

WEDNESDAY, JUNE 10, 2020

11:02 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

Mrs. Peoples-Stokes.

Oh, excuse me. A quorum -- let's remember we need a quorum. A quorum being present, the Clerk will read the Journal of Tuesday, June 9th.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to bring a quote today on -- I'm a history buff, I like reading history, it tells you so much. This quote, Mr. Speaker, today is from a woman whose name is Elizabeth Freeman. She was born Elizabeth -- no, she was born "Mum Bett". She became the first African-American woman to successfully file a lawsuit for her freedom. Mr. Speaker, it happened in 1781. The quote from Ms. Elizabeth today is, "Any time, any time while I was a slave, if one minute's freedom had been offered to me, and I had been told that I must die at the end of that minute, I would have taken it - just to stand one minute on God's Earth a free woman - I would" have taken it [sic]. Again, Mr. Speaker, that's Elizabeth Freeman. To me, her words are very powerful and it speaks very much about a lot of the work that we are trying do here today and we've been doing all week, and the work that America has yet to do. But I feel fully confident that as Americans we're capable and we can get it done.

So, with that, Mr. Speaker, I want to welcome all who are within our Chambers, and those who are here remotely, as

well. The members do have on their desk the main Calendar. The Committees have met this morning and have produced the A-Calendar and at this time, Mr. Speaker, I would like to advance that A-Calendar.

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

MRS. PEOPLES-STOKES: As mentioned yesterday and the day before, Mr. Speaker, we will begin by taking up the following Calendar Resolutions. We're going to do a few of them individually and then as stated before recently, we're going to take up the remainder of them all with one vote. So, we're going to take 88 -- No. 887 by Mr. Ra, No. 918 by Ms. Glick, No. 936 by Mr. DeStefano, and Nos. 941 and 942, both are by Mr. Byrne. The remaining resolutions will be taken up with one single vote. Our principal work of the day will be to take up two remaining bills that are a part of our police community relations package, Rules Report No. 68 by Mr. Perry and Rules Report No. 108 by Mr. -- excuse me, No. 108 by Mr. Taylor, and Rules Report No. 151 by Mr. Taylor as well. We will continue consenting bills from the main Calendar, specifically Rules Report No. 106 through 127. We will also take up several local bills from the main Calendar, as well as take up some bills from the A-Calendar.

I would like to remind members that we'll be operating under the same rules we've been practicing the entire week. Just a reminder, those participating by Zoom should utilize the Zoom

"raise hand" function when you need to be recognized for debate and/or to explain your vote. As in our previous remote Sessions, when we are on a fast roll call or a Party vote, members wishing to be an exception should contact their respective Majority Leader's Office or the Minority Leader's Office.

With that, Mr. Speaker, I believe that we are ready to proceed with our proceedings and our important work that's before us today. So, if we can go to resolutions on page 4 starting with Reso No. 887, and then we're going to follow that by going to the main Calendar, which is on page 16, and we're going to start our debate process with Rules Report No. 68 by Mr. Perry.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

The Clerk will read.

THE CLERK: Assembly Resolution No. 887, Mr. Ra. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 26, 2020, as Nephrotic Syndrome Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Ra on the resolution.

MR. RA: Thank you, Mr. Speaker. Let me say it's a -- a little odd to be speaking on a resolution proclaiming a day that happened a few months ago. But as we do so often in this Chamber, you know, we -- we do resolutions on a lot of causes in -- in a way to raise awareness. And Nephrotic Syndrome, or FSGS, is something --

it's -- it's a kidney disease and disorder that I became aware of from a constituent a few years ago. And, you know, particularly during the circumstances we're under, the constituent who brought this to my attention has -- has certainly dealt with a lot of fear and angst because of the complications that that puts when there's a public health concern out there, you know, with a compromised immune system and the potential for complications should an individual like that come down with -- with something like the COVID-19 virus that has impacted so many in this State.

So, I -- I did want to just recognize Jackie Botta who, a few years ago, despite all these challenges, graduated from H. Frank Carey High School in Franklin Square, is doing well and is -- is now in college, is -- is thriving through all of this. And for, you know, the very small number of people that are dealing with -- with this disease, I think it's important that we -- we continue to raise awareness. I hope that this fall they're able to have their annual walk that they have on Long Island that has grown much larger each and every year as a result of the efforts of Jackie's mother, Marlene. And, you know, I just want to say that I'm -- I'm thinking of them and all of the individuals and families that -- that deal with Nephrotic Syndrome. And, you know, we hope that they're managing the current situation well and I'm thankful for the opportunity to raise awareness of this disease. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

On the resolution, all those in favor signify by saying

aye.

MEMBERS: Aye.

ACTING SPEAKER AUBRY: The resolution is adopted.

Resolution No. 918, the Clerk will read.

THE CLERK: Assembly Resolution No. 918, Glick, O'Donnell, Bronson, Lifton, Nolan, Seawright. Legislative Resolution memorializing Governor M. Cuomo to proclaim June 2020, as Gay Pride Month in the State of New York.

Ms. Glick on the resolution.

MS. GLICK: Thank you, Mr. Speaker. I rise this day to -- in support of this resolution which has, considering what we are discussing in this Session, a different tenor than perhaps in years past. I think it's important for the members to know that the 1969 Stonewall uprising, which were referred to as riots, because it went on for a few days, really was not the -- it was a -- viewed today as a marker for the modern LGBT movement, but there were many years and organizations that existed before in an attempt to push back on the discrimination and the oppression.

Now, the Stonewall was a bar frequented by transgender people of color and other members of the LGBT community. And it was really because of the series of raids that had gone on for years at gay bars, and it was that night that people just said, *We're not going to take it anymore. We're tired. Tired of jumping out of windows. We're tired of being rounded up for no other*

reason than because of our sexual orientation or gender identity. And while it is a marker, it is important to know that a year later, in 1970, a young Argentinian man who was here on and has -- his Student Visa had expired, there was a raid on The Snake Pit in October of 1970, more than a year after the Stonewall uprising, and there was a raid. And he was terrified and he jumped out a second floor window, only to be impaled on a fence, a spiked fence. And while he survived, it was a -- an incredibly important marker that is not known by history, because people were so appalled that the raids had continued and this young man had almost lost his life out of fear, fear of losing his -- of being deported, but also the fear that people felt of losing a job, losing their housing.

And it is important for this Body to remember that New York State did not pass a basic Civil Rights bill for the lesbian and gay community until 2002. In 1998, Matthew Shepherd was murdered and left to die out in the -- outside of Laramie because he was gay. That led to hate crime legislation in New York State and across the country. But there had been, and there continues to be oppression and discrimination. And the Stonewall uprising, we should mark that as really led by transgender women, Marsha P. Johnson, Sylvia Rivera, transgender people of color who stood up and said, *No more*. I would note that also this year, two giants in the gay community passed, one was Terrence McNally, a playwright of extreme importance to the American theater, and Larry Kramer, who was also a playwright, but most notably an activist during the AIDS

crisis that he actually saved lives of thousands, if not tens of thousands of Americans by his insistence and his refusal to accept being ignored by the Federal administration. It took years for Ronald Reagan to utter the words AIDS, HIV and AIDS. And Larry Kramer was a co-founder of the Gay Men's Health Crisis, which -- which supported and counseled people on health care when no other health care was available, and started ACT UP as a way of pushing back. It was similar to what we see today with young activists pushing back hard to say the system has to change, and ACT UP changed the way in which drugs were made available and lives were saved. If it had been left up to the government, they would not have addressed the AIDS crisis finally, because they didn't address it in the beginning.

So while -- while gay pride is viewed as a celebratory time, it is actually borne of great pain and great crisis for people who lost their lives through hate crimes or suicide because of the oppression and the discrimination and the fear of losing a job, losing their home or being thrown out of their homes by their families who could not accept them.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: I thank you very much for taking up this resolution and I urge all members to support it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. O'Donnell on the resolution.

MR. O'DONNELL: Thank you very much. And I

want to thank my dear friend, colleague, my hero, Deborah Glick, for sponsoring this resolution. We have made enormous progress as LGBT people. But there is still so much progress to be made. As I mentioned yesterday, I grew up surrounded in white suburban privilege; however, as an 8-year-old boy, I tried to throw myself off of Shea Stadium because I was in pain. And in the end, that pain goes on today. To the LGBT heroes who stood up at Stonewall, primarily trans women of color, we owe a great debt of gratitude because they were stronger than other people in the community were willing to be.

But I also want to let you know that the struggle is not over for us. Our work, our accomplishments are often ignored. All one needs to do is pick up a newspaper and see the work of an LGBT person wiped away or whitewashed away because they just can't even bear to say our names or to see us when we are right in front of them. And so, Stonewall led to Pride, Pride and Stonewall led to marriage. And I'm very proud that I am happily married after 40 years and that this Body allowed me to do that. But please be clear: We will continue to need to fight to assure that the next generation is not treated the way we have been. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

On the resolution, all those in favor signify by saying aye.

MEMBERS: Aye.

ACTING SPEAKER AUBRY: The resolution is adopted.

The Clerk will read, Resolution No. 936.

THE CLERK: Assembly Resolution No. 936, Mr. DeStefano. Legislative Resolution memorializing Governor M. Cuomo to proclaim October 14, 2020 as Emergency Nurses Day and October 11-17, 2020, as Emergency Nurses Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

MR. DESTEFANO: Thank you, Mr. Speaker, for the opportunity to speak on this resolution. Emergency nurses are an essential part of our health care system and truly save lives. They are the first line of patient care in our emergency rooms. Their numbers, reputation and respect continue to grow. Emergency nurses selflessly dedicate a large portion of their lives to caring for and comforting those people most in need. They are a first face a patient comes across when entering an emergency room, and often the last when they leave. I know personally the dedication and commitment of our nurses because, as you may remember, my daughter, Nancy, is an emergency nurse.

By designating October 14th as Emergency Nurses Day in New York State and October 11th-17th as Emergency Nurses Week, we take a major step in recognizing and appreciating the role of these dedicated individuals. I fully support and salute my daughter and many others like her for the encouragement and I really, personally, I want to thank everybody for allowing me to bring this

resolution because, obviously, you know it hits home, especially in this time when we're facing this crisis, this pandemic, and those we have already lost; we must remember those, as well. And I urge my colleagues to join me in adopting this resolution. Thank you, sir.

ACTING SPEAKER AUBRY: On the resolution all those in favor signify by saying aye.

MEMBERS: Aye.

ACTING SPEAKER AUBRY: The resolution is adopted.

Resolution No. 941, the Clerk will read.

THE CLERK: Assembly Resolution No. 941, Mr. Byrne. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 15, 2020, as Pregnancy and Infant Loss Remembrance Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Byrne on the resolution.

MR. BYRNE: Thank you, Mr. Speaker. This is a very important resolution to me and my family. Pregnancy and Infant Loss Remembrance Day is a day of remembrance of pregnancy loss, infant death which includes, however is not limited to, miscarriage, stillbirth, SIDS and the death of a newborn. This hits home for me because like many issues that we learn about, discuss and vote on in the Assembly Chamber, you know, we learn about it through life experience. And I had a very close relative of mine, my cousin, who very sadly and unfortunately lost her son 31 weeks into her pregnancy.

And that forced me to learn more about this issue, how expansive it is and how it affects so many people, not just the life that a -- that a woman is carrying, but the mother, the father, their entire extended family. The costs that they have to incur, autopsies, funeral expenses and just the pain and anguish for the entire family as a whole.

By learning more about this issue, I learned that stillbirth claims over 26,000 lives every year in the United States. That's 26,000 mothers, fathers and other respective family members who are affected by this terrible loss. That equals to 1-in-160 pregnancies in the United States, or in other words, 70 lives, a school bus full of children every single day. I've also learned that while this has certainly affected my family, it affects others disproportionately even more so around our State, including our -- our friends in the minority communities in different parts of the State. And I didn't know that, so I -- I bring that up because as you learn more about an issue, you learn how it affects people that don't just look like yourself.

So, this is obviously a very important issue and I -- I would urge a yes vote on this important resolution and I would dedicate my vote in memory of Theodore "Teddy" Joseph Kane, son of Liza and Bryan Kane, passed away in October, 2018. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. All those in favor of the resolution --

Ms. Bichotte on the resolution.

MS. BICHOTTE: Yes. Thank you, Mr. Speaker, for

allowing me to speak on this resolution. I just want to thank the sponsor for bringing this resolution up. This hit home because four years ago, I lost my child. And since losing my child, I was very open about the process to bring more awareness, which is why I -- I introduced a number of bills, stillbirth and the Jonah Bichotte Cowan bill, which is a pre-term labor bill. So I -- I just wanted to, again, offer my condolences to everyone who lost their child. It is very important that we address the health disparities and -- and, again, I want to thank the sponsor for recognizing address -- in addressing them. We do have health disparities in our communities.

I would like to dedicate this resolution also to all those who -- who -- who lost their loved ones, and in the name of my late son, Jonah Bichotte Cowan, I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: All those in favor of the resolution signify by saying aye.

MEMBERS: Aye.

ACTING SPEAKER AUBRY: The resolution is adopted.

Resolution No. 942.

THE CLERK: Assembly Resolution No. 942, Mr. Byrne. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 6-12, 2020, as Physicians [sic] Assistants [sic] Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Byrne on the

resolution.

MR. BYRNE: Thank you, Mr. Speaker. This is a less painful resolution, one more to -- to celebrate our amazing physician assistants, asking the Governor to proclaim October 6th-12th as PA Week in the State of New York. For those of you that -- of you that don't know, my amazing wife is a PA, she happened to actually work up until she was 38 weeks pregnant throughout the height of this pandemic, throughout April, before delivering our -- our -- our firstborn son. And she works in the Bronx. And I've heard stories from her about the courageous work that our PAs worked -- have done, as well as all health care providers throughout this pandemic. And I think we've seen this year, probably more than any other, with some of the Executive Orders from the Governor allowing PAs to take on different roles and responsibilities to expand access to care and build our health care capacity. It just shows how important our physician assistants are not only to the State, but to this entire nation and to our health care system. So, I think it's important to honor our physician assistants.

I did not speak on another resolution that -- that we're voting on, or did vote on, proclaiming Respiratory Care Week, but I wanted to speak on that just briefly while I speak on this. That, certainly, I don't think people necessarily understood or appreciate -- fully appreciated the risks that our respiratory therapists take on a daily basis, the exposure that they're -- that they're -- that they -- they're exposed to in their jobs. I think there's a heightened awareness

and appreciation just based on the life that we're all living through in COVID-19 and that these brave men and women are continuing to work in a hospital.

So, I want thank my colleagues and urge a yes vote to honor our physician assistants, and also thank them for honoring all those nurses and respiratory therapists and other medical professionals for Respiratory Care Week. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

On the resolution, all those in favor signify by saying aye.

MEMBERS: Aye.

ACTING SPEAKER AUBRY: The resolution is adopted.

On the remaining resolutions, all those in favor say aye; opposed, no. The resolutions are all adopted.

(Whereupon, Assembly Resolution Nos. 851-853, 883-886, 888-917, 919-935, 937-940, 943, 944, 949 and 950 were unanimously approved.)

