

**WEDNESDAY, MAY 15, 2019**

**10:44 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Brandon McLaughlin will offer a prayer.

REVEREND BRANDON MCLAUGHLIN: Let us pray. God, we thank You that you care enough about us to take the time to hear us. Thank You that Your eyes are towards us. Thank You that Your hands have orchestrated the lives of each of us here today. We celebrate the experiences that we bring to this Body. We celebrate the sacrifices that elected officials and staff members have made to be here. And our Lord, we pray that You would strengthen them, bless their health, bless their families, bless their work this day. We pray this prayer with thanks. Amen.

MEMBERS: Amen.

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, May 14th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Tuesday, May the 14th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, it's my pleasure to offer this morning's quote who is from one of our -- actually, a former member of this Chamber, the Honorable Shirley Chisholm. This morning Miss Chisholm's words I'll share with us say, "You don't make progress by standing on the sidelines, whimpering and complaining. You make progress by implementing ideas."

With that, Mr. Speaker, we have a few ideas on our agenda today. And I hope that members will be mindful that there is a main Calendar on their desks, and we're going to continue working on our consent from that main Calendar. We're going to start with Calendar No. 292, which is on page 29. We're also going to take up

some bills off of our debate list. And that is a general outline of our work today. Mr. Speaker, if there is any introductions and/or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: For the purposes of an introduction, Ms. Jaffee.

MS. JAFFEE: Thank you, Mr. Speaker. Today -- later today we will be taking up a resolution to recognize the legacy of Thurgood Marshall. Thurgood Marshall went on to become the first African-American appointed to the United States Supreme Court. Best known for the landmark 1954 *Brown v. Board of Education* decision that ruled segregation unconstitutional. The late Justice Marshall, who won more cases before the United States Supreme Court than any other American, was known as a champion for the marginalized and the voiceless. For the past ten years, New York State has been officially celebrating Thurgood Marshall Day, which I move forward to assure that -- that he is recognized in New York State every year. Specifically in Hillburn, New York, one of the villages in my district, is the main school which was the late Supreme Court Justice's landmark desegregation victory that became the last formally-segregated schools in New York State. I am happy to have among us today leaders and members of many organizations, some of them who are unable to attend today, but they certainly wanted to share their strength and strong opinions and -- and support for Thurgood Marshall Day, and I am privileged to have them in my district. These organizations, their leadership, their members continue

to carry on the legacy of the late Thur -- Justice Thurgood Marshall through their daily service and advocacy to fairness, equality, equity and social justice.

So, for this special occasion, I am joined today by our Reverend Brandon McLaughlin, who is with us today. And -- and he is the Pastor of St. Charles AME Zion and -- who has led our invocation today. We also have with us Tyanna Collins - can you stand up - and her beautiful, beautiful baby, Jackson. He's an adorable little boy. And we have Della Anderson, actually a former guidance counselor in East Ramapo, Scholarship Chair. And both are members of the Rockland Negro Scholarship Fund.

And so, Mr. Speaker, please welcome these wonderful leaders and extend the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. First, Reverend McLaughlin, thank you so very much for being with us and sharing prayer this morning. We extend to you the privileges of the floor. Hope that you will come back and visit us again, and hope that your trip home is well. And to the distinguished members of your Thurgood Marshall group, thank you for the work that you do preserving and continuing the legacy of such a great jurist. We appreciate that. We hope you will continue that work. This is the People's House. You are always welcome. On behalf of Ms. -- Ms. Jaffee and all the members, thank you so very much for being here.

(Applause)

Mr. Smullen.

MR. SMULLEN: Mr. Speaker, thank you for the opportunity to -- to make an introduction today. I know New York State takes great pride in recognizing the excellence and success of those individuals that have distinguished themselves through their outstanding professional endeavors and service to our country. I'm proud today to introduce one such individual today as we head towards Military Appreciation Month here in the New York State Assembly. Navy Seal Master Chief Daniel Izzo is a native of Mayfield, New York who retired from duty after 28 years of honorable service to our country. Today Daniel Izzo proudly serves as the Undersheriff of Fulton County. He is here today with his father, Harry; his mother, Maryann; his lovely wife, Carla; his sister, Christine and her granddaughter, Lucy. Danny Izzo joined the United States Navy on June 28, 1986. Master Chief Izzo qualified as a Navy deep sea diver within the first two years of his enlistment, and then spent the remainder of his initial four-year service conducting various diving operations. However, when his first enlistment ended, Master Chief Izzo made the decision to try out for the Navy Seal selection and training. He attended Seal training in Coronado, California in October of 1991 as part of BUD/S Class 187. He graduated at the top of his class, no surprise, earning the distinction as the class Honor Man, and was only one of eight of the initial class of 120 Navy men to graduate in April of 1992. Master Chief Izzo served with numerous challenging Seal Teams throughout his career, and completed many major deployments in such countries as Bosnia, Herzegovina, Liberia,

Afghanistan, Kuwait and Iraq. He earned over 45 combined personal, campaign and unit awards, including two Bronze Star medals, including -- including one with a Combat V, Distinction for Valor, as well as three combat action awards. Master Chief Izzo had an outstanding reputation within the Navy Seals as a tactically-savvy Seal operator. This reputation led him to being hand-picked as the leader of 22 Seals for a pilot program to develop new Seal training. He's been to Afghanistan, he's been to Iraq, he's been to Croatia, he's been to Liberia.

His outstanding and memorable career is to be admired, and I ask you to welcome him to the Chamber and please extend him the cordialities of our House. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Smullen, the Speaker and all the members, sir, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We also welcome that great family that has supported you and is with you. We commend you on the service that you have provided this country and continue to provide at your local level. Thank you. Keep up that great work, and we're always pleased to have you. Thank you.

(Applause)

Mr. Ryan for the purposes of an introduction.

MR. RYAN: Thank you, Mr. Speaker. It's my great pleasure today on behalf of myself, Majority Leader Crystal Peoples-Stokes and Assemblymember Pat Burke to welcome

members of the Buffalo Professional Firefighters' Union Local 282, and the Lackawanna Professional Firefighters' Local 3166. The Buffalo Firefighters' Union is the second-largest in New York State, and they keep us safe in the City of Buffalo. And the Lackawanna Professional Firefighters' Associations have many duties, including keeping Wayne Jackson's family home on Iron Street safe. So, we all work together in Buffalo and the surrounding cities.

