mines? Fracking wells?

MR. BURDICK: So, you can have fluids that can be, you know, for example, beet juice is something that -- that is done here in New York State and is permissible and in fact would not be



affected. And in fact, we would encourage that as a good alternative to these -- these fluids that are put on the roads and -- and really are presenting significant health hazards. The purpose of this bill is really to have the tools to try to prohibit these practices where these toxic wastewaters are containing carcinogenic and radioactive materials, in many instances, and they're putting it on roads for deicing or for suppressing dust in the summer. And this is to stop that practice and frankly, it's -- it's really a health matter as much as anything else.

MR. SIMPSON: Can you cite an example of a current situation where one of these fluids that you want to ban, prohibit, of being applied in New York and used in New York right now? That's what I'm trying to establish. I've -- DEC controls, regulates whatever is applied to our State highways, the use of fluids. And when you talk about natural occurring, you know, elements such as, you said uranium maybe or --

MR. BURDICK: Uranium -- uranium as well.

MR. SIMPSON: Matter of fact, just for information, it's in, you know, many people's drilled water wells. It's natural occurring uranium, decaying uranium. Radon. But, aside from that, is there -- I'm trying to get at the -- the issue of what you're trying to ban. What's happening, why we would do something that would prohibit safe fluids -- fluids that are tested, regulated by DEC from coming out of New York State -- from sources outside of New York State, being used economically in New York?

MR. BURDICK: You know, I don't think that we

need to make this too complicated because it's actually a very simple bill, all of one sentence.

(Cross-talk)

Again, I need to emphasize that this is limited to the fracking wastewater through the production with oil and natural gas wells. That -- that's what it's limited to and I think you're expanding the discussion to beyond that. And this is what it -- this is what it intends to limit.

MR. SIMPSON: Well, I -- I do have concerns. It says brine. And brine, you know, and then you talk about fluids, or chemicals, or materials that are coming from out of New York State, since they are banned here already. I want to know what the problem is, what we're trying to address. Is this a fear bill? Is this a beer -- a bill that's actually going to have a positive impact? Is it current -- are we putting harmful chemicals on our roads right now that are approved by DEC?

MR. BURDICK: Well, you got three or four questions, so I'll try to take each of them in order.

MR. SIMPSON: Try to narrow it down.

(Laughter/cross-talk)

MR. BURDICK: I'm happy to do that.

So again, it's brine from oil and gas wells. And I -- you know, look. I -- I think the heart of your question goes to, why are we doing this? And, you know, we're doing this because what happens with this fracking wastewater is that it's applied to the roads,

but with runoff, it's gonna to go into the soil, it's gonna to go into the surface water, it's gonna go into the groundwater, it's gonna go into our reservoirs and they contain these very harmful, toxic substances: arsenic, barium, lead, heavy metals. They're even, you know, as -- as the fluid returns to the surface, it can pick up those heavy metals and they can get into our drinking water. And that's the concern here and we feel that it's important to protect the public health.

MR. SIMPSON: So, one more time. I'm gonna ask it even shorter and more simpler. Are we currently putting that type of material on the roads in New York?

MR. BURDICK: Yes, we are.

MR. SIMPSON: DEC is allowing that? Because they permit, you know, you're required to have a permit.

MR. BURDICK: It's not the permit of Environmental Protection. It's the Department of Environmental Conservation that issues those beneficial use determinations. And, you know, the -- the problem is that, you know, and this is a not to -- to belittle or denigrate the work that DEC does, but they don't test for everything. And -- and the problem is that some of these do contain, you know, these toxic materials. And so, we feel that the safest approach is to -- is to stop that practice when -- again, oil and gas wells. It -- we encourage the solution mining. In fact, the Department of Transportation has a pilot program on solution mining and that may be, you know, one of the things in the future that can provide a safe alternative.

MR. SIMPSON: So there isn't a permit that is issued,

it's a beneficial use. It's not actually a, you know, a --

MR. BURDICK: It's a beneficial use determination. It's not really a permit, per se.

MR. SIMPSON: Okay. I don't think I have any other further questions for you, unless you can cite a contamination example somewhere. Because that was the one thing that I -- you haven't been able to provide.

MR. BURDICK: Right.

MR. SIMPSON: You're saying it's happening, but I -- I don't know --

MR. BURDICK: Well, I -- I think -- he -- here's the thing. Is that, you know, there are environmental organizations, said Riverkeeper, there are also proprietary studies that are done that, you know, we -- we -- we don't have, you know, access to. But there is -- there's considerable evidence to indicate that in fact, the concerns that we have over what's being applied to the roads, what is going in runoff and those concerns are justified.

MR. SIMPSON: Okay. Thank you, Mr. Burdick.

MS. BURDICK: Thank you, Mr. Simpson.

MR. SIMPSON: On the bill, Madam Speaker.

ACTING SPEAKER TORRES: Mrs. Peoples-Stokes -- on the bill.

MR. SIMPSON: I'd like to go on the bill. Thank you, Madam Speaker.

You know, we just heard this debate and my feeling

is that our efforts should be encouraging DEC to test whatever fluids are being applied to our roads, rather than maybe expand the beneficial use permit, rather than banning chemicals that are gonna potentially cost communities more money in the long run looking for different alternatives. I think that this is more of a suspected impact -- negative impact to the environment without very much data and I think that this bill is -- while it's intended to be something that's helpful, I think the better direction would be to encourage DEC to test whatever fluids, where they come from -- wherever they come from, as to their safety to our environment, and also provide for cost-effective measures for all of our communities.

So, for that, I will vote no and encourage my colleagues to consider that as well. Thank you.

ACTING SPEAKER TORRES: Thank you, Mr. Simpson.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would you call the Government Operations Committee to the Speaker's Conference Room?

ACTING SPEAKER TORRES: Thank you. Government Operations Committee to the Speaker's Conference Room. Government Operations Committee to the Speaker's Conference Room.

Mr. Ra.

MR. RA: Thank you, Madam Speaker. Will the

sponsor yield?

MR. BURDICK: Of course.

MR. RA: So, just -- this may be somewhat repetitive, but just for clarification. So, right, we have a ban on fracking in New York State, but there are non-fracking wells in New York that produce a brine that currently can be used on our roads after they go through this beneficial use determination by the DEC, correct?

MR. BURDICK: Well, the -- the ban really -- it only pertains to high volume fracking.

MR. RA: Okay. I'm talking -- I'm talking about current --

MR. BURDICK: So, it's not a complete ban if that -- if that's your question. So, they're -- and -- and -- and again, that's what -- what we're aimed at -- aiming at here, is that they still use chemicals and, you know, those solutions, the fracking fluids and such are part of the problem that we have.

MR. RA: Just for clarification, when you just said "the ban," you're talking about our ban on hydro fracking; that's what you're talking about?

MR. BURDICK: Right. In other words, the -- the ban on -- on -- on the fracking --

MR. RA: Yeah.

MR. BURDICK: -- is limited to high-volume fracking.

MR. RA: Correct.

MR. BURDICK: I -- I just wanted to clarify that because some may feel that it's a complete prohibition on any kind of fracking.

MR. RA: No, we have different types of drilling that does occur in New York State and is not banned.

MR. BURDICK: Right.

MR. RA: And but that's what I'm asking. So, under current law, a brine that comes from that type of process can be used on our roads after going through the beneficial use determination by the DEC, currently?

MR. BURDICK: That's correct.

MR. RA: Okay. And if this were enacted, they would no longer be able to utilize it.

MR. BURDICK: For those that are coming from oil and gas wells, that -- that would prohibit them from being used.

MR. RA: Okay. Not just hydrofracking that's currently banned, but any type of oil and gas drilling byproduct.

MR. BURDICK: That is correct.

MR. RA: Okay. Thank you.

Madam Speaker, on the bill.

ACTING SPEAKER TORRES: On the bill.

MR. RA: So, you know, we talk a lot in this House and I hear -- I hear the words talked about very often that there's this idea that on one side of the aisle we follow science and it can be on anything. It could be on medical situations, it could be on something

environmental. And on the other side that we ignore all these things. Yet, once again, and we've done this many times before, we have an agency that has an expertise, that has trained people, that has people that have scientific backgrounds that can look at these things and unless we're assuming that our New York State Department of Environmental Conservation is allowing a material to be used on our roads that is going to contaminate soil through runoff and -- and -- and everything, if that's what we're saying here, then we have a much bigger problem. But if we're not saying that, why are we substituting our judgment for the judgment of a State agency that exists to protect our environment? This is a -- a material that in some ways is a byproduct. This is a use that has been beneficial to our local highways. And even though we just passed a State budget that increased our spending by a larger percentage than we've done in probably 20 years, we barely scratched the surface with regard to our local governments, with regard to funding local infrastructure. And here we are basically banning the use of a substance that is economical for our local governments when they're trying to treat our roads.

So, I -- I would urge my colleagues to vote against this piece of legislation. The DEC is -- is able to when somebody wants to use -- a local highway department wants to use this brine, they go through a process, the beneficial use determination and I don't believe that the DEC is -- is going to allow something to be used on our roads that is going to be harmful and I don't think this Legislature



should substitute our judgment for theirs, given that they have the expertise. Thank you.

ACTING SPEAKER TORRES: Thank you, Mr. Ra.  
Mr. Manktelow.

MR. MANKTELOW: Thank you, Madam Speaker.  
Would the sponsor yield for just a couple questions, please?

ACTING SPEAKER TORRES: Will the sponsor  
yield?

MR. BURDICK: Yes.

ACTING SPEAKER TORRES: The sponsor yields.

MR. MANKTELOW: Thank you, Mr. Burdick.  
Just -- just a couple quick questions. Who's actually  
asking for this to be done?

MR. BURDICK: Well, I guess I'm the sponsor of the  
bill, but it's also supported I think by environmental organizations and,  
you know, others that believe that we do need to protect the public  
health.

MR. MANKTELOW: So you're the sponsor of the  
bill, I understand that. But is there some group that has actually come  
to you saying, *will you move this bill forward?*

MR. BURDICK: No.

MR. MANKTELOW: So this is basically your call?

MR. BURDICK: Well, it -- you know, this is a bill  
that has some predecessors, this is different from that. And, you  
know, that's something that I can certainly look into, as to whether the

sponsors at that time had some organized -- some organizations that provided memorandum of support and so forth. I don't think that we have with this bill either memorandums of support or memorandums of objection.

MR. MANKTELOW: Well, there are a few.

My second question: a little while ago you were talking about the toxic chemicals. What -- what were they again?

MR. BURDICK: So, you know, it's -- it's quite a laundry list, you know. It's heavy metals such as arsenic, barium and lead. We have carcinogenic substances like benzene, toluene and formaldehyde. There are also some naturally occurring radioactive materials such as Radium-226 and uranium. And -- and so, there are quite a few. I probably haven't exhausted the list.

MR. MANKTELOW: All right. Thank you.

Off of -- off of that, Mr. Burdick, are there any acceptable levels of these toxics?

MR. BURDICK: Well, you know, it's interesting because some had found that, and I think that it's radium in which the levels had been found to be exceeding federal drinking water standards by hundreds or thousands of times with radium. And so, I -- I don't have the -- the list of, you know, what those standards are. If that's what you're asking for, I don't have that in my fingertips.

MR. MANKTELOW: Yeah, because I think it goes hand and hand with what you're trying to accomplish. You're trying to ban toxic chemicals, which I completely understand, but at the same

time some of these things are naturally out there in -- in the environment. And I was just wondering what the difference is between your bill and those numbers were compared to what's naturally in the ground.

MR. BURDICK: Well, you know, over the last several years, this Body has committed literally hundreds of millions of dollars to remediate toxic substances that are in our water systems. And, you know, it's both less expensive and easier to avoid contamination than to remediate them. And, you know, not to mention the human cost of these carcinogenic substances that may lead to cancer among many in our State and that hits both a human toll as well as a financial toll that we all bear.

MR. MANKTELOW: All right. So someone that does oppose this is the New York State Highway Department of -- or Superintendents Association, because there are some good uses for this stuff and they're at acceptable levels and DEC's allowing them to use that right now. So if we're gonna ban all of this, we're gonna put another unfunded mandate onto our highways, onto our local governments, our county, our towns, our villages, 'cause now they're not going to be able to use this product. Is there any -- was there any funding in the budget to help offset this unfunded mandate?

MR. BURDICK: Well, you know, again, this is an instance in which we really need to -- need to take a longer view in terms of what the cost is. And the cost of these less expensive solutions that could cause significant harm as I've described. And

they are really plenty of affordable options. Solution mining, which I had made reference to before, and again, I'm very pleased that the DOT is going forward with a pilot program on that. There are homemade brines, there's beet juice, there's a number of affordable options. And I -- I don't want to be disingenuous. Yes, the existing use of these fracking fluids and fracking wastewater, you know, would be less expensive. But I think that we have to take a look at the total cost and -- and what that cost would be, as I mentioned previously.

MR. MANKTELOW: And I believe you are a former town supervisor, right?

MR. BURDICK: I was indeed.

MR. MANKTELOW: So, you -- you completely understand why I'm talking about the unfunded mandate back to our local communities and what this is going to do to them.

MR. BURDICK: Well, I -- you know, I'm proud of my years as a supervisor of the town and frequently we took more expensive options because we felt that there's more expensive options, even though not required by federal or State law, was the right thing to do for our residents.

MR. MANKTELOW: Well, I -- I thank you for your time, Mr. Burdick. I thank you for your comments and I do agree with a good portion of this. I just wish some of those numbers that you talked about that we don't have or don't see, I wish they were in this bill so we could take a really good, hard look at this. So, thank you for your time.

MR. BURDICK: Well, thank you, sir.

MR. MANKTELOW: You're welcome.

Madam Speaker, on the bill.

ACTING SPEAKER TORRES: On the bill.

MR. MANKTELOW: Again, as I just said, we're -- we're moving forward and one of my colleagues said earlier that we have DEC, we have some of the best people and engineers and scientists working for New York State. If this bill came forward from DEC asking us to make a change, I probably could support it. But the sponsor said this is basically his idea, his bill, he wants to push it forward. And I'm not saying he's all wrong, but I think we need to see all the numbers and all the -- the costs that are going to be involved to our local municipalities and we constantly talk about unfunded mandates and this is gonna be another unfunded mandate. We're going to take this away and at the same time we're trying to stop people in New York State from using as much salt on the highways as well. While we can't take every tool out of the toolbox and accomplish the job of getting it done. I just think we need to sometimes slow things down, maybe do a pilot program where we're not using this. And again, we're not doing it and it's not coming out of the ground in New York State. There's other ways to accomplish this and make it happen.

So, Madam Speaker, I thank you for the time to ask the questions. Thank you for allowing me to make a few comments and thank you for your time.

ACTING SPEAKER TORRES: Thank you, Mr. Manktelow.

Mr. Palmesano.

MR. PALMESANO: Yes, Madam Speaker. I just have one question for the sponsor.

ACTING SPEAKER TORRES: Will the sponsor yield?

MR. BURDICK: Certainly.

ACTING SPEAKER TORRES: The sponsor yields.

MR. PALMESANO: Is -- is it your belief that the DEC of the State of New York does not regulate enough or thoroughly enough?

MR. BURDICK: Well, you know, again, you know, as I mentioned earlier, you know, I'm not intending to cast aspersions on the DEC. I -- I think that they do the best they can. But, it's a big waterfront to -- to be able to try to -- to deal with and there have been instances in which the beneficial use determinations had issues with it and, you know, we, again, feel that it is -- it is really more prudent to take actions which will prevent this from occurring. But again, I really do wish to emphasize that and -- and I appreciate that I'm being told that I'm the sole author of this. It has, you know, quite a history as you all know. But, you know, I think that this is the more prudent action, both from a public health standpoint as well as from the taxpayer standpoint, so that we don't have to add radium and uranium and some of these toxic chemicals that end up in our drinking water

and that we need to add that to -- to getting rid of PFAS and the hundreds of millions of dollars. And by the way, that does fall on municipalities. I know, because I am trying to get grant funding to municipalities that are dealing with these contaminants in their public water systems.

MR. PALMESANO: I appreciate that longwinded answer.

As my colleague mentioned, the DEC has expertise, the DEC regulates this issue now. If they believe this was a health or a safety issue, wouldn't they have the ability to incorporate this in through the regulations, through the process? Wouldn't they be able to do that if they so chose?

MR. BURDICK: You know, the DEC regulations are not really the subject of this bill. It's really about specific usages of fracking wastewater from oil and gas wells.

MR. PALMESANO: All right. Thank you, sir.  
Madam Speaker, on the bill.

ACTING SPEAKER TORRES: On the bill.

MR. PALMESANO: When you read the sponsor's Memo of Support, it says the intent of this bill is to prevent wastewater from high-volume hydrofracking operations from being used on highways in the State. This type of fracking is not currently permitted in New York State. However, there are many existing non-fracking wells in New York that produce brine. They're only used after a Beneficial Use Determination, or a BUD, is approved by

the DEC. It requires highway departments to test the brine and report its use. The BUD, the Beneficial Use Determination, is not issued without a thorough review and chemical analysis of the brine. The DEC has strict guidelines and regulations that they implement. If they needed -- thought something was needed to be done to address this, they have the ability to do so and would do so. Although my colleague says this is not about regulation, it is. And I've never once heard that the DEC of the State of New York does not regulate strongly enough.

Currently, the system allows for the effective use of brine for our highway departments while protecting the environment and public health. An outright -- an outright and arbitrary ban on the use of water from wells, ponds and fields really fails to recognize the current high level of State regulation of these activities already. The benefits that we have from these sources of brine water for our highway departments is very important for safety, for deicing and dust suppression. And now for our highway departments -- my colleague mentioned the taxpayers, much of this wastewater is free, it's environmentally safe. And taking away that option from our local governments would really force them to purchase this brine from the commercial sector or force them to make their own brine with making costly investments. And we already know the cost to our highway departments has increased significantly to our local governments. According to the Federal Highway Administration, the high construction cost index has increased 70 percent over the past three



years. Yes, we got a little bump in CHIPS for us, but that's not enough. Something like this would just put more unnecessary costs on the property taxpayers, lead to less work being done on our local roads, bridges and culverts, and it actually costs the local property tax -- taxpayers anymore.