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, thank you for your patience. We are now going to go that main Calendar and take up, on page 16, Rules Report No. 16 [sic], it's by Mr. Perry. Following that, we're going to stay on page 16 and go to Rules Report No. 108 by Mr. Taylor. And immediately following

that, we're going to Rules Report No. 151, which is actually on page 7 of the A-Calendar, that was by Mr. Taylor, as well. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. 01601-C, Rules Report No. 68, Perry, Heastie, Peoples-Stokes, Aubry, Mosley, Gottfried, Gantt, Cook, Pretlow, L. Rosenthal, Crespo, Weprin, Rodriguez, Quart, Kim, Pichardo, Walker, Seawright, Joyner, Blake, Jaffee, Abinanti, D'Urso, Jean-Pierre, Hyndman, Niou, Taylor, Vanel, Rivera, Arroyo, Zebrowski, Frontus, Cruz, Fernandez, De La Rosa, Epstein, Reyes, Richardson, O'Donnell, Simotas, Simon, Rozic, Hunter, Wright, Ortiz, Otis, Lentol, DenDekker, Barnwell, Bichotte, Glick, Magnarelli, Davila, Steck, Bronson, Carroll, Fahy, Jacobson, Lifton, McDonald, Nolan, Ramos, D. Rosenthal, Thiele, Weinstein, Buchwald, Stirpe, Dinowitz. An act to amend the Executive Law, in relation to creating an Office of Special Investigation within the Office of the Attorney General.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker. This bill would establish the Office of Special Investigations within the Office of the New York State Attorney General. The Special Prosecutor's Office would have the investigative authority and prosecutorial jurisdiction over any incident involving the death of a person caused by an act or omission by a person who is a police officer or peace

officer, whether or not the officer was formally on duty. The Special Prosecutor will be empowered to obtain an indictment against an officer when warranted, and bring a criminal case to trial, and to issue public reports in cases where the prosecutor declines to present evidence to a grand jury, or where the grand jury declines to approve charges against a police officer. This bill also clarifies jurisdiction regarding prosecution of cases of this nature. The criminal jurisdiction of the Special -- the Office of the -- of Special Investigation [sic] shall displace and supersede the jurisdiction of the district -- local District Attorney where the incident occurred.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. And thank you, Mr. Perry for the explanation. Will the sponsor yield?

MR. PERRY: I yield.

MR. RA: Thank you, sir. So, I -- I know we have discussed and debated and voted on this bill in the past, but I -- I just had a few questions to kind of clarify, you know, how this would function in -- and, in particular, how it relates or reflects the Executive Order that the Governor put forth a few years ago that -- that created, basically, a similar process within the Office of the Attorney General. So, are there any major differences between what we would be putting into statute through this bill and the Governor's Executive Order, which I think was Executive Order No. 147?

MR. PERRY: There are some differences with this piece of legislation compared to what the -- the Governor had in his

Executive Order. This law would also include peace officers and (unintelligible) for unarmed cases.

MR. RA: Okay. And this Executive Order, which I believe has been in place since 2015, I know also has some reporting requirements that the -- the Special Prosecutor has to send to either the Governor or the Governor's designee, information if they declined to -- to present evidence or if there is a grand jury that declines to indict on charges. What is the reporting requirements under the bill?

MR. PERRY: Yeah. The report will try to thoroughly explain why the case -- if the case was not reported or submitted to a grand jury. It would deal with the circumstances as to the decision that was reached by the -- by the Special Investigator. I -- I think -- I'm informed that that's not really new, they actually do that now if -- in those circumstances.

MR. RA: Okay. Now, as this Special Prosecutor would relate to, you know, the jurisdiction of the local District Attorney, you know, we all know District Attorneys, you know, are -- are an officer, they're created under our State Constitution, they're responsible for -- for prosecuting matters within their jurisdiction. So does this entirely supersede the jurisdiction of the local District Attorney?

MR. PERRY: It would entirely supersede the local DA having certain jurisdiction over cases like that. And it is specifically one of intent to create independence to, in cases like involving the police, to also answer the cry of the community for some

assurance in investigations of that type that the police will be held accountable; that the prosecution will not be, whether it's just a perception or not, but people will not think that there was some corruption in the process of determining whether or not the officer should be subject to prosecution and be charged.

MR. RA: And in -- in terms of that jurisdiction being triggered, it's automatically triggered should one of these situations that's defined under this occur, correct, that the local DA doesn't need to, you know, refer the complaint or -- or ask for the Special Prosecutor that that jurisdiction is automatic as long as a situation that's presented in this bill occurs between a law enforcement officer and an individual?

MR. PERRY: The law gives the jurisdiction to the District Attorney once the -- once the -- the incident occurs, to make the determination based on the circumstances and evidence and has -- and supersedes the local prosecutor. Now, Mr. Ra, you know that -- you know what the issue is, and we're doing this because the community has cried out for this for a long time because police prosecution, or efforts to bring police to accountability, whatever level the police is, once there's an incident like this, the question is will the officer ever face the question of real accountability. And the community is concerned about the relationship that develops over time between the local District Attorney, the county prosecutors and the police department and the officers. They work together in a lot of circumstances; they develop relationships. The egregious cases where

the evidence is so blaring that there needs to be a substantially clear investigation that the community can accept that it was, indeed, a thorough investigation. Those circumstances are so numerous that the community, people in the State of New York, across the country are crying out for bringing our police to accountability, so that officers don't think that it's okay to unload their guns as soon as they suspect someone. And -- and, of course, what we would like to be a model of behavior by a police department, where you use your gun and you use the force that a bullet carries and violence against a suspect only when absolutely necessary and you have no other choice. That's why we have to do this.

MR. RA: So, as I mentioned, the Executive Order that creates a very similar process has been in effect since 2015, so probably close to -- close to five years at this point. Do we have any numbers of how many cases have been -- that the Attorney General's Office has taken jurisdiction of as a result of that since this Executive Order has been in place?

(Pause)

MR. PERRY: I'm informed by counsel here that the number is somewhere around 200 to 250 cases, have been on the desk of the Special Prosecutor. And that -- of that number, the Special Prosecutor investigated about 31.

MR. RA: Okay.

MR. PERRY: I assume that the rest went back to the local District Attorney for -- for handling and all that.

MR. RA: Do we know of any cases where the Special Prosecutor has obtained a conviction of -- of an officer?

MR. PERRY: Well, I'm aware that the Special Prosecutor has brought cases -- taken a case or so to trial. I'm not sure of what the actual outcome of those cases are.

MR. RA: All right. Thank you, Mr. Perry.

Mr. Speaker, on the bill.

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

MR. RA: Thank you, Mr. Speaker. So, in the past, you know, I've -- I've raised concerns about this for a couple of reasons. Number one, as I mentioned, our District Attorneys are officers under our State Constitution. We trust them to be the person responsible to making sure justice is done within their elected jurisdiction to prosecute crimes, to choose when prosecutions don't need -- need to happen. You know, and we're -- we're seeing that in so many different ways, even right now. You know, there are individuals who have been arrested at the demonstrations and things and within their purview, the local District Attorneys are deciding, *Okay, we're not going to pursue certain types of cases because we don't think it's in the interest of justice.* So, we give them wide latitude to make those determinations. And as I said, our State Constitution creates that Office. And these individuals are accountable to the public, they are elected individuals. And should something occur that they choose to prosecute or choose not to prosecute and the public takes issue with that, they have an

opportunity to express that displeasure or satisfaction at the polls against that individual.

We have seen, you know, many of these cases over the years get politicized and my concern is that if we are looking for actually a real independent entity to look at these, then let's make an actual independent entity, not one that is -- is still under the jurisdiction of a, you know, of a politically-elected individual. It's always a dangerous thing when we take authority that is invested by our State Constitution in an individual and we -- and we supersede that.

You know, the numbers over the last five years, you know, because it's automatic, it has to be investigated, there have been a couple of hundred, but from the information that I was able to find, there's been 33 deaths that have been fully investigated by the Special Investigations and Prosecutions Unit within the Attorney General. There are several that are pending right now. In 20 of them, the officer was cleared for reasons including no culpability, no evidence of wrongdoing, an accident or the use of force being justified. Two found sufficient evidence, but there were no indictment. There was one case where there was actually charges filed and an acquittal, and there was one case where the Attorney General declined to investigate.

So, in the five years we've been doing this, there have been no convictions of officers under this process. So, I don't know that we are really getting to what is purported to be the heart of the

issue in terms of prosecuting these cases. I think that we have a --

ACTING SPEAKER AUBRY: Mr. Perry, why do you rise?

MR. PERRY: Will Mr. Ra yield?

MR. RA: Sure.

ACTING SPEAKER AUBRY: Mr. Ra yields.

MR. PERRY: Thank you, Mr. Ra. Do you think that the need for this law should be measured by the number of prosecutions that are obtained by the holder of the Office?

MR. RA: No, but I think that if we're looking to codify something that was put in an Executive Order we should, you know, we're trying to codify something very similar to that. So, taking a look at what that has had, if -- if the reason for it is that we feel that the local District Attorneys aren't doing this job, I think it's reasonable to take a look at what the results have been since this Executive Order has been in place.

MR. PERRY: Do you understand that the -- the public's view and the demand for an independent investigator of cases where there's a question regarding the use of force by the police?

MR. RA: I -- I understand the demand, but as I said, I don't -- I don't believe this is independent.

MR. PERRY: Let me finish the question. Do you understand that the great cry in the community for this office, it's not about how many cases are tried by the prosecutor, how many cases would go to the Special Prosecutor, it's that air and perception and

enough evidence that over the years convincing people who elect you and elect me that all is not well in the -- in the process that we use and that there's a need to restore and to ensure trust in the system so that if I don't feel that I can trust your judgment and that you're exercising your authority in the way that you should in the best interest of my freedom as a citizen, I want to have that trust. The community yearns for that trust and we have a responsibility to set up process and systems that assures that. So that if you find this expansive, universal distrust in the process that gives these cases straight to the local prosecutor who works with the police -- and folks believe that there's some relationships that interfere with the judgment as to how they move forward. I don't know of any case where there is a question -- -

ACTING SPEAKER AUBRY: Mr. -- Mr. Perry.

And, sir, you're on Mr. Ra's time.

MR. PERRY: Thank you. Thank you, Mr. Speaker.

Mr. Ra.

MR. RA: Thank you, Mr. Perry. The -- the point is well-taken, but as I -- as I said, I don't believe this is an independent entity and I would -- I would certainly take exception with -- with the characterization that there's a universal distrust in our locally-elected District Attorneys. But I -- I thank you for answering the questions.

MR. PERRY: Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Barron.

MR. BARRON: Thank you. Thank you very much,

Mr. Speaker. This has been a very historical and radical moment in our history of our movement, and I say "right on" to the protesters. There are bills that have been passed, and I supported critically the entire prior package that I thought was watered-down, but the protesters made this happen. "Right on" to the protesters. They were able to get bills passed here that were hanging around for years that couldn't get passed. "Right on" for the protest. They also, in an embarrassing way, brought Nancy Pelosi to her knees and wearing Kente cloth. "Right on" to the protestors. They got Roger Goodell, Commissioner of the NFL to agree with Colin and say, *Colin, you were right time, I'm sorry*. Brought him to his knees. "Right on" to the protesters.

So, all of this is happening, "right on" to the protesters from Minneapolis. It wasn't anarchists, but a nine-panel city council members. Nine of the 13 said, *We're not going to reform this Police Department, because it's not reformable, we're going to reinvent, reimagine public safety and restructure, dismantle this Police Department*. Nine ordinary members of a city council. "Right on" for the protest.

So why I come here today with this bill here, the Special Prosecutor I have had personal experience with. Eric Schneiderman, the first Special Prosecutor Unit, I had personal experience when in 2016, Delrawn Small in East New York was in a traffic dispute with an off-duty police officer, he cut Delrawn off and almost caused him and his family to be in a crash and have some

serious injury. Of course Delrawn got out of the car, walked toward the police officer's car, he rolled down his window and immediately shot and killed Delrawn. Prior to seeing the video, they said that Delrawn walked up to his car and punched him in his face. Total lie. When the video came out, he actually rolled down the window and shot him instantly. And I've been working with Victor Dempsey and Victoria Davis on that case. We went to Eric Schneiderman, the Special Prosecutor. He indicted it, Second Degree Murder, Manslaughter. This is why it's a systemic problem and it shouldn't be in the system. Three hundred of his investigators he told me were ex-police officers. So in the AG's Office, in the Special Investigating and Prosecuting Unit is police investigators who have to make the case. By the way, the officer was totally acquitted. He walked free, no punishment for obviously shooting a man who just walked up to his car within seconds.

Then comes this Special Prosecutor, Letitia James. She got a case, Vassell, Saheed Vassell in Brooklyn. Saheed Vassell, April 4th, 2018, three police officers from the 71st Precinct came up to him and he a wielding tube -- welding tube, they didn't say anything, they saw that, he wasn't attacking anybody, they opened fire, ten shots. Ten shots, taking his life. He was challenged, he was bipolar and had some mental challenges; they shouldn't even have been the ones to approach him. But ten shots. Attorney General Letitia James took a brief time to investigate with her police investigators and said they acted legally so there will be no criminal

charges against the police. This is the Special Prosecutor, the same Special Prosecutor, Letitia James, the Governor announced recently that he was appointing her to investigate the police behavior during the protest. Governor, you don't have the authority or power to do that. That's supposed to be a separate, independent office. But he, because he has much influence over that Office, appointing her to investigate the police, that's not up to you, and that's not up to her to allow you to do that. But y'all have a partnership.

The Special Prosecutor, Letitia James, also when a judge said that Jalil Muntaqim, also known as Anthony Bottom, who's been in prison for 49 years, he's a political prisoner. He's been in prison for 49 years. He got 25-to-life and had an impeccable time in prison, got degrees, was a positive influence on other inmates or other incarcerated people, and he was in danger because of his preexisting health conditions of catching the COVID virus, the coronavirus. A judge said, *He was given 25-to-life, not a death sentence, let him out.* The judge granted his release. The Special Prosecutor, Letitia James, she appealed it, we could have had him out, and he's been in there for 49 years. Impeccable time served. We wanted to get him out before he caught the virus. Well, guess what? He caught the virus. Now, she won her appeal so he can't get out and he's in prison with the virus.

You think this protest is about putting justice in the hands of this kind of a [sic] Attorney General? I agree, too. I'm working on some legislation, I'm voting against this one. This is the

only one I'm voting against because all of this protesting, to give to it this kind of a [sic] Attorney General that has that kind of relationship with the Governor that has hundreds of ex-police officers doing the investigating will take away from what this protest was all about.

I'm encouraging us to do an independent prosecutor. An independent, not special, but independent so there is no history of this office prosecuting and convicting and getting a conviction on police officers. And I doubt seriously if anything will happen in the very near future. And if it does happen, it's going to be because "right on" for the protestors. The protestors can make a lot of things happen that never happened before. But this one is not good for our movement. This one we should not do. And you will live to regret it, because I know you're going to do it, and it takes away from the historic moment, from the radical moment that the protesters have created. Remember, we already passed bills. We made a big deal over the background check, okay, let's give the protest credit for that, "right on." But the act itself of brutality, the act itself of murder has not been addressed. These officers still don't have anything in place to hold them accountable for their behavior. So, we should reconsider this. But you won't, you're going to vote for it and claim victory. And we should have an independent, independent prosecutor. We should have an elected Civilian Complaint Review Board. The reason why most of these complaints are not validated is because five of the appointees are from the Mayor's Office, three are from the Commissioner. That's eight of the 13. And they're buddies. They

protect each other. And as I always say, the Mayor is a pathetic apologist for the police. So now we have this board. This board should be dismantled and we should have an elected Civilian Complaint Review Board. Some -- the -- the Chair of the Board said, *Yeah, but the PBA will gather a whole lot of money and they'll get their people elected.* Not true. The people in the community will not support anybody that's backed by the PBA, number one, and the PBA is totally against this elected Civilian Complaint Review Board. And, this Review Board would have the power to investigate, to send out subpoenas and to deal with the penalties on the police that will be binding. Right now, we have eight members of it that's with the police and the Mayor, and then if they do validate a complaint, guess who it goes to? The Police Commissioner. So, anything is better than that.