So, it would be my pleasure if you could welcome them here today and give them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ryan, the Buffalo delegation, the Speaker and all the members, gentlemen, we welcome you here to the New York State Assembly, the People's House. We extend to you the privileges of the floor and congratulate you and thank you for the service that you provide your community. Continue to do that great work and know that you are always welcome here. Thank you.

(Applause)

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker, for allowing this introduction. I have some great people up here from around the State. Dawn Eskew, who's the founder of the New Yorkers Against Assisted Suicide; and Catherine Glenn Foster, who is the President and CEO of Americans United for Life. They're touring the Capitol today. And would like to give them all the cordialities of the House and thank them for taking the time from coming around the

State to tour the Capitol and to come say hello. And I would like to -- like to give them all the cordialities.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DiPietro, the Speaker and all the members, we welcome this distinguished group here to the New York State Assembly. We extend to you the privileges of the floor, and congratulate you on the opportunity to express your opinions and share them with us. Thank you so very much. Continue the work that you do. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can go to resolutions on page 3. One of our colleagues wishes to speak on the second one.

ACTING SPEAKER AUBRY: The Clerk will read resolutions on page 3.

THE CLERK: Assembly No. Resolution 402, Ms. Rosenthal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 12-18, 2019, as Prevention Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 403, Mr. Palumbo.



Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 17, 2019, as Ocular Melanoma Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor -- excuse me. Mr. Palumbo on the resolution.

MR. PALUMBO: Thank you, Mr. Speaker, for allowing me the opportunity to speak on this resolution and interrupt the proceedings. I've just -- I've brought this resolution to the floor for several years, and I'm just glad to do it again, regarding ocular melanoma. This is -- there is Ocular Melanoma Awareness Day, and there is a foundation in Washington, DC called the Ocular Melanoma Foundation to see a cure. And I do have -- I see my colleague to the left is wearing an eye patch. They provided us with a bunch of eye patches and key chains and some nail files as well, and pins, in order for us to increase the awareness of this. There are about five to -- five to seven-and-a-half cases per million people per year in the United States and Europe, and for people over 50 years old, the incident rate increases to about 21 million individuals a year who are afflicted with this disease. And as with most cancers, early detection is key. And a simple eye exam is a way that people can avoid or ultimately detect ocular melanoma. This is particularly close to me and my family, as you may recall that my mother-in-law at the age of 63 lost her battle with ocular melanoma. It ended up becoming metastatic from her eye and took her life.

So, I appreciate the fact that I can speak on this. This

is very important. Let's please encourage our constituents, my friends, to at least get a simple eye exam to find the beginning stages of this terrible disease and we can help stamp it out. Thank you again.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 404, Ms. Malliotakis.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 17, 2019, as Bike to Work Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 405, Ms. Niou.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May, 2019, as Asian Pacific American Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 406, Mr. Abbate.

Legislative Resolution memorializing Governor

Andrew M. Cuomo to proclaim May 12-18, 2019, as Police Week in the State of New York.

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

MRS. PEOPLES-STOKES: Okay. Mr. Speaker, if we could turn to page 24 and start at Calendar No. 292 on consent.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04234, Calendar No. 292, Weprin, O'Donnell, De La Rosa. An act to amend the Executive Law, in relation to procedures for the conduct of the work of the State Board of Parole.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04474, Calendar No. 294, Stec, Woerner. An act to amend the Tax Law, in relation to authorizing the County of Washington to impose an additional mortgage recording tax.

ACTING SPEAKER AUBRY: Home Rule message is at the desk.

The bill is laid aside.

THE CLERK: Assembly No. A04516, Calendar No. 295, Glick, Colton, L. Rosenthal, Buchwald. An act to amend the Real Property Law, in relation to prohibiting clauses in leases requiring the declawing of animals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04947, Calendar No. 296, Cook. An act to amend Chapter 589 of the Laws of 2015, amending the Insurance Law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof; and to amend Chapter 588 of the Laws of 2015, amending the Insurance Law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Cook, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is our first vote of the day. I would encourage our colleagues who are in and around the Chambers to vote with some quickness and we can move on to the next item. First vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members. If you are in the Chamber, please cast your vote now. If you are in the sound of our voice, please come in the Chamber and vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04990, Calendar No. 297, Seawright. An act to amend the General Business Law, in relation to labeling requirements for electric-assisted bicycles.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER BARNWELL: Mr. Hevesi to explain his vote.

MR. HEVESI: Yes, Mr. Speaker. I'd like to make a motion to adjourn Mock Session, please.

(Laughter)

ACTING SPEAKER BARNWELL: Motion is denied.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05626, Calendar No. 301, Weinstein, Mosley, Abbate, Colton, Cymbrowitz, Galef, Zebrowski, Joyner, Ortiz, Glick, Dinowitz, Carroll, D'Urso, Steck, Hyndman, Richardson, Aubry, Seawright, Abinanti, Wallace, Cahill,

Lupardo, Burke, Taylor. An act to amend the Real Property Law, in relation to regulation of reverse mortgages issued under the Federal Home Equity Conversion Mortgage for Seniors Program.

ACTING SPEAKER BARNWELL: Read the last section.

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

ACTING SPEAKER BARNWELL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06244, Calendar No. 302, Englebright, Cook, Lifton, Jaffee, Galef, Blake, Colton, Otis, Gunther, Ortiz, L. Rosenthal, Gottfried, Reyes, Schmitt, D'Urso, Thiele. An act to amend the Environmental Conservation Law, in relation to posting information regarding the issuance of permits for a public water supply on the Department of Environmental Conservation's website.

ACTING SPEAKER BARNWELL: Read the last section.

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

ACTING SPEAKER AUBRY: On a motion by Mr.

Englebright, the Senate bill is before the House. The Senate bill is advanced.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06297, Calendar No. 303, Barrett, Cusick, D'Urso. An act to amend the Civil Service Law, in relation to 55-c programs.