We have a system in place that's working. We should keep -- let this -- the system work the way it's doing it. The DEC has the expertise, they have the knowledge, and they're the ones managing this. We should let that continue and not penalize our local municipalities so they can keep their roads safe and protect their property taxpayers.

For that reason, Madam Speaker, I will be voting no on this bill and encourage my colleagues to do the same.

ACTING SPEAKER TORRES: Thank you, Mr. Palmesano.

Mr. Fall.

MR. FALL: Madam Speaker, can you please call the Local Governments Committee to the Speaker's Conference Room?

ACTING SPEAKER TORRES: Local Governments Committee to the Speaker's Conference Room. Local Governments Committee to the Speaker's Conference Room.

Thank you.

Read the last section.

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

ACTING SPEAKER TORRES: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will be in the negative on this piece of legislation. Should there be any members who'd wish to vote in the affirmative, they may do so now at their seats.

Thank you.

ACTING SPEAKER TORRES: 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 vote in a different direction, they could do so at their desk.

ACTING SPEAKER TORRES: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Schiavoni to explain his vote.

MR. SCHIAVONI: Thank you, Madam Speaker. I -- I rise today to support this legislation.

A lot of the fluids that are actually in frack -- fracking fluids is proprietary information from companies, so it's actually very difficult to ascertain what is actually in the fluids. And the thought of putting them on all the roads throughout New York State is one of the reasons why I am completely supporting this bill.

I will be voting in the affirmative. Thank you.

ACTING SPEAKER TORRES: Mr. Schiavoni in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Madam Speaker. I want to thank the Speaker for allowing this bill to come to the floor.

As I mentioned in the course of the debate, I do feel that this is a bill that in the long run will both protect public health as well as result in lesser expense; lesser expense for Statewide health costs and actually ultimately we're gonna find that alternatives will come down significantly in price, and that those alternatives that are safe will be able to be used well. And again, I think that this is a bill whose time has come. And we have narrowed the scope of it considerably in order to address some of the issues that have been brought to our attention.

So, again, my thanks to the -- to the Speaker, and I also want to thank the Chair of the Environmental Conversation Committee, Assemblywoman Glick, for her support, and also the work of Program and Counsel in putting together the amendments to the bill.

I will be voting in the affirmative. Thank you.

ACTING SPEAKER TORRES: Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill has passed.

Mr. Fall for an introduction.

MR. FALL: Thank you, Madam Speaker.

On behalf of Member Linda Rosenthal, I'm pleased to introduce a group of young people visiting us today from Manhattan's Scouting America Troop. Joining us are both boys and girls from Scout Troop 1 and Cub Pack 1, along with their dedicated leaders Troop Scoutmaster Claudia Burke, Troop Leader Adam Brown and Cub Pack Leader Michael Brus.

Would you please be so kind to welcome them to the People's House?

ACTING SPEAKER TORRES: Thank you. Thank you, Mr. Fall.

On behalf of Mr. Fall, Ms. Rosenthal, the Speaker and all of the members, we welcome you to the Chamber, extend the privileges of the floor, and hope you enjoy the proceedings.

Thank you so much for joining us.

(Applause)

(Pause)

Page 8, Rules Report No. 256, the Clerk will read.

THE CLERK: Assembly No. A00026, Rules Report No. 256, Rosenthal. An act to amend the Social Services Law and the Public Health Law, in relation to prohibiting Medicaid from requiring prior authorization for HIV medication.

ACTING SPEAKER TORRES: An explanation has been requested.

Ms. Rosenthal.

MS. ROSENTHAL: Okay. This bill would ensure that Medicaid providers are not required to obtain prior authorization to prescribe anti-retroviral -- viral prescription drugs for the treatment or prevention of HIV/AIDS.

ACTING SPEAKER TORRES: Thank you.

Mr. Jensen.

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

On the bill.

ACTING SPEAKER TORRES: On the bill.

MR. JENSEN: Thank you. And I want to thank our colleague from the Upper West Side for her explanation. And certainly this has been a bill when it came through the Health Committee that I did support, and certainly understand the need to ensure that those New Yorkers either with HIV or AIDS or may be coming into contact with -- with individuals who do have HIV or AIDS, do have access to critically important medications like PrEP, PEP and other medications that ensure that we lessen the potential of the spread of HIV and AIDS. And certainly, we want to ensure that there's access to these important medications. And while I am supportive of this legislation to -- to ensure that we do stop the spread of those -- of those diseases, I also do have concerns about lessening the -- the role for plans in undergoing prior authorization. Certainly, with PrEP and PEP, there are very important health metrics for those

who are prescribed that medication to go through to ensure that it is effective in preventing the spread of HIV and AIDS. And certainly, that is an important part of ensuring the effectiveness and the efficacy of -- of these medications.

In the past, this Legislature has passed and the Governor has signed into law other measures that prohibit the use of prior authorization for these medications, as well as even further back requiring the coverage of those medications. And while we have those laws on the books, I could also understand the concern that this legislation may be duplicative. Adjacently, if you look at the State's total Medicaid spend, we are quite high. And while this doesn't speak to the Medicaid coverage of this medication or any other medication, we have seen our State's Medicaid obligations far expand past the reason why the program was originally intended, certainly taking up a -- a tremendous amount of our State budget.

So once again, while I am supportive of this bill and will be casting a yea vote for it, I do think we have to ensure that we -- we do have the ability not just to -- to control our Medicaid spending, but also ensure that when medications are prescribed we're taking into account patient needs, the prescribing authority of the -- of the prescriber, as well as the plan's role in ensuring that we're prescribing and authorizing proper -- proper prescriptions for the best possible treatment for individuals.

So with that, once again, I -- I thank the sponsor for her explanation, and thank you, Madam Speaker.

ACTING SPEAKER TORRES: Thank you, Mr. Jensen.

The Clerk will read -- read the last section.

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

ACTING SPEAKER TORRES: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER HUNTER: Ms. Rosenthal to explain her vote.

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

Last year, we passed a law prohibiting private insurers from imposing prior authorization, but that law did not extend to Medicaid plans. Prior authorizations requirements have created significant barriers to lifesaving antiretroviral medications. The AMA says that prior authorizations lead to 94 percent of patients experiencing care delays, with 78 percent abandoning treatment all together. Any delay in treatment undermines the effectiveness of antiretroviral therapy.

And so this bill will -- will extend the -- the need for prior authorization will be eliminated for people who are on Medicaid who have HIV or AIDS. It's an important measure so that everybody can benefit from these new medications.

And so I vote in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Madam Speaker, can you please call the Real Property Tax [sic] Committee to the Speaker's Conference Room?

ACTING SPEAKER HUNTER: Real Property Tax [sic] to the Speaker's Conference Room. Committee members for Real Property [sic], Speaker's Conference Room.

Page 11, Rules Report No. 297, the Clerk will read.

THE CLERK: Assembly No. A02212, Rules Report No. 297, Braunstein, Woerner, Steck, Paulin, Brabenec, Stirpe. An act to amend the State Finance Law and the General Municipal Law, in relation to requiring full payment for delivered and accepted materials pertaining to public work projects; and to amend the General Business Law, in relation to prohibiting the retention of any payment due and owing a material supplier for a construction project.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Braunstein.

Can we have some quiet in the Chamber, please?

Mr. Braunstein.



MR. BRAUNSTEIN: Thank you. This bill amends the State Finance Law, General Municipal Law and General Business Law to prohibit retainage on payments owed to materials suppliers for delivered and accepted materials on public and private construction projects.

ACTING SPEAKER HUNTER: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the sponsor please yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. BRAUNSTEIN: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: All right. Thank you. And thank you for your explanation.

So currently, what is the allowable amount of retainage on materials?

MR. BRAUNSTEIN: Five percent.

MR. GANDOLFO: Five percent. Okay. And now this, there can be no amount of retainage at all in any public or private contract?

MR. BRAUNSTEIN: Only for materials supplied that are graded to industry standards or covered under a warranty.

MR. GANDOLFO: Okay.

And now, one thing I wanted to clarify, you mentioned that -- that provision that if it's under manufacturer's

warranty. So for the purposes of this bill, what does constitute a material? Would this not apply if there is no manufacturer's warranty on the material delivered?

MR. BRAUNSTEIN: Correct.

MR. GANDOLFO: Okay. So --

MR. BRAUNSTEIN: Or -- or graded by -- under industry standards. Those two qualify.

MR. GANDOLFO: Okay. So, materials, let's say, some kind of lumber that's delivered has no manufacturer's warranty. That is not subject to this new prohibition --

MR. BRAUNSTEIN: Well, lumber, I believe is graded --

MR. GANDOLFO: Okay, but -- okay, lumber is graded.

MR. BRAUNSTEIN: Yeah.

MR. GANDOLFO: So that -- so if it is graded, the prohibition is in effect. If it's not graded, not in effect.

MR. BRAUNSTEIN: Correct.

MR. GANDOLFO: Okay.

Now, if there is some issue that's discovered with -- with the materials that are delivered at a later point, maybe it's not immediately noticeable, what recourse would the owner or the general contractor on the project have without the retainage?

MR. BRAUNSTEIN: I mean, this -- this would be the recourse you would typically have with any other product that you

buy where there's not retainage. You would --

MR. GANDOLFO: Okay.

MR. BRAUNSTEIN: If there's a warranty, obviously you -- you go back and you say, *This is covered under warranty. There's a defect. You're required to -- to fix it.* And when -- you know, products that are graded are -- are typically, you know, meet up to standards. So that will be a rare situation.

MR. GANDOLFO: Okay. So if let's say there's some kind of dispute whether or not something that is a defect is covered under warranty or whether it was, you know, improper storage or improperly installed. Do you anticipate that litigation would be necessary to resolve the issue?

MR. BRAUNSTEIN: I mean, that would be normally how things would work. It doesn't change that situation.

MR. GANDOLFO: Well currently, as I understand it, the 5 to 10 percent retainage is typically used to encourage a quicker resolution to these things. If the material supplier needs that 5 or 10 percent that's being withheld, they might be more likely to work to resolve it a little quicker. So a concern that I have is that without the retainage you could end up in more drawn-out disputes that might delay project times. Is that a concern?

MR. BRAUNSTEIN: No. I -- I would argue that when materials are supplied, the person buying those materials has the opportunity to inspect them upon delivery, right? They are protected that they meet industry standards and graded, or they're protected by a

warranty. Like any other transaction you have, once the material supplier has delivered the goods, the buyer has the opportunity to inspect them, their obligation is concluded at that point.

MR. GANDOLFO: Okay.

Now, I know this -- there was a similar version, if not the same version of this bill passed in 2015 that was vetoed by Governor Cuomo. Have there been any changes in response to that veto message?

MR. BRAUNSTEIN: No. We're hopeful; there's a new Governor now. So we're hopeful, a different resolution.

MR. GANDOLFO: Okay. Fair enough. That's all I have. Thank you, Mr. Braunstein. Thank you, Madam Speaker.

MR. BRAUNSTEIN: Thank you.

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.)

Mr. Dais to explain his vote.

MR. DAIS: Thank you, Madam Speaker. I would like to thank the sponsor for this bill.

As someone who has a background in construction, I'm specifically thinking about the small contractors, the materials,

when they bring into a job site. This is ensuring that they get payment in full. I have been on projects, especially for MBEs, WBEs, VBEs, our veteran businesses, and I've seen the -- the retainer can make the difference of them making payroll and not making payroll. Especially when we think about right now with the current tariff situation and how that's increasing materials for construction, ensuring that our subcontractors and our construction companies within our great State can pay their bills and pay their workers is key to making sure that our construction industry remains strong and vibrant.

So I want to thank the sponsor and I'm voting in the affirmative. Thank -- oh, we already voted, but thank you.

ACTING SPEAKER HUNTER: Mr. Dais in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Walsh for the purposes of an introduction.

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

So today I'm so glad to be joined by another great group of fourth graders. These kids are from the Shenendehowa School District from Karigon Elementary. And they -- I believe we did -- I didn't do a head count, but I think there are 21, along with chaperones and teachers today. They are here to visit the People's House to see how we're doing our work here at the end of Session.

And I was kind of explaining the -- the board and how the votes go, and I just think it's wonderful that they've come to join us today. They may never become Assemblymembers, maybe; maybe they will. But they'll definitely be better citizens for having stopped by to see how all of this works.

So, Madam Speaker, if you could please extend a greeting to these great fourth graders and afford to them all the cordialities of the House, please.

ACTING SPEAKER HUNTER: On behalf of Ms. Walsh, the Speaker and all members, we welcome you young people from the Karigon Elementary School and extend the privileges of the floor to you. Very excited to see you here today, learning all about State government and civics, and it's super important for you to see what we're doing here today; decisions that we're making, and one day, as Ms. Walsh said, you, too, could be one of the people elected into office. So I'm very glad to see you here today. Thank you so much for joining us.

(Applause)

Ms. Walsh for the purposes of an introduction.

MS. WALSH: Thank you, Madam Speaker. It's -- it's wonderful on behalf of Assemblymember Steve Hawley to introduce a group that has come to visit him today in the State Assembly. These students are seniors, I believe, from the Oakfield-Alabama Central School District. They are -- they are making a civics class presentation to Assembly and Senate Mental Health Committees

on their research that shows links between substance abuse and mental health issues, which I know that as an Assembly Body we have discussed a number of times here on the floor.

So the names of guests include Peter Beuler, who is one of the teachers; Lilah Barrett, Kaylee Burgel -- Burgal maybe, I'm sorry if I messed that up; Nevaeh Conibear, Eliana Emery, Kendall Newbould, Alexis Smith and Jessica Sosnowski. They were all the students who are here today. And as I said, I think that it's wonderful to not only welcome Mr. Hawley's guests to the Chamber, but also to thank them for taking a deep dive and doing some research into something that is very topical and something that not only the Mental Health Committees, but we, as an Assembly, are definitely considering in the work that we're doing here.

So I would appreciate it, Madam Speaker, if you would welcome them to the Chamber and afford to them all the cordialities of the House.

ACTING SPEAKER HUNTER: On behalf of Ms. Walsh, Mr. Hawley, the Speaker and all members, we welcome you to the Assembly Chamber, the People's House, and extend the privileges of the floor to you. And thank you for your committed work that you are doing relative to mental health and substance abuse. It crosses all lines, all diversities, all backgrounds. Every part of our State. And so it's very important to see young people so actively involved about an issue that really permeates our whole society. So thank you very much for all of the work that you're doing, and thank you for joining

us today.

(Applause)

Mr. Fall.

MR. FALL: Madam Speaker, can you please call the Codes Committee to the Speaker's Conference Room?

ACTING SPEAKER HUNTER: Codes Committee to the Speaker's Conference Room. Please see Chair Dinowitz in the Speaker's Conference Room for Codes Committee.

Page 11, Rules Report No. 301, the Clerk will read.

THE CLERK: Assembly No. A02496, Rules Report No. 301, McDonald, Burdick, Simon, Hevesi, Glick, Woerner, DeStefano, Davila, Reyes, Bendett, Hyndman, Seawright. An act to amend the State Finance Law, in relation to preferred source status for entities that provide employment and services to certain persons.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. McDonald.

MR. MCDONALD: Thank you, Madam Speaker.

This legislation would allow the Commissioner of Education to approve qualified charitable non-profit entities that provide vocational and rehabilitation training to formerly incarcerated persons to participate in the Preferred Source Program. Additionally, this legislation also has some minor language changes to accommodate the modernization of Preferred Source services.

But if I could just, as I'm explaining, just to clarify.



As many people know, Preferred Source was created by this Legislature over 50 years ago, and it continues to grow and evolve over time. Originally, those not-for-profits that we assume or think of when we talk about Preferred Source, we think of the O agencies; the Office of -- OPWDD, OMH, OASAS. About four or five years ago, the Education Department actually included veterans' organizations to make sure our veterans, when they're entering -- coming back into programs have an opportunity to enter a reentry program. Reentry into the community not necessarily from prison. So this one basically addresses the fact that there are individuals who are reentering society after their time in incarceration [sic]. They move into programs that provide housing, but the housing also requires that they have a job. And there are not-for-profits that team up with these reentry programs to make sure individuals are gainfully employed, and hopefully become a contributing member of society.

ACTING SPEAKER HUNTER: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the sponsor please yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. MCDONALD: Yes, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GANDOLFO: Thank you, and thank you for the explanation.

So first, can we start with -- I just want to get into a

little more what the Preferred Source Program actually means. That allows charitable organizations -- do they -- are they able to bypass competitive bidding on public projects?

MR. MCDONALD: So when they bid on projects, they are given a variance of about 15 percent to be selected. So, mostly it's with State agencies. A lot of local governments don't recognize that they, too, can participate with Preferred Source, but primarily it's with State agencies. And, you know, as you know, the three main ones that we have in the State of New York are NYSID, which is the New York State for Disabilities [sic]. We have Corcraft, which deals with those incarceration [sic]. And the one for the visually impaired, which I'm drawing a blank right now on which one it is.

MR. GANDOLFO: Okay.

MR. MCDONALD: But those are the three main ones.

MR. GANDOLFO: So they could but in a bid, let's say, five to ten percent higher and --

MR. MCDONALD: And -- and they would be able to receive that bid. Sometimes the not-for-profits do it on their own. Sometimes they actually partner up with private sector business as well and that seems to be a greater trend, because as you know, there's a great demand for more people in the workforce for a lot of these jobs.

MR. GANDOLFO: Okay. Now, what is the benefit

to, let's say, the State or a municipality from choosing one of the organizations that's on the Preferred Source list?

MR. MCDONALD: The benefit to the State is multiple reasons: One, first of all, a lot of these individuals are required to participate in their work plan. So they actually show up for work. I think that's important. Because sometimes we here at the State -- and Member Walsh remembers this very well -- about four or five years ago the State thought it was a great idea to bring in (indiscernible) for printing for -- and they actually, on the anniversary of Preferred Source, took away a multi-million dollar contract from one of our leading not-for-profits for the disabled in the Capital Region. And basically, it meant that those individuals weren't gonna get the opportunity to work.

MR. GANDOLFO: Okay.

MR. MCDONALD: And as we know, in the disability community but also in the formerly incarcerated and even in our veterans' community, there is [sic] unacceptably high unemployment rates. And our goal of this program, and actually the outcome of this program, is so we'll get people back to work and contribute to society.

MR. GANDOLFO: Okay. So the original intent of the Preferred Source Program was to give more opportunities to those with disabilities to encourage, you know, more business going to those organizations that are giving them that work opportunity.