So, on this day, I hope we keep protesting, I've been out there. I thank the December 12th Movement. We organized about 5,000 people in Brooklyn, we came out and we demanded defunding the police. Of course, the Mayor heard that demand and now he's doing that. "Right on" for the protest. And we're also demanding black power. The black community should have black community control over the police. We should choose the policy, we don't want broken windows and we don't stop, question and frisk. And we don't want anybody to come into our community. We should be the ones determining who the inspector will be of a precinct and what police should go and come in our beloved black communities.

We need black community control over the police.

So, unless we get legislation that speaks to that, unless we get legislation that speaks to an elected Civilian Complaint Review Board that Councilmember Barron has in the City Council, unless we get an independent prosecutor, and after all of this protest, we should call for systemic change to the entire system. And that's what Martin Luther King called for in his last days on Earth. He said there needs to be radical redistribution of wealth and a radical restructuring of the political and economic order. Dr. King said, *I fought hard to try to reform the systems in the South, but I no longer believe that, I think differently now, we need a radical reorganizing of the entire society.* This is Dr. King. And he said, *We need a revolution of values.*

So at this time, are -- we're going to celebrate this, but I'll assure you that the problem has not been solved and in this moment, we had an opportunity to have greater, stronger with more teeth legislation. But to the protesters, you made this day happen. You made all of this happen. You made -- even the PBA said that the killing of George Floyd was murder. They never said that before. You brought them to their knees to say that it was murder. But they didn't have to go to Minneapolis and Minnesota to point out murder, we had it here, Amadou Diallo, Sean Bell, and I could take the rest of this time listing the murders, the killings, the brutalizing. The PBA didn't have to go anywhere. The Commissioner didn't have to go anywhere, to Minnesota, to point out how murder was wrong, we have

it right here. But they didn't mention that.

So as we go forward, we're going to have to revisit a lot of this stuff, because most of it didn't go far enough. "Right on" to the protest. No power on Earth can stop the power of the people. That's what we meant by in the Black Panther Party, *Power to the people*. This was a demonstration of that. Radical, systemic change is inevitable and I say to you, the struggle may be long, but our victory is certain. I say to you that life is hard if you take it by the yard, but it's a cinch if you take it inch by inch. And the African Proverb says, *The best way to eat an elephant is one bite at a time*. And the elephant is Capitalism; the elephant is racism; the elephant is a war-mongering, imperialistic foreign policy. And, boy, did these protestors take a bite out of this elephant this time around. I vote no.

ACTING SPEAKER AUBRY: Mr. Reilly.

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

MR. PERRY: Surely.

ACTING SPEAKER AUBRY: Mr. Perry yields.

MR. REILLY: Thank you, Mr. Perry. So, I have a -- I have a question. The Attorney General's Office will be overseeing this new office if it's established. Do you know the other branches or divisions of the Attorney General's Office that may actually play a role in this?

MR. PERRY: The Civil Rights Bureau, the Criminal Prosecutions Bureau.

MR. REILLY: Okay. So -- now, the Attorney General, as we know, is elected by the State Electorate, correct?

MR. PERRY: That is correct.

MR. REILLY: Okay. Just like -- just like our District Attorneys in each county; is that correct?

MR. PERRY: Absolutely.

MR. REILLY: Okay. So, so the difference --

MR. PERRY: The AG is a Statewide office.

MR. REILLY: Thank you.

MR. PERRY: Make sure we understand that.

MR. REILLY: Yes, thank you. And I want to make that we're -- for anybody that may be watching the debate, I'm trying to clarify some of these similarities and differences. So, under the AG's Office, which is a Statewide elected, there is the Litigation Bureau. Do you -- do you have any idea of what the Litigation Bureau handles, or what their mission is for that Bureau that falls under the Attorney General?

MR. PERRY: I believe the Litigation Bureau has jurisdiction, or they handle civil matters.

MR. REILLY: Okay. So, the Litigation Bureau, and correct me if I'm wrong, the Bureau's major clients include the Department of State -- Health, Taxation, Finance, Insurance, Civil Service, Education, Corrections and Community Supervision, Banking, Motor Vehicles, Housing, Community Renewal, as well as Offices of Mental Health, People with Developmental Disabilities,

Children and Family Services and Temporary Disability Assistance, the State's major educational institutions, the State Police and the State Judiciary. So, under my -- with my understanding under the Litigation Bureau, if there's any lawsuits that are filed against the New York State Police, the Attorney General's Office would be charged under the Litigation Bureau to defend the State in those actions; is that correct?

MR. PERRY: Could you say that again?

MR. REILLY: You want me to read the whole thing again?

MR. PERRY: No, no, no; just the last -- just the last --

MR. REILLY: Okay. So, if there's a lawsuit filed by an individual against the New York State Police, the Attorney General for New York State, their Litigation Bureau is charged with defending the State and the New York State Police; is that correct?

MR. PERRY: Sometimes that's the case.

MR. REILLY: Sometimes. Actually, that's probably -- you know, I would -- I would surmise that it's always the case if a case is brought against the State. They are -- they represent the State in civil actions; would you disagree with that?

MR. PERRY: I say sometimes they do and sometimes they don't.

MR. REILLY: So, you're -- you're saying the Attorney General's Office would never be the attorney representing

the State in a civil action?

MR. PERRY: Well, I recently had an experience where we had to defend the challenge to the special -- to the Commission and Prosecutorial Conduct, and the Attorney General waived her responsibility in that case; we had to get our own lawyers here.

MR. REILLY: Okay. But that -- because that's not in the State's interest, right? That's not in the State's interest then? That's why; is that correct? Or --

MR. PERRY: Well, my understanding is that they -- is that they can choose to not handle certain cases. And I believe the -- the -- the -- the Attorney General has the choice to recuse herself from certain cases and hire an independent -- independent representative to deal with the matter where there are conflicts of interest.

MR. REILLY: Okay. So -- so, if we have an incident, under this legislation if it's passed and it becomes law, and we have an incident where a New York State Police Officer, New York State Trooper is involved in an incident, and the Attorney General is overseeing this special office, what's the steps to ensure that what the remedy you're looking for with this legislation doesn't take effect at the State level, because it is an elected Attorney General, it would be just like the District Attorney in a county. How would the remedy be filled with this office under the Attorney General investigating such an instant -- incident with a New York State

Trooper?

MR. PERRY: Well, where they're conflicts in matters handled by the Attorney General, she always has the authority or the owner of the Office always has the authority to seek a special investigator in that case. And I think we make -- we make allowance for that with this bill. And so Office of the -- the Attorney General's Office is a very large office. They -- they have hundreds of investigators, and their job is very large. They -- they cover cases -- most cases that has to do with actions by the State. And it is not like the same situation in a local District Attorney's Office where -- where everybody knows everybody and they are interacting on a daily, regular basis with the local police precincts. So the kind of conflict of interest that we seek to avoid, we will be able to do that with the way that we have set up this office. The Attorney General, whoever it may be at that time, will have the authority to make the proper judgment. And we hope that the person we elect to that office is as smart as we expect them to be and can make that judgment about what is a conflict and what is not, and make the right decision on those cases. The fact is, we're not saying that this is an absolutely perfect approach. But we are responding to the cry of the public, the people we represent. We have heard the voice of the people. And we want to make sure that we're not turning a deaf ear, and we're acting as if we don't care. So we're going to do this, and if it's not working the way we expect it to -- and we have jumped a whole lot of hoops to get here. People have marched in the streets. People have been abused in the street. People

have been out there, taking risks with their lives to get the opportunity where we would be able to pass this bill. And we're seizing that opportunity, and we hope that you will be a yes vote to make sure that the people's voice is heard and that they know that we've heard their voices. All of us legislators here shouldn't be a stumbling block in this process. It might not be perfect, but we ought to try something. Restore some confidence in the public about government and about criminal justice. Everyone is entitled to feel safe and protected by the police.

MR. REILLY: You -- you're absolutely -- you're absolutely correct. And the question I have is, why would it be okay for a Statewide-elected Attorney General - and by no means is this an indication of whoever holds whatever office we're talking about at this time. What is the difference between having a Statewide-elected Attorney General and a local District Attorney who is elected by the people, if they are charged with the same responsibilities? They also have the ability to recuse themselves and ask for a special prosecutor as well. Why -- why wouldn't we have legislation that would expand that position for them? I'm just curious, if you can answer that.

MR. PERRY: I'd just like to make myself as clear as I possibly can. And I just want you to leave a little off your mindset. And we -- as I said before, we know that this remedy that we propose is not perfect. We're very, very aware of that. But should we just let the public cry out, let our constituents beg and appeal to us to do something? *We can't trust the government. We don't believe in the*

local prosecutor's office. We don't believe we can get justice there.

Okay. They come to us. Should we not try something? That's what we're doing. If you have a better recommendation, Mr. Reilly, we can put it in writing. We can -- you can champion that cause and we'll look at your proposal. This is what we have here today. This is what we have to pass. And it might not be a hundred percent perfect, and you can look and dig and -- and find all kinds of little reasons why it's not perfect. My colleague who spoke ahead of you, he's not voting for it because he thinks it's -- it's not going to work, too. But, you know, when the house is burning down and you have some water, you use as much as you can to control the fire. So, we're not going to let the house burn down. We're going to save whatever piece of the building that we can, and we're going to respond to the people. We're going to pass legislation in response to their cry. I can only ask you to help us.

MR. REILLY: I'm going to --

MR. PERRY: I appreciate the criticism of the bill. I appreciate you pointing out that it is not a hundred percent because of how the system is -- is set up. But we also have the ability to look at our work after it's done, and if the model is not exactly what we -- we think it should be, we also have the ability to fix it and make it work. And that we will do.

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

MR. PERRY: Did that answer your question?

ACTING SPEAKER AUBRY: On the bill.

MR. REILLY: Yes. Thank you, Mr. Perry.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. REILLY: So, we -- we know it's not perfect.

Once again, we are rushing to do things to put it out to appease people. Why not get it right? Why not look for -- like my colleague spoke about it before me, why not look to see if maybe a true independent voice is needed and required. But no, we're going to try and appease people. That's not what this is about. We're not supposed to do that. I just pointed out some of the contradictions in this legislation with the Office of Attorney General. And like I said, it's in no means about anybody who holds those offices now. Because we may be having a conversation eight years from now when somebody else is there, right, and we're having an incident and they're like, *Well, you passed this and you have them investigating the New York State Police*. This is truly the -- the exact thing that we talk about all the time, about *well, it's not perfect, but we've got to do something*. How about we take the time and talk about it? We're talking about the perception of impropriety or favoritism, right? But meanwhile you're placing it into another elected office. What is the difference between an elected Attorney General and the District Attorney of a county? There isn't. They're all held to the electorate. Held accountable by the electorate. So by creating this Office, which actually defends the New York State agencies, including the State Police, this is pandering. That's what this is. It's -- it's -- it's just meaningless on the paper, because if you have somebody that is

actually being investigated, a New York State Police officer, we're going to have the same contradiction that you're trying to remedy here. It doesn't make sense. Let's -- let's talk about it. Let's find out if there really is a -- a different remedy. But I just pointed out some of the hypocrisy in this legislation. And in no means am I saying it to be insulting. I'm just saying it that we need to stop. Because oftentimes I say it when I'm debating, what happens on the floor here and in this paper doesn't transition to the State the way it should be -- to the street.

So, I think we really need to take -- take account of what we're doing here and -- and make sure that it's really the right thing. Thank you for your time, Mr. Speaker, and for the sponsor.

ACTING SPEAKER PRETLOW: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. PERRY: I yield, Mr. Goodell.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. GOODELL: Thank you, Mr. Perry. As you know, there are a detailed code of ethics that apply to District Attorneys. And included amongst those are an absolute prohibition for a District Attorney to be engaged in any political activities except during the time when he's running or she's running for reelection.

Would you envision, then, that if this bill is enacted, the New York State Attorney General would also then be prohibited from engaging in any political activities except for the year in which the Attorney General is running for reelection?

MR. PERRY: The Attorney General is a prosecutor as we speak. She's empowered with jurisdiction that allows her times to handle criminal matters. So I don't see a whole lot of difference as far as the responsibilities of the Attorney General, except that they are restricted to local action. But mostly --

MR. GOODELL: So -- so your position, if I -- if I may be clear, is that you believe the Attorney General would be subject to the absolute prohibition against any political activity that currently applies to District Attorneys because the Attorney General currently has prosecutorial responsibilities?

MR. PERRY: Well, I'm not sure if that's something I should be focused on because we elect, like we do in a District Attorney, we elect an Attorney General, reputable people who -- who meet the standards that we think are -- make them -- we'll make them honorable people holding those offices and I think that the Attorney General meets that standard.

MR. GOODELL: Now, as you know the ethic rules also prohibit any District Attorney from engaging in any pretrial publicity or comments. So in addition to staying out of the political arena, the District Attorneys had a very clear and explicit ethical standards about not commenting on cases that might come before

them. Would you then envision, if we passed this law, that our Attorney General would no longer be allowed to comment in any high-profile cases involving any New York State Police officers that involve the death of a civilian?

MR. PERRY: Well, people like Attorney Generals usually are experienced prosecutors, well-trained in the ethics and standards expected of their office. And so, I don't know that that should necessarily be a problem. The local District Attorney I -- I think that those specific restrictions apply because a local District Attorney is specifically a prosecutor.

MR. GOODELL: So it would be your view that the ethical restrictions that apply to District Attorneys would not necessarily apply to the Attorney General?

MR. PERRY: I'm not saying that.

MR. GOODELL: Well, then would you say --

MR. PERRY: I'm saying that --

MR. GOODELL: Well, what --

MR. PERRY: -- I don't believe it is necessary for us to -- to pass standards that will be restricting the daily operation or behavior of the -- the Attorney General in comparison to the office of the local prosecutor.

MR. GOODELL: Okay. The State Constitution, as you know, has specific provisions relating to District Attorneys. And included in the State Constitution is a series of checks and balances wherein the Governor can remove a District Attorney who fails to

faithfully prosecute a person charged with a violation in his or her county of any provision of the law. Does the Governor also have an equal power of checks and balances over the Attorney General?

(Pause)

MR. PERRY: I would -- I don't believe -- I don't believe so, Mr. Goodell. You may want to correct me if I'm wrong, but the Attorney General is elected Statewide and I believe the Office of the Attorney General might also be -- (sidebar) -- he's elected Statewide and has her own mandate.

MR. GOODELL: Thank you, Mr. Perry. I appreciate your comments. Thank you.