ACTING SPEAKER AUBRY: On a motion by Mrs. Barrett, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A06370, Calendar No. 304, Williams, Arroyo, D'Urso, Simon, M.G. Miller, Cruz. An act to amend the Real Property Actions and Proceedings Law, in relation to the definition of "tenant" for purposes of mortgage foreclosures.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06432, Calendar No. 305, O'Donnell. An act to amend the Real Property Law, in relation to requiring commercial spaces to post broker and property management information after one month of a new vacancy.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06884, Calendar No.

306, Cook, Ortiz, Zebrowski. An act to amend the General Business Law, in relation to requiring persons offering weight loss services to provide notice of certain risks.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07006, Calendar No. 307, Cusick, D'Urso. An act to amend Chapter 306 of the Laws of 2011, authorizing owners of residential real property in high-risk brush fire areas in the Borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)



The bill is passed.

THE CLERK: Assembly No. A07125, Calendar No. 308, Lifton, Colton. An act to amend Chapter 403 of the Laws of 2018, directing the president of the Civil Service Commission to study and publish a report evaluating wage disparities among public employers, in relation to directing the Department of Civil Service to study and publish such report.

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

And the bill is laid aside.

THE CLERK: Assembly No. 07193, Calendar No. 309, Dinowitz, Crespo, Titus, Steck, Colton. An act to amend the Labor Law, in relation to prohibiting non-compete agreements and certain restrictive covenants.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07206, Calendar No. 310, Stirpe, Aubry, D'Urso, Thiele, L. Rosenthal, Epstein, Simon, Glick, Colton, Jaffee, Dickens, DeStefano, Giglio, Crouch, Bronson, Burke, Raynor. An act to amend the Economic Development Law, in relation to establishing a program to provide education and training to individuals 50 years of age and older regarding the transition to an entrepreneur and small business developer.

ACTING SPEAKER AUBRY: Read the last section.

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

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07248, Calendar No. 311, Abbate. An act to amend the Civil Service Law, the Public Authorities Law and the Military Law, in relation to suspension or demotion upon the abolition or reduction of positions for labor class and noncompetitive titles; and to repeal Section 80-a of the Civil Service Law relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07251, Calendar No. 312, Cusick, Stirpe. An act to amend Chapter 219 of the Laws of 2003, amending the Education Law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities, in relation to extending the provisions of such chapter.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07347, Calendar No. 313, L. Rosenthal, Griffin, Stirpe. An act to amend the Mental Hygiene Law, in relation to definitions related to addiction disorders, to change the name of the Office of Alcoholism and Substance Abuse

Services, and the scope of responsibilities of such office; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07371, Calendar No. 314, Englebright, Lifton, D'Urso. An act to amend the Environmental Conservation Law, in relation to regulation of toxic chemicals in children's products.

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

Read the last section.

THE CLERK: This act shall take effect March 1, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, Calendar No. 303 by Mrs. Barrett was inadvertently laid aside -- aside. If we can go back to that one, and then immediately following that go to our first bill on debate, which is Calendar No. 202. It's on page 16, it's by Member Glick.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A06297, Calendar No. 303, Barrett, Cusick, D'Urso. An act to amend the Civil Service Law, in relation to 55-c programs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, bill [sic] 202, the Clerk will read.

THE CLERK: Assembly No. A05841-A, Calendar No. 202, Glick, Cymbrowitz, Lentol, Nolan, Davila, L. Rosenthal, De La Rosa, Epstein, Seawright, Weprin. An act to amend the Multiple Dwelling Law, in relation to interim multiple dwellings; and to amend Chapter 4 of the Laws of 2013 amending the Real Property Tax Law

and other laws relating to interim multiple dwellings in a city with a population of one million or more, in relation to making certain provisions permanent.

ACTING SPEAKER AUBRY: An explanation has been requested.

We are now on debate. Staff will cease the conversations in the back. Sit down. We have plenty of seats in the back there. We don't need you standing around. Members will take their seats. Gentlemen, that means you. Let's take your seats. No exemptions. Staff, go back and sit in the eave, please.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. For the edification of the members who are not familiar with the Loft Law, let me give two or three sentences about that and then move to the bill. Loft -- lofts are previously commercial buildings that have been occupied for live-work space, frequently by artists in communities where there are empty warehouses or other commercial buildings. And the point of the Loft Law is to bring those buildings up to residential code. And so, this would enable the landlords to legally collect rent on residences that do not yet have a C of O, a Certificate of Occupancy, because they have not yet been brought up to code, and at the same time provide living accommodations, live-work spaces for artists and artisans. So, this bill we saw at the very end of Session last year with a couple of changes: One, there is a -- an -- a bar or a prohibition on any lofts in M3 zones in New York City. Those are

strictly manufacturing zones, heavy manufacturing. And it also, in the North Brooklyn IBZ, Industrial Business Zone, it would limit the ability of residents who have been living there for at least one year in the window time of January, 2015 until December of 2016. This is a window opportunity for them to apply to the Loft Board of New York City to be covered. But what it does in the North Brooklyn IBZ only, it limits the application period to nine months. And in addition, at the close of that nine-month application window, it would bar any additional new residential units in the North Brooklyn Industrial Business Zone. Outside of that zone, this would continue to provide an opportunity for applications to be filed under the existing Loft Law, and it updates some of those provisions that would allow for a request for the legalization of those units.

And that, in sum, is the provisions of this version, which is the A version of the bill.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Will you yield, Ms. Glick?

MS. GLICK: For Mr. Fitzpatrick, always.

MR. FITZPATRICK: Thank you, Ms. Glick.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. FITZPATRICK: Deborah, this -- the loft, unlike our normal debates about -- our other debates about rent regulation,

the loft situation has always been a difficult one because it's very -- it's very difficult for a lot of these buildings to be brought up to certificate of occupancy status given the difficulty of retrofitting and remodeling some of these buildings. In fact, I think it was 2016, only five lofts in the City made it to rent regulation, and maybe ten, I think, in 2017. So that's kind of an indicator of how difficult it is to get these buildings up to code. Are we not -- are we not going to create an incentive here to convert more buildings, you know, more lofts to this use and put these new units through the same difficult process, understanding that there is an affordable housing issue in the City? We all get that. But this is a program that -- where building owners are struggling to bring these buildings up to code. So where -- are we not going to create speculation and push more potential manufacturing jobs out of the City?