MR. MCDONALD: Right.

MR. GANDOLFO: Okay.

MR. MCDONALD: And to get the work done at a very reasonable price.

MR. GANDOLFO: Okay. Now --

MR. MCDONALD: And just to be clear because, you know, I mentioned there's a variance of 15 percent. That's the threshold. But there's many times where their bids actually come in and they're just as competitive almost dollar -- down to the penny. But there are times they have that variance that they can work with.

MR. GANDOLFO: Okay.

Now, you mentioned that the Education Department has extended this to -- to veterans as well. Is that disabled veterans?

MR. MCDONALD: No, all veterans.

MR. GANDOLFO: All veterans.

MR. MCDONALD: Any -- any veteran who is reentering the community. Here in Albany over on 1st Street, the Vet [sic] House, I've been representing it for 13 years, it's great. And I would invite any member at any time to go over and visit them, particularly around Veteran's Day. They put out a great breakfast, they're great cooks. But what they do is they provide housing, and they connect them with the VA for services. And by the way, the VA connects with them for services to help get these individuals employed, get them in the community. Usually they're in the Vet [sic] House for about six to nine months, and then they usually settle in the surrounding communities and reengage with their families and -- and

all the good things. But it's not just the disabled veterans.

MR. GANDOLFO: So now, was that done via regulation? Because I'm looking at the statute we're amending here, and the only references I see are to persons with disabilities, and we're amending it to add formerly incarcerated persons.

MR. MCDONALD: That -- that's a very good point. No, actually, that was done through regulation through the Education Department.

MR. GANDOLFO: Okay. So why are we not codifying that as well?

MR. MCDONALD: I don't know.

(Pause/Conferencing)

Well, we're -- repeat the question just to make sure I understood it. Why are we just amending --

MR. GANDOLFO: Yeah --

MR. MCDONALD: -- (indiscernible/crosstalk) veterans already?

MR. GANDOLFO: Well, I'm seeing we're putting this in the statute. There's no -- there's no reference in statute to veterans being eligible -- veterans organizations being eligible for the Preferred Source list. So why are we specifically putting in formerly incarcerated individuals and not some of the other groups and codifying that into law?

(Conferencing)

MR. MCDONALD: I can't give you a better -- I can't

give you a good answer, to be absolutely honest with you.

MR. GANDOLFO: Okay.

MR. MCDONALD: Because they're already accepted through the regulatory process, the veterans.

MR. GANDOLFO: Okay.

MR. MCDONALD: You know, this is an amendment to State Finance Law to make sure that the legis -- the Education Department know that it's the Legislature's intent that because we see high rates of disability in the formerly incarcerated and we see -- in 2024 the prison -- Prison Population Initiative, whereas the average disability rate throughout the country is 15 percent, in formerly incarcerated men's population, 40 percent are disabled of those being released, and women actually 50 percent. So we're recognizing that they're individuals that probably through their life circumstances, for whatever reason, were never clearly diagnosed and having a disability. And at the same token, if we want them to be contributing members to society, we need to get them into a program where they have housing and opportunities for job training.

MR. GANDOLFO: Would a criminal record prevent someone who was incarcerated who is disabled from participating with an organization that services disabled people?

MR. MCDONALD: No. This -- this isn't about that. This is about individuals who -- I use the expression, I'm showing my age, have paid their debt to society. They've been allowed to go back into the community. They have been accepted into a -- a legitimate

program, a recognized not-for-profit that SED recognizes as being part of the Preferred Source Program. We're just allowing that not-for-profit, after scrutiny by the Education Department -- they sit under the (indiscernible) component of the Education Department, just for people's information. It gives that not-for-profit to actually seek to respond to bids for procurements.

MR. GANDOLFO: Right. But I'm -- I'm just trying to figure out the need to specifically codify formerly incarcerated people here. So if they are formerly incarcerated and disabled, is -- what is stopping them from receiving assistance from an organization or working with an organization that is already eligible for Preferred Source?

MR. MCDONALD: I think all of the not-for-profits, you know, they would like to continue to grow the program. We're not talking about competing with the disabled. We're not talking about competing with individuals who are struggling with substance use. We're talking about growing the program, because a lot of these jobs are jobs that are not being fulfilled.

MR. GANDOLFO: Right. But what --

MR. MCDONALD: (Indiscernible/crosstalk). So therefore, if they could compete for more contracts, in other words, non-profit A is able to include them -- include them in -- in a proposal, they can actually grow the field, make the pie bigger.

MR. GANDOLFO: Well, isn't it inherently putting now organizations that work with formerly incarcerated individuals in

competition with, you know, people with disabilities if they're bidding on the same types of --

MR. MCDONALD: We're not. We're actually growing the pie. We're not doing that.

MR. GANDOLFO: Yeah, but how -- doesn't growing the pie increase the competition if you have several different types of organizations that are all competing for the same contracts?

MR. MCDONALD: No. There's -- you know, the -- the interesting part is -- and I have a list somewhere here -- all of these entities, and I'm not going to go down the list, but trust me when say (indiscernible) there's about 30 or 40, including the Business Council of State of New York that's saying, *This is a program we support. We want this, because we want to make sure that those individuals with disabilities are getting the opportunity to work. We don't want them to be basically at home doing nothing and not contributing to society. We don't want them to be a tax on -- on the taxpayers.*

MR. GANDOLFO: Thank you.

Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, I, like many of my colleagues here, do support programs for people who were formerly incarcerated to help them reintegrate into society because our criminal justice system, while it does have a punitive element, needs to have a rehabilitative element in order to prevent further recidivism. However, what we're doing here with this bill is giving a preference to



people who have a criminal record and introducing them into a program that was originally designed to help people with disabilities to make sure that they are afforded work opportunities to be contributing members of society and to work with dignity. And by -- by increasing the amount of organizations that are competing for these contracts on the Preferred Source list, it inherently is pitting people with disabilities, veterans who are struggling to find work, with people who have a criminal record.

Again, I have no problem with rehabilitative programs for people who had troubles in their past who did spend time in jail; however, this is giving them a preference over law-abiding New Yorkers and putting them on the same level as people who really do need the hand up through no fault of their own.

So for that reason I will be voting no on this and I encourage my colleagues to do the same. Thank you, Madam Speaker.

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.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will generally be in the negative on this piece of legislation. If there is anyone who wishes to vote affirmatively they

may do so now at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be supporting this piece of legislation. For anybody that would like to vote in a different direction, they can do so at their desk. Thank you.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Madam Speaker.

And I thank my colleague for his questions.

You know, just to make sure it's clear, the intent of this program is to make sure that we grow the program for Preferred Source. This is a program incepted and supported by the Legislature over generations, and at the same token, as we continue to see shortages in the workforce. As you know, recently the Federal Government decided to eliminate the Glen -- Glenmont Jobs [sic] program here in the Capitol Region. We have many individuals with disabilities looking at a chance of life. And at the same token, individuals who are formerly incarcerated are -- paid their debt to society, they're coming back to the workforce. We want to make sure they have a seamless transition in. We want to make sure that recidivism is not a question.

Once again, I appreciate the questions and comments from the Legislature and also appreciate the support from my colleagues.

ACTING SPEAKER HUNTER: Thank you.

Mr. McDonald in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker.

So, I also appreciated the debate. I just wanted to make it very clear that I completely support the Preferred Source Program as it relates to individuals with intellectual and developmental disabilities, which I believe was -- as -- as it was discussed, was the genesis of the whole Preferred Source Program. I strongly support it. We know that individuals with intellectual and developmental disabilities are severely unemployed and underemployed in the workplace, and that is something that I have fought very hard to try to address during the time that I've spent in the Legislature and will continue to do so.

I believe that when it comes to formerly incarcerated individuals, if you take a look at all of the significant investments that we, as the State, make in creating programs for people when they are incarcerated to identify if they have any learning disabilities and address them; to provide education. To provide training opportunities. And then when they -- when they leave, when they're no longer incarcerated, to make sure that they immediately have the documents that they need in order to get the services that they need in terms of

housing or public assistance when they leave -- when they leave their correctional facility.

You know, we already have organizations that help formerly incarcerated individuals find employment, and all of those things are good and I'm not questioning them. We also have passed laws saying that employers can't even ask, really, if you've been incarcerated. You can't -- you can't ask them. We seal criminal records to make sure that folks have as good a chance as they can to be -- to get reemployed. We've done all of those things. But I'm saying that on this bill, I don't think we need to do it. I don't think we need to go that extra step and place the formerly incarcerated individuals in the same program that helps veterans who are -- have served our country, and those with intellectual and developmental disabilities who, through no fault of their own, face incredibly insurmountable, sometimes it seems insurmountable barriers to employment.

So I'm in the negative on this bill because I just think that we already do enough for the formerly incarcerated. I wish them well. I'll be in the negative on this bill. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh in the negative.

Mr. Dais to explain his vote.

MR. DAIS: I just want to say something very quickly on the bill and a part of the reason I'm voting in the affirmative.

One thing we cannot overlook when it comes to

veterans, a lot of times veterans can fall under multiple categories. There's a lot of our veterans who dealt with mental health issues from PTSD, alcohol, drug abuse and other issues which ends up getting them incarcerated or in the justice system. And, therefore, there's another way to ensure that specifically those veterans are also not forgotten about.

Mental health is a big issue where a lot of our -- our people who are incarcerated have mental health issues and that's the only reason why they are there. And giving them a second chance, a second lease on life will make sure that they'll be more productive citizens.

This is not taking away from anyone. This is making sure that we can do something more fulfilling to ensure those have a better chance to be reentered into society and have more success, and that's the major reason why I'm supporting this bill and voting in the affirmative.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Dais in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Madam Speaker, for the opportunity to explain my vote.

I'm voting yes on this legislation. I do have some knowledge of the Preferred Source provisions of the Public Finance Law, and I commend the sponsor for this very forward-looking

approach to actually making our society safer. It brings formerly incarcerated back into society in a way that they can be employed and can contribute to society. And as has been state -- has been stated, this will reduce recidivism. This will make our society safer while providing employment for those who have paid their debt to society.

So I again commend the sponsor for the work that he's done, and also thank the Speaker for allowing this bill to come to the floor. I vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 308, the Clerk will read.

THE CLERK: Assembly No. A03516, Rules Report No. 308, Reyes, Bichotte Hermelyn, Chandler-Waterman, Cunningham, González-Rojas, Shimsky. An act to amend the Executive Law, in relation to enacting the "Keep Police Radio Public Act."

ACTING SPEAKER HUNTER: An explanation have been requested.

Ms. Reyes.

MS. REYES: This bill amends the Executive Law by adding a new Section 222 (a) to require that any law enforcement agency in New York State that encrypts its radio communications

must provide realtime access to nonsensitive communication to emergency services organizations and professional journalists as defined by Civil Rights Law 79-h. The bill does not prohibit encryption, but rather establishes a mechanism to ensure that essential parties can continue to receive realtime public safety information without compromising investigations or individual privacy.

ACTING SPEAKER HUNTER: Mr. Reilly.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. REILLY: Thank you, Ms. Reyes.

So in the legislation, does it have a buffer time for how it will be broadcast?

MS. REYES: No, it's in realtime.

MR. REILLY: So in realtime. So there's no delayed -- there's no delay in --

MS. REYES: No. Other states have issued delay regulations. We are saying realtime and just limiting the people who have access to it.

MR. REILLY: So who would have access to this?

MS. REYES: So, of course, law enforcement.

MR. REILLY: Okay.

MS. REYES: Emergency services organizations like in some counties volunteer fire -- fire departments, ambulance services, and also professional journalists as defined by the Civil Rights Law.

MR. REILLY: How will they ensure that only those that are delineated in the legislation will have access?

MS. REYES: We even included language to provide a credentialing process through the Department of State. So the Department of State will issue the credentials to -- to bona fide journalists to be able to access this, and then of course to emergency services organizations.

MR. REILLY: All right. So what -- what are we anticipating with this legislation that would make someone a bona fide journalist?

MS. REYES: So that is clearly described in the law. Let me read it to you. So, the New York Civil Rights Law 79-h, part 6 describes professional journalists. Professional journalists shall mean one, who, for gain or livelihood, is engaged in the gathering, preparing, collecting, writing, editing, filming, taping or photographing of news intended for a newspaper, magazine, news agency, press association or wire service or other professional medium or agency which has one of its regular functions -- which one of its regular functions is the processing and the research of news intended for dissemination to the public. Such person shall be someone performing said function either as a regular employee or as an



otherwise professional affiliated for gain or likelihood with such a medium of communication.

MR. REILLY: So, Scanner Radio is an app. Would they qualify under this for having access to law enforcement radio frequencies?

MS. REYES: You said Scanner Radio?

MR. REILLY: Scanner App [sic]. It's a scanner radio -- Scanner Radio. It's an -- it's an app where it monitors across the world radio transmissions for law enforcement, for EMS, and for other agencies like highway departments.

MS. REYES: No. This isn't -- this isn't -- this doesn't capture them because they're not considered journalists.

MR. REILLY: If they coordinate at some point with a news reporter, would that qualify them?

MS. REYES: The -- no, DOS is -- is the entity responsible for issuing credentials.

MR. REILLY: Okay. So would DOS potentially give them a credential if they enter into an agreement with -- with a journalist?

MS. REYES: That, I'm told, would be against the law. It would -- it would fly in the face of the Civil Rights Law that defines a journalist.

MR. REILLY: But if they entered into an agreement and they're a subcontractor for a journalist, would that apply?

MS. REYES: No.

MR. REILLY: Why wouldn't it? Specifically.

(Pause/conferencing)

So this -- why are you looking for that?

MS. REYES: I have a determination from the Department of State.

MR. REILLY: Say it again?

MS. REYES: I have a letter, a -- an opinion and a determination from the Department of State --

MR. REILLY: Okay.

MS. REYES: -- speaking of journalists. And...

(Conferencing)

So they -- they -- so DOS currently promulgates those regulations.

MR. REILLY: So -- so we're basically giving DOS the -- they determine whose --

MS. REYES: Well, no, they -- they already have that right. They already -- they already have that purview --

MR. REILLY: So we've already --

MS. REYES: -- to credential -- to credential bona fide journalists.

MR. REILLY: All right. So we already have bloggers that are considered journalists, right? They -- because the expansion has happened over the course of the years where what we consider news sources has changed. So, like, a blogger now could be considered a journalist, and DOS is giving them access, right, for the

credentials?

MS. REYES: They would not necessarily be considered professional journalists because they need to be credentialed by the Department of State to be -- to be able to access --

MR. REILLY: I -- I -- we're -- we're going around a little bit of a circle then.

MS. REYES: Yeah.

MR. REILLY: So what I'm asking is, if the Scanner Radio app, the people who run it, determine that they are gonna enter into an agreement with a journalist, would they fall under that umbrella and being approved by DOS?

MS. REYES: So, if they were to enter into an agreement in the scenario that you just posed with a journalist, that's actually against the law because DOS credentials the journalist and not the entity. So they, under the law, can't do that now; use the credentials of a journalist.

MR. REILLY: But if they --

MS. REYES: (Indiscernible/crosstalk) --

MR. REILLY: So they would have to get hired -- so they would have to get hired by the journalist.

MS. REYES: Well, they would have to -- they would have to be journalists that are employed by a news organization, a newspaper, magazine, news agency, press association, other professional medium or agency which has one of its regular functions the processing and researching of news intended for the dissemination

of the public.

MR. REILLY: Which Scanner Radio app does. They broadcast, and news -- new entities already use them. That's why I'm -- that's why I want to clarify.

MS. REYES: The news entity used them because we -- there are -- there are police departments that have begun to encrypt radio communications, and we're trying to say -- one, we're trying to regulate this, right? We understand that police departments want encryption. But we're trying to say that for the purposes of disseminating news and for the purpose of transparency and public safety, we want to make sure that emergency service organizations have access to it and that our journalists have access to it.

MR. REILLY: Okay. So can you think of -- can you think of any reason why law enforcement may want an encrypted radio transmission?

MS. REYES: No, but I'm sure you're gonna tell me.

MR. REILLY: Or at least a delayed.

MS. REYES: I'm sure you're gonna tell me.

MR. REILLY: So is there -- is there -- has there been a discussion about having a delayed frequency? Like, the delayed transmissions.

MS. REYES: We have. Like I said, other states have -- have implemented a delayed transmission. But they've implemented delayed transmission and still kept the radios public for the general public. And we're saying that it's not going to be available

for the general public, that it's only going to be available to emergency services organizations and -- and journalists that are credentialed by the Department of State.

MR. REILLY: So is there -- is there a potential that having it open to journalists could actually, if they report it in realtime, could be jeopardy to the public?

MS. REYES: No. We believe -- we believe it to be a benefit to the public, and I'll give you some examples. During the Buffalo mass shooting in 2022, local journalists lost access to communications there and weren't able to report in realtime. So there were families that were wondering about their loved ones during that time. And if -- if journalists would have had access to that information, they can also warn regular citizens as they broadcast the news about something eminent that's happening, perhaps to keep people out of their -- out of the area so that they can stay safe. And these would be considered nonsensitive updates in realtime.

Another example where the wildfires in 2018 in California where they had encrypted radios as well, and that delayed some of the emergency services being able to respond to the fires because of some of the encryption. There are -- again, there are -- there are, like in our -- like in our State, counties that have volunteer firefighters and volunteer emergency services that benefit from access to the -- to the radio.

MR. REILLY: Thank you, Madam Sponsor.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. REILLY: So there's a couple of issues here that I'd like to raise about having realtime access to law enforcement transmissions, right? Years ago while I was working in Midtown North for the NYPD, we had what's called the "Yugos". They were a Yugoslavian burglary team, and they used to hit the Diamond District and they used to carry radios. And even if we're saying that only journalists will have access to this, it will be available to those that should not have it. And what happened during that time is they would get the transmissions, and they would know by the codes when an officer was assigned a -- a unit in the field to respond to that alarm that they set off. By not having a delay, we will be setting them up, law enforcement, for failure trying to apprehend those committing a crime like that.