MR. PERRY: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: The underlying premise of this proposal, as -- as my colleague articulated, is a deep distrust of all of our District Attorneys across the State, and I have to say that in my county, even though the District Attorney may be a different political party, we don't start out with a promise that our District Attorneys can't be trusted. Each one of the District Attorneys across New York State were elected by the residents of that county. The same is not true, by the way, for the Attorney General. The Attorney General carried 1 in 24 of the 62 counties and lost in 38 counties across the State. So this legislation says we're going to take away the

responsibility of prosecution from the District Attorneys, both Republican and Democrat, that were elected by all the residents in their county and transfer it to a Statewide official who only carried 38 percent of the counties in this State. In addition, as the questioning has -- has been clear, we take the responsibility of law enforcement prosecutions from the DAs who have very clear ethical requirements that are enforced by the courts and we transfer that to an Attorney General who may or might not be barred from making pretrial statements or publicity or engaging in political activity. Now part of me, the political part of me says this is a great idea. Let's transfer prosecutorial authority over the Attorney General and then bring her up on charges if she engages in any political activity. But the public policy part of me, which I hope carries the day, says no. The system we have now is the better system. The system we have now has checks and balances. The system we have now has detailed ethical requirements that require a prosecutor or a DA to refer a case out if there's a conflict of interest. And it happens routinely. And if a prosecutor doesn't do that, if he doesn't make a referral, the courts will step in and require it. And in addition to having the court step in there's a second level of review and that's the attorney grievance committee. And, believe me. Defense attorneys and defendants know how to contact the attorney grievance committee if they think there's an issue. But there's a third level of protection in our system as it exists now, and that third level of protection is that the Governor, under the State Constitution, has the authority to remove a District

Attorney who does not properly prosecute defendants within their county. Those checks and balances would not apply under this. Now it's not like this legislation, by the way, has never been tried. Because for the last five years, under our Executive Orders, certain cases involving the police have actually been referred to the Attorney General by the Governor. And that process involves an initial assessment by the Governor and his staff that it would be appropriate for a special prosecutor. And so if there's a -- if there's a massive distrust of the system right now after five years of the Governor making his referrals, I would suggest that continuing what we're doing and expecting a different result would be misplacing our confidence in the Attorney General.

So we have a system now with highly professional District Attorneys and prosecutorial staff that are elected by the local residents who follow very closely exactly what they do and insist on the highest standards. And those prosecutors have multiple checks and balances from the New York State Grievance Committee, from the courts and even the Governor. And we know that the system works properly in most -- in almost all cases. There may be problems in New York City but New York City is not the entire State. And the rest of the State works very, very well, and we see thoughtful referrals being made whenever there's a potential conflict, and that's the way the system should operate. So let's not take away authority from all the local voters who elect a DA, whether it's Republican or Democrat, in my county it's a Democrat. Let's not take that away. Let's not take

away the checks and balances that exist in the current system, that's not a smart way to do it, we want checks and balances. Let's not create an issue about whether or not the Attorney General can continue to engage in political activities. Or can continue to comment on high-profile cases. The local system works. And contrary to some folks, most people have a great deal of confidence in the professionalism and the integrity of our District Attorneys and the police force that risk their lives every day to protect us. I think this legislation is unnecessary and inappropriate and I'll urge my colleagues to vote against it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I rise to support this legislation which would give the New York State Attorney General jurisdiction, exclusive jurisdiction in certain matters involving police officers and other law enforcement officials. Our Democracy is based on laws, not men someone once said. We can say today that should be laws, not men and women. But the point is, our laws need to be enforced. They must be enforced fairly and uniformly. We need to structure our system so that the law is enforced and people throughout the State can have confidence in the way the law is being applied against all who violate the law including law enforcement officials. We need to have a system with checks and balances and accountability to preserve our Democracy. Without them we would have anarchy, whether by those on the street or those

in uniform. The system has to police itself and in effect police its own police. Some question has been raised why not leave this power to prosecute law enforcement in the hands of local District Attorneys where it has been for a while. Well, we have seen, Mr. Speaker, it is not working very well, especially of late. First of all, the District Attorneys have a conflict of law -- in fact, if not in law. They work every day with local law enforcement. They develop relationships with law enforcement and they're dependent on local law enforcement for the proper functioning of their offices. Secondly, Mr. Speaker, the District Attorneys are elected on a county-wide basis. We want our Statewide laws enforced Statewide. We want them applied to law enforcement just as they're applied to everyone else and we want them done fairly in every county. We don't want them applied more leniently or more harshly on law enforcement in any county. A police officer who commits a crime should not be dependent on where he committed the crime to understand whether he's going to be prosecuted and how harshly he's going to be prosecuted.

Now an issue has been raised as to whether the Attorney General might have a conflict himself or herself because there may be a situation where the State Police are involved. First I note, Mr. Speaker, that there are probably 20 times more local law enforcement officials than there are State Police in the State of New York. I don't have the exact numbers, but we're talking in a couple of thousand maybe, I'm not sure what the numbers of State Police, somewhere in that neighborhood, little bit more, little bit less. There

are 30,000 New York City Police officers alone and probably an equal number, if not more, throughout the rest of the State. So the potential for conflict for the Attorney General versus the District Attorney is very small. Further, Mr. Speaker, the legislation says that the Attorney General shall appoint and designate a Deputy Attorney General to exercise the powers and duties of this office. We are familiar by watching the nationwide scene the difference between the top law enforcement official - the Attorney General of the State of New York - and his deputy, and we've seen all of the different ways and all of the different machinations, some good, some bad, about how to delegate authority in the case where the chief law enforcement official, the chief Attorney General believes that he or she should step aside and let the subordinate make the decisions. Further, law offices are very familiar with conflicts of interest. It happens all of the time. They respond various ways. There is something that's called a Chinese wall that's built in a large firm. And the Attorney General's Office is certainly a very large office. It is not hard for the Attorney General's Office to separate their --civ -- civil division from their prosecuting division, especially this particular division. So I would suspect that there will be an appropriate separation.

Further Mr. Speaker, I suggest that if the Attorney General detects a conflict, the Attorney General can either ask to have a special prosecutor appointed by the Governor or can decline to represent in a civil matter and have a -- a civil lawyer represent in the case of the conflict. This statute provides for public accountability. It

says that the Attorney General shall issue a report so that people can see what factors went into a determination by the Attorney General. And the Attorney General is a high-profile position subject to the scrutiny of the press and the public. So there will be accountability. The public will know what's going on.

So in conclusion, Mr. Speaker, I support this approach and I support this legislation. I, myself, introduced legislation very similar, but I compliment the introducer of this legislation. This is a well-designed piece of legislation, well-deserving of our support, so I commend the sponsor. I will vote yes, and I ask all my colleagues to do so as well.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Yeah, Mr. Speaker. You know people have said about this bill that it -- it reflects a distrust of our District Attorneys. No, it doesn't. It reflects recognizing reality. Our District Attorneys, in the nature of their work every day, are dependent on close cooperation with the police. Every day they rely on the police to develop cases. They rely on police officers to testify in court. The notion that ordinary human beings who are our District Attorneys can just disregard all of that just doesn't recognize reality and it also doesn't recognize simple history. This bill does not come -- does not spring forth from a vacuum. This bill reflects, unfortunately, decades and decades, maybe hundreds of years a very -- a very bad history. We have a system now that doesn't work. There are countless

cases that demonstrate that it doesn't work, and one of the main reasons why it doesn't work is because it relies on a District Attorney somehow ignoring and disregarding the very close working relationship that the District Attorney has to have with the local police. And unfortunately, there are individual cases where that close relationship just gets in the way of justice and this is a bill that gives us a real chance to have justice prevail. Thank you.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 68. This is a Party vote. Any member wishing to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will generally be in the negative on this. If there are Republican members who would like to vote in favor of this bill, please contact the Minority's office immediately. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be supporting this one

as a Party vote. There are a few of us who would like to vote no. I do have some names, but if there are others, please feel free to contact us and we're happy to record you as such.

ACTING SPEAKER AUBRY: Thank you very much.

(The Clerk recorded the vote.)

To explain their vote, Ms. Glick.

MS. GLICK: To explain my vote. Many, many years ago I campaigned with then Brooklyn DA Elizabeth Holtzman who was one of the few DAs who actually at the time had a police corruption, police responsibility unit. And I was campaigning with her somewhere out in Whitestone - I'm a Queens kid, so I know the neighborhoods - and a large gentleman, tall gentleman came over and towered over her and said, *How many cops are you going to put in jail today?* And she said, *Anyone who dishonors the badge.* She was very unique and if every DA had the same steely -- steeliness of purpose, perhaps the bill wouldn't be necessary. But sadly I think that it is important and I appreciate Mr. Perry bringing it forward and I will withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. You know every time we speak of bills I hear the word "perfection". This ain't perfect, I'm not looking for perfection. I'm looking for us to

move in the right direction. You want to hear the voice of the people? Then most of the people that I've demonstrated with over the decades have called for an independent prosecutor, not a special prosecutor. They wanted to move away from the system, not into the system with a special prosecutor under the AG's office. And just as the DAs, that is correct. The DAs have a close relationship with the police so they're not in charge or in -- or capable of really meeting out justice. But when you have an AG's office that has hundreds of investigators that are ex police officers, then you need to get out of the system to get justice. I just don't want us to think that you went through all of this and you're celebrating something that you don't really have. That's my concern. I spoke to many of the victims of police killing, the family members, they wanted a special prosecutor. The last time around I didn't speak out against it. I said fine. It wasn't up for a bill, but I went to rallies and some of them wanted, but the people were calling for an independent prosecutor. So we got to watch that we don't put this call for justice in an office that's already been compromised and controlled by the Governor. That's why I think we have to do an independent prosecutor. I am going to put legislation forward, because that's what really needs to happen. It would be sad that we are taking all of this stuff and -- and having people thinking they have something that they don't really have.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: The only way --

ACTING SPEAKER AUBRY: Your time --

MR. BARRON: I vote in the negative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. I just wanted to say that, you know, when we saw the Eric Garner case play out and when we saw that he was murdered and there was so little done and -- and we saw the -- the different verdicts around (unintelligible) play out, we knew that there was unfairness within the system and in the sentencing structure and in a lot of the things that we were seeing. And so, you know, I was also one of the folks who really wanted an independent prosecutor. I also felt like, you know, somebody should kind of oversee what was being decided and -- and -- and I think, you know, I agree with some of what my colleague is saying that we need to dismantle some of the system that we are already -- actually, we need to dismantle all of the system that we already know has been built very racist throughout and I think that, you know, it's important that we have oversight over, you know, over the oversight I guess you would say. And so I think that, you know, there is some -- there is something to be said about that and I think that it's really important that we do bring that to our citizens. I think that -- I heard, you know, one of my colleagues talk about a citizens-driven review board and I think that that is an incredible idea. I think that we should be talking about that and I think that, you know, we should have a [sic] independent prosecutor. I think that this bill is an important one to set up a system, but I do think that, you know, as leaders, we should also

be making sure that the power goes back into the people. So, you know, with that I vote in the affirmative. I think that it's great to have a [sic] oversight of the oversight.

ACTING SPEAKER AUBRY: Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to first thank the sponsor for introducing this bill. This bill would establish the Office of Special Investigations within the Office of the Attorney General to investigate and hold court proceedings around cases involving the death of a person caused by a police or a peace officer. Individuals have to entrust that our Criminal Justice system will be impartial and fair. And in the unfortunate incident that their loved one is killed by the police. I would not wish this upon anyone. However, in the incident that it does occur, we need to ensure that justice is served by implementing a special investigator or independent investigator who will work independently to gather the facts and when appropriate will prosecute in the same manner as a District Attorney.

We see what happened in Georgia with Ahmaud Arbery. Multiple prosecutors had to recuse themselves from the investigation due to biases further mishandling the investigation and delaying Arbery the opportunity to receive justice. This is not okay. Our live [sic] matters and it is imperative that we support this bill to ensure that justice is not denied to anyone due to biases, conflicts of interest or lack of judgment. I -- I do want to make mention that I do support the -- the fact in making this bill go further and I'm hoping in

the near future that we do reconsider this to be an independent. Although I have full confident [sic] that the current AG would be fair and -- and do an equitable job, but when she vacates the position, we don't know who we're going to have. And so I do feel that it should be an independent prosecutor and again, you know, like my colleagues has said, you know, this is a step in the right direction but we have a long way to go. We still have to ban racial profiling. We can still improve on the repeal of 50-a and a lot more. So I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker. New York State has a Constitutional procedure set up for trying defendants, because defendants also have rights in the Criminal Justice system and all too often those rights get abused. So we have a procedure where a District Attorney, who is elected within that particular jurisdiction, is the one who is primarily charged with prosecuting cases against criminal defendants. And if that District Attorney does not do the job properly, as has been alleged with the perception of many people in the community, then there are alternatives that have to be followed. And the Governor has done that with his Order in 2015 in the case of killings, people dying in interaction with police officers. But what we need to do in this situation - and I have voted against this bill in the past is because I do not believe that police officers should be singled

out for different treatment than other people. I think that this bill basically would single out police officers and set up a different procedure whereas instead of the prosecutor being an elected official, the prosecutor would be someone who is appointed by an elected official, a Statewide elected official, but nevertheless a separate office appointed by. It would not be independent. It really does not further justice and I think in singling out police officers, we may very well subject them to a violation of bad due process in terms of that they will get a fair trial. Now we have to make sure that if they have done something wrong that they will be prosecuted and that in fact they will be prosecuted in a way that they will suffer the consequences of terrible behavior. But I do not believe this is the way to do it, and so therefore I withdraw my request and on this bill I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Colton in the negative.

Mr. Mosley.

MR. MOSLEY: I want to thank -- thank you, Mr. Speaker for this opportunity. I want to just say I applaud the sponsor of this legislation, but I know that there's some -- some issues that we hope we resolve going forward. It's more than just having a special prosecutor's office and an AG's office but the special prosecutor's office has to prove himself or herself to be independent and be reflective of the sentiments of the people that they represent Statewide. So with that being said, I'm going to give the opportunity through my vote to the Attorney General. But I hope that we also

leave open the option of having an independent prosecutor because you've been down this road way too often, particularly in New York City. So I applaud the staff and I applaud the Speaker and I applaud the sponsor, but I -- I give my vote of confidence to the Attorney General hoping that that Office does the right thing on behalf of the people they are sworn to serve and protect. So I proudly vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Today again is another proud moment in a round of police reforms that the New York State have embarked upon. I think that one of the things that we have been shown from Waller County, Texas with Sandra Bland to Ferguson with Michael Brown. Staten Island, New York with Eric Garner, to now what we're experiencing in Minnesota. We recognize that it's important for us to have one level of justice. Straight justice. Pure and simple. We shun upon forum shopping at every level where people will get a different result depending on the jurisdiction that they're located in. We see that this movement is a national movement and it deserves a national response. And I believe that putting the jurisdiction in the hands of the New York State Attorney General will allow for some level of uniformity as they work with other Attorney Generals across this country so that we can have one uniform voice that we're speaking in so that we send a strong

message to law enforcement all across the country that fairness, justice and equity will speak in one voice. One people. Black Lives Matter. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Lavine.

MR. LAVINE: Thank -- thank you, Mr. Speaker.

And I want -- I want to thank the sponsor as well. When the sponsor had introduced a similar piece of legislation several years ago, a somewhat similar piece of legislation, I was somewhat suspect of that, but I think that the sponsor's view here is worthy of a lot of narrative. I want to say this: We've had some criticism because we're moving too slowly according to some and we're not moving with the -- the speed and the dispatch that others would like to see, but I'm always remember -- I always remember Ruth Bader Ginsburg's observation that true change is not easy. True change comes slowly and it comes incrementally and I'm happy to be part of that change. And when it comes to bills like this that deal with justice, we look at this not only from the perspective of New York State and what we do in New York State, but New York sets a national standard. And if ever there was a time for us to be setting national standards it is today and I always will ask myself when I vote on these bills, what would John Lewis do, what would Congressman John Lewis do. And with that in mind, I'm very pleased to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the

affirmative.

Mr. Perry to explain his vote.