MS. GLICK: I -- I certainly do not believe that is the case. These are -- first of all, these are buildings that are currently occupied. You had to have been living there for at least, at least from 2015 to 2016. But in many instances, the people living there are people who have been living there for 20 years. And landlords have been -- it's been in areas -- and this has been why the Loft Law was created to begin with -- landlords who are accepting rent in buildings that don't have either a certificate of occupancy or any plan moving forward, however long it takes them to move through that process, they really should not be collecting rent. And they have been, and people are living there. People live in buildings understanding that

they will probably -- could we have just a little quiet?

ACTING SPEAKER AUBRY: And she's certainly right. Ladies and gentlemen, please, in that corner back there, can we -- can we have that corner cleared out? You can either go back and sit, you can go out of the Chambers. Whatever you need to do, but we need to have it quiet.

MS. GLICK: Thank you, Mr. Speaker. The -- those buildings, individuals understand that they may not have proper kitchens or a very rudimentary bathroom. They endeavor to upgrade them internally themselves. The building code for having a second egress, having a working elevator, for example, those are things that, you know, some landlords move slowly because there isn't a tremendous amount of pressure from the Loft Board. They can ask for a hardship, they're granted very regularly. But the individuals who live in lofts in some of these communities do so, understanding that as artists they are foregoing the normal comforts that most of us would want and need, and they do so understanding that they may have to travel quite far to get -- do their basic food shopping. They do that because this affords them the space in order to do their -- their creations, their artistic endeavors. Some of these individuals have lived there for a very long time when nobody else was interested. And there was no manufacturing, so they were almost derelict properties. As the City -- the pressures on the City and the expansion out of the center core of the City, some of the landlords are not interested in having manufacturing. They're more interested in, perhaps, a condo



conversion. But the reality is that the tenants who are living there have to have been living there for a long period of time before they can even apply.

MR. FITZPATRICK: Understanding that, is there perhaps a wink-and-a-nod relationship between the Loft Board and the landlords, given, you know, the difficulty of renovating and upgrading these buildings, the probably tremendous expense of bringing these buildings up to code? To bring them up to living standards can be quite expensive in buildings that are not -- are not built for residential use. Am I correct in that --

MS. GLICK: No, I --

MR. FITZPATRICK: -- observation?

MS. GLICK: -- don't think there's a wink -- wink-and-a-nod, but I do think that the penalties are not very substantial and people make determinations of, *Well, it will cost me this, but if somebody makes a complaint and there's a deficiency, well, you know, that's -- we'll get around to putting -- you know, fixing the elevator next month.* And that's, you know, actually true in a lot of housing that's in New York City that's maybe not per -- you know, as well-maintained as it could be. But I would say that one of the provisions in this would allow for an increase in penalties by the City's Corporation Counsel. So we're -- we're sending a signal that we want to see these buildings legalized, and that tenants who've been living there from -- anywhere from 4 to 20 or more years should expect that legalization will proceed expeditiously. And I will also say, some of

the difficulty in housing also occurred in the 2008 to 2011 general downturn. And we think that at this point the interest rates are low, there's been a loosening of the credit markets, and we believe that landlords will be in a position to make these upgrades over a period of time. They are allowed to get an increase in rent once they present a plan.

MR. FITZPATRICK: Right.

MS. GLICK: They can get an increase in rent when they are doing work at every stage that will move towards that -- that completion. So we think it's a balanced approach. It's protecting people -- the roof over people's heads that the homes they've been in. But we also do a little bit of nudging. At the same time, we think they have an opportunity now to advance the legalization.

MR. FITZPATRICK: Let -- let me ask you, Deborah, this: The City, in the past, has not been very strict in terms of code enforcement on some of these lofts. Going forward, you say it enables -- the legislation enables the City to levy fines and penalties. What -- what kind of a penalty is it going to take to motivate these landlords to bring these buildings up to code? Because in the past, the City has not been very aggressive. Like I said, I think there's been a wink-and-a-nod relationship between the two camps. Why are we -- convince me that it's going to be any different --

MS. GLICK: Well --

MR. FITZPATRICK: -- going forward.

MS. GLICK: Well, I -- I would just say that I think

the focus in the last year on the issue has -- we -- we have both a letter of support, a memo in support from the City of New York. We have worked with them. We added the M3 zone exclusion at the City's request. We have a -- a letter from the local Community Board 1 in Brooklyn, urging us to move forward, to come to a -- an agreement. And we believe that the nine-month window period that will ensure that tenants make the application in a timely fashion is a way to nudge it along. The Loft Board has been very involved with us in discussing the measures in the -- in this version. And so I'm confident that the Loft Board will be looking to ensure that the steps are taken. Now, we understand if somebody has several buildings, they're not going to do them all at once. We hope they will have plans for all of them. That gives them an opportunity to get a rent increase. And in the end, I think the general upturn in the City's economy is going to help. And I think that we are hopefully on the verge of improving the communication between the City, the Loft Board and the landlord. So, you know, I'm an optimist.

MR. FITZPATRICK: All right. One -- one final question. The -- as you mentioned, the uptick in the economy. Obviously, we know there's a strong demand for housing. If we have an uptick in demand for manufacturing space, light manufacturing space, are we not creating a potential conflict of residents versus light manufacturing or business uses that are, by zoning, entitled to move in there but now you have a potential conflict between loft residents and businesses that need to expand to provide employment for New

Yorkers? So how -- how are we going to deal with that? Are we not creating that potential problem?

MS. GLICK: I -- I don't perceive that. The reality is that many of the artists themselves engage in processes that would not be allowed in a normal residential living situation. So, someone who is a painter, for example, is using various solvents, the paint itself. There may be somebody who is a sculptor who is using equipment that would not be allowed, for example, in the building in which I live, or in any of the normal buildings. And so they work -- they have been living cheek-by-jowl with light manufacturing, and I think that that will continue. I think that they have a very solid relationship, and I don't see this -- first of all, the City has set aside the Brooklyn Navy Yard. The City has set aside a lot of locations. And there is abundant space in some of those zones right now that the City continues to point to as an opportunity for start-ups. So I don't see the conflict. I know that there have been some attempts to exacerbate the discussion around that, but the reality is that the artists and artisans are already -- they need a space, too, for -- you know, New York is a creative center, and we can't continue to allow people to be forced across the river to parts of New Jersey simply because we don't provide tenant protection for artists living in lofts.