Another issue that was raised during the debate was about having realtime access to the information so that we could stop people from -- from -- or warn people, right, about the shooting, about the wildfires. I'd like to offer another scenario. You have a call of a potential or a suspected shooting, a reported shooting at a school. All of a sudden the news is putting that out. The reality is, parents will be rushing to that school. It will prevent emergency personnel from having access. That is why I asked if there was a potential to have a delayed access to the transmissions. It could be 15 minutes, it could be 20 minutes. It could even be ten minutes. Some type of delay would help our first responders create the necessary triage location,

create the necessary command post they need to coordinate resources that may have to get to that incident.

When we have information that's put out immediately because they hear it over a radio, a law enforcement radio, it does not necessarily mean it's confirmed. So even if the situation isn't confirmed, it could create panic and it could create unnecessary bottleneck responding to an emergency. That's why I would hope that we may actually look into this and make an amendment just to add that buffer time. We could still give freedom of the press and give journalists the access to keep the public informed, but we also give that little cushion to ensure that resources that are vital get to the scene.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Beephan.

MR. BEEPHAN: Thank you. Sorry to have my back to you.

So does this framework --

ACTING SPEAKER HUNTER: Are you asking questions of the sponsor?

MR. BEEPHAN: Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BEEPHAN: Thank you, Ms. Reyes.

Does this framework exist in any other department across the State, police department? Anyone else that --

MS. REYES: The framework for --

MR. BEEPHAN: For allowing journalists to have access to their live encrypted frequencies.

MS. REYES: Well, encryption only started recently. For -- historically, the general public has had access to police radios.

MR. BEEPHAN: I mean, our department, as long as I've been there, have been encrypting our radio channel. So you're saying that there's no police department out there or any emergency services that are providing encrypted access, accessing encrypted channels to journalists? Not to the best of your knowledge?

MS. REYES: In -- so, in New York the encryption that is happening is encryption full stop and they're not having access, which is why we crafted the legislation.

MR. BEEPHAN: Got it. So instead of maybe going through the Department of State -- well, I guess the Department of State could go through licensing. Let's talk about that for a little bit. So say if a bona fide journalist goes to the Department of State and gets licensed. What's next? How do they get access to those frequencies? Who gives them the passwords, credentials? Is that the Department or is -- does the Department of State have to maintain that information?

MS. REYES: The Department of State is tasked with



promulgating the rules. They already --

MRS. PEOPLES-STOKES: Madam Speaker, if you could have our colleagues to speak into the microphones.

MR. BEEPHAN: Sorry.

MRS. PEOPLES-STOKES: Thank you.

ACTING SPEAKER HUNTER: I know it's a little bit difficult because she's behind you. But you don't have to look at her, it's okay.

MR. BEEPHAN: That's all right. That's all right. She's talking behind my back, but that's all right.

(Laughter)

MS. REYES: All good things, I promise.

MR. BEEPHAN: So, yeah. So, who has to maintain these frequencies? Who provides them to the -- the now-credentialed journalist?

(Conferencing)

MS. REYES: So, law enforcement has control of access to the frequencies. The Department of State will promulgate the rules, and they already -- I have to say they already do credentialing for journalists. This is a criteria that already exists under the Department of State. We're just saying that for this encryption, that the -- the access would be given to these categories who are credentialed and regulated by the Department of the State, and law enforcement will have -- will be required to give them access to this, to -- to the radio frequency.

MR. BEEPHAN: Got it. So it's up to the local municipality, then. So what happens if the municipality uses a special type of equipment that the general public does not have access to? Not every scanner has the ability to -- to access trunked radio systems. Not every -- you know, who's gonna be responsible for purchasing that equipment? Would any of these costs fall on the municipality themselves?

MS. REYES: We don't regulate in the -- in the language of the bill the type of the -- of equipment that is used. And I'm assuming that if a news -- and this is -- I'm assuming that if a news station wants to have access to the radio, under the law will have to figure out how to get the equipment.

MR. BEEPHAN: Okay. So say if they -- if they cannot purchase the equipment or they have difficulty finding it, at any point does that become the responsibility of the -- the police department to provide to them?

MS. REYES: No. And that's not in our bill language.

MR. BEEPHAN: Okay.

So say if a journalist violates the -- the -- whatever the rules are pertaining to this? Say if they attached it to their own broadcast system, which violates not only federal law, but the rules of this program. What is now the repercussion for that journalist?

MS. REYES: Well, the Department of State can -- can take their credentials away.

MR. BEEPHAN: Is there a criminal charge associated with that?

MS. REYES: I mean, that depends on -- there -- there are laws that govern conduct for journalists, right, and -- and conduct in general. So I -- I -- right. That's specific -- there's no penalties in the bill, so that's specific to whatever scenario.

MR. BEEPHAN: Okay. And are there any penal -- so say if a local department comes up with their own -- I understand this is -- they're allowed to preclude sensitive information, right?

MS. REYES: Correct.

MR. BEEPHAN: So, oftentimes, yes, our officers would like to, you know, call a landline or get off the radio sometimes. But in a lot of high stress circumstances, they don't always have that ability when they're calling for either backup, transmitting information. What happens if they decided to have their own separate frequency dedicated for those, you know, special circumstances? Are they gonna be required to give that frequency over?

(Conferencing)

MS. REYES: That -- that would fall under the category of sensitive information, so that's not required to be shared.

MR. BEEPHAN: Okay. And what is -- what happens if sensitive information happens to be shared on a -- like, on an encrypted channel that they now have access to? Can the department go back and say, *All right, maybe this is not working*

*because we don't have the ability at all times to ensure that we're not sharing sensitive information on all these channels?*

MS. REYES: Well, it's not the journalist's fault if somebody shares sensitive information in a channel where they shouldn't be sharing sensitive information.

MR. BEEPHAN: Yeah, well when -- when you're in a high stress environment it's not -- you know, you're not always thinking to change channels.

MS. REYES: I - I -- I'm certain that even -- even under stressful situations our law enforcement will make determinations as to whether they should be sharing sensitive information over the radio. Whether encrypted or not, because I think sensitive information means that perhaps you shouldn't be saying it over the radio.

MR. BEEPHAN: Now, are the journalists held to any type of conduct with this, ensuring that they're -- they're transmitting all the updated information? Because things change frequently on scenes. And oftentimes, just so you know, our initial reports that we get are sometimes false.

(Conferencing)

MS. REYES: The journalists have a code of conduct as well that they have to follow under the law.

MR. BEEPHAN: Okay. Understood.

Now, and there's no funding available for municipalities if they need equipment to update systems, change

systems to accommodate this?

MS. REYES: I'm sorry?

MR. BEEPHAN: Is there any funding available for municipalities if they need to upgrade their systems to accommodate this request?

MS. REYES: That's not germane to the bill.

MR. BEEPHAN: I mean, I think it is. If you're telling a municipality that uses, say, a certain type of trunked radio system that does not have the ability to broadcast it, you know, openly.

MS. REYES: If they already use an encryption system they're required to provide access to those that are credentialed under this law.

MR. BEEPHAN: Right. But that means everyone else has similar type of interoperable equipment. What happens if that's not possible with general scanners? Are they required to change --

MS. REYES: We're -- we're not mandating in the language that municipalities need to --

MR. BEEPHAN: Got it.

MS. REYES: -- buy equipment. We don't specify the equipment that they have to use.

MR. BEEPHAN: All right. That's all from my end.

Oh, actually once last question. What happens if a law enforcement agency just doesn't comply?

MS. REYES: Then they're not following the law.

MR. BEEPHAN: Okay. What's the penalty?

(Conferencing)

MS. REYES: It's left up to the Department of State to promulgate rules as to what happens when a department of law enforcement doesn't follow the law.

MR. BEEPHAN: Got it. Thank you, Ms. Reyes.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BEEPHAN: Thank you, Madam Speaker.

You know, time and time again I've seen from my experience as a first responder, sensitive information transmitted across radios. I've also seen incorrect and inaccurate information transmitted across radios. And we know that we all have local journalists, buffs, everyone else in between, who can go straight to Twitter and Facebook and everything else in between, sharing this information. We have a number of different tasks [sic] force that operates throughout the State on sensitive channels. And I know that -- that there's a way to exempt them. But my concern is is that we cannot control what information is shared on each one of those channels, especially high stress environments.

I think that this is actually a disservice to the public, creating mass hysteria at times when things that are just factually not true is being put out there to the public. And once it's out, it's out. There's no taking it back.

For that reason and so many others, I'm gonna have to be in the negative on this bill. I've spoken to every single one of my law enforcement agencies that use encrypted channels, and I could tell you firsthand that this will directly make their jobs harder. And I think it will have a tremendous impact on our public safety at home.

So thank you, Madam Speaker, and thank you to the sponsor for her time.

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. REYES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Ms. Reyes.

So just to drill down a couple of things. This -- the bill language says law enforcement, correct? Excuse me. All law enforcement, correct, that are using radios?

MS. REYES: Correct.

MR. DURSO: So this isn't specifically just for our State Police or local municipal police, it's all law enforcement, correct?

MS. REYES: Correct. I mean, emergencies happen all over the State.

MR. DURSO: I'm sorry?

MS. REYES: Emergency -- emergencies happen all over the State.

MR. DURSO: Correct. No, I -- I just wanted to make sure --

MS. REYES: And news, as well.

MR. DURSO: Right. But it's -- it's not just for our police, it's also for our corrections departments, public safety, anything that would be public, correct?

MS. REYES: (Indiscernible) your question.

MR. DURSO: Because it says law enforcement. It doesn't specifically say police departments.

(Pause/Conferencing)

MS. REYES: So, we have a definition for law enforcement under the law.

MR. DURSO: Sure.

MS. REYES: And it doesn't specify whether corrections is. I'm not certain if they're captured under that definition.

MR. DURSO: So -- so from my understanding, and -- and just to put it on the record, my understanding is corrections departments would fall under law enforcement. And so my question with that, just if it does, why would the public and/or a journalist need to know radio dispatches or radio conversations that are taking place within a correctional facility?

MS. REYES: This is not the intent of the law.



MR. DURSO: I asked a --

MS. REYES: And I don't -- and I don't -- and I don't -- I'm not certain if that was a practice even before the issue of encryption. If -- if the public had access to --

MR. DURSO: I have no clue, either.

MS. REYES: -- correction officers' radios. But this is not the problem we're trying to solve for.

MR. DURSO: Understood. And I understand that's not the intention. But my concern, once again, is the language in the bill, just one part of it.

MS. REYES: Do you -- do you know if the Department of Corrections encrypts their radios?

MR. DURSO: I have no clue.

MS. REYES: Have they started encrypting radios?

MR. DURSO: I -- I have no clue. I didn't -- but I also -- I didn't create this bill or write the language. And in the bill it says law enforcement, which to my understanding under New York State, law enforcement -- excuse me, corrections are considered law enforcement. So I just wanted to put that on the record is that would make -- be a beginning of a concern for me.

(Pause/Conferencing)

MS. REYES: They're trying to determine the correct response.

MR. DURSO: No, no. It's okay. And I -- I have other questions.

MS. REYES: Go ahead.

MR. DURSO: Again, I just wanted to make sure that was put on record, understanding that, again, something like that, again, just using the term broadly of law enforcement. Again, I -- I -- and as you'll see at the end, I don't agree with the bill to begin with, but I understand the intent of it. But again, there are unintended consequences when it comes to language in a bill; that may be one of them.

I know one of the other -- my colleagues had asked --

MS. REYES: I just -- they're -- they're saying that they are not included because they are not in a law enforcement -- law enforcement does not capture corrections facilities.

MR. DURSO: Law enforcement does not capture the corrections officers in it.

MS. REYES: Facilities. Not under this bill.

MR. DURSO: So the facilities won't count. Okay.

So with that being said, and I -- I know you -- you had said to one of my colleagues, why not a delay. And I apologize, I know they both asked, just hearing it. Why not -- I mean, other states do have this. Other municipalities have this where there's like a five minute delay or a two minute delay. What was your reasoning for not having the delay?

MS. REYES: I haven't heard of a two minute delay. Usually, delays are 15 minutes or more. But for the purposes of news reporting, a delay isn't news, it's history.

MR. DURSO: Understood. So we're doing this really for journalists?

MS. REYES: Well, we're doing this for journalists and we are also doing it for emergency services.

MR. DURSO: Okay. So -- and so with that being said, why do journalists -- and again, I'm all for free press, but why do journalists need to know about emergency situations as they're happening?

MS. REYES: For a litany of reasons. But reporting is important because it helps keep people out of the area, it makes them aware that there's something going on.

(Conferencing)

And journalists are our eyes and ears during public emergencies. I think it is a -- an important public service that they provide, and it's important for them to continue to have access to this information.

MR. DURSO: Okay. So -- so --

MS. REYES: Because they've had it before.

MR. DURSO: I apologize, ma'am.

MS. REYES: Sorry. Sorry. I said they've had it before. So we want to make sure that they continue to have access to this information --

MR. DURSO: Okay. And as one of my colleagues --

MS. REYES: -- to protect the integrity of our news.

MR. DURSO: And as one of my colleagues said that

at -- at some times during certain situations, this could actually put the public and law enforcement and our emergency responders in -- in danger. Again, if you see a -- if there's a house fire somewhere, right, we see it all the time, unfortunately, but people gather around that house fire. People come and flock to the neighborhood. Just like if there was a news report in realtime that there was a -- a standoff in someone's home or a shooting or a robbery in progress or anything like that, unfortunately, the case is that people flock to those areas. Do you feel that that puts law enforcement, emergency responders and those people that are in that public space in danger?

MS. REYES: So, one, I think people flock to the area without news reporting. At --

MR. DURSO: But this will just add to it.

MS. REYES: -- least that has -- that has been my experience. But -- but journalists, them having access to information in realtime doesn't necessarily mean that they're reporting in realtime. It means that they have access to information in realtime, and that often maintains the integrity of the reporting of the information that they're able to gather to then report to the public.

MR. DURSO: Okay. So, moving on --

MS. REYES: And I -- I'm sorry, Mr. Durso --

MR. DURSO: No, (indiscernible) --

MS. REYES: I just also wanted to, in response to what Mr. Reilly said that you brought up as well, we have defined in the language sensitive information, and -- and that's left up to the

discretion, many times, of law enforcement. So in -- in situations where they are transmitting sensitive information that they believe perhaps shouldn't be, they have the right to do so on another channel. Through another medium of communication, they can still do that. And that's not required for them to share with journalists.

MR. DURSO: Okay. So I want to drill down on that. So what channel is required? So in other words, is it the law enforcement communication to dispatch, or is it officer to officer?

MS. REYES: All of -- all of them that are on that --

MR. DURSO: All of them. So -- so who gets to make that determination, what's sensitive and what's not?

MS. REYES: Well, the -- the officers based on whatever... I wouldn't call it mission, whatever they're working on will determine what's sensitive information. We don't delineate what sensitive information is. That's left for law enforcement to determine.

MR. DURSO: But -- but if we're making a law saying that they have to essentially publicly broadcast it, right --

MS. REYES: I'm sorry. And I -- and just to correct myself. The Department of State can also delineate what is sensitive information. So any -- any kind of, like, undercover operations, some information that is considered sensitive and protected under the law shouldn't be said over the radio.

MR. DURSO: Right. But when are they making that determination? So if I am a police officer or in law enforcement and I determine at that moment that this is sensitive and I switch channels --

as simple as that may sound, we're making it a simple way to describe it -- and you're the journalist and you say, *I wanted to hear that. I feel that what you're doing is not sensitive.* Who makes that complaint, and then who makes the determination that it was sensitive or not? How would they know?

MS. REYES: Well, first they would have to know, right --

MR. DURSO: Have to.

MS. REYES: They would have to know that there was sensitive information --

MR. DURSO: Well, (indiscernible/crosstalk) --

MS. REYES: -- broadcasted -- broadcasted through a channel that they don't have access to in order make a complaint. But let's say all of those -- all of those criteria are met. Ultimately, the Department of State has purview over...

MR. DURSO: So the Department of State would then have to get a complaint filed to them in regards to a transmission that went offline. I'm -- I'm just trying to understand how this would actually work. They would have to get a complaint from a journalist, a -- or another emergency organization saying that a radio transmission went offline at 3:30 a.m., and we want to know if the Department of State determines that that radio transmission had the right to be changed channel -- they changed the channel on it, that it's sensitive material. So there would almost have to be an investigation process.

MS. REYES: Well, all the -- all the radio transmissions are FOILable.

MR. DURSO: I -- I -- but that's what I'm asking you. So, who decides to say, *Okay, I want to know what was said at that time. Why did you change the channel?*

MS. REYES: I guess you can say it was considered sensitive information. It's just that it wouldn't have to be trans -- transmitted in realtime. But even if it's sensitive information it can still be FOILED.

MR. DURSO: Understood. That's my question, is if I am law enforcement and I feel at that moment that this is sensitive information and I decide at that moment to change the channel, that is no longer -- can be accessed by the journal -- the journalist and/or emergency service personnel and I feel that it's sensitive, how would a -- what's the mechanism in place for someone to say, *Hey, at 3:30 a.m. Officer Durso turned off his radio because he felt it was sensitive.* Do they then have to file a complaint with the Department of State? Because I don't -- I'm not understanding how that mechanism is in place and how that gets, you know, moved forward.

MS. REYES: All right. So I'm gonna read to you the definition of sensitive information here.

MR. DURSO: Great.

MS. REYES: Sensitive information means any portion of a radio communication that is disclose -- that if disclosed would, one, deprive a person of a right to a fair trial or impartial

adjudication; identify a confidential source or disclose confidential information relating to a criminal investigation; and three, reveal criminal investigation techniques or procedures except routine techniques and procedures.

MR. DURSO: Okay. So I understand what the definition of sensitive material is.

MS. REYES: I'm -- and I'm -- and I'm -- and what I'm trying to say is that is very loose.

MR. DURSO: Very. And I understood. But who, then, is gonna say that falls under that purview? Again, if I'm the officer --

MS. REYES: Ultimately, the Department of State.

MR. DURSO: Okay.

MS. REYES: And you're asking about the mechanism.

MR. DURSO: Right.

MS. REYES: You want to know, like, do they file a complaint?

MR. DURSO: Sure.

MS. REYES: Correct.

MR. DURSO: They would have to file a complaint.

MS. REYES: The Department of State will set up a process for that.

MR. DURSO: Okay. Perfect. Thank you.

So with the couple of minutes I have left... I know I



had a list of questions. I apologize. This is for all radio transmissions, you had said, right? So it's not just dispatch, it's officer to officer?

MS. REYES: For encrypted radio.