MR. PERRY: Thank you, Mr. Speaker. *The Daily News* reported that between 1999 and 2014 over 179 individuals are killed by the police for the past 15 years. Only three indictment. Many of those -- their names hang on the great blue wall of silence. I just like to pay tribute to them as I cast my vote. Eleanor Bumpurs, 1984. Nicholas Heyward, Jr. 1994. Yong Xin Huang 1995, Brooklyn. Amadou Diallo, 1999 Bronx. Patrick Dorismond, 2000. Sean Bell, 2006. Ramarley Graham, 2012. Kimani Gray, 2013. Ryo Oyamada, Queens 2013. Eric Garner. Deborah Danner in the Bronx, 2016. And from across the United States: Breonna Taylor, George Floyd who was just laid to rest. I want to thank the mothers who have worked with us through the arduous effort to getting this bill to the floor. I don't have time to name all of them, but among some of those who are here making sure we did the right thing - Iris Baez, Margarita Rosario, mother of Anthony Rosario; Baez, mother of Anthony Baez; Kadiatou Diallo, mother of Amadou Diallo; Valerie Bell, mother of Sean Bell and many other names. Mr. Speaker, I withdraw my request and I'm proudly voting yes as we move this bill forward and look forward to the Governor signing.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, for

exceptions we want to have recorded as a no Mrs. Gunther, Mr. Stern, Mr. Santabarbara, Ms. Woerner and Ms. Wallace.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 108, the Clerk will read.

THE CLERK: Assembly No. A10002-B, Rules Report No. 108, Taylor, Heastie, Peoples-Stokes, Aubry, Vanel, Arroyo, Bichotte, Blake, Bronson, Carroll, Crespo, Cruz, De La Rosa, DenDekker, Dinowitz, Epstein, Fernandez, Glick, Gottfried, Hunter, Hyndman, Jacobson, Jaffee, Lifton, McDonald, Nolan, O'Donnell, Otis, Pichardo, Pretlow, Ramos, Reyes, L. Rosenthal, Seawright, Simon, Simotas, Steck, Thiele, Walker, Weinstein, Wright, Ortiz. An act to amend the Executive Law, the Public Authorities Law and Chapter 154 of the Laws of 1921 relating to the Port Authority of New York and New Jersey, in relation to establishing the law enforcement misconduct investigative office.

ACTING SPEAKER AUBRY: Mr. Taylor, an explanation has been requested, sir.

MR. TAYLOR: Thank you. This bill would establish law enforcement misconduct investigation [sic] office, which would be part of the Department of Law. The new office would be tasked with receiving and investigating complaint from any source or upon their own initiative concerning allegations of corruption, fraud

or use of excessive force, criminal activity, conflict of interest or abuse of any covered law enforcement agency.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Taylor, will you yield?

MR. TAYLOR: Absolutely, sir.

MR. MANKTELOW: Good to see you, my friend.

MR. TAYLOR: Likewise.

MR. MANKTELOW: Couple quick questions for you. This office that we're looking to create, do you know how big this office would be?

MR. TAYLOR: How big in size? How many employees?

MR. MANKTELOW: How many employees? You know, how big do you see this thing -- how big is it going to have to be to -- to operate?

MR. TAYLOR: That would be up to the Attorney General to establish and determine.

MR. MANKTELOW: Okay. And I'm assuming this office would be at the Attorney General's office as well?

MR. TAYLOR: Could you repeat that, please?

MR. MANKTELOW: Sure. This office that we're creating, that would also be housed at the Attorney General's

building?

MR. TAYLOR: Yes.

MR. MANKTELOW: And there's plenty of room there for that as well?

MR. TAYLOR: Yes, sir.

MR. MANKTELOW: Okay. And I see on the memo that there's really not -- there's going to be a cost here. Do you have any idea what that cost may be?

MR. TAYLOR: Not at this time.

MR. MANKTELOW: So I'm assuming we'll be talking about that next -- next budget season here?

MR. TAYLOR: Yes, absolutely. April 20 -- 20-- April '21.

MR. MANKTELOW: April '21 it would take effect?

MR. TAYLOR: Yes.

MR. MANKTELOW: So when we -- when you created this bill, I have a concern about duplication of service in this bill. As we look at all of New York State, New York State is vast, it's big and it's much different. And most of the bills that we've talked about in the last several days here in Albany have really focused on many of the -- the issues within the City limits. Do you agree with that?

MR. TAYLOR: Not necessarily.

MR. MANKTELOW: Okay. Most of the dialog has been -- in my view has been in the bigger areas, the City areas where

the -- where the need is much more.

MR. TAYLOR: I could kind of understand that, yes, but not limited to -- when you say "City", are you talking New York City, Buffalo, Rochester, Syracuse?

MR. MANKTELOW: I'm sorry, yeah. I'm sorry. All the -- all the bigger metropolitan areas.

MR. TAYLOR: Okay.

MR. MANKTELOW: Thank you, Mr. Taylor.

MR. TAYLOR: Thank you.

MR. MANKTELOW: Absolutely. So when you considered doing this bill, did you reach out to any of the -- our local sheriff's offices, our local policing precincts, districts in our areas by any chance?

MR. TAYLOR: No, not directly, but we received comments from various places, as I understand.

MR. MANKTELOW: From various agencies throughout the State.

MR. TAYLOR: Just general.

MR. MANKTELOW: General?

MR. TAYLOR: In general.

MR. MANKTELOW: Can you -- can you expound on any of those comments that you were given?

MR. TAYLOR: No, I can't at this time.

MR. MANKTELOW: Okay. Another question. In my eyes this seems to be a duplication of services. I know in my rural

area where we have State Troopers, we have sheriff's offices, we have town police forces, we have city police forces and we also have village police forces. In a lot of those agencies, in all of those agencies, I can't speak on -- on behalf of the State Troopers, I'm not sure about that. But in all of the other agencies there are already policies and procedures in place to take care of this -- to take care of what you're asking New York State to do now. Is that -- is that not a duplication of services?

MR. TAYLOR: No. I-- I -- I think for my understanding of what we have crafted here is there -- there is oversight that may be missing, an opportunity to provide that oversight that doesn't currently exist in an independent way.

MR. MANKTELOW: So that -- so that oversight that doesn't -- doesn't exist at this point, where doesn't it exist? Where in New York State does that not exist?

(Pause)

MR. TAYLOR: Thank you. It's -- it's an opportunity to provide oversight with an agency that doesn't currently exist so --

MR. MANKTELOW: I'm sorry. I can't hear you, sir.

MR. TAYLOR: I'm sorry.

MR. MANKTELOW: Thank you.

MR. TAYLOR: Let me get rid of this. (Taking off mask)

MR. MANKTELOW: All right. There you go.

MR. TAYLOR: Here we go. Okay. I feel a lot

better right there myself. So it's providing oversight that doesn't currently exist and it's an independent oversight separate and above what currently is in place so there may look like similarities, but it's bringing a different spin from the Attorney General's office, as I understand this interpretation.

MR. MANKTELOW: Okay. I know as being a --a former town supervisor, a former county legislator working locally within our counties and our towns and villages, understanding what our sheriff's offices have back home, what you're asking or what you're putting forward, we -- we have those in place. So I really don't see why we need to expand this Statewide.

MR. TAYLOR: I certainly appreciate that comment. I think we just agree to differ a little bit at this point.

MR. MANKTELOW: Okay. And where I was going with this, I -- I want to support this bill. I think this bill is needed as -- as we've heard for the last several days here in Albany on this floor that there are hotspots within New York State. Spots where we may need to use this more than other ones. And have you ever considered maybe doing something like a pilot program for a year or two putting this in place, as you say, in one of the bigger cities? Maybe the biggest city in New York. Have we ever considered putting in a pilot program in the New York City area to see how this is going to work before we -- before we move this Statewide?

MR. TAYLOR: No, we did not.

MR. MANKTELOW: Those are one of my concerns.

I -- I feel that, again, we're going to do this one-size-fits-all bill again much like the rent control bill that we did here a year ago or whenever it was. I don't remember if it was last year or this year. But I know how that one-size-fits-all. I was down in New York City last year with some of the Assembly members seeing some of those issues there, seeing the issues with the housing - and we've talked about that I believe one-on-one as well.

MR. TAYLOR: Yes.

MR. MANKTELOW: And I want to see us to do -- I want to see us do something for those -- those individuals to get them the housing that they need. But passing these several bills for the past several days, we're putting a lot of things forward here and we're not attaching any dollars to that. And I'm so concerned that next year when we get to the budget cycle, we're all going to be asking for money. We're going to want money for our homeless. We're going to want money for our -- for our housing. Where do you see that coming from? That's the part that concerns me. That's why I'd much rather see a pilot program move forward, keeping it scaled down, something that we can focus on and look at it for two or three years and if it works well there, then we'll expand it for the rest of the State. Is that possible or is that an idea that could work?

(Pause)

MR. TAYLOR: Yes. Could you repeat that question?

MR. MANKTELOW: Sure. I'm not sure I'll get it all

right, but, you know, as I just said, looking throughout the State, is it possible to do that pilot program within one of the city areas, your area because it's so dear to your heart, and seeing how that's going to work for a year or two before we expand it to all of New York State and again, we're going to put all these people, employ all these people. Do we really need to do that right now, especially with what we're dealing with with the COVID?

MR. TAYLOR: I certainly think -- I appreciate you repeating the statement.

MR. MANKTELOW: Thank you.

MR. TAYLOR: One, it's not limited to New York City or my region, but we're looking at it on a Statewide and I think when you look at it from the Attorney General's perspective there is some space already in terms of logistics. But if we have to make adjustments on the cost, we could do that, it's a year out. I do have a couple suggestions about how we can get income, but that's not the topic today, but certainly I -- I think we -- it's doable. And -- and I don't want to leave any crack or crevice out, so when we talk about Buffalo, Rochester, Syracuse, New York, there other municipalities. We've got 62 counties in the State so it may fit somewhere else, but that lift may be much less there, but certainly it's worth looking at it again in terms of the dollar amount and we can make the necessary adjustments. To the -- to the point when you said as a pilot, I'm answering, why it's not a pilot. I hope I answered that.

MR. MANKTELOW: Sure, because I think all of us

on this -- on this floor would absolutely support any -- any location in New York State, especially if there's a hotspot in my district or a hotspot in the southern part of the State.

MR. TAYLOR: Absolutely.

MR. MANKTELOW: And -- and I think we are men and women of integrity on this floor and we would make that happen.

MR. TAYLOR: Absolutely.

MR. MANKTELOW: I just -- I am so concerned right now from the dollar standpoint. You know, we're coming out of COVID. We're doing great, all of the State's doing great. Money is so tight. And as I said just a little while ago, I'm concerned about some of the other things I want to see get accomplished here for housing, housing for people that need the housing especially down -- the ones that I saw in the City. I want to make sure we have enough money there. And yesterday we had a bill come up, it was the body cams for our State Troopers. I absolutely support that a hundred percent, but, again, there was no dollars attached to that bill. And I'm so concerned that are we going to have the money to fund that? I'd much rather see the money go there, cut this program back in half or a third, do it in those hotspots right now and let's still in our districts, in my district I can speak totally. We are fine right now. We have everything under control. Our police agencies, our sheriff's offices, our locals, we're doing the job. We are making sure the things that you're asking for here are being done. I have full confidence that that's happening back home. So I'd much rather see us save a little bit of money, bring this

down in size and allow it to happen in the certain areas where we need to right now and take another look at it and then, again, do everything else that we really want to do. I'd much rather see us do that.

MR. TAYLOR: Thank you.

MR. MANKTELOW: Are you open to that?

MR. TAYLOR: No. Not in this -- not in this tense, but I do have some suggestions about income.

MR. MANKTELOW: And my friend, you and I will talk about that, won't we?

MR. TAYLOR: Yeah, absolutely. And I understand what you're saying. We've talked about food insecurities in the State and a lot of different things happening in various regions, so without -- without hesitation I -- I -- I understand what you're saying. I don't think this is going to impede and financially I can't speak to how much it's going to cost, but certainly we can look at where we need to make adjustments as we move forward and we have one year -- almost a year before it becomes law.

MR. MANKTELOW: All right. And I'd be glad to sit down and work with you on that, especially from the areas up in my district.

MR. TAYLOR: Absolutely. I appreciate it.

MR. MANKTELOW: That'd be absolutely fine. Mr. Sponsor, I thank you for your time and I thank you for your time to talk to me here on the floor.

MR. TAYLOR: Thank you.

MR. MANKTELOW: And I look forward to working with you, my friend, as always.

MR. TAYLOR: Absolutely.

MR. MANKTELOW: And I miss seeing you.

MR. TAYLOR: Yes, likewise.

MR. MANKTELOW: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Again, we're here looking at another bill on -- on the floor of the Assembly, and some of these bills that we've looked at the last several days are -- are desperately needed in certain parts of the State. But, again, as we've talked and we've heard from other colleagues on both sides of the aisles, sometimes the way we do these bills in Albany they're flawed. We have our -- we have our committees. When we want to think about doing a bill in Albany, why don't we bring that bill to the committees, bring our committees in and let us critique that bill, let us critique the idea of what that bill wants to accomplish. And then we can nitpick all those little things in committee, and then when that bill comes to the floor, we have a defined bill. And as I heard here yesterday on the floor, you know, that sometimes we nitpick things or we look at situations that probably aren't going to happen, you might be right, but you might not be wrong. The difference in our State is so huge the way we all do business in every part of the State and the makeup of our State. So let's get together before that bill gets to this floor. Let us

work those things out over a cup of coffee, on the table in the committee room representing each and every one of our districts back home. And that -- when that bill comes forward, we've done our homework, we're going to have a better idea of the cost. That way when we do get to budget season next year, if we need the house for the housing or the homeless or with the veterans or with anything that we want to work with, we have those numbers ahead of time and we fully understand where we're going to go with the budget. I -- I want to support this bill so bad because I know in Assemblyman Taylor's district, his area, this is probably greatly needed. If it wasn't, he wouldn't have brought it to the floor, and I trust that he brought it there for those reasons and I know that he did. But in my district, this is total duplication of services. We do not need to spend taxpayers' money again on something that we're accomplishing in our districts. Maybe we'll need some help down the road someday, but right now it's being done and it's being done in a proper way. And if we can save taxpayers' dollars in New York State and not have to raise taxes to cover some other costs, let's do that. That's what we're -- that's what we're here for, to make sure we do things in a right way making sure that we represent every individual in the State, every place in this area. I -- I just -- I feel for everyone and after visiting Downstate last summer, I constantly think about ways that we can help those individuals throughout the State to make this a great State, the State of New York. Making sure every resident is taken care of.

So, again, I want to support this Assemblyman

Taylor, you know that, you know I have your back on this, but right now until we can -- until we can address that duplication of services, I've got to be a no but I don't want to be a no because I -- I do support the bill. I just -- if we can make those changes and shrink it down a little bit and do a test pilot of wherever it needs to be, I would absolutely support this. So, again, thank you, Mr. Speaker. On the bill. Thank you, Mr. Taylor. I'm here for you. And I thank you for bringing this bill forward. You did a great job. Thank you. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. Would the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mr. Taylor, will you yield?

MR. TAYLOR: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Taylor yields, Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Taylor. Reading over the bill I see there's a two-year time frame where if an officer of one of these agencies impacted received five complaints, it would then be forwarded for investigation. Does that two-year time frame begin at the onset of the bill? Would it begin -- is there a retroactive period or any back-dating? Is it immediately upon, you know, when a head of this independent investigation is named? What -- what is the start

of that two-year time frame?

MR. TAYLOR: It would begin once the bill becomes law. It's not retro.

MR. SCHMITT: Okay. So no complaints prior to that day would count in this five number.

MR. TAYLOR: That would be correct.

MR. SCHMITT: Okay. Getting into specific complaints. What specific complaints would be required to be forwarded or would be considered in -- in five? Would it be any and all disciplinary records, internal and external, so would it be direct complaints from the public as well as say maybe internal discipline as you didn't keep your locker clean, your car wasn't to standards? What would actually fall in?