MR. FITZPATRICK: Very good. Thank you, Deborah.

Mr. -- Mr. Speaker, on the bill.

MS. GLICK: Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FITZPATRICK: I would -- I would never want to do anything to force people to move to New Jersey.

(Laughter)

But that being said, I -- I thank the sponsor. This -- this loft situation has always been difficult because of the problematic nature of bringing these buildings up to code. We do have that tension between the need for affordable housing, the lack of space. Lofts became an opportunity. But the slow progression or the slow rate of conversion to rent stabilization for these lofts shows that it is extremely difficult and expensive to bring these units up to code. That is the concern we have for an expansion of this nature. I hope I'm wrong. I hope the sponsor is correct in her optimism that this will all work out. But until we see signs of that, I'm going to be voting negative on -- on this legislation and ask my colleagues to consider doing the same.

Thank you, Mr. Sponsor [sic], and thank you, Deborah.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Garbarino.

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

ACTING SPEAKER AUBRY: Ms. Glick, will you yield?

MS. GLICK: Certainly.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MR. GARBARINO: Thank you. I just have a couple of questions. These --

MS. GLICK: Keep in mind that we have a committee meeting next week.

(Laughter)

MR. GARBARINO: I will. We'll be done before then. Just a couple of questions. So this bill is addressing buildings that are already -- already being used as residences. Is that correct?

MS. GLICK: Correct.

MR. GARBARINO: And the intent is to get a certificate of occupancy for those units?

MS. GLICK: Yes.

MR. GARBARINO: Does this bill lower any of the current standards that -- that's in law that -- you know, that the landlords have to do to get COs?

MS. GLICK: It doesn't lower any standards. It just reverts to the original bill language that has always existed. There was a tweak in 2013 at the request then of Mayor Bloomberg. So this would continue to allow, as was the original intention of the Loft Law, that part of the legalization process would be if there was a window missing, that part of the legalization process would be to add a window, and it would allow, as we do in most of the City, to legalize a basement apartment.

MR. GARBARINO: Okay. So the -- the

requirement that there be a window is now being -- that was added back at the request of Mayor Bloomberg is now being taken out again? There's no -- you no longer need a window?

MS. GLICK: It becomes part of the legalization process. That was the original intention. Some of these buildings are quite deep, and so not every part of it has windows because it was warehouses as opposed to a -- an apartment building.

MR. GARBARINO: So it is possible that at the end of -- of this legalization process one of these lofts, due to this bill, could not have a window?

MS. GLICK: No.

MR. GARBARINO: So it's required to have a window at the end?

MS. GLICK: At the end, yes.

MR. GARBARINO: So the -- so how long is it going -- how long is the timeline until a loft -- how long does a landlord have to get a CO?

MS. GLICK: Well, it is elastic, and there are buildings that have moved quickly and there are buildings that haven't. The -- in some instances, tenants have worked out doing work that moves towards legalization on their own. So that in some instances people put in their own kitchen. If you are renting a regular apartment under the housing code in New York City, there -- you have to have a kitchen.

MR. GARBARINO: Mm-hmm.

MS. GLICK: You have to have a bathroom. Those are things that sometimes the tenants do on their own.

MR. GARBARINO: My -- my concern is not as much with the kitchen or the bathroom, it's more about the fact that the legalization could take several years. And if we're not requiring a window or -- or more than one way of ingress and egress at the beginning, is it -- isn't there a safety concern? You know, residences all over -- New York State Building Code -- I know that doesn't apply to this, it's under the Loft Law -- but New York State Building Code requires any sleeping space to have one or two ways of ingress and egress. This is not going to, and you'll have -- you could have tenants living in these spaces for years and they only have one way in and out of their apartment. Isn't there a concern -- what if -- what if there's a fire and they can't get out through that one way? Isn't -- isn't there a concern that this could cause a fire trap?

MS. GLICK: People have been living in lofts from 1982 was the first legalization, and they were living there before that. When there has been a concern based on a particular instance, they can engage in what is provided -- a fire watch has happened maybe in one instance, but generally speaking, that has not been an issue. Most -- most instances there are windows, but that is -- should not be a bar. And that might be the first thing that a landlord would do.

MR. GARBARINO: Okay. All right. Thank you.

MS. GLICK: Thank you.

ACTING SPEAKER AUBRY: Read the last section.



THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could continue on debate, we're going to go to Calendar No. 253. It's on page 21 and it's by Member Galef. Following that, we will go to Calendar No. 193. It's on page 15 by Mr. Thiele. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S03889, Calendar No. 253, Senator Carlucci (A05937, Galef, Cusick, D'Urso). An act to amend the Criminal Procedure Law, in relation to a "problem solving court."

ACTING SPEAKER AUBRY: An explanation is requested, please.

MRS. GALEF: Yes. We have problem-solving courts in New York State right now. This is -- this allows an expansion for that. The -- in 1998, we allowed through legislation Rockland County to have a problem-solving court for drug cases. And then we expanded that legislatively to Suffolk County and

Tompkins County in 1999, and in the year 2000 we adopted legislation to allow drug courts, speciality courts, problem-solving courts throughout the State of New York. And I know we have a very significant one in Putnam County that deals with drug cases specifically. What we're trying to do here is expand it because it has worked so well, into other areas. I went down to the Bronx to spend the day in a veterans' court, which was a wonderful, wonderful experience. And it -- and it really dealt with all the veterans' issues. And there could be other problem-solving courts that deal with mental health, youth, domestic violence, if a county wants to set it up. And the way this bill works is that if a county would like to have a speciality court - not all will and not all will have all of them - but if they would like to, this gives them authority to be able to set it up within the county so that you can go from the -- one of the courts, a local criminal court, and have it moved to another court that specializes in this area. I -- you know, I -- it -- it seems to have worked very well with the drugs. And New York City can do this because they're a million, and they can do whatever they want to do but the rest of us cannot.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Will you yield?

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: And -- and thank you very much for that thorough -- thorough explanation. It is, you know, something that I think many of us have seen in our own counties, these types of courts that have, you know, done good work and helped make sure, you know, an individual was treated appropriately to the circumstances that, you know, they may have been under at the time, you know, they -- they committed or are accused of a crime. My -- I just have a couple of questions. I mean, you went through, you know, that this authorizes the different municipalities to create these types of courts. So -- so there's no, you know, mandate here that they have to create every --

MRS. GALEF: No.