MR. DURSO: For encrypted radio.

MS. REYES: Yeah.

MR. DURSO: So my question would be, then, if local law enforcement, let's say, was working with a federal entity, let's say the FBI, in an investigation. Are they also included in this if they're working with New York State with local law enforcement, to have that encrypted radio transmission open to the public?

MS. REYES: It's only the law enforcement that's -- that is described in the definition. So we don't believe that federal law enforcement agencies fall under there. But assuming that they're using encrypted New York State -- New York law enforcement radios, then that falls under the purview of what should be allowed for journalists and -- and emergency --

MR. DURSO: Okay. So whether it's for an investigation or something I take a part in, which is a presidential debate where local law enforcement is on the radio with federal law enforcement, that is something that -- it -- it works. It happens. I actually did it. So my question would be, would then that have to be open for journalists and/or emergency services to hear our transmissions going on at that time?

MS. REYES: Let's -- let's -- what are -- it depends on what they're commun -- communicating, and it depends what radio

encryption they're using; whether it's, you know, New York law enforcement radio then they would have to disclose. But if it's sensitive information -- if it's considered sensitive information under the definition, then they wouldn't be able to disclose it in realtime.

MR. DURSO: So it's really more the officer or the law enforcement agency gets to determine at that moment, and the Department of State will make a determination later if they violated this law.

MS. REYES: Right. Communication happens in realtime. So I'm assuming if you -- if you're communicating something that is considered sensitive data, sensitive information, and you're gonna use another channel because you believe it to be sensitive information, it's not -- they don't have access to it in realtime. This is -- you're questioning about what happens after the fact. But after the fact, that information would be accessible anyway.

MR. DURSO: Correct. Unless they wanted it not to be.

MS. REYES: Well, at that point it's -- it's old news. I mean, it -- it -- it wouldn't matter.

MR. DURSO: Right. But the only person it matters to now, in this case, is journalists so that they could report the news.

MS. REYES: No, no. And emergency services. And --

MR. DURSO: The police will contact (indiscernible/cross-talk) --

MS. REYES: -- in many counties -- and in many counties outside of the City of New York, your emergency services are volunteer services that rely on public radio, right? They need to be able to access the fire department. You know --

(Buzzer sounds)

MR. DURSO: Thank you, Ms. Reyes.

ACTING SPEAKER HUNTER: Thank you.

Mr. Angelino.

MR. ANGELINO: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. REYES: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. ANGELINO: So I'm -- I'm gonna try and speak into my microphone while looking at you. And I apologize. I missed your explanation. I missed the first portion. I was in the Codes Committee meeting.

MS. REYES: Would you like me to repeat it?

MR. ANGELINO: No. The -- I think I've -- I've got a lot of my questions asked and answered by my colleagues, but then more questions came up.

This bill is prohibiting encrypted radio transmissions but not digital? Encrypted is --

MS. REYES: It's encrypted --

MR. ANGELINO: Right.

MS. REYES: -- radio transmission.

MR. ANGELINO: Okay. Because a lot of agencies have switched from analog over the radio waves to digital radio. I receive complaints in my rural district, *I can't hear the police and fire anymore. Did they go encrypted?* No, they went digital. So this -- this allows digital radio?

MS. REYES: If it's the radio --

MR. ANGELINO: Right.

MS. REYES: -- if it's the radio.

MR. ANGELINO: It's not encrypted. This is only encrypted.

MS. REYES: Correct.

MR. ANGELINO: Okay. And this is -- it's relatively short in some of the bills that we debate. It's only 50 lines. But it starts out talking about law enforcement communications public access. So it starts with law enforcement, it ends with law enforcement. But right there in, I guess on mine it's -- it's line 8, and it says emergency services organization means --

MS. REYES: Mm-hmm.

MR. ANGELINO: -- private, public, volunteer or a group that provides fire, medical, ambulance, rescue, housing, food and other services. So is it just police or does it include all of these agencies, also?

MS. REYES: All of these agencies would have

access under the Department of State to the encrypted radio. So like volunteer fire departments, like volunteer emergency medical services, like the Red Cross.

MR. ANGELINO: Okay. I -- I think I understand, so I'm just gonna -- so I -- you can say yes or no. So this is about law enforcement radio?

MS. REYES: Yes.

MR. ANGELINO: And that section is so that all the other organizations can hear it?

MS. REYES: That -- so that they can continue to have access, yes.

MR. ANGELINO: All right. But private -- private is not mentioned in there. Because I heard a lot about journals.

MS. REYES: So, we are -- we are providing access to two categories: To law enforcement groups -- I mean, I'm sorry, to emergency services organizations and to journalists who are credentialed under the Department of State.

MR. ANGELINO: Okay. And there are exemptions. I saw that, also.

MS. REYES: Yes.

MR. ANGELINO: And this doesn't any way require law enforcement agencies to go backwards in technology? Going back to analog?

MS. REYES: No.

MR. ANGELINO: Okay. Thank you.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. ANGELINO: So, I know I listened to all of my colleagues about this, and the sky is not falling with this bill. A lot of agencies already are thought to be encrypted because they went digital. Digital radio is very difficult to listen to. It transmits on thousands of frequencies in millisecond changes. And to buy a scanner or a monitor device that listens to that, it's near -- well, it's cost prohibitive to most people. That's why people in my district thought the law enforcement agencies went encrypted. But it's not just law enforcement, it's fire, EMS, and everybody else because it's called the trunk radio system, usually a countywide system. Nobody can hear that except other people with trunk radios.

Now, encryption, that's another thing. Law enforcement agencies do have encrypted radios, and if you do have the wherewithal to own a very expensive scanner, you're gonna hear cops on the radio say -- you'll hear the dispatch, you'll hear the crosstalk to each other. But then you will hear them say, *Go to* and my agency, it was 3. Go to 3. That's when we're starting to transmit sensitive information, like what -- what is the key code to get into a person's house because we have to check their welfare and/or -- or the key is hidden under the mailbox. That is the sensitive information that we pass back and forth.

Where I live, we try to use our open source radio to our advantage. We put out the names and descriptions of people, and

sure enough, there is no dignity amongst thieves and they will rat on their other thieves -- counterparts all the time.

So this is not the sky is falling. I remember when it happened. NYPD went encrypted and journalists and TV stations down there were all upset because they didn't know it right away. But, in fact, they weren't actually going encrypted, they just went digital. But everybody does have the source to go encrypted if they need to. And there's a sensitive information exemption in here, and we've been doing this for a quite a while.

I -- I don't know how I'm voting on this. I think it's gonna be a Party vote. But this is not the sky is falling, to anybody who's worried about this. And if anybody in law enforcement wants to challenge that, please, look me up and let me know why.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Yeger.

MR. YEGER: On the bill, please, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. YEGER: Thank you very much.

I agree, the sky's not falling. But the -- the most simple compromise that would achieve the purpose of this bill and also make sure that we're not putting the public in danger would be a very slight delay, as was mentioned on this floor by some of our colleagues. Slight. It doesn't have to be a half hour, it doesn't have to be an hour. It could be five minutes. But enough time for somebody

back at the base to flip the switch off if something's happening that can't be recorded in realtime. And there are things that happen. There are emergencies. The -- the police are chasing somebody who's trying to kill a confidential informant. They put the name of the confidential informant over the radio not realizing, *Oh, they're chasing this guy*. That's something that's sensitive. It's specifically exempted from being disclosed. But at that moment, they may not have turned off the transmit. They may not have switched it over to the -- to -- to the sensitive channel. The confidential channel, the channel that's protected by the statute.

A very slight delay. Without that delay, we're endangering lives. This bill will endanger lives. And it's not hyperbole. It's the kind of thing that, yes, we want a free press. Everybody wants a free press. We have them right down the hall. They watch everything we do. But today, everybody with a Twitter account is a journalist. And they're all in a hustle to put that information out before the next guy. And they hear something on the radio as it's happening and they type, *Something's going down*. And one of the gentlemen who spoke here referenced, God forbid, something happening at a school and then all the parents converge on the school. That's not safe. And we ought to use our powers to regulate this in a wise way; in a way that says let's put that information out. Let's make sure that the public's access to information is not hindered. But let's do it wisely. Let's do it in a way that the First Amendment is being protected and public safety is being protected,



and those are not mutually inconsistent values.

Just also want to mention that under this bill the Department of State -- not sure why the Department of State is in a position to regulate anything that goes on with law enforcement. I'm not sure what expertise they have to regulate what constitutes sensitive information, what doesn't constitute sensitive information. They're very good at processing corporate documents. I'm not sure what more they do. They take our oaths, they file it, that's wonderful. What do they have to do with law enforcement and determining what constitutes sensitive information?

This bill will hurt New Yorkers if it is adopted, and I will be voting no. Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This bill [sic] shall take effect on the 90th day.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Minority Conference will be in the negative, generally speaking, on this piece of legislation. But if there is anyone who would wish to vote yes they may do so now at their seats.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Angelino to explain his vote.

MR. ANGELINO: To explain my vote, Madam Speaker.

Law enforcement agencies are already doing this. Those that don't -- and I understand NYPD is totally encrypted -- that's gonna be a very, very expensive change for the largest law enforcement agency in the United States, and if not the world. The -- like I said, it's already being done by smaller agencies, and for that -- for that reason I'll be voting no. But also, my other colleague to my left mentioned the Department of State, which was in my notes, and that was why the Department of State? They have nothing to do with anything and have no enforcement branch. So I think it was a catch-all because local law enforcement really answers to local authority. And I don't know who's going to impose any sort of penalty or punishment, and I also have to wonder who is going to pay for that for any large agencies that are fully encrypted.

For those reasons I'll be a no vote.

ACTING SPEAKER HUNTER: Mr. Angelino in the negative.

Mr. Durso to explain his vote.

MR. DURSO: Thank you, Madam Speaker. And I want to thank the sponsor for taking our questions.

Again, the devil's in the details when some of these bills come up. And my concern is for the safety not only of the public, but for our officers in general when they are doing their job. Just using the broad term of law enforcement in a bill like this doesn't just include our local municipal police, but it will include State Troopers, anybody that falls under peace officer status, court officers, corrections officers and federal law enforcement. So when we have a bill like this that's so broad and doesn't specify what would be sensitive, what would not, and then leave it up to an entity later on, again, I always take and -- and err on the side of caution with keeping our law enforcement, our police, our corrections, our sheriffs, our environmental conservation officers, their safety and the general safety of the public in mind.

So with that being said, I'll be voting no.

ACTING SPEAKER HUNTER: Mr. Durso in the negative.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Madam Speaker. Just to be brief.

I'm hoping the Governor -- if this comes to the Senate

and it passes, I'm hoping the Governor is listening in, I'd like to plea with her to include an amendment, ask for that amendment for a delay. As I mentioned during the debate, it's about the response to incidents that happen where the public may block emergency vehicles because you may have a catastrophic incident. And because people want to get there to see it because the news is reporting it, I don't think a ten minute delay will be an inconvenience to the press.

So with that, I'll be voting no, hoping for those amendments. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Reilly in the negative.

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Madam Speaker.

I am very proud of the work that we've done with this piece of legislation. I believe in transparency. And I hear -- I hear some of my colleagues' concerns, perhaps, of a five minute delay or a 15 minute delay isn't an impediment to journalists, but I guarantee you, it is an impediment in the life of someone in -- in -- when we talk about emergency services getting to a mass shooting, getting to a school who -- or somebody who is in need. I think that, you know, in -- in the City of New York that I -- in the district that I represent, we have, you know, emergency services that will respond in a very short amount of time. That's not the case for some of our rural counties, and we've heard from them how important it is that they have access in realtime to this radio. So I am always open to the debate and the

discussion. But I believe in transparency. We have given a lot of leeway to law enforcement. And also, I believe that law -- law enforcement is competent and capable to respond in high stress scenarios accurately to decide -- to be able to decide. I trust them to decide what is considered sensitive and what is not. And we have left that discretion up to them as well.

So with that, of course I will be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Ms. Reyes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

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

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to interrupt our proceedings briefly to introduce some fifth grade scholars that are in our Chambers today. They are from the Lake Placid Elementary School, and they're here visiting their member and our colleague, Mr. Jones.

I hope that you will take an opportunity to congratulate and thank these young people for joining us today and offer them the cordialities of the House and welcome them to the People's House.

ACTING SPEAKER HUNTER: On behalf of Mrs.

Peoples-Stokes, Mr. Jones, the Speaker and all members, we welcome you young people from Lake Placid and extend to you the privileges of the floor here in the Assembly Chamber. It's always exciting to see young people travel from such a far distance to come and learn about local and State government, see how legislation is created. Something fun you can go back and tell your friends and family members that you had an opportunity to visit the State's Capitol. So we hope you enjoy your time here today, and thank you so very much, young people, for joining us today.

(Applause)

(Pause)

Can we have quiet in the Chamber, please? We're going to be on debate. Thank you.

Page 13, Rules Report No. 313, the Clerk will read.

THE CLERK: Assembly No. A04997, Rules Report No. 313, Glick, Burdick, Simon, Weprin, Levenberg, Romero, Reyes. An act to amend the Environmental Conservation Law, in relation to extending certain provisions relating to the Department of Environmental Conservation's regulation of crabs, and to prohibiting the taking of horseshoe crabs for commercial and biomedical purposes.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Glick.

MS. GLICK: Thank you very much.

The bill does two things: It extends the authorization for DEC to regulate crabs by its own regulations, and it prohibits the taking of horseshoe crabs. It extends for two years the authority of the Department to regulate regular crabs, including horseshoe crabs. But beginning in 2026 it prohibits the taking of horseshoe crabs except for a bona fide education or scientific purpose as determined by DEC and the regulations.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Will my friend, the Honorable Chair of Environmental Conservation, yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. GLICK: With great pleasure to my friend from the Rochester area.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. JENSEN: You're -- you're very kind, Chair.

And almost a year to the day that we had this debate last year about my new favorite animal, the horseshoe crab who, for our new listeners, is a magnificent creature, 400 million years old; 200 million years before the dinosaurs. They are amazing. They should be blessed, which I'm glad we're having this debate.

The bill we debated last year was subject to a gubernatorial veto. What has changed, whether this legislation or in our health, bio, pharmaceutical model since we discussed this a year

ago?

MS. GLICK: Well, thank you very much for the question.

A number of things have changed. As you may remember, the horseshoe crab is a vital keystone species that provides for the support of other creatures. So the red knot, the ruddy turnstone and some other marine birds are quite dependent on the horseshoe crab eggs in order to, as they are migrating, to support themselves on their journey. So one of the things that has changed is that the red knot is now a listed, by DEC itself, as a threatened species. So we would not want to further endanger this particular species by allowing the continued taking of horseshoe crabs. That's number one. Number two, one of the creatures for which horseshoe crabs are used as bait includes the American eel, which now has been listed as a species of special concern by DEC. So we have one species that is listed as special concern, and it is for that reason that horseshoe crabs are chopped up into bait in order to capture what is now a species of special concern.

So for those reasons, those are two things that have changed within DEC. Recognizing that the population of horseshoe crabs in much of our region, the New York region, is listed as poor and we need it to recover. So the taking of these horseshoe crabs at this point is ill-advised and recognized as ill-advised by DEC by having reduced the number of days that they can be taken. So there's a recognition by DEC that the rules that they had last year that we



objected to were too loose, and so they went ahead and restricted even further but without making appropriate change in prohibiting the taking.

MR. JENSEN: Certainly -- and I certainly understand. I -- I appreciate the -- the explanation on the changes societally since -- since June 7th of last year. But I really want to drill down on the secondary portion of the legislation which -- or the use of horseshoe crabs, which would be for the use of their blood for biotechnology, pharmaceutical uses, which for -- for people new to this debate, horseshoe crabs -- which are amazing, I just want to make sure that's on the record again -- have blue blood because it's copper-based rather than our red blood that is iron-based. And with their blue blood reacting differently to certain enzymes, they are a critically important testing mechanism to determine the safety of certain vaccines or durable medical supplies.

So would this legislation discontinue the ability of any bio -- biotech company or pharmaceutical company from being able to partner with a -- somebody who would harvest the horseshoe crab, engaged in blood letting, which is something a parliamentarian in 1372 might have talked about in the House of Commons, and use their blood for medical testing for the safety of critically important medicines?

MS. GLICK: Well, I appreciate you raising the concern about the use of horseshoe crab blood which allows them to identify certain endotoxins. But there -- not only has there been

synthetic testing reagents for some time, Eli Lilly has been using its own synthetic reagent for, well, since 2018. But just this year -- this is another change -- the U.S. Pharmacopeia, which is a non-profit that recommends changes in pharmaceutical operations, they have authorized the use of two different synthetics for the same purpose. And while we've applauded Eli Lilly for being a leader in this area, this is an opportunity -- and I will just digress and point out that in Europe they have been using this synthetic reagent even longer. So there is an alternative. And its safety has -- and effectiveness has been demonstrated by the fact that Eli Lilly has been using this for a number of years already. So it's not breaking new ground, it is simply saying that we've reached a point where the synthetic has been used operationally and is effective, and there's no reason to continue to decimate the horseshoe crab population in New York. And I will also point out that the states around us have been placing moratoriums which will only place greater stress on our population if we do not take this step.

MR. JENSEN: And certainly I can understand that, and certainly you talked about the red -- red fern? Was it the --

MS. GLICK: Red knot.

MR. JENSEN: Red knot. I'm sorry. My apologies. Red fern's a plant. I know that, you know, they -- they do feed on the eggs of the horseshoe crab which, once again, because they're amazing, lay 4,000 eggs at a time. So I just really wanted to talk about another fun fact about the horseshoe crab. But as they are in the

waters all the way from Cancun up to Nova Scotia, the question I have is, understanding that we have the synthetics, the two synthetics were not approved for widespread usage a year ago, we are now where they are -- can be used unilaterally for testing. Wouldn't it make sense, since we already in the legislation have two specific carve-outs for the taking of the horseshoe crab and for research, and I'm blanking on the second method.

MS. GLICK: Scientific and educational purposes.

MR. JENSEN: Scientific and research exceptions.

That while we want to make sure that our -- our healthcare innovators have the ability to ensure that medication is safe for human use, wouldn't it make sense to put a carveout that if there is a medical need to test medication and the synthetics that are currently approved unilaterally are not sufficient, that then DEC could allow for the permitting of the taking of the horseshoe crab for a very specific time period to ensure the viability of the biotechnological innovations?