MR. TAYLOR: Complaints from the public.

MR. SCHMITT: So no internal complaints or internal discipline that wasn't public-driven would be considered?

(Pause)

MR. TAYLOR: Thank you. My apologies. It's not administrative-driven. It's primarily public.

MR. SCHMITT: Okay. Now when -- when it comes to public complaints, is it any public complaint or are there limits to what complaints would be considered?

MR. TAYLOR: Any complaint. Now you --

MR. SCHMITT: So it could -- so it could range --

MR. TAYLOR: Right.

MR. SCHMITT: So just to clarify, it would be, you know, anything from excessive force. So excessive force would be included, obviously.

MR. TAYLOR: Let me give you just an overview of some of the things. Investigating complaints from any source or upon their own initiative concerning allegations of corruption, fraud, excessive force, criminal activity, conflicts of interest or abuse in any covered law enforcement agency.

MR. SCHMITT: And if -- is that substantiated or unsubstantiated by the Department? Does it matter if a complaint is -- is submitted to say a local village department, they find it not substantiated, does that count in the five?

MR. TAYLOR: They're -- they're doing the investigation so whether there's information that they got from the Department or... it's -- it's their determination. But I don't want to conclude that what comes from that agency or that entity is the final ruling. It's an investigation.

MR. SCHMITT: No, I understand. But -- so we have to get to five complaints in two years to be forwarded in this part of the legislation.

MR. TAYLOR: Well, it's five and five, right? It's five complaints, five different individuals, so there -- there has to be a level -- the threshold so it's just not arbitrarily five complaints, but five different complaints by five different folks over a two-year period. I think that's the language.

MR. SCHMITT: So if Officer A received five complaints from the same household on the same issue, that would not qualify?

MR. TAYLOR: If they're five different people it's worth considering, but I don't want to go down that rabbit trail because I don't know that five people in one household would make the same complaint, but that's five and it's still in a two-year period. And the investigation is to -- to look at this and see whether there's merit there, not a witch hunt and I think one can smell a skunk 20 years -- 20 miles away. So if it walks like a duck, quacks like a duck it's probably a duck. So I don't believe the agency, in my understanding of this language, is not to do that to be arbitrarily capricious, if you would, but to look at it and -- and make sure that you have something there.

MR. SCHMITT: Well, and why I ask this specific line of questioning is because I ran this legislation by every single department that I represent locally to get their input. And what I heard back, especially from a lot of my agencies is the fact that many of them are small, they're town or village departments that have a -- a limited number of officers.

MR. TAYLOR: Yes.

MR. SCHMITT: So many times, unlike a larger city or county department or -- or much larger municipal forces, these village or town forces may have a -- an individual or even families that have disputes amongst themselves or neighbors that have disputes

amongst themselves. One example brought to my attention is a neighborhood that's fighting with each other over loud music.

MR. TAYLOR: Mm-hmm.

MR. SCHMITT: And neighbors keep calling the same police officers at the same time because they have a limited number on that shift.

MR. TAYLOR: Right.

MR. SCHMITT: So the same one to three officers will respond to the block and whatever neighbor calls on the other neighbor, the other neighbor then complains and files a complaint against the cops for bothering them. So I have local administrators that police departments are concerned with the fact that unlike maybe a larger city or a larger county, the same one to two to three officers may continually go to a reparatory issue that will cause more complaints to be put on them that are then -- that are completely and continually found to be unfounded, but then they would be subject to this additional review.

MR. TAYLOR: Thank you. I understand exactly what you're saying, but if there is no real issue, there's no -- it's a non-issue, it sounds like the Hatfields and the McCoy's are going at it all the time and so there's going to be -- their only release is being able to go back and make a complaint against the other, but the investigation, just on that scenario, would seem like it's unfounded based on that scenario you just gave me. I -- I give credit to those that will be doing the investigation that they're a lot smarter and wiser than

those neighbors that are pitting each other against each other. As a former Military Police officer going into a domestic violence, I have to make sure that I separate the two, keep my eye on the -- on the husband or the other person, but at the same time someone will say well, he or they did this when actuality we're following the book to the -- to the letter of the law. So but when you look at it from an investigative perspective, did they do what they were supposed to do. Were the officers correct of their handling and again, to that example that you gave, I think it would be unfounded, but that's what they would determine.

MR. SCHMITT: So, just to confirm just for my clarification.

MR. TAYLOR: Yes.

MR. SCHMITT: So, this example or examples like this for a domestic violence situation like you mentioned which was also mentioned by different departments to me, they would be forwarded to this new entity and then this entity obviously, with your statement, would hopefully find it to be unfounded is what you're saying, right?

MR. TAYLOR: Yes. That's correct.

MR. SCHMITT: Okay. Now when it comes to punishment. So say there's an investigation. They find Officer A, B and C did something inappropriate. Do they have the ability to render punishment to order say dock pay, dock days, suspension?

MR. TAYLOR: It will be forwarded to the

appropriate agency; city, State or federal.

MR. SCHMITT: So they would only have authority for criminal matters, not say administrative punishments?

MR. TAYLOR: Yes. They -- they can forward it back to the -- to the appropriate agency, whether it's that police municipality and they could do the appropriate meting out of -- of what that looks like.

MR. SCHMITT: Now some of the concerns that my departments have is with this new process may violate their Civil Service contracts? It may lead to a PERB hearings, you know, other opposition from the current status of their Civil Service contracts because it doesn't follow the agreed-upon method to investigate, punish and prescribe, you know, remedy. Is there anything within this legislation that would accommodate those concerns?

MR. TAYLOR: Yes.

MR. SCHMITT: And -- and what -- what exactly does it -- does it void out? Does it supercede? What is -- what is the answer when the municipalities are asking about that?

MR. TAYLOR: It does not supersede. There's specific language that says it protects the collective bargaining rights.

MR. SCHMITT: So even if this process violates with the agreed-upon collective bargaining right of say a local village department, how is that then adjudicated? If -- if they come back and say yes, Officer A committed this and we suggest that he be fined, say, with a 15-day suspension, but that's not the process within the

contract, how is that going to be resolved?

MR. TAYLOR: Then the Department -- the Department would be responsible to adhere to their guidelines that they have, but administer the necessary discipline.

MR. SCHMITT: Now, what about departments where they cannot release this information based on they find it to be unsubstantiated. Would that fall under other jurisdiction where they feel that their process does not allow them to allow another authority to adjudicate these issues with internal discipline?

MR. TAYLOR: I want to understand the question. Are you saying that that particular department does not release information for the investigation?

MR. SCHMITT: Well, I'm saying say an officer would, under these standards, be fit to be forwarded. And the officer objects that the Department does not have a right to forward this information based on their collective bargaining agreement. Since it would be viewed traditionally in an internal disciplinary manner.

(Pause)

MR. TAYLOR: The provisions that are here in this proposed legislation does not diminish any of the collective bargaining rights as it stands right now.

MR. SCHMITT: Understood, and I guess what I'm saying is when there's a conflict, how is that going to be -- how is that going to be decided on what -- who wins in that conflict? So if a member of the force files a PERB objection, say, to this entire

process, is that going to be on the State then or is that going to be on the municipality?

MR. TAYLOR: It could be litigated in the future. We'll have to see how it plays out. I'm not -- I don't have an other answer than that.

MR. SCHMITT: So you feel that in that situation will it fall on the municipality to defend itself if it enacts, say, a punishment recommended by this new entity or would it be up to the new entity in the State to defend their order and their actions and their decisions?

MR. TAYLOR: It's the municipality that's doing the -- disseminating the punishment or the disciplinary action that takes place. Am I answering your question?

MR. SCHMITT: Well, so that's -- what I'm saying is by some - and I can't speak for every contract obviously across the State, but by many of the departments to provide feedback to me, they feel like this process, they would not have a right, under their current contract, to give out that administrative punishment that -- that you're speaking of. So comes in and says hey, we recommend -- this new entity recommends five-day suspension, that is not a process by which the municipality, under their contract, can give a punishment or the process. So they now give a punishment, it is now opposed, challenged say in a PERB hearing. What happens them? What's the process?

(Pause)

MR. TAYLOR: Okay. Thank you. So as I'm understanding it the municipality would have to adhere to whatever process that they have in front of them. So whether they choose to want to follow the five-day suspension or something else that's left up to them, they can do that. Just in this scenario, this hypothetical that we're going through.

MR. SCHMITT: And then if they refused to take any action, is -- what -- is there a punishment or is there another enforcement mechanism?

(Pause)

MR. TAYLOR: So, it can be forwarded to other prosecutors based upon what they do or do not do. If their -- if their -- if their collective bargaining says that they don't have to adhere by that -- that recommendation, then there are other options that they can look at.

MR. SCHMITT: Thank you, sir. That's all the questions I have right now.

MR. TAYLOR: Thank you so much.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SCHMITT: I've ran this piece of legislation by every department that I represent and officers and leadership and local government leaders across my district and they have some many deep running concerns on this matter. And for that purpose and this questioning here I will be voting no at the appropriate time. Thank

you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Taylor, will you yield?

MR. TAYLOR: Absolutely, sir.

ACTING SPEAKER AUBRY: Mr. Taylor yields.

MR. GOODELL: Thank you, Mr. Taylor. And I appreciate your comments and your intent to have an investigatory board.

MR. TAYLOR: Thank you.

MR. GOODELL: I see that this Board, which would be in the office of the Attorney General, would have the authority to receive and investigate complaints from any source. Would that be your understanding then that they could receive a complaint without that complaint first being made to a police department or related entity that actually has the responsibility over the officer?

MR. TAYLOR: Yes. That's correct.

MR. GOODELL: And so as an example, in a municipality, most municipalities the police chief works for the mayor. So you could have a complaint going to the Attorney General without the mayor being notified?

MR. TAYLOR: Yes.

MR. GOODELL: Would you anticipate, though, that the Attorney General would promptly forward a copy of that Complaint to the mayor or receive it independently?

MR. TAYLOR: Yes. There is language in this legislation that allows the entity to speak to that municipality, the head of that organization and share that information.

MR. GOODELL: So, in fact, I'm looking at page 2, line 23. It looks like there's some explicit responsibility to inform the heads of covered agencies of such allegations.

MR. TAYLOR: Yes. That's correct.

MR. GOODELL: Absent special circumstances. So I assume that if the mayor was also part of the allegation you might not necessarily serve them until you proceeded further but otherwise there's an obligation then on this provision to notify the head of the agencies?

MR. TAYLOR: That's correct.

MR. GOODELL: Now I see that this also provides that the Attorney General's office would determine with respect to such allegations whether disciplinary action is warranted. Would that be a recommendation or a mandate? Would it be a recommendation back to the local police department, for example, or would it be a mandate that they be disciplined?

MR. TAYLOR: A recommendation.

MR. GOODELL: We had a considerable discussion yesterday over concerns about disclosing reports or allegations that,

upon investigation, turned out to be false or malicious or unfounded. Would you envision that the Attorney General's office would only act on complaints and only report complaints that they view were founded or legitimate or had probable cause or reasonable grounds?

MR. TAYLOR: Let me understand the question. Are you saying that the Attorney General's office will only act on those that they find that are substantiated?

MR. GOODELL: Correct.

(Pause)

MR. TAYLOR: Thank you. So if the -- if the Attorney General's investigation is unfounded then there's nothing to report.

MR. GOODELL: And that's -- that's an important fact to note for officers who are concerned about false or malicious complaints.

MR. TAYLOR: Yes.

MR. GOODELL: And sadly that happens. But you envision that if the Attorney General, upon investigation, determines there's no basis, there would be no report or follow-up action.

MR. TAYLOR: I got it. Hold on.

(Pause)

MR. GOODELL: Well, if it's helpful I see the bill itself. On line 31 and 32 on page 2 it says, "...prepare and release the public written reports of investigations as appropriate."

MR. TAYLOR: Yes.

MR. GOODELL: And I assume the phrase "as appropriate" means if they were founded legitimate, bona fide or had a grounds or basis.

MR. TAYLOR: It would be up to the Deputy Attorney General to respond whether -- whether it's going to be released. We're talking about the substantial evidence?

MR. GOODELL: Right.

MR. TAYLOR: Yes. It would be up to the Deputy Attorney General to determine if they substantiated or whether that would be released.

MR. GOODELL: Now one other provision of this bill has caused some consternation and that is a provision that says a knowing failure of any officer employed in sole report, an allegation, shall be cause for removal from office or employment or other appropriate penalty. Am I correct then that that reference to other appropriate penalty reflects the nature and extent of how serious the original incident might be? In other words, you know, failing to report a murder is a lot more serious than failure to report a minor incident. Obviously if it was a failure to report a minor incident we would not expect the officer to be fired, correct?

MR. TAYLOR: Absolutely. So if you forgot to put your initials on the bottom of a form, you know, you were supposed do it but you didn't do it. So, for example, we have a 23 something something in the service and what you would do is any time you do a report, if you made a mistake you had to put a line through it, put your

initials. And so if we see there's a history of that, that's not one that would raise the level of -- of being persecuted or prosecuted for something like that.

MR. GOODELL: So if I'm correct, this panel is charged with the authority to investigate. But this legislation itself does not give the panel the power to prosecute or force the termination of any employee? They just investigate, give a report and recommendations back to the local municipality?

MR. TAYLOR: Yes. You're absolutely correct.

MR. GOODELL: Thank you, Mr. Taylor.

MR. TAYLOR: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you very much. My colleagues I think raised legitimate concerns over the cost and scope and the duplication of this proposal and -- and it's clear that we haven't addressed that. We've kind of kicked that can down the road until next April. We have similar laws in place, of course. We have the human rights commission that's charged with investigating complaints. We have a special commission, as you know, for malpractice claims. I think it's interesting to note, though, that before you can bring the action for malpractice you have to present it to the medical review board, and if they come to the conclusion there was no malpractice, then that conclusion can be used by a physician in any civil lawsuit as part of the defense. And with the human rights

commission and with some of our other similar commissions the result of the administrative review has a direct impact on civil liability as well. So if they find that the cause -- there's no probable cause, for example, or no basis, then that evidence is in this (unintelligible) subsequent civil litigation. Those programs that we have aren't free, some of them are quite expensive, but if you look at the budget for the human rights commission, for example, it's fairly significant. And we justify the expense of the human rights commission because there's nothing comparable Statewide. And as my colleagues pointed out, this is a duplication and this is a new cost. I very much appreciate the comments of the sponsor helping us understand the scope of this legislation. And as the sponsor clearly pointed out, the purpose of this is to provide an investigatory process that's separate and distinct from the municipality. But as part of that process, the statutory language itself requires the Attorney General to inform the heads of the covered agencies of the investigation unless confidentiality is otherwise required to make recommendations, but only recommendations as far as disciplinary actions are required. And then basically send the case back. And so we have an independent investigatory body that would be created by this bill. But that body wouldn't have the power to prosecute or to discipline, only the power to investigate and make recommendations. And because the scope of the bill is fairly narrow and well-described by the sponsor, I will be supporting it. But I am sure that all of us will want to review this again in about a year in March when we look at the budget. And if the cost is multi-million

dollars to staff this operation and we're facing cuts to education and healthcare and a number of other areas, we may want to reevaluate what our financial priorities are at that time. So I will be supporting it now and, of course, will be reviewing the concerns raised by my colleagues when we get the actual cost numbers next year. Thank you so much, Mr. Speaker, and again thank you, Mr. Taylor for your comments.

ACTING SPEAKER JONES: Thank you, Mr. Goodell.

On a motion by Mr. Taylor, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 108. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Colton to explain his vote.