MR. RA: -- which way. It's just, you know, any of these types of courts, they would then be able to decide if there's a need in their county and create a part within their -- their court.

MRS. GALEF: Absolutely. I know in Westchester County they -- a number of representatives went with us to the Bronx Veterans Court, and I know they would very much like to establish such a court in Westchester County. Now remember, it's only for misdemeanors. So these are people that would have a sentence of 15 days to a year. And by having individuals instead of being locked up in jail for a year, trying to get them into services so that we can recorrect some of the problems. I know -- actually in Suffolk there's a traffic court that -- that deals with veterans, and apparently a lot of veterans come back and -- very aggressive driving, strange driving and

so on, and they end up with a lot of -- of violations and so on and they're trying to work with them in the courts. So I think what -- what we're trying to do is correct a person's life so that they can go on with their life in a very positive way.

MR. RA: Sure. So now the -- the other, though, main change from, you know, we have the existing law that authorizes the drugs courts, but the other major change that is made here is the role of the district attorney in this situation. Because currently, you know, we've authorized these drug courts but we -- we require the consent of the district attorney. This removes that, instead switches to a standard that there's just an opportunity to -- to be heard by the district attorney. Is that correct?

MRS. GALEF: Right. Remember -- yes and it -- but it's still in the county, so the district attorney still has, obviously, involvement in the problem-solving courts because they will have their prosecutor there in the courts. And, yes, the district attorney -- you know, if for some reason they feel that the person should not go to a problem-solving court, they can give their opinion and the judge would review the situation. And of course at the end of the day, if the person has gone to the problem-solving court and they're not abiding or they haven't changed their practice and so on, they could be right back in a regular court and have to go through the court process. The other court process, the original one.

MR. RA: So what -- I mean, is there any criteria that we would envision the judge would take into consideration? My -- do

-- do you think there would still be a deference to a district attorney who says, *I don't think this person is appropriate to go -- to go to one of these specialty courts?*

MRS. GALEF: I -- I think you would hear from all the parties that came to the court as to whether the individual would be appropriate for that court. But remember, when you go to -- as I did with the Bronx Veterans Court, the judge there was -- had such knowledge about veterans' issues, and even the people working in the court. Some of them were paid that were veterans, but some were volunteers there. So it -- it's, you know, it provides a different kind of -- kind of service. And actually, you know, if we're -- I mean, again, it's misdemeanors, and it -- and having somebody in their local jail for a year costs the taxpayers a lot of money. And at the end of the day, the person is going back to the community, and maybe there haven't been any changes in their life. And at least they're -- may be home with their family. I'm not suggesting that people should commit crimes, but I'm just saying if we want to make sure that we have better people in our community, these courts are really working. And I know with the youth court in Putnam County, you know, it's -- it's been very, very helpful to try to get our young people not into drugs and alcohol and so on for the rest of their life.

MR. RA: Okay. Thank you very much.

MRS. GALEF: Thank you.

MR. RA: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: I -- I just want to again, you know, reiterate. One concern with this is -- is that change in terms of the role of the district attorney. I think we have -- many of us have seen within our counties these types of specialized courts, you know, whether it was a drug treatment court, whether it was veterans' court, a youth court, mental health. You know, getting people in front of judges who may have a certain level of experience and expertise dealing with a certain population. So I -- I think that -- that has certainly been a positive thing. But, you know, this does take away that consent of the district attorney that is required under current law when we -- when we look at the drug courts. And it replaces it with this idea of just an opportunity to be heard. So, I mean, I would hope in those situations if there really is a major concern by the district attorney that a defendant isn't the appropriate, you know, person to -- to be put through one of these speciality courts, you know, perhaps there might be, you know, some weight given to that. But -- but I -- I do think, you know, on balance there -- there's a -- a stated need for -- for these types of courts. I think I -- I have, and I'm sure many of my colleagues have heard from from our jurisdictions about the success of these types of courts and -- and their desire to expand that. But I -- I wanted to make sure that everybody was just clear on that -- on that one change that relates to the role of the district attorney in this process. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Morinello.

MR. MORINELLO: I would like to commend the sponsor on this bill. I am someone in this Chamber who has presided over drug court, mental health court, domestic violence court. I've also had the opportunity to oversee and review those that I would transfer to veterans' court. When you get to the root problem of what someone is acting out because of, you stand a tremendous chance of reducing recidivism in the criminal courts. Every judge that handles a speciality court must go through special training. They must go through continuing education on that factor. When I was sitting on domestic violence court for over ten years, once a year we would go to Washington for special counseling, which included sex trafficking victims. I believe that this bill should consider also felonies. And what we did in our county was myself and my Chief Judge were certified county court, so we handled both felonies and misdemeanors. It is not just enough to ignore why someone has a difficulty. When you get to veterans' court, there are some of us in this Chamber who've been through some of the traumas, and you have to understand why and how in order to resolve the issues. I am proud to ask that all my colleagues support this bill. It is not a move towards softening law enforcement, it is a move towards eliminating those that have difficulties that get caught up in the criminal justice system.

Again, I commend the sponsor. I think it is a worthwhile legislation. And I will address the issue of the district attorney. The district attorney always will have a voice. But one of my concerns has been in many of the bills presented is taking

discretion away from the judiciary. One of the reasons stated is sometimes we have judges who are not as astute as they should be in their position, and I think rather than taking discretion away from good judges, we should either counsel or remove the bad judges. So I think that with the ability for the district attorney to have a voice, the defense attorney to have a voice. I also would like everyone to know that there has to be a request to be put into one of these courts, and it's not automatic. There's a review -- there are certified counselors and there are certified evaluators that must give a report to the judge before they will allow this movement.

Thank you very much. It is a good bill, and it's a move towards what we need to look at in criminal justice.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Byrnes.

MS. BYRNES: Marge Byrnes or Kevin Byrne?

ACTING SPEAKER AUBRY: It's all you.

(Laughter)

MS. BYRNES: Okay. I have a couple of questions, if I might, for the sponsor, with your permission.

ACTING SPEAKER AUBRY: Sponsor, will you yield?