MS. GLICK: Well, I believe that synthetics are probably, in the long run, a more inexpensive way of providing for the testing, and do not believe that there will be a shortage as a result. If anything, we could run into a shortage of horseshoe crabs. And, in fact, as I said, we have already been seeing DEC reduce it based on the poor quality, the amount of -- of horseshoe crabs in our waters. And frankly, they say that they will return them to the wild, but the reality is after a third of their blood has been drained, very few of them actually survive. And so many times they're just chopped up for

bait. And it -- while we focus on a threatened species like the red knot, the reality is that there are other foraging fish that likewise depend on horseshoe crab eggs. And, you know, we have a vibrant recreational fishery as well, and those other fish are important as well, for tourism and other activities.

MR. JENSEN: And -- and I certainly understand we -- we want to protect the horseshoe crabs and their place in the ecosystem's food chain. And I think that's why it's important and why I'm focusing on the use of their blood. And it is between an 80 and 90 percent survival rate after the blood letting.

MS. GLICK: Well, I -- I beg to differ.

MR. JENSEN: What was that?

MS. GLICK: That is what is presented by the pharmaceutical --

MR. JENSEN: Correct.

MS. GLICK: -- industry. That is not acknowledged by the scientific community.

MR. JENSEN: Okay. Agree to disagree on that one. We agree that they're magnificent, but we'll agree to disagree on that fact.

So with that -- that point up for debate, one of the thing -- and that's why I focused on the use of their blood rather than the taking of the horseshoe crab for their other purposes that can be used in biotechnological or pharmaceutical uses, which would be their shell, which does have properties that speed clotting as well as making

amazing sutures, which I didn't know until this year, which fun -- another fun fact. But that's why I say I think it's important to have a specific carve-out in the eventuality of not just scientific or research needs, but also for healthcare needs. So that's -- that's why I think that it would be a logical amendment to make on this bill. You may, I'm assuredly going to disagree with me on that respect. And there's no active permits for the taking of horseshoe crabs that DEC has issued as of today, correct?

MS. GLICK: The -- for a particular purpose?

MR. JENSEN: For -- well, yes.

MS. GLICK: They have not had, for a number of years, permits for pharmaceutical taking. That has been the case for some years. Neither last year or the years before.

MR. JENSEN: Okay. I -- I want to thank you for the answers to my questions. I appreciate it, Chair Glick.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. JENSEN: I just want to reiterate for the 12th time that horseshoe crabs are magnificent. They've survived five extinction level events. However, I don't believe that their use for biomedical purposes constitutes a sixth-level extinction event. They are a critical aspect and safeguard in the ability to have human-safe medications. And while we have synthetics on the market currently, I don't believe it's wise to deny the future where the synthetics may not be applicable and horseshoe crab blood would be the best testing

agent. The reason why we use horseshoe blood now is because we used to test medication on rabbits, which I think everybody in this Chamber would agree that shouldn't be done and we made that evolution.

So while I'm sure some of my colleagues who have very large commercial fishing operations in their district and who utilize the horseshoe crabs for baiting purposes may have other thoughts or concerns on this legislation, I do thank the Chair for her answers to my questions. I understand the need to protect our horseshoe crab populations in the waters of New York, but would love to see some sort of carve-out for the biomedical purposes of these magnificent creatures.

Thank you, Madam Chair [sic].

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.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. For all of the excellent reasons laid out by my colleague, the Minority Conference will be in the negative on this piece of legislation despite the magnificence of the horseshoe crab. And -- but if anybody would wish to vote yes, they may certainly do so now at their seats.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

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

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 14, Rules Report No. 324, the Clerk will read.

THE CLERK: Senate No. S02182-A, Rules Report No. 324, Senator Hinchey (A05969-A, Jacobson, Eachus, Santabarbara, Shimsky, Shrestha, Kay). An act to amend the Public Service Law, in relation to permitting the rendering of an estimated bill from a utility corporation or municipality under certain circumstances.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Jacobson.

MR. JACOBSON: Thank you.

This bill -- can we have a little quiet? Thank you.

This bill will make changes to the Public Service Law as to when estimated billing is permitted. It will -- it will prohibit consecutive estimated billing except under specific

circumstances. The bill will allow smart meters to be used and considered as actual readings. Utilities will be required to report what they have done to comply with this law so that the PSC can come up with a best practices and technology standard.

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. JACOBSON: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Jacobson.

I know we went through this last year, and I think maybe a couple of other years, but definitely last year. So the Governor vetoed this bill last year. Did you make any changes to address the concerns in her veto and what were they?

MR. JACOBSON: One change we made is that we -- we made it more clear, the bill, and what -- specifically when it's allowed. And so that the -- we wanted to address that. And so when estimated billings are made, they must -- they can't be consecutive. They have to -- the utilities have to take actions to figure out why the problem is there. Also, we allowed the smart meter readings because a lot of utilities, just like we have for water and sewer readings, use this new technology and the PSC had not allowed it before. And so this will be available and will make estimated billings more read --



easier to come by.

MR. PALMESANO: Sure.

MR. JACOBSON: Actual readings to be -- not estimated readings, but actual readings to be easier to come by.

MR. PALMESANO: I understand.

Did you address the part of her veto where she said, and I quote, "I believe customers should pay for the services they received"?

(Conferencing)

MR. JACOBSON: Hold on. I got to get the right section for you.

MR. PALMESANO: I asked that question because your bill would basically say that utilities can't bill for the services if it's beyond two consecutive months of estimated billing.

MR. JACOBSON: They can't bill when they're doing the estimated billing more than one month in a row. In other words, we don't want to -- we don't want to reward them for not doing actual billing. And it's similar to the bill that I passed that's now law that they have to get bills out the door within three months.

MR. PALMESANO: Right.

MR. JACOBSON: And so now they found a way that they're billing more timely.

MR. PALMESANO: Sure.

MR. JACOBSON: This is another way to -- to attack the problem of estimated billing.

MR. PALMESANO: Sure. I can understand that.

And obviously, when we talked, I mean, your -- your -- your goal is really to have -- encourage actual meeting -- meter readings instead of estimated readings. But -- and I understand that. But you do -- you do recognize and understand the value and importance of -- of the need for utilizing estimated billing at times, correct?

MR. JACOBSON: Say that again?

MR. PALMESANO: Yeah, I said -- I said -- as I said before, I said I understand you want to have actual meter readings instead of estimated billing. But you do -- you do understand and recognize the value and importance of allowing for estimated billing at times, too, correct?

MR. JACOBSON: Well, there's a value in circum -- certain circumstances. But even as the law says now, which has not been changed, is that first the utility has to make a reasonable effort to get a reading and is unable to do so, and the circumstances are beyond their control. And what this bill does, it says that the only two specific times that we added here was that the utility -- I will read exactly if I get a second here. That the utility is unable to obtain an actual reading because the customer failed to provide reasonable access, or a state of emergency rendered the ability -- prevents the ability of the utility to get that reading.

MR. PALMESANO: Sure.

Does this affect all customers, residential and

commercial? And how many -- do we know how many customers this would affect Statewide?

MR. JACOBSON: Well, it varies given every month whether there's gonna be estimated readings. You're talking about how many customers Statewide, period?

MR. PALMESANO: So, like, right, Statewide there's about -- I guess by my estimates it's about eight-and-a-half million customers Statewide between all the utilities. Is that --

MR. JACOBSON: That would sound right. We have around 20 million and people do work together and (indiscernible) customers.

MR. PALMESANO: So my next question. Doesn't the PSC already have the authority now to implement or adjust the billing mechanism through actual proceedings where they work -- they have this proceeding where they work with the utility to -- and they negotiate and then try to implement best practices? Don't they have the ability to do that right now if they so choose, if they thought there needed to be changes to this? They could do this right now? And isn't it -- having that process the best practice to move forward with this rather than just an arbitrary mandate like this?

MR. JACOBSON: Well, what they have they haven't followed through with, and that's why we need the bill. We need this bill so that customers will have accurate readings so that they know if they want to contest the reading, they know what they're contesting. And so the problem is now is if you have estimated readings two,

three, four, five months in a row and then you get an actual reading, you don't know why is that reading that way. And how do you compare it with previous bills? So it's just -- it's a way so customers can have more transparency and so customers can make sure they know what's going on.

MR. PALMESANO: So currently, utilities right now can only estimate bills based on methodologies that are reviewed and approved by the PSC. There are regulations that provide utilities with stronger disincentives not to prolong periods of estimated billing. There are limited circumstances in which utilities may issue estimated billings. There are requirements that utilities take affirmative steps to obtain actual metering [sic] readings. You -- your -- you know, those are guidelines that the PSC has in place. You don't think that's strong enough to do what needs to be addressed? That's obviously your -- your perspective on the current situation?

MR. JACOBSON: It hasn't been working. It hasn't been working. If it was work -- look, if it's -- if it's been working and the utility doesn't do the estimated billing, there's -- I mean, then there's nothing to worry about.

MR. PALMESANO: And when they do the estimated billing, isn't it traditionally historically based on the comparative use to the same time period from that period of time maybe the year before and then they adjust it because of the price of energy might be up or down? So that's how they -- they estimate it, correct?

MR. JACOBSON: Yeah, in that way. But usually it's a little higher.

MR. PALMESANO: So ultimately, though, when they -- when they do the estimate, ultimately when they come to get a read they'll -- they'll adjust it because it might be higher, it might be lower. I mean, I know (indiscernible). So ultimately, though, when they do the read, even though if there might be two months or three months of estimated for whatever reason, ultimately the customer is only gonna pay for the energy they used, correct? They're not gonna be paying any more than the energy they used, right?

MR. JACOBSON: Hopefully not. But the problem is that you -- if you get a bill and all of a sudden say it's much higher because they didn't estimate correctly, you don't know what period it's really for, which month it's for. The whole reason is that you want to have your records for that month so you can compare it to previous usage, which was in the other bill (indiscernible/cross-talk) --

MR. PALMESANO: On that question, you say they don't have a record, on most (indiscernible) like the NYSEG, RG&E bill, the NYSEG bill I get, it shows what my usage is for that month and then they have a chart in there showing what my usage was over the past year, and I could compare to look at the usage of June of this year compared to June of last year. So there is a comparison that's available to -- even if it's an estimated bill. Because you can say, *Okay, last year I used this much.* That's what they're basing my estimate off that. So it's gonna be kind of (indiscernible).

MR. JACOBSON: Except the fact that if you get multiple months as an estimated bill, it makes it that much harder to figure out if each month was correct.

MR. PALMESANO: Sure. So really, what's the genesis of this bill? I think I remember there was some problems with Central Hudson where they had some billing problems. Was that really kind of the genesis of that -- of this bill? Is that -- is that where this came from?

MR. JACOBSON: Yes. And -- and all the customers of Central Hudson that are -- have been calling my office.

MR. PALMESANO: Yes. And I -- and I -- and the PSC ultimately got involved, correct --

MR. JACOBSON: Yes.

MR. PALMESANO: -- and they -- they addressed that situation?

MR. JACOBSON: They -- they --

MR. PALMESANO: Are we still having -- are you still seeing outstanding issues with estimated billing since the PSC came in and addressed that issue like they're tasked with, like they're empowered to do?

MR. JACOBSON: The PSC didn't get involved with estimated billing, they got involved with late billing. So between the agreement that Central Hudson had and -- and our new -- new law on that, those problems have generally gone away.

MR. PALMESANO: Right. All right. So I know

you're saying this is about estimated billing. So are you still hearing about estimated billing problems in the Central Hudson? Is it -- is it kind of prolific?

MR. JACOBSON: We have some. And -- and I think the thing is, we want to make it -- I think a customer deserves to have --

MR. PALMESANO: I understand.

MR. JACOBSON: -- accurate readings.

MR. PALMESANO: And I -- Mr. Jacobson, I totally understand your intent behind the bill. I just have some problems of the mechanism to make it work. You know, because I -- I -- I'll be honest, I don't -- my office isn't hearing from our ratepayers about estimated bills. What they are hearing is their bills are too high. Wouldn't you argue -- I mean, what I've argued on this floor is because of some of the green mandates that have been advanced by this floor and the Governor, isn't that one of the reasons why we're seeing this increase in utility bills where the utilities are going and asking for these big increases, correct?

MR. JACOBSON: No, I don't think so. I think it's the problem, the fact that they're getting an extra rate of return on capital expenditures, which is why we just passed my other bill to have more disclosure. Because they get a -- they get a better rate of return, they get 8, 9, 9.5, 10 percent on capital expenditures, where when it's maintenance it's dollar-for-dollar when -- when figuring out the rate. So I think that's -- that's a major problem.

MR. PALMESANO: So you don't think any of the green mandates that we're passing in this House is causing rates to increase? And you -- and on that note, you are aware -- and I said it on the floor numerous times and I'll probably say it again later -- the PSC in July of '23 passed \$43 billion -- approved \$43 billion in future ratepayer increases specifically to pay for these green energy mandates. Are you aware of that July 23rd article that was in *Politico*?

MR. JACOBSON: I wasn't -- I wasn't aware of that, but this bill doesn't address that.

MR. PALMESANO: Oh, I know that. But if we're talking about utilities --

MR. JACOBSON: I know.

MR. PALMESANO: -- and utility costs, so...

(Indiscernible/cross-talk)

I know you're worried about the cost of --

MR. JACOBSON: We're just a couple guys talking (indiscernible/cross-talk). I understand.

MR. PALMESANO: Sure. Now in your sponsor memo it says widespread reports that utility companies are relying heavily on estimated billing. That's in your sponsor's memo.

MR. JACOBSON: Yes.

MR. PALMESANO: Do you know what percentage of estimated bills the utilities are using? Let's take Central Hudson for -- for perspective. Do you know what percentage of their bills are



estimated?

MR. JACOBSON: No, I don't. But I can -- I'm -- well, I think we can rest assured that when you get one complaint there's five to ten others that people didn't call in on.

MR. PALMESANO: Well, just -- just for the record, it's my understanding Central Hudson has estimated billings of .07 percent. So we're doing this bill for .07 percent? I understand what the goal is, so that's --

MR. JACOBSON: Well, if that's the case and we can make it even better and if they comply with it, they don't have to worry about anything.

MR. PALMESANO: Okay. So on that note, what is the rationale to provide no charge to customers for -- for utility services they received if they receive a second consecutive bill? So they're -- they're getting a service. They're getting the electric, the gas service, but now they aren't gonna have to pay for it because they get a second consecutive bill. How can -- how can that be justified?

MR. JACOBSON: Because this is -- it's an incentive for the utilities to do actual readings. A prohibition without a deterrent -- excuse me, a prohibition without a penalty is not a deterrent. So if they don't have a penalty --

MR. PALMESANO: So --

MR. JACOBSON: -- they're just gonna ignore this.

MR. PALMESANO: So ultimately, that service that they were provided, ultimately that customer does not have to pay for

that. That just goes away, right?

MR. JACOBSON: That's true. Just like the other bill where if they didn't bill within three months.

MR. PALMESANO: And I understand that. But so that -- that cost is still there. Ultimately -- won't that cost after the second billing or the third billing, won't that cost ultimately be passed along to other ratepayers --

MR. JACOBSON: No.

MR. PALMESANO: -- because they're gonna --

MR. JACOBSON: It won't be --

MR. PALMESANO: You don't think so?

MR. JACOBSON: No. They -- they have -- they have to eat that.

MR. PALMESANO: All right.

MR. JACOBSON: Maybe they'll reduce their dividends slightly.

MR. PALMESANO: All right.

Well, I've got a question for you, a hypothetical question. What if a customer intentionally breaks a meter and receives a second estimated bill? Now that customer would be able to avoid a payment on that second estimated bill, correct, if there's a problem with that? If they did that?

MR. JACOBSON: If it's consecutive.

MR. PALMESANO: Yup. And but if -- if the -- if the customer broke the meter, that --

MR. JACOBSON: No. If the customer broke the meter, that means that they prevented the utility from getting the actual reading and that specifically is an exception to this rule.

MR. PALMESANO: Sure. Do -- do you think that the -- is it your opinion, do you think this bill encourages customers to avoid meter readings on a -- so they get a second estimated bill and then they don't have to make the payment? You don't think that this would encourage people not reading their meters or allowing access?

MR. JACOBSON: No.

MR. PALMESANO: Okay.

MR. JACOBSON: Because if they do interfere with the utility, then they're allowed to make the estimated billing.

MR. PALMESANO: I know you talked about smart meters. Is your belief that this -- smart meters will solve the problem of these estimated bills, correct?

MR. JACOBSON: I think it'll go a long ways.

MR. PALMESANO: Do we know what the, just out of curiosity, what the cost of these smart meters are? I think in the debate I remember last year with Mr. Goodell where we talked about I think \$30 per year per customer?

MR. JACOBSON: Yeah. Very little.

MR. PALMESANO: So -- so 30 -- 30 -- \$30 a year times 8.5 million customers is about \$250 million, right? Paid by the ratepayers.

MR. JACOBSON: I think \$2.50 is not a lot of money

per month.

MR. PALMESANO: But in total that would be about \$250 million --

MR. JACOBSON: Well, the -- the utilities are going to have to spend money some way to get the reading. Whether they send someone to the door -- or to the meter, I should say, or they have a remote smart meter.

MR. PALMESANO: And I understand that, too.

So on the smart meters, I -- you know -- and I know you put the language in there for the smart meters in there for people to read. So would this bill apply to customers -- because we know some people don't like smart meters. For whatever reason, they choose not to get them. So would this bill apply to customers who actually out -- opt out of the smart meter? So they refuse the smart meter, which would do an actual reading, now they don't have a smart meter. Would this apply to them? Would this language apply to them? So they would still have to get the -- not be able to receive an estimated billing even though they declined the smart meter?

(Conferencing)

MR. JACOBSON: Well, the utility can still read it another way. And if they're having problems, they -- they can -- they can do something novel and talk to the customer and say, *Take a photo of your meter. Send it to us.*

MR. PALMESANO: So this bill -- I mean, I know you're gonna refer to the -- the general language if -- it doesn't allow

for an exemption if a meter reader shows up at the place -- and we're talking about the health and safety of the meter reader -- say, for example, there's a flooded basement. Say, for example, there's an unreachable meter. Animals on the press -- premises or broken equipment. Does that -- would that -- is that something that has to be documented? I mean, but this legislation doesn't really specifically exempt that, does it?