MR. COLTON: Thank you, Mr. Speaker. To explain my vote. This is a bill which the concept could be very, very good, and it is a bill that could be used as a vehicle for resolving many problems. But unfortunately, the details of -- and the safeguards are simply not present, have not been developed in this bill. And it is my fear, especially based upon the fact of a 85 complaints, founded or

unfounded, substantiated or unsubstantiated, would require the -- the Police Department to refer that to this -- this group, this Commission, this board makes me fear that it will end up with a majority of good officers finding themselves being investigated by this board. And that certainly does not promote transparency or clarity in terms of the requirements or the conditions that are being used to judge. It -- it may very well result in a situation where it might in -- hinder or inhibit law enforcement. It will make good officers feel that they are being targeted beyond their control. And I don't think that is something that we want to do. This bill is going to pass. And it is my hope that when the Governor looks at this legislation that he will have some chapter amendments that will correct some of the broadness in this bill, which I think could be very, very detrimental in terms of the results, the unintended consequences that we're going to face. So, I withdraw my request and I vote in the negative.

ACTING SPEAKER JONES: Mr. Colton in the negative.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, sir. It may have been easier for me to say Minority in the negative with the following exceptions, but we started in a different approach, so, the following Republican members will be voting in the negative: Mr. Ra, Mr. Ashby, Mr. Blankenbush, Mr. Barclay, Mr. Brabenec, Mr. DiPietro, Mr. DeStefano, Mr. Lawrence, Mr. Manktelow, Mr. Montesano, Mr. Norris, Mr. Schmitt, Mr. Smith, Mr. Friend, Mr.

Palumbo, Mr. Crouch, Ms. Byrnes, Mr. Fitzpatrick, Mr. Reilly, Mr. Salka, Mr. Tague, Mr. Miller, Ms. Miller, Ms. Malliotakis, Mr. Garbarino, Mr. Stec, Mr. Lalor, Mr. Mikulin. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you could record our colleagues, Mr. Santabarbara, Ms. Buttenschon and Mrs. Gunther in the negative.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the A-Calendar, page 7, Rules Report No. 151.

The Clerk will read.

THE CLERK: Assembly No. 10614, Rules Report No. 151, Committee on Rules (Taylor). An act to amend the Executive Law, in relation to the Law Enforcement Misconduct Investigative Office.

ACTING SPEAKER AUBRY: On a motion by Mr. Taylor, the Senate bill before the House. The Senate bill is advanced. Governor's message is at the desk. Read the last section.

THE CLERK: I hereby certify to an immediate vote. Andrew M. Cuomo, Governor.

Read the last section. I'm sorry.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 151. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes?

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please report -- record the following Republicans in the negative: Mr. Ra, and Mr. Palumbo.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If we could lay out the remainder of our agenda for today. It's quite extensive, so I would ask folks to pay close attention. We're going to start on a brief debate on page 19, it's on the main Calendar, it's Rules Report No. 124 by Mrs. Galef. And then we're going to go to the A-Calendar and go to Rules Report No. 40, which is on page 5. That one is also by Mrs. Galef. Following that, Mr. Speaker, we're going to go to -- into consent on local bills on the main Calendar. And we're going to start with Mr.

Steck, page 22, Calendar No. 13. Followed by page 49, Calendar No. 206, Mr. Salka. Page 49, Calendar No. 207, Mr. Goodell. And page 16, Calendar -- Rules Report, rather, page 16, Rules Report No. 106 through 127. Following that, Mr. Speaker, we're going to go to -- back to the A-Calendar and we're going to start at Rules Report No. 128 and go straight through to Rules Report No. 150. Again, members do want to pay attention to these local bills as we go through them should in case you desire to be an exception you will need to contact your respective Majority and/or Minority Leaders' offices. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Page 19, Rules Report No. 124. The Clerk will read.

THE CLERK: Assembly No. 10398, Rules Report No. 124, Galef. An act to amend the Real Property Tax Law, in relation to including certain spent nuclear fuel within the definition of real property.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Galef.

MRS. GALEF: Good afternoon, everyone. The -- let me just give you a little bit of a background because we have -- we have three bills, we're only, I guess, debating two. But -- but we have three bills on the Calendar dealing with Indian Point. And just to kind of have a little bit of a perspective, the 95th Assembly District, which I represent, has had the distinction of having three nuclear plants in it over a period of 50 years. And during that period of time we have

been able to provide over 2,000 megawatts of power to the surrounding areas and employing over 1,000 people at the nuclear plants in -- in very good well-paying jobs. And of course, we have really helped all of our residents, whether they're in -- in New York City or the surrounding areas and Westchester with all those megawatts of -- of nuclear power. But, today we are in a different situation. And the -- Entergy, who has owned the plant since 2011 announced three year -- two-and-a-half years ago that they were going to sell the plants, they were going to decommission the plants. So, today we're dealing with some -- some of the bills that deal with the decommissioning of two nuclear plants, one of them had been decommissioned before, but not -- actually, it closed. It really hasn't been decommissioned in that same way. But, as a result of this, the community, which had been receiving \$32 million in -- in tax revenues every year, are just having that wiped away from them. And the Village of Buchanan is the host community for these plants. And half of their budget, which is \$7 million is -- is going to be feeling the loss of these revenues. The school district will have 33 percent of their revenues cut from their school budget, that's \$24 million. And it ripples down to the library, the fire departments, the Town of Cortland and the County of Westchester all losing a huge amount of money. So, we're trying to deal with some of the issues today to -- to actually save a community, and in a way say *thank you*. And this is the time when the community really needs help.

So there had been an Indian Point Closure Task Force

established by the Governor when it was decided that the -- Entergy was going to be selling their plants. And there were a lot of State officials on this task force and they came up with several -- with a discussion with the community, we came up with several pieces of legislation. One is a bill that is not on this agenda, but it is Assembly Bill No. 10107, which would allow the community to have a pilot with any kind of new company, decommissioning company, that's coming into the plant. And we had, I think it was 2010, I remember standing in the -- in the Chamber, not sitting at home, but standing in the Chamber debating a bill about whether there could be a pilot for a nuclear plant. And -- and we decided, through legislation, that there could be and there would be. But that was for an active plant and nobody really thought about the plants closing at that point. So, this -- that one bill then will allow us to have a pilot for a decommissioned plant. But, if the pilot is not negotiated, there is another opportunity, and that's the bill we have before us now, 10398. And it -- it will allow the community the opportunity to tax the facilities that store the spent fuel rods, which will be there forever, and the pools and the dry casts and the pads. It's -- it's storing the spent fuel rods, it's not the fuel rods themselves. One day we hope that the property can be rejuvenated and produce tax revenues on its own. But at the moment, it may be 60 years before anything happens on this piece of property. And it could mean that there are very little revenues coming to the community. So, Indian Point is a storage site, and what this bill does is just allow the community, if they decide to go in that direction, to

be able to tax, as real property, those specific entities required in the bill.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Mr. Palmesano.

(Pause)

Mr. Palmesano.

(Pause)

MR. PALMESANO: Yes. I apologize.

Will the sponsor yield for a few questions?

MRS. GALEF: Yes.

ACTING SPEAKER AUBRY: Mrs. Galef accepts your apology and she will yield.

MRS. GALEF: I was actually going to ask the question for you, but --

(Laughter)

MR. PALMESANO: And I apologize to my colleagues for that. Yes, Sandy, I certainly understand the intentions behind the bill and I know you mentioned the other bill that was coming up, I believe it's 10107 about setting up allowing for pilot agreements, which I support, I think that's a good thing. I know the company and community is supportive of that. Relative to this bill, I do have some concerns. It does appear that what you're looking to do is change Real Property Law to allow for -- because under Real Property Law usually it's a fixed asset, it's part of the land, correct?

MRS. GALEF: Well, you -- you could say -- I mean,

I think we're talking about technically whether you can move something or not. Phil, I would say this -- this is somewhat of a hybrid. A dry cask is 20 feet high, 11 feet wide, weighs over 132 tons and they're going to be multiples of those on this site, like 125, with concrete pads and, you know, you might say they're moveable but where -- first of all, where do you move them to? So, I -- I give you that question. They're not -- they're moveable but they're not moveable. Until the Federal government says yes to Yucca Mountain, or says yes to something, and they come and move them. Now, with this bill, if they move them from the property, they would no longer be taxed, obviously. So, this could go on for 60 years, it could go on for 100 years, who knows, they -- they are really there. And -- and, you know, if you talk about *moveable* under Real Property, you know, I was thinking about mobile homes. So, you know, they can -- can they be moved? They can be moved. Are they moved? So, you know, this is unique, this is a nuclear plant and there's nothing in the nuclear plant issues that aren't unique. And there are only six nuclear plants in our State, so we have a lot of uniqueness. And this would apply Upstate also when there will be a point when the nuclear plants close Upstate, and those communities are going to have the same issues that we have in the Village of Buchanan.

MR. PALMESANO: Right. Because I think the point I was getting -- trying to get to, because I know like in the facility when the rods are being utilized as part of the facility, that's when it's part of the real property and is in that -- that's where it's

taxed and assessed at that point of view. But with the -- the -- the rods when they're used and were put into the dry casks, I understand what you're saying, but that being the case, I know it might be big, but it's still a moveable option and it is considered -- it is considered, personal perspective, so I think there's some concerns I think on -- on that regard and I wanted to point out --

MRS. GALEF: Well, you know, this kind of legislation might incentivize the company that's going to be coming in to decommission to get the Federal government to find a place for these rods.

MR. PALMESANO: I think there is a -- that was another part of the -- I think the -- the legislation I had some questions about from a legal perspective, I'm not an attorney, but because obviously the Federal government does have, you know, from a preemption perspective, does have authority over this with the -- the oversight comes from the Nuclear Regulatory Commission on dealing with that and the safety of the spent fuel rods and the pool. So, isn't there some concerns that this might kind of get into the purview of the Nuclear Regulatory Commission from that perspective?

MRS. GALEF: Well, the Nuclear Regulatory Commission is about the -- you know, the preemption and -- and so on, whether the State can preempt. But that's on construction and operation of the nuclear plant. It isn't about the -- or radiological issues. We have meetings all the time about the safety at the plant. But they're not into the taxing issue. And when the pilot was

established at Indian Point with -- it was before Entergy, actually -- well, one -- the first pilot was under Con Edison. Because they were protesting, they went to court on a certiorari and so that was when an agreement was established with Con Ed that also continued under -- under Entergy with a pilot. But that wasn't something that the Federal government did. The taxing is all about what the local communities assess the property at. And, of course, you know, going back, the -- if -- if the spent fuel rod, pools and -- and the pads and the dry casks were taxed and the company felt it was too high, they can always go to court and -- and, you know, take a tax certiorari, as we all do with any kind of property. I think the main thing is to try to push the new entity to get the Federal government to do something. Because, you know, until we get rid of those -- those spent fuel rods at Indian Point, it's going to be very hard to reorient that piece of property and use it for anything else. I mean, there was a question of whether you put homes overlooking the spent fuel rods. I don't know that you can do that. I don't know that anybody would buy a home. And so, you know, the property was so valuable and now it's -- it's not valuable because it's being decommissioned. There's no, you know, real value to it.

MR. PALMESANO: And I -- I appreciate that. And I know with the decommissioning funds that, you know, there's so much money there for the decommission. I know that certainly we did want the municipalities to get as much revenue as possible, but we also know that there's the -- the whole issue of redeveloping the property at some point in time too, so how that funds work and how

that works through this process. So, I -- I just kind of want to say thank you for your time, I just had some -- thanks for answering some of the questions I have and I'll just go on the bill real quick. And I certainly can understand what you're trying to do here. In my opinion, before I go on the bill, this -- Indian Point should've never been shut down, providing 2,000 megawatts of electricity to the City of New York, a reliable source of energy, clean source of energy. Why the administration pushed to close that down, I just think it was a bad move. It was not a wise move and it shouldn't be shut down because of that lost revenue, because of that reliable power source they were facing so -- and I'll just --

MRS. GALEF: Can I -- can I agree with you? And I never called for its closing, but I also realized that at some point it is going to age. And when the bolts were rusted and starting to come out in certain parts of the plant, even me was getting concerned. But there was a hearing up in Albany and the company Entergy said we don't want these merchant plants all over the Northeast, we want to get rid of them, and they sold every one of them. They sold the Upstate one, Fitzpatrick and -- and they just wanted to get out of the business because they weren't making enough money. If they were making enough money, they would've stayed. And one of the problems of -- they -- they had to do so many other safety measures after Fukushima that, you know, they spent a lot of money kind of redesigning what they were going to do and they might have had to do more with the cooling tower. I agree that the Governor put a lot of pressure on them.

At the same time, they were not making the money. So, you don't stay in a business when you're not making the money.

MR. PALMESANO: Well, thank you again, Sandy, for your time and effort on this. I -- I'm sure the community appreciates what you're doing. But I'll just go on the bill.

MRS. GALEF: Okay. Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, thank you, Mr. Speaker, my colleagues, and again, I apologize for the delay in getting on here, I'm not used to doing it this way here. But I just kind of wanted to point out that just some concerns I have relative again to -- I mean, I just have some concerns, I think it looks like we're kind of changing what the definition of *real property* is. I understand that the dry casks are larger than what you might think, but it's still considered classified as a moveable, it's personal property. And then to think that you could tax that as a -- as a real property might -- I think it could set some precedent for other areas that we have to at least be careful of and think of moving down the road. I also think the perspective of -- I think there are some legal questions here as it relates to preemption and the Federal government because it -- it could be as though the -- the State is looking to kind of deal with this issue where it falls under the guidelines of the Federal government as far as the oversight and how to handle the spent fuel pools and from a safety perspective. But, I appreciate where the sponsor is coming from on this and I can certainly understand why she's fighting for what she's fighting for and

I admire her and respect her for that. But just given to some of the questions and concerns that have been brought up and I think that have to be considered I'll probably be voting in the negative -- I'll be voting in the negative on this bill and would ask my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Good afternoon, Madam

Chairwoman, it's always a pleasure to talk to you. I just have one quick question. The rate of tax, has that been decided of what the rate of tax we would be charging this company?

MRS. GALEF: No, that would be established by the assessor. Remember, we -- we are really hoping that a pilot can be accomplished through the decommissioning. I mean, there's nothing that will be happening today. But through the decommissioning company coming in, hopefully there will be a pilot. And that might include the overall plus the spent fuel rods. So, this is just in case they cannot develop a pilot for the community. I would assume that the assessor would come in and look at the value of the pool with X number of spent fuel rods in the pool. Remember, not taxing the fuel rods. Then I would think that they would come in and look at the dry cast system and the pads. Now, some states and that goes back to another issue, states have been doing different things with spent fuel rods. And in Minnesota, they actually taxed one dry cast a half-a-million dollars. So, and Entergy, I believe they have said that their dry cast is worth a \$1 million, it cost them a \$1 million. So I

think they probably look at what the costs were to, you know, in -- incorporate these spent fuel rods into a different kind of scenario. So, that would be based --

MR. TAGUE: All right.

MRS. GALEF: -- you know -- economic based, and again, they can always appeal if they don't like the decision.

MR. TAGUE: I -- I appreciate that, and as my colleague Assemblyman Palmesano said, I -- I appreciate your concern and -- and what you're trying to do. I do agree I would much rather see a pilot put in place. I -- I have to agree with my colleague that setting a precedence on real property tax I think may be going a little too far without all the information. But again, I -- I appreciate your concern and what you're trying to do here and I -- I think it's an issue that we definitely have to look at. And it's not only with this situation, there are other environmental issues throughout the State, throughout the country that I think we need to look at as projects start to gear down in our communities. But, just for that reason, Chairwoman, I will be voting in the negative as well. But just for those reasons. But I do think that you're on the right track and I -- I would much rather see a pilot program put in place maybe in a lower dollar value now that, you know, that there's probably not any jobs there anymore, so on and so forth. But thank you again, it's always a pleasure speaking with you. Thank you.