MRS. GALEF: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: Thank you. I apologize for not using the correct verbiage. When the statute refers to the county having the



ability to move a case, what constitutes a county? Are you talking about the county court or are you talking about somebody in administration of county government?

MRS. GALEF: That would be the chief administrator of the courts, of the county court.

MS. BYRNES: Within each county or within the judicial district?

MRS. GALEF: The county has to request it. Who in -- the State court administrator would approve it, the request.

MS. BYRNES: All right. So in an individual county you're looking at the chief clerk of that county, as opposed to the administrator of the judicial district?

MRS. GALEF: Wait one second.

(Pause) (Sidebar)

The county would have to ask the Office of Court Administration for permission to set it up. So who's the county? You're asking who's the county?

MS. BYRNES: Yes. What constitutes the county? Because obviously county government isn't involved in this. It's the court system.

MRS. GALEF: The county legislature, the county executive. They would request it.

MS. BYRNES: All right.

MRS. GALEF: So, somebody outside -- I think that's the way all of the drugs courts have been set up.

MS. BYRNES: All right. So the -- and the county administrator outside of the court system would be setting this up and they would have to do it in conjunction --

MRS. GALEF: No, they'd just ask for the support from the Office of Court Administration, but the courts would set it up.

MS. BYRNES: All right. What about counties that don't -- and what -- what judge would preside -- it would have to be a judge who has already been assigned to one of these specialty courts through the judicial district, through OCA, that would preside, correct?

MRS. GALEF: Well, there wouldn't -- there wouldn't be anybody assigned yet if you don't have one. You wouldn't have anybody to assign. But they would be assigned to a speciality court and they would develop the expertise in that area, whether it's domestic violence -- I know we've had bills here where we've tried to get all judges trained in domestic violence cases, but this would be somebody who would be specially trained as a judge.

MS. BYRNES: Oh, no. I'm familiar with the speciality courts. I'm just trying to figure out how, administratively, this would be done. And doesn't the Office of Court Administration already have the ability to do this?

MRS. GALEF: No, they don't, other than in New York City -- a city with a million and more, or the drug courts that we've established in law already. So, New York City does -- and I

don't know that anybody else has a veterans' court. It's a little different --

MS. BYRNES: Rochester --

MRS. GALEF: -- in Nassau and Suffolk.

MS. BYRNES: The City of Rochester has had a veterans' court for years.

MRS. GALEF: They've had a veterans' court?

MS. BYRNES: Right. And that's a population of less than a million.

MRS. GALEF: So, other parts of Monroe County - I guess I'm not familiar with it - have moved the courts to Rochester. They could. But they -- I did hear something legally there?

MS. BYRNES: Yeah. There's -- there's a veterans' court. There has been for a long time.

MRS. GALEF: Okay.

MS. BYRNES: So these courts are in operation.

MRS. GALEF: I think it would be the village court or the town court being able to move it to the village court, which they cannot do now.

MS. BYRNES: All right. But they would go to a city court, a court of relatively equal jurisdiction, another local court.

MRS. GALEF: Right.

MS. BYRNES: All right. What happens in a county such as Livingston, where we don't -- we have no city, and we have none of these courts set up and the town and village courts which are

not part, technically, of the Office of Court Administration, they're not part of the Unified Court System. And the only courts -- speciality courts are at a county court level. Would the smaller counties just get left out of this entire process?

MRS. GALEF: It would -- you could transfer it within the county from the local communities, and if you didn't want to have one in the county, my understanding is the DA can ask for it to be moved to another county, to use another problem-solving court in another county.

MS. BYRNES: So you're -- you're suggesting that a town or a village judge with the -- well, they're not under the auspices of the Unified Court System, though, yet, the town and village judges. I'm presuming that's why you're trying to set something up. So if they're not under the Unified Court System and, you know, then they wouldn't have the ability and nobody would be funding these, either. Because it would be the Unified --

MRS. GALEF: Well, this allows it -- allows it to be transferred from your local governments.

MS. BYRNES: But to -- to where?

MRS. GALEF: To a county, to a county court.

MS. BYRNES: So they could transfer a misdemeanor in a town or village court --

MRS. GALEF: Right.

MS. BYRNES: -- to a county court which doesn't have jurisdiction over misdemeanors, in order to go to a speciality

court?

MRS. GALEF: Right. It does, because it's a superior court so it does have jurisdiction over it.

MS. BYRNES: Not -- the county court does not -- doesn't have jurisdiction over misdemeanors.

MRS. GALEF: They don't try them, but they do have mis -- they do have oversight. I'm not a lawyer. I apologize for not being a lawyer on this kind of issues, but I'm getting a lot of help.

(Laughter)

MS. BYRNES: There -- I mean -- and let's -- let's presume that it was legal to do it - and I'm not sure that it is - who's going to -- have you talked to the Office of Administration -- Court Administration? Because normally these courts have only a certain number of individuals that can be involved in a program because all -- that's all the time allows. And, you know, is the Office of Court Administration willing to put on whatever necessary personnel are required to expand currently existing programs?

MRS. GALEF: Well, they -- right. They're going to have to approve this, so all of that will have to be discussed as to whether there are revenues for it, there are places for the court days and so on. So we're not sitting here planning this, we're just giving the opportunity for them to be set up with -- within our counties if they want to. It's not a mandate.

MS. BYRNES: All right. But just so you do understand, in some of -- in our rural courts, our county court judges

are also Surrogate Court judges, Supreme Court judges, Family Court judges, county court judges, and they usually only operate one court, at most, one day a week unless they're in a trial.

MRS. GALEF: Right.

MS. BYRNES: And so you're asking them, then, to also assume additional responsibilities of, potentially, cases of misdemeanors from all over the county.

MRS. GALEF: It is an option, if they can. Obviously, there are many counties -- I live in one of them, Westchester. I assume that Putnam County may do a veterans' court. They're so involved with veterans issues. So you're going to have different counties doing different things, and there may be some counties that don't have a problem-solving court. But we don't want to deny the ones that do want to have it, and that's -- that's why this bill is important, so that people -- counties can go forward that would like to have this opportunity.

MS. BYRNES: Is there any particular reason why we don't have any information or an opinion from the Unified Court System, from the Chief Administrative Judge on this?