MR. JACOBSON: That's in the existing law.

MR. PALMESANO: Okay. All right.

And what about customers who are billed on a seasonal basis? How does this bill --

MR. JACOBSON: That doesn't apply.

MR. PALMESANO: So they would -- they would not have to do the --

MR. JACOBSON: They still -- if they have a summer rental and it's -- and they normally get a bill at the end of the season, that will continue.

MR. PALMESANO: What if there is a severe weather event but it's not specifically a declared state of emergency like your -- your bill text says? Would that be a reason for not...

(Conferencing)

MR. JACOBSON: Well, if -- if it's such a severe weather event that it -- a declaration is declared --

MR. PALMESANO: But I understand -- that's my point. The language says you have to have a declaration of a state of

emergency. But we can all agree there are -- there are -- there are weather -- weather events that a state of emergency has been declared. It could be a -- a rainstorm. It could be a windstorm. It could be a snowstorm. It could be flooding that an emer -- under those circumstances, how would that impact because they're not exempt from this? Shouldn't we have more clarifying language in the bill to address that?

MR. JACOBSON: I think that's already covered in the existing law that this bill doesn't change --

MR. PALMESANO: Okay.

MR. JACOBSON: -- where it says circumstances beyond the control of the utility made an -- a reading of the meter extremely difficult. So I think that would be the reason.

MR. PALMESANO: Okay.

Your sponsor's memo also mentions excessive fluctuations in utility bills. Wouldn't it technically be better to -- if you -- if you want to address that? Because, I mean, obviously that can -- that could depend on a lot of things; the -- the cost of the -- the -- the service or the supply. But wouldn't it be better to just mandate that customers go on a budget plan? Because then it's spread out over the course of the year, they know what it's gonna be. But it ultimately -- don't -- ultimately, at the end of the year it -- it's basically estimated billing throughout that period of time, and at the end of the year when the budget year ends you get a reconciliation bill. So it might be a little higher or it might be a little lower than that budget month.

Would it be a better approach to say let's do a budget? Let's do -- let's make you do a budget bill instead of just -- or -- or a budget plan or requiring budget plans, especially for individuals who can't afford it and they -- then they don't -- definitely don't have to deal with the spikes of the, you know, using more gas in the winter and have a higher cost. Wouldn't that be a better approach?

MR. JACOBSON: No. Because the problem is if you get a bill and you want to compare it to a previous year's bill, you can do it on a monthly basis. If you -- if you get this lump sum and it -- it's gonna be that much more difficult. You want to -- I mean, people might decide that they want to go on a budget plan, but that doesn't mean they shouldn't have an accurate reading, an actual reading every month.

MR. PALMESANO: I understand. Okay. Well, I think I'm -- I'm near the end of my questions.

I wanted to ask just about failed equipment. You know, I kind of brought that up. You know, I look -- I think one utility has 15,000 units and they estimate approximately 4.9 million will fail because of electronic components or batteries, not to mention other issues. Would that -- and then they need the delay and they need to do estimated billing on that case. Would they still in that situation where there's those problems, would they not be able to bill the customer for the estimated billing, in that case, for failed equipment or would they?

MR. JACOBSON: Well, utilities are always making

decisions and provisions to get the reading. So this is no surprise.

And a lot of them are finding ways to do it cheaper.

MR. PALMESANO: Okay.

I actually have one more. At the very end of your bill it talks about the -- the reasonable actions they have to take. Maybe making an appointment with someone after hours or offering them a telephone call to call in the numbers. But ultimately, you'd still need the individual to cooperate with calling -- you know, calling the phone number. They could be -- if they don't -- shouldn't the onus be on the individual that's calling the phone number if they -- if they're not gonna be able to do a reading to calling the phone number?

(Conferencing)

MR. JACOBSON: Well, this gives -- this gives the utility more options. And it was something that the Governor raised, *Why can't this be done* and we agreed with that. We agreed with that last year.

MR. PALMESANO: Okay. All right. Thank you, Mr. Jacobson. I appreciate your --

MR. JACOBSON: Thank you, Mr. Palmesano.  
Always a pleasure.

MR. PALMESANO: -- time as always.

MR. JACOBSON: I'm sure we'll get this opportunity again.

MR. PALMESANO: Absolutely. Hopefully we'll do it and hopefully the Governor will veto it again.



Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. PALMESANO: Yes, Madam Speaker and my colleagues.

This is a problem that happened, really with the genesis of it, with Central Hudson where they had some problems and the PSC came in and worked on this. The PSC already -- the other thing, the PSC already has the authority to address this if it's a problem that's needed. They have regulations in place for utilities to follow when it comes to estimated billing. The PSC has the authority to investigate, the PSC has the authority to fine and issue penalties. And this bill does fail to address some concerns that have been raised about the bill, whether it's -- like I -- and I tried to talk about the, you know, if you have a disaster declaration versus other extreme weather conditions, emergencies, equipment failure, work stoppages. All those things should really be exemptions in this bill. Maine has that in their bill. We should have it in our bill. You get to the point where someone is opting out of the -- the smart meter, that would be problematic. So now they're declining the smart meter, which will actually be an actual meter read, and by declining it now they have to deal with the estimated reads or someone coming out there. Why -- why shouldn't they be exempt because they -- they declined the estimated -- the meter read? The smart meter.

We talked about the health and safety of employees going into a situation where you have a flooded basement, you have

animals, broken equipment. You know, un -- un -- unreachable meters, things of that nature. We can go on and on about some of the problems. I mean, some of these things should have looked it for some exemptions.

But at the end of the day, Madam Speaker and my colleagues, this -- the problem isn't about estimated bills. That's not what I'm hearing. I'm sure that's not what my -- my colleagues are hearing. What they're hearing is the cost of their bills are going up. Significantly. Utility rates are rising and every utility is asking for significant increases. And yes, I hear my friends on the other side of the aisle blast the utility when that happens. And the rates are too high. But what I haven't heard come out when it comes to utility bills, when the PSC approved \$43 billion -- because of the failure to recognize what's driving up utility bills are the green energy mandates that this House and this Governor and in the House down the hall continues to put in place. And it started with the CLCPA back in 2019, and now we're seeing the same things we talked about then; costs and problematics [sic] there. These green energy mandates are (indiscernible). So utility bills go up. It's easy to say it's the utility's fault, but the reason their bills are going up is because they have to pay for these mandates. But yet when the PSC approved \$43 billion in future ratepayer increases to specifically pay for the green energy mandates, no one said a word and continues to be silent. That's what's coming down the tracks at our constituents.

If we do not change the methodology on how

emissions are measured in New York State to match every other state plus one -- we use a 20-year methodology versus a 100-year methodology. State -- international and the U.S. uses a 100-year methodology but we use a 20-year. If we don't change that, prices at the pump are gonna increase 63 cents a gallon. Natural gas and home heating costs are gonna increase 79 percent. Those are not Phil Palmesano's numbers, those are State numbers from NYSERDA and what came out before.

I talked about (indiscernible). To convert your home over from natural gas to full electric, three studies out there. It's gonna cost consumers \$35,000 to do the conversion because it's not just doing the conversion, the heat pump. (Indiscernible). You're doing the shell of your property. You're doing electric upgrades. \$35,000, \$30- to \$50-. That's kind of excessive.

Then you have the unfund -- the mother of all unfunded mandates, the electric school bus mandate. How much the difference -- this is gonna cost on our electric bills that they're paying. You know, \$150,000 for a -- a near-zero-emission diesel school bus versus \$400- for an electric school bus. And in 2019 the cost for residential electricity was 17 cents per kilowatt hour. Here today in 2025 it's 26 cents per kilowatt hour; nearly 40 to 50 percent higher than the national average.

Unfortunately, the policies that continue to get advanced in this House -- I understand what the sponsor is trying to do. It's not addressing the problem that our constituents are facing.

Affordability, cost, reliability. And on reliability, please look at the NYISO power trends report talking about the thinness in the -- the margins of our reliability for energy. You know, businesses care about two things: Affordable and reliable energy. If they can't get affordable and reliable energy now in New York, they're gonna go elsewhere. They wanna hit that switch and know their equipment's gonna work, the power's gonna work. Those reliability concerns are -- are concerning, and they should be -- concern all of us, let alone the cost.

So cost, affordability, reliability, feasibility are not a priority in this House for the reckless energy climate agenda being advanced in this -- this State. And it's all designed to dismantle the affordable and reliable natural gas infrastructure supply and delivery system, keeping in fact that 60 percent of New Yorkers heat their homes with natural gas, 40 percent of our generation comes from natural gas. It's totally designed to take away consumer choice on how you heat your home, cook your food, power your buildings and the vehicles you drive. And we can do all this in the name of global emissions and climate change; it's not gonna make a difference because New York only contributes .4 -- 0.4 percent of total global emissions. China contributes 30 -- 31 percent, has 1,000 coal plants and building more. And, in fact, last year they expanded their coal-generating capacity by 95 gigawatts. Our total generating capacity here in New York is 41 gigawatts with all of our sources; natural gas, nuclear, hydrogen -- or -- or hydro, green. All of that. So we can try

to, you know, pat ourselves on the back and try to get down to zero, but you're not gonna make a difference in global emissions. Not with China. And if you add in Russia, that's 40 percent. 0.4 is not gonna cut it. But what you will do is you will continue our nation-leading out migration of more businesses, families, farmers and manufacturers leaving this State. That's something I don't want to see. I -- our residents deserve more transparency better and they need a more affordable energy policy because this isn't it.

So for these reasons and others, I will be voting no and I urge my colleagues to do the same. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Eachus.

MR. EACHUS: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. EACHUS: As I listened to this argument, I believe that this bill only has to do with estimating electric costs. So all other issues brought up are brought up simply to deflect this particular issue of estimated bills.

It was mentioned that the PSC has rules and regulations. If I recall correctly, those rules and regulations have been in place for decades, and yet as mentioned by one of my colleagues, a particular power company ended up costing customers thousands upon thousands of dollars because they estimated bills for months and

months and months. And that's the problem that we have. That's simply the problem that we have and we're addressing here.

The final thing I do know is that, again, a specific power company was brought up, and that power company is serviced by probably at least six of us Assemblymembers in here, and I happen to know that the sponsor of this bill doesn't know how many calls I get in my office about estimated bills and the problems with it. Nobody should. And we are still receiving those. They are still coming through, and they are very, very problematic.

And I want to thank the sponsor for this bill. This bill has to go through, it has to be adopted, and it's for the good of all of our customers. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

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

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Minority Conference will be in the negative on this piece of legislation. If anyone wishes to vote in the affirmative they may do so now at their chairs.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in favor of this piece of legislation. For that those that would like to vote in a different direction, they could do so at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Beephan to explain his vote.

MR. BEEPHAN: Thank you, Madam Speaker.

I -- I understand the concerns that were addressed today. But representing the Hudson Valley along with Mr. Jacobson, Mr. Eachus and many others here, I can tell you firsthand the grief that our residents went through over the past few years dealing with billing issues. And if this, in its entirety, goes through and -- and can help prevent any other region from going through what our region did, it's something I'm gonna have to support.

So on behalf of my residents I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Mr. Beephan in the affirmative.

Mr. Jacobson to explain his vote.

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

The only thing worse -- the only thing worse than

receiving your utility -- your utility bill is receiving a bill that's extremely high because of estimated billing.

The reason that I submitted this bill and we're voting on it is to deal with a real problem, and the fact that the current laws and rules of the Public Service Commission have not fully addressed the problem. When you have estimated billing, it is very difficult to compare your usage on a monthly basis to prior months. People want to know they're not getting ripped off. And very simply by having actual readings, they will know exactly what they used for that month.

As I said previously, a prohibition without a penalty is not a deterrent. As we passed the other bill which I had sponsored concerning late billing, the utilities now are complying with that. And so I believe that once we pass that, this will hopefully wipe out all estimated billing except for those extreme circumstances that are in the bill, that are listed, or when a customer interferes with the utility getting a reading.

So I proudly vote in the affirmative.

ACTING SPEAKER HUNTER: Mr. Jacobson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: On our debate list, we're gonna go to Rules Report No. 327 by Ms. Lunsford, and then Rules



Report No. 338 by Mr. Stirpe, Rules Report No. 362 by Mr. Otis, and Rules Report No. 383 by Mr. Lasher. In that order, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Page 14, Rules Report No. 327, the Clerk will read.

THE CLERK: Assembly No. A06558-A, Rules Report No. 327, Lunsford, Simon, Magnarelli, Steck, P. Carroll, Sayegh, Slater, Shimsky, Rosenthal. An act to amend the Public Health Law and the Agriculture and Markets Law, in relation to requiring allergen labeling for prepackaged foods.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Lunsford.

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

This bill requires that any retailer that prepackages food for sale on site -- so your delis, your bakeries that might make sandwiches or cookies in a clamshell -- that they are required to label those packages with any ingredients that constitute the seven major allergens that are defined by the FDA.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Will our honorable colleague from the Town of Perinton yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. LUNSFORD: For you, Mr. Jensen, yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. JENSEN: You're much too kind.

So we debated this bill a year ago, and has there been any changes with -- with this legislation since the topic previously came to the floor?

MS. LUNSFORD: There has. So given comments that you, yourself, made, I clarified some of the language, you will be happy to know, in order to specifically ensure that it was well understood that we did not mean that every single ingredient -- and everyone's very excited about my bill out there, please ignore them --

MR. JENSEN: Or horseshoe crabs, really.

MS. LUNSFORD: Yes.

That every single ingredient in a product need not be listed, only those ingredients which constitute a major allergen. And specifically, let's say that the product is bread. It wouldn't need to say that it contains enriched flour or whole wheat. It would simply need to say wheat.

MR. JENSEN: Okay. So with the change that would have to list -- list the allergens, what are the seven major allergens that would be pertained?

MS. LUNSFORD: Wheat, eggs, fish, shellfish, tree nuts and sesame.

MR. JENSEN: Okay. So --

MS. LUNSFORD: And peanuts.

MR. JENSEN: -- for the labeling requirements, what would the sticker -- or -- that would be affixed to the product have to be? Like, if there's peanuts in something, could they just have a picture of Mr. Peanut on there and that would demonstrate and satisfy the requirements of the legislation?

MS. LUNSFORD: Setting aside any copyright issues that came with using Planter's Mr. Peanut, I assure you that as long as it could be conveyed to the consumer that the product contained peanuts, that would be sufficient. So let's say it contained peanut butter and whole peanuts. You wouldn't need to say peanut butter and whole peanuts, you could merely say contains peanuts.

MR. JENSEN: Okay. So is -- I know -- if I'm remembering correctly, one of the concerns I had last year was about the implementation date. Has that been changed as well?

MS. LUNSFORD: Yes. I believe we did kick that out to 180 days. But let me double-check for you right here. One year.

MR. JENSEN: One year? Okay. So I think one of the things -- and I think obviously I know last year you shared the story about your son's allergies and -- and why this is important. And I know a lot of our colleagues and a lot of New Yorkers in general do have allergies in those seven major classifications, and I think it's important that consumers understand things that could be in there. But why have the labeling be on the product? You know, I'm using the example of the Wegman's sub counter -- the State and the world's

greatest grocery store -- where they have -- they have the sub counter, you could walk up and you could get a -- a sub made. But the exact same sub could be pre-prepared by the sub staff and placed in the cooler ten feet from the sub counter. Wouldn't it make more sense to have, in those circumstances, a list of all the major allergens that may be in their breads, cheeses, other condiments?

MS. LUNSFORD: Well, if you're ordering direct from, say, the deli or the bakery who's preparing your sub, you would have an opportunity at that moment to ask those questions in realtime. Let's say you're at Wegman's, it's Saturday at noon. You are trying to get your children in a line to go get their lunch. If you're picking up an item that's been prepackaged and now you have to somehow assert yourself into the deli line to ask a question that the person behind the counter may or may not know off the top of their head, they may now have to go get a manager. It becomes a huge ordeal. And we want to make this as easy as possible so that busy parents and people who have allergens aren't needing to spend excessive amounts of time bothering other customers who they're now butting into their time when simply these stores who are putting these packages together, they could just have rolls of stickers that say wheat, peanut, sesame, whatever it may be, and they just pop them on as they're putting together these products.

MR. JENSEN: Okay. And there -- is there any carve-out for proprietors based on size or volume? So, you know, we used a grocery store -- I used a grocery store example. You know,

they -- they do a certain amount of volume. But you walk into a -- a neighborhood bodega that's -- that may make breakfast sandwiches. They may not have -- they might not do the volume. Is there any carve-out for size or volume?

MS. LUNSFORD: There is not, because the reality is if you're buying your product, you're buying your product. So we want to make sure that everyone is protected. One of the issues we have is that your supermarkets, for the most part they already have ingredient lists. These smaller entities, though, they're sort of the ones I'm worried about the most because they are the ones who may be least prepared in this moment to address these questions, and we need to make sure that they are affirmatively informing themselves so that when customers have these questions that we can better address them for people who have concerns.

MR. JENSEN: Okay. I know in the bill -- and correct me if I'm -- if I don't have all the information. But is there a requirement that they'd have to put some sort of notice that the DOH would develop within their storefront, or is that just the nature of DOH having to clarify the regulations surrounding this prospective law?

MS. LUNSFORD: It's just the regular requirement that DOH would apply to any circumstance where we are asking them to oversee regulations that we create.

MR. JENSEN: Would food trucks be applied under the law?

MS. LUNSFORD: That's a good question.

MR. JENSEN: Thank you. I have one every now and again.

MS. LUNSFORD: A food establishment is any place where food is prepared and intended for consumption, including retail food stores as defined in Section 500 of this chapter, which I will tell you, I do not believe a food truck is. Though food trucks frequently do not have pre-prepared foods.

MR. JENSEN: Well, so I'm thinking of -- I know a lot of our districts, both on the west side of Monroe County and the east side of Monroe County, will often have food truck rodeos --

MS. LUNSFORD: Indeed.

MR. JENSEN: -- where you have food trucks, but you also have community-based providers who may have pre-prepared cakes or cupcakes or something like that. And they may operate out of a storefront, but they're not operating under the storefront, they're operating under a tent in that specific venue or they're maybe at the public market.

MS. LUNSFORD: Mm-hmm.

MR. JENSEN: Would those -- would they classify as a food establishment under the terms of this legislation?

MS. LUNSFORD: So, to the extent that they -- like, a public market's a somewhat complicated example. As you know, we have a very permanent public market in Rochester, the oldest operating public market in the country, actually, I believe, and there

are permanent stalls there. If you are one of the permanent stalls where that is your place of business, I believe it would apply to you as long as you are subject to Section 500. But if you are setting up a table, you are a farmer who also bakes pies, I do not believe that you would fall under food establishment for the purposes of this.

MR. JENSEN: And would it be State DOH or the local public health department is tasked with enforcement?

MS. LUNSFORD: I believe it's State DOH.

MR. JENSEN: State DOH? Do we have enough DOH personnel to inspect establishments with all the other duties they have currently?

MS. LUNSFORD: This wouldn't create any new special requirements for auditing. It's just within the normal course of whatever inspections are done. I imagine locals, as well, would have an opportunity to the extent that they enforce State policy. If they were to discover that they were out of compliance with this law in the normal course of their inspections, I don't think that would be a -- an undue burden.

MR. JENSEN: Thank you very much, Ms. Lunsford. I appreciate it. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. LUNSFORD: Sure thing.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Okay. Thank you so much.

And I appreciate that at the --at the outset you discussed with the previous questioner about some changes that you made in the bill between last year and this year, right? Okay. So I have a few questions that were brought to me by a store whose name we would all recognize --

MS. LUNSFORD: (Indiscernible/cross-talk)

MS. WALSH: -- that's in my district. Yeah. And so I'd like to just ask you those questions, and if you wouldn't mind clarifying if maybe that's a question that was addressed through amendment or just kind of where we're at. Okay. All right.

So it's indicated that there is support for the passage of the allergen bill, but there's a proposal for edits to clarify how to operationalize the labeling. And they suggested language specifically that say that every food establishment shall label all prepackaged food with a written notification on the package or on a label attached to the package, identifying any ingredient with which a product is made that constitutes a major food allergen. Such label need not identify any ingredient that does not constitute a major food allergen under federal or State law. That's proposed language. Is that part of the amendment that you made?

MS. LUNSFORD: So, I find that proposed language a little confusing, so we -- we sort of did an amalgamation just to



make it very clear that we just need you to label the item with one of the seven major food allergens, as in the example I gave, like, let's say it's whole peanuts and peanut butter. I don't need you to say both things, you just need to say contains peanuts. So, like, you could have a big supermarket star like you have like when something's on sale, and it just says peanuts and that would -- that would satisfy the provisions here.

MS. WALSH: Okay. I got that. I understand that.

All right. Thank you very much. I appreciate your answers.

MS. LUNSFORD: You're very welcome. Thank you.

ACTING SPEAKER HUNTER: Mr. Durso.

MR. DURSO: Thank you, Madam Speaker. Would the sponsor yield for just maybe two quick questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. LUNSFORD: Of course, Mr. Durso.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Ms. Lunsford.

So again, food establishment is anybody that's pre-packaged making it on site you're saying?

MS. LUNSFORD: Well, a food establishment is specifically defined by Section 500, but it's any place where food is prepared and intended for consumption, including retail food stores. Section 500 contemplates, you know, delis, bakeries, permanent

establishments.

MR. DURSO: Okay. So -- and -- and just for clarity, where would a school fall under this?

MS. LUNSFORD: That's a good question. Where would a school fall? They are labeling and prepackaging food intended for consumption. I -- I don't have staff with me today, but that's a good question and I'm going to tell you, I don't know the answer.

MR. DURSO: Okay. And -- and -- and it's -- it's more just for clarity. Obviously with the free school meals for all, which I'm a big supporter of, I just want to make sure that the language of this bill obviously would include those that are prepackaging or making those on site, just how they would go about it to make sure they're included in the rules and regulations, obviously to protect our children.

MS. LUNSFORD: You know what? Upon second thought --

MR. DURSO: Okay.

MS. LUNSFORD: -- this specifically deals with DOH and Aqs. So I don't think it would include schools because schools would be organized under SED. It would be under -- under the Education Law. And because they wouldn't be defined under Section 500 of the chapter, I highly doubt that a school would be included. However, someone who sends their kid to school with lots of food allergies, they are very careful.

MR. DURSO: Right. So I -- I -- just more for the clarity of it, obviously I just want to make sure that our students that are in schools have the knowledge and are aware of what is in their food.

Thank you, Ms. Lunsford, for answering my questions. I appreciate it.

MS. LUNSFORD: You're welcome. Thank you.

MR. DURSO: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

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. Jackson to explain her vote.

MS. JACKSON: Thank you, Madam Speaker. I just want to let this story be heard on the floor today for my colleagues.

On January 11, 2024, 25-year-old Orla Baxendale, a well-known dancer in New York City, died following an allergic reaction to cookies sold in Stewart Leonard's -- in Stew Leonard's in Connecticut. She had an allergic reaction because peanuts was not correctly labeled. And so I'm sure her family would have wanted her to be here and not have to mem -- have a memory of her as a great dancer. And we're just asking for allergens to be listed. And if you

have a child with a severe allergy similar to Orla, you would want to know what's in your food.

And so I want to thank the sponsor of this bill. I will be voting in the affirmative and I ask that my colleagues to do the same. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Jackson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 338, the Clerk will read.

THE CLERK: Assembly No. A07377, Rules Report No. 338, Stirpe. An act to amend the Canal Law, in relation to establishing a stakeholder group to coordinate water release in the Oswego River Basin.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Stirpe.

MR. STIRPE: Yes, Madam Speaker, thank you.

In 2022, we passed some legislation that created the Flood Mitigation Task Force. It was a multi-agency group, the Canal Corporation, the DEC, Department of Transportation, Department of Agriculture and a bunch of experts on -- on flooding. And their task was to create a report by July 1st of 2023, to make recommendations for both the Mohawk River Basin and the Oswego River Basin to do

things to mitigate flooding. So, they did that report and one of the main things that came out of it was, they wanted a workgroup for the Oswego River Basin. Oswego River Basin, much different than the Mohawk -- Mohawk's steep elevation, no bodies of water to absorb any extra runoff, so the water runs hot and the next day the flooding is usually gone. Oswego River Basin's low level, lots of bodies of water. The Finger Lakes, I think there are ten lakes all together. And those floods last for weeks, if not months. So, the Oswego River Basin, they wanted this workgroup that would work together, all the exits and entrances of water going in and out of -- of lakes and streams and rivers. And that's what this bill does.

ACTING SPEAKER HUNTER: Ms. Walsh.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STIRPE: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much.

So, yeah, just a few questions to just clarify a few sections of the bill, which, you know, I would note that we did pass unanimously when it came up and then it was vetoed by the Governor in 2024. So, I guess first question would be, has the bill changed at all?

MR. STIRPE: No.

MS. WALSH: Okay. The Governor indicated in her veto message, she cited the costs associated with the commissions and task forces and stated that none of the proposals were accounted for in the financial plan and noted that these are more appropriately handled in the budget. So, question is, out of our \$254 billion enacted State Budget, was there any money appropriated this year to address this particular initiative?

MR. STIRPE: Well, two things. First of all, we disagree with the Governor, her estimate of the cost of this. This is an all-volunteer organization. I mean, I don't know, maybe you have to pay for coffee and pastries, but that's about it. And a lot of times when this group will meet, is when there's an extreme weather event, so it'll be over Zoom or something like that. So, they don't even have to drive to a location. Secondly, it's part of the Canal Corporation which is part of the New York Power Authority and I believe there is plenty of funding in those organizations in order to pay for the minuscule amount of money this is going to cost.

MS. WALSH: Okay. So, the -- it would be fair to say that no money was budgeted because you would say that the amount of money that it would take to convene this stakeholder group and to make these recommendations is negligible.

MR. STIRPE: That's correct.

MS. WALSH: Okay. So, let's talk a little bit about what the legislation would require in terms of the stakeholder group.

The stakeholder group will be formed. Who would

be members of the stakeholder group?

MR. STIRPE: They would be entities that control the -- the flow of water in and out of the Oswego River Basin. There are I think, like I said, ten lakes all together. They're all controlled by different entities. Canandaigua Lake by the City of Canandaigua, Seneca Lake by Gravity Renewables, they're a power generation company. Cayuga Lake, the Canal Corporation; Owasco Lake, the City of Auburn; Skaneateles Lake, the City of Syracuse; Otisco Lake, Onondaga County Water Authority; Onondaga Lake is the Canal Corporation. Oneida Lake, Canal Corporation and Keuka Lake, the Village of Penn Yan. So, representatives from all of those groups.

MS. WALSH: And in addition to those groups, it would -- it says that there would be community stakeholder groups. Any particular ones that would be included in there or did you already mention them?

MR. STIRPE: I don't know.

MS. WALSH: Okay. It mentions the DEC would be a part of it?

Oh, I won't go forward, I'm sorry. You're -- you're conferring.

(Pause/Conferencing)

MR. STIRPE: We just mentioned that we haven't identified all of the community groups yet --

MS. WALSH: Okay.

MR. STIRPE: -- until this is formed.

MS. WALSH: Fair enough. So, that -- that would be figured out later.

And then the DEC is also named that they would be on that -- in that stakeholder group, as well as subject matter experts. Do we know who those subject matter experts would be yet?

MR. STIRPE: I -- I think a lot of those are gonna be the same people that were on the Flood Mitigation Task Force.

MS. WALSH: Okay.

MR. STIRPE: They're people who work in engineering and industry and Higher Ed, places like that --

MS. WALSH: Okay.

MR. STIRPE: -- that are real subject experts.

MS. WALSH: Okay. Is -- out of that list that you read earlier, many of them sounded like municipal, city government, things like that. I noticed that one that was not listed was Oswego County. Is there a particular reason why Oswego County didn't make the cut there for it to be on the stakeholder group?

MR. STIRPE: I don't think they are a controlled entity on any of those bodies of water. Now, they might be on some river, I'm not -- I'm not certain of that, but on the lakes that we've -- were included in it, they don't control the flow at all.

MS. WALSH: Okay. I -- I would just note based on the information that I have, I mean, you -- you live there, I don't. So -- but that the Oswego River and most of Oneida Lake are in Oswego County and --



MR. STIRPE: Yes, but the Canal Corporation has control over the Oneida [sic] River and the Oneida Lake, I believe.

MS. WALSH: The Oswego River, did you mean?

MR. STIRPE: I am sorry. Yeah, the Oswego River.

MS. WALSH: Okay. Yeah, I noted that the City of Oswego may have representation due to their -- their hydro plant, but not the county. So, I was just asking about that.

MR. STIRPE: Yeah. I mean, the real problem we have is the canal system was developed for navigation purposes only back in the day when they did it. And since then, we've developed recreation, energy generation, you know, all sorts of different things and it's just not set up to handle all of those things all at the same time.

MS. WALSH: Right. Well, as --as you said, the -- the cost of having this stakeholder group is probably a Zoom membership and maybe a -- an extra donut or two for Oswego County if they were included. And it -- it -- it might be a good idea since it looks like they have, from what I can see, more shoreline on Oneida Lake. You know, might be something to consider in terms of an amendment to add them to the stakeholder group since it seems that there are a number of other stakeholders that have been specifically named. But, that was one concern that was raised.

MR. STIRPE: Okay.

MS. WALSH: Okay?

MR. STIRPE: Taken.

MS. WALSH: So, there isn't a set number of

members of the stakeholder group, correct?

MR. STIRPE: No.

MS. WALSH: Okay. And then it says that within six months after the stakeholder group is formed they must make recommendations. Why -- why is there no requirement that this report of recommendations is sent to the Minority? I see that it's -- there's a whole list of, you know, entities that are going to receive it; the Governor, the Temporary President of the Senate, the Speaker of the Assembly, but not the Minority. Is there a reason for that? Seeing as we have members of our side of the aisle and the Minority side are out in that area that would be certainly impacted by this.

MR. STIRPE: I think the only reason is because that's kind of standard language that's already included -- always included. And I'm sure that if you asked for the report, I don't think the Speaker has any reason not to share it with you or me, because it doesn't mention any of us getting it either. But I -- I think we'd be more than willing to share the report.

MS. WALSH: Yeah. I think it's just really a sign of -- a sign of respect. I understand that there's -- there's standard language and everything, but to include members of leadership on both sides of the aisle, who certainly represent constituents that are going to be impacted by whatever these recommendations are going to be. So, just respectfully request that that be considered as an amendment or to the -- to the powers that be -- that may be listening to this, to perhaps include that in some type of a chapter amendment

would be lovely.

MR. STIRPE: All right. Point well-taken.

MS. WALSH: All right. Well, thank you for that, and thank you for answering my questions. That's really all I have, Mr. Stirpe, thank you.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: Yeah, so, just very briefly.

As I said, this is a bill that passed unanimously last year and that sometimes happens, particularly as we're getting into these last, you know, believe it or not, we have under, you know, ten days of Session left. The bills are going to start coming very quickly, sometimes things get missed and on further examination, there are points that we wish to make. And I believe I made those points and they are that this stakeholder group does name a number of entities, but appears to be omitting Oswego County, which is, I would say, an integral part of this area. Shares shoreline is in the vicinity, you know, there -- there was no ask for a Home Rule position even though this impacts Oswego County more than -- than other areas. So, I think that including stakeholders that are in that area is wise. And I also think that even if the cost, I don't know that I really agree necessarily with what the Governor hung her hat on in her veto message as far as the cost on the Canal Corporation. But I do think that when the recommendations do come back, I think that they ought to be shared with leadership on both sides of the aisle, especially as we're

considering Upstate areas that are represented pretty heavily by -- by our -- our side. So, I think -- I don't know how I'm going to end up voting on this, but I do think that those are, you know, concerns that I wanted to raise and have on the record. So, thank you very much, Madam Speaker. Appreciate it.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Page 16, Rules Report No. 362, the Clerk will read.

THE CLERK: Assembly No. A08465, Rules Report No. 362, Otis, Burdick, Sayegh, Colton, Shimsky, Jacobson, Durso, Slater. An act to amend the Labor Law, in relation to prevailing wage for those involved in the hauling of concrete and asphalt.

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. Palmesano to explain this vote.

MR. PALMESANO: Yes. Thank you, Madam Speaker and my colleagues, to explain my vote.

I just have some questions, I know the bill is on consent, which is fine. But a couple things I would ask I think that need to be addressed is: one, this bill does -- the term "public works website" is not defined. I think that's a question that needs to be answered. And I think, also, a question I want to know is, would this bill require utilities for performing excavation work under Labor Law 224-F? Would they be required to pay prevailing wage for hauling under this legislation? Because I think the concern is, how that added cost would impact ratepayers, because we know rates are going up across the board on everything else and I think this is just another area where excavation work is doing work to provide good infrastructure for our utilities. I just think that's where my question and concern comes with this piece of legislation.

So, because of those questions that I have, I -- I'm going to be voting in the negative on this and I hope those questions are addressed in the future. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Palmesano in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, could we go now to page 3 and take up our Resolutions?

ACTING SPEAKER HUNTER: Page 3, Resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 664, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 6, 2025, as Mother's Equal Pay Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 665, Mr. Ra.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 4, 2025, as Global Running Day in the State of New York.

ACTING SPEAKER HUNTER: On the reso -- Mr. Ra on the resolution.

MR. RA: Sorry. You caught me by surprise there. I -- I -- I just quickly want to thank my colleagues for supporting this. We've -- we've done this the last few years. Unfortunately, while many of you were sleeping this morning, the only one who joined me on the run around the Capitol was -- was our colleague, Ms. Lee. So, the rest of you have missed out, but I look forward to you joining us

on the run next year. Thank you for supporting this resolution.

ACTING SPEAKER HUNTER: Thank you.

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

THE CLERK: Assembly Resolution No. 666, Ms. Levenberg.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 14, 2025, as Dragonfly Day in the State of New York.

ACTING SPEAKER HUNTER: Ms. Levenberg on the resolution.

MS. LEVENBERG: I forgot about this one, but only because it happens to be my son's birthday this week, on June 7th, and he was obsessed with dragonflies when he was about three years old. I am very happy to join my colleagues in proclaiming June 14th as Dragonfly Day to make sure that everybody knows how important they are, as very -- part of our natural resources and of our native body. So, thank you.

ACTING SPEAKER HUNTER: Thank you.

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

THE CLERK: Assembly Resolution No. 667, Ms. Forrest.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 20, 2025, as World Refugee Day in

the State of New York.

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

THE CLERK: Assembly Resolution No. 668, Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2025, as Cytomegalovirus Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 669, Mr. P. Carroll.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2025, as Migraine and Headache Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 670, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August 2025, as Breastfeeding Awareness Month in the State of New York.



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

THE CLERK: Assembly Resolution No. 672, Ms. McMahon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 4, 2025, as Ostomy Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 673, Mr. Raga.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2025, as Filipino American Heritage Month -- History Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 674, Ms. Jackson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 9, 2025, as Sneakers Day in the State of New York.

ACTING SPEAKER HUNTER: On the resolution,

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

THE CLERK: Assembly Resolution No. 675, Mr. Smith.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 27-31, 2025, as Stranger Safety and Education Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 676, Mr. Brabenec.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2025, as Czech-American Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 677, Mr. Sayegh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim December 21, 2025, as Meditation Day in the State of New York.

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

adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you could please call on our colleague, Ms. Clark.

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

MS. CLARK: Thank you, Madam Speaker. I'm here to announce that there will be Majority Conference immediately following Session in Hearing Room C. Majority Conference, Hearing Room C.

ACTING SPEAKER HUNTER: Majority Conference in Hearing Room C after the adjournment of Session.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HUNTER: We do have some housekeeping.

Without objection, on a motion by Ms. Rosenthal, to reconsider the substitution of Senate Bill No. S03391 for Assembly Bill No. A02278, said Senate bill is recommitted to the Committee on Higher Education and said Assembly bill is restored to its place on the order of Third Reading.

On a motion by Ms. Rosenthal, the amendments are received and adopted.

We do have a number of resolutions before the

House. Without objection, these resolutions will be taken up together.

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

(Whereupon, Assembly Resolution Nos. 678-686 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 9:30 a.m., Friday, June the 6th, tomorrow being a Session day.

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

(Whereupon, at 3:50 p.m., the House stood adjourned until Friday, June 6th at 9:30 a.m., that being a Session day.)