MRS. GALEF: They've been supportive of establishing this in the past. And of course, they -- you know, the drug courts, I think, have had approval from many different organizations. I do have a very strong support memo - I'm not supposed to hold things up -- from the Vietnam Veterans of America and, obviously, the veterans are very supportive of this kind of activity

because they've come back with so many issues through their military experience.

MS. BYRNES: But you -- you feel confident that the Office of Court Administration is willing to pay whatever costs are necessary to do this?

MRS. GALEF: Well, I don't think they'd give approval if there was not money available from some side or another. I think every county in the State of New York is probably going to do something different with the problem-solving court, depending on what's going on in their county.

MS. BYRNES: Right. So we could end up with a real hodgepodge approach to this.

MRS. GALEF: Well, we could, but we have that now. Some people have drug courts, some people don't.

MS. BYRNES: Thank you.

ACTING SPEAKER AUBRY: Mr. Morinello for a second.

MR. MORINELLO: On that particular point. The way it -- every -- every single district has an administrative judge for the specific judicial district. And traditionally how it would happen is there would either be that administrative judge would -- would get permission from OCA to introduce one of the problem-solving courts in their district. They would then choose the judge that they felt was most qualified to handle that. Conversely, the chief judge -- the chief criminal judge of either the county court or the city court could make

that request of the administrative judge who would then go to OCA to give the imprimatur on that particular function. So all of these, traditionally, in the way that it's worked in the 8th Judicial District, it would have to go through the Administrative Judge of the 8th Judicial District, who would then control the inclusion and the operation of that particular court, be it city, county. And even though the town courts are not under Office of Court Administration, they still have some jurisdiction in this area over the town courts.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER LAVINE: Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I rise to commend the sponsor and thank her for introducing this legislation. The Putnam County Drug Treatment Court was mentioned, and I've been privileged to attend several drug treatment court graduations in Putnam County. And it's been proven to be very effective in giving people a second chance and increasing opportunities for people to have second chances at life. I think it's very important.

So, I rise to vote in favor of this legislation and thank the sponsor again for introducing it.



ACTING SPEAKER LAVINE: Thank you, Mr. Byrne.

Mr. Stern.

MR. STERN: Yes, thank you, Mr. Speaker. I, too, have had quite a bit of experience with these treatment courts. Before coming here, it was my privilege to serve as the Chairman of the Veterans' Committee of the Suffolk County Legislature. I was there for the opening of our veterans' court and, therefore, the opening and the very start of our veterans' traffic court, which was the very first one of its kind in the country. And those of us, my colleagues who have spent time in these courts, as I have, know that it's not just about a special type of a judge that gets this kind of assignment in Suffolk County. We were privileged to have Judge Jack Toomey, who was assigned as the -- the presiding judge of our veterans' court, himself a Vietnam Veteran. And -- and to watch how he is able to interact with veterans that come before him in his court where he'll take off his robe, and he'll come down of the bench and he'll have a very meaningful conversation with those that appear before him to structure meaningful solutions that overcome tremendous challenges. And we also know that it's not just about judges. It's about the support services that come along with those courts. In our veterans' court there is a -- a whole team of Vietnam Veterans that provide support services to those that come before the courts, whether they are Vietnam Veterans or those that are returning home more recently from Iraq, Afghanistan and other places around the world. It has been a

tremendous success. In our county, Suffolk County, home to the largest number of veterans in all of New York State, it's a proven quantifiably successful model that will work throughout the rest of the State.

I urge all of my colleagues to support this important effort. Thanks.

ACTING SPEAKER AUBRY: Mr. Stern in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. I think this is a great concept. The concept of having courts that specialize, whether in -- whether it's domestic violence or, as my -- my friend and colleague, Judge Morinello, a combat Vietnam Veteran, knows veterans' courts. And I think that we're moving toward the day when there will be more individualized treatment of those who are arrested and processed in our criminal courts. Now, this bill applies only to misdemeanor actions. And I do want to say that I practiced many years in the criminal courts of -- of New York City and in the Federal courts, and when the day came that judicial discretion was denied, we saw a rapid increase in the number of people in our jails, both Federally and in New York State. So we're now moving away from that rigid cookie-cutter approach. And the cookie-cutter approach itself is always full of injustice.

So, taking discretion and giving it back to the judges to refer people to these specialized courts is a wonderful concept, and

I'm happy to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine 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: Mr. Speaker, if we could please now go to Calendar No. 269. It's on page 22, and it's sponsored by Member Jacobson.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07080-A, Calendar No. 269, Jacobson, Solages, Colton. An act to amend the Insurance Law, in relation to motor vehicle key and key fob replacement contracts.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Ra for the purposes of an introduction.

MR. RA: Thank you, Mr. Speaker. On behalf of our

colleague, Mr. Brian Miller, I want to welcome the Valley Central School Chorus and Jazz Band who are joining us up in the Gallery. They were here and performed today at the Capitol. If you can extend to them a warm welcome to Albany. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Miller, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor, and hope that your trip today will be beneficial, you'll enjoy yourself and enjoy the history that the Capitol brings. And the only thing we ask for you is one note. Can you all deliver one note for us? Well, deliver a note. Come on, give me some volume, volume.

(Group singing)

(Applause)

I believe the Assembly has found its theme song.

(Laughter)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. And that absolutely is a great theme for the Assembly to have. And I thank the young people for sharing with us today.

If you could call on Mr. Otis for an announcement.

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of an announcement.

MR. OTIS: I only wish that we could have had the kids sing my announcement today. But lacking that, they'll be a Democratic conference of the brief variety upon the conclusion of

Session today in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Democratic conference, Speaker's Conference [sic] right after Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any housekeeping or resolutions?

ACTING SPEAKER AUBRY: Certainly. We have housekeeping.

On a motion by Ms. Paulin, page 6, Calendar No. 44, Bill No. A00217, amendments are received and adopted.

Resolutions, we will take them up with one vote.

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

(Whereupon, Assembly Resolution Nos. 407-414 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until Thursday, May the 16th, tomorrow being a legislative day, and that we reconvene at 2:00 p.m. on Monday the 20th, Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:49 p.m., the House stood adjourned until Thursday, May 16th, that being a legislative day, and to reconvene at 2:00 p.m. on Monday, May 20th, that being a Session

day.)