MRS. GALEF: You're welcome.

ACTING SPEAKER AUBRY: On a motion by Mrs.

Galef, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect January 1st, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No 124. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Buchwald to explain his vote.

MR. BUCHWALD: Thank you very much, Mr. Speaker. I want to thank the sponsor of this bill, the Chairwoman of the Real Property Tax Committee for bringing it forward. It is in point for establishing a principle that when there is spent fuel left behind at a decommissioned nuclear power facility site, that we recognize that there are obligations attendant to that. The -- it's certainly true that to me there's nothing that's totally permanent in this world. A building can be erected, a building can be torn down and so forth, but our Real Property Tax Law, which is something that New York State is in charge of, should recognize that spent fuel and dry cast systems are effectively something that affect the land and affect how our local jurisdictions and school districts should be treating it for real property tax purposes. There are real costs that come to communities that have these sites, not the least of which is emergency service requirements, training and -- and so forth, and of course, if necessary, responding. So, I really believe that this bill stands for an

appropriate principle and I hope that it moves things forward in terms of establishing a pilot that provides for communities in and around Indian Point. And I want to thank the Assemblywoman for bringing the bill forward and making sure that this principle is established that no one can just leave spent fuel behind and not think that's subject to some sort of definitive real property tax measure. And I really feel that it is fitting that we do this in this package of bills today. Thank you. I vote yes.

ACTING SPEAKER AUBRY: Mr. Buchwald in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the negative: Mr. Palmesano, Mr. Tague, Mr. LiPetri, Mr. Walczyk, Ms. Walsh, Mr. Barclay and myself. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleague Mr. Santabarbara in the negative. And Mr. Cusick as well.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On Calendar A, page 5, Rules Report No. 140.

THE CLERK: Assembly No. 10338, Rules Report No. 140, Galef. An act to amend the Labor Law and the Public Service Law, in relation to establishing requirements for the transfer, sale, lease and any decommissioning activities of the Indian Point Nuclear Power Plant.

ACTING SPEAKER AUBRY: Explanation has been requested, Mrs. Galef.

MRS. GALEF: Thank you very much. In our series of nuclear bills -- I wish other people had nuclear plants instead of the 95th Assembly District, but anyway, we do. And, you know, one of the issues I spoke about before was the fact that we have over 1,000 employees that work in Indian Point in well-paying and good jobs. And many of them -- some of them, I -- I don't know what the numbers are, have decided, since the plant is closing, that they may go along with Entergy into -- and work in some of their southern plants. There are other people that are retiring. But there are others that would like to continue to work at the plant. And what this bill does is -- is it encourages the new company coming in to provide a prevailing wage, which these employees have been getting for a period of time, and also to make -- to assure that the jobs continue in the community instead -- instead of having a loss of jobs, a loss of income and a loss of ability to pay for their own housing. And so what it does is, it will have a prevailing wage for the people that will continue on the workforce, and we're asking, through this bill, that the prevailing wage be done. And when new hires come along with the new company

coming in, that they are required to pick up the employees that have been working at Indian Point if they have the required skills and then to pay them at the prevailing wage.

There's also a part of the bill, and I never really knew quite about this, but they maintain the labor peace agreement, and so that there wouldn't be picketing and work stoppages and boycotts and so on at the facility. And also included in the bill will be the Commission, Public Service Commission giving consent to maintain the present workforce and to continue with the negotiations that have occurred already with the -- with the prevailing wage. And, you know, again, this is a very unique situation where we're trying to protect the employees at Indian Point and be able to give them the jobs. And I -- you know, I just think about some of the times that I've gone other places where you just pull in people from another state or whatever to work on, you know, on another job or a decommissioning, and, you know, the fact that we have employees that have worked there for a long time, they know -- they know the system at Indian Point, they know what's there, they're going to have to be tearing it apart, which probably will destroy their morale, but they have the knowledge to be able to do this. And of course if we're paying prevailing wage, we're getting good people continuing to work at the plant. This is really a safety issue for all of us. Just because you close a nuclear plant doesn't mean that -- that you now all of a sudden have a safe piece of property. You don't. You have spent fuel rods that are still there. And it has been a target in many instances for somebody to

-- to do bad things at a nuclear plant. And so this is -- also protects the safety of the community.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes. Thank you, Mr. Speaker.

Will the sponsor yield for a few questions?

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: Mrs. Galef, do you yield?

MRS. GALEF: Yes.

ACTING SPEAKER AUBRY: Mrs. Galef yields.

MR. PALMESANO: Thank you, Sandy, I'll try this again and hopefully this one goes a little smoother. And again, I certainly understand why you're trying to advance this legislation. I understand certainly a number of the employees that work there make even considerably more than prevailing wage and have good incomes, so, I understand the intent behind the legislation. I think where I -- where my concerns lay with this legislation is the -- is the precedent. Because usually under prevailing wage under State law it would exist really if there's a -- a public project or if there's public dollars that are provided to the company or involved in the project. Isn't that correct?

MRS. GALEF: Usually, but -- actually, can I give you a response to this --

MR PALMESANO: Sure.

MRS. GALEF: -- at this point, or do you want to go further?

We have -- we have over a period of time made some changes. So in our -- in our budget that just we enacted in 2021, we actually put in a provision for prevailing wage for building services employees at certain utility facilities. And that was a -- a chapter amendment to a new bill. And the justification for that was that utilities -- and this is for prevailing wage, that utility companies are highly regulated by the Public Service Commission. And they are targets of terrorism and so -- and -- and they -- they do provide with the prevailing wage a stronger reliable workforce. So, we've actually done in that in our State Budget. And prior to that, which I -- you know, I kind of forgotten about, is that when we allowed capital projects for casinos, and they were held privately, and-- and the utilities are held privately, the casinos are held privately but they were authorized to do this as long as they would do -- have prevailing wage. Because it is a -- a compelling proprietary interest in -- in State government. So, we've done that in two different examples. And we also included it in the Climate Leadership and Community Protection Act. So, we have done it in several cases. But I just want to continue a little bit further. So that's direct. We have directly done it. But there's so many indirects with Indian Point. First of all, in 2016, Fitzpatrick, which is Upstate, a nuclear plant owned by Entergy was having a major financial problem, they were losing I think \$60 million a year. And so, with our zero emission credits that we established in 2016 we gave those plants, all those plants up north 12 years of -- of State subsidies, but the -- it wasn't really State subsidies, it was called

the subsidies from us. I pay \$2 every month on my electric bill to subsidize the Upstate nuclear plants because we wanted to keep them operating, we wanted to keep jobs. So, you know, we really helped Entergy. And Entergy had owned the plant, was able to sell the plant to Exelon because they got -- we -- we subsidized them as a State. So, that's an indirect subsidy. I'm sorry, I've got some other subsidize [sic]. We subsidize our nuclear plants with the Cessation Fund. We put over \$60 million or more into the Cessation Fund in our budget that goes out to the communities to subsidize for their lack of -- of monies coming in from our nuclear plants and other plants. We subsidize -- we've been subsidizing for 50 years State dollars to go into the DEC to monitor the health and safety of the nuclear plant, the water quality on the Hudson River. There was an issue with cooling towers, the DEC spent a lot of time and money on that. Public Service Commission obviously has spent a lot of time and money on transfer approval, so, they have spent money on Indian Point. The -- Indian Point Closure Task Force, which I spoke about I think in the last debate, the staffing of the Governor's Office comes down to Cortland, the PSC: Labor Department, Tax and Finance, Economic Development, they all come down. We're paying their salaries to pull together how do we deal with Indian Point closure. The Public Service Commission is now going to have to spend dollars to deal with the transfer to a decommissioning company. They're going to do a cost and review, as well as our Attorney General, on all this. So, besides the casinos and besides the utilities and beside our -- our other

aspects of it all, we have been putting a lot of indirect subsidies into our nuclear plants. It's not just the one in my district but it's the ones all over the State.

MR. PALMESANO: Sure. I --

MRS. GALEF: For a long answer to that question.

MR. PALMESANO: That's all right. You -- you're very good, Sandy. So, in this case, though, Indian Point right now is held by a private entity right now and it could --

MRS. GALEF: Right.

MR. PALMESANO: -- to sell to another private entity they would be, again, an -- an entity that's not getting direct State support to that operation at all, correct?

MRS. GALEF: Well, there -- it could be at some point. I mean, they have to -- a decommissioning company coming in has to be vetted by the State of New York, the Public Service Commission have to sign off on it with the NRC. And as I said, the Attorney General is in -- into it. So, after they have signed, no, the -- the State is still going to have to monitor, be sure the spent fuel rods -- I mean, you know, it's basically a Federal obligation, but we have to protect the health and safety of the, you know, our State and our residents, so we have the Health Department in there all the time, so it's not totally, but we're not going to give them any money, I think they are just probably going to take money from us.

MR. PALMESANO: Right. No, and I understand what you're saying. Because like when you mentioned the -- the

Community Climate Leadership Protection Act, which I have my own concerns about that I've debated in the past, but -- and in that regard, because that's when you're talking about, you know, ratepayer dollars going to create these programs and putting them in place for green energy, clean energy, renewable energy. But in this case, again, with these entities, they're not going to be getting direct subsidies from them -- obviously we have a regulatory responsibility like the State just like the Federal does, so, as far as direct subsidies, that's -- with that not being going in there, I think that's where I -- I have some concerns with this. The precedent is -- continues to set because we're really not supposed to be, you know, mandating prevailing wage on private entities if there's no direct subsidy coming from them. I mean, you can always do indirect and things of that nature, or regulation and oversight, but there's no direct subsidy that's coming in because these -- these owners that are coming in -- if a new owner coming in, if there's no direct subsidy to -- to the new owners who would come in, they would be responsible for what's there. Correct?

MRS. GALEF: They're responsible for what's there, but you never know when somebody walks away from a facility. I mean, we don't know what's going to happen in ten years. We don't know what's going to happen in 60 years. We probably won't be here in 60 years to really know and there will be another debate on this issue, I'm sure. But of course, you know, we -- we've been involved with prevailing wage with casinos. How do we know what's going to happen with them? Or are we going to have to go in and do

something. You know, we don't know whether there's going to have to be -- we still have emergency services. We may have to use our State Police in -- in different instances. You know, some of those things, you know, I don't know that I can answer you right now because we really don't know.

MR. PALMESANO: Sure. Well, thank you, Sandy for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: For that one, I just thank the sponsor for her time, her explanation as always, she's very articulate and very informative and -- and detailed in her explanation. So, I appreciate that. And as always our discussions are very cordial and respectful, which I also appreciate, so I want to say thank you for that. I think really the crux of this, certainly want to see the workforce get paid a great wage there. They deserve that. I understand that. I think where I'm really -- the point I'm getting to, the concern I have, some of my colleagues may have, is the precedent and getting down this -- going down this road of more and more pushing the idea of prevailing wage for private entities. I know we've moved that way, it seems we keep moving that way. I think, you know, some might think it's a good thing, but the problem is if these private entities aren't getting any direct subsidy, like you see with the green energy project, if there is a green energy project for a windmill or solar going up, then, yes, there would be a subsidy that would be taking place and then yeah,

prevailing wage would fall into place. But if it's a private entity, it owns it, it assumes it, pays for it, is responsible for it, whether it's the commissioning, whatever it may be, that responsibility would fall with that private entity. And if they're not receiving any direct subsidy from the taxpayers and the ratepayers, to put a mandate of prevailing wage on -- on them I think is a -- is a dangerous precedent and heading down a slippery path and road, which can also I think down the road hurt receiving more investment from -- from the private sector into our economy. Lord knows we need more private sector investment in our economy given what our --you know, our economy trying to bounce back after COVID-19 and get up -- back up and running again. And when you have a mandate like this and someone can see now a private company come -- can come in and be subject to a prevailing wage, or, you know, even though they're not receiving any direct subsidy from the State, that's going to throw up a red flag for those people who maybe want to come here and invest here, because who's -- who's to say that you're not going to change the rules in the middle of the game down the road on them. Businesses that want to come here, put their capital life savings to develop a plan, a manufacture -- whatever it may be, and if they're not getting any assistance from the State government or through subsidy of any kind, then to mandate on them that no, this is what you have to -- they have to pay the prevailing wage without -- without any due concern to any expenses they may have, what their business situation might be on the cost, I just think it's just sending a -- a very dangerous message, a

concerning message to the private sector. The people -- we really need to have that type of private sector investment back in this economy if we're going to really reopen it and get it -- pointed back in the right direction so we can have the revenues coming into our State to pay for our important programs that we're all worried about getting cut with what's going on with the budget. So, I think at a time like this, putting out a -- a proposal (unintelligible) basically saying mandating minimum -- prevailing wage for private businesses that aren't -- receiving no direct subsidy, I just think it's going to send a message across the State, across this country that New York is not open for business, it's not a place to do business. And you see that from our statistics, we're 49th in business climate, highest in property taxes, income taxes, energy costs, unemployment costs, all those costs are more expensive here in New York than any other state. And then an -- an issue like this, it would -- puts that mandate on a private business, again, to be clear, that is not receiving a direct subsidy from the State of New York, to say now, well, just because, you know, the situation was going on and we want to make sure the employees are getting the wages they -- we want them to get, I get that, I support that, but we can't put a mandate on a private business if it's not getting any direct subsidy from the State of New York. Everywhere else is the prevailing wage, I understand we have a minimum wage, I'm not saying we pay these individuals minimum wage, but it's more the precedent that I think we're setting here in this -- in this example moving forward. And I think that's something I think we all need to

be very careful and cautious of because I just -- I'm very concerned about what's going to happen to our economy. I think we're all concerned with what's going on with our economy right now, and if we want that investment and open up, and we need things to get moving and we need to encourage -- encourage private sector investment, not discourage it. And I'm just -- I think a proposal like this is going to discourage private sector investment, not encourage it. And the only way we're going to rebound from this, restart and jump-start our economy is to really encourage that private sector investment. But I think when you put a mandate like this, with really no justification because it -- again, if they were receiving a direct subsidy from the State of New York, yes, they would have to be paying the prevailing wage. But they are not receiving a direct subsidy from the State of New York. But yet, here is New York saying to another private business or future private business, *You know what? Thanks for your investment, but we're going to make you pay this amount of money because we think we can.* Well, maybe we can, maybe we're going to try to get away with it, but that doesn't mean that these businesses are going to want to come here and invest here when they see the State of New York putting more and more mandates on that, making businesses more costly to do here. That is not going to encourage the private sector investment we want and need in our economy. That is (unintelligible) right now. So, for those reasons, Mr. Speaker, and although I have tremendous respect for the speaker -- the sponsor and what she's trying to do, I applaud her for

her efforts for fighting for her community. It's not about specifically that community, it's just the precedent this is setting and what this can mean down the road for future private sector investment in our economy and discouraging that investment and growth, which we desperately need, especially given our situation right now. So, Mr. Speaker and my colleagues, for that reason, I will be voting in the negative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Mr. Speaker, would the Madam Chairwoman yield for a couple of questions?

MRS. GALEF: Certainly.

ACTING SPEAKER AUBRY: Mrs. Galef --

Mrs. Galef yields.

MRS. GALEF: Yes.

MR. TAGUE: I do concur with my colleague, Mr. Palmesano on this bill as well. And I actually think that by going your route may discourage a business from hiring people from the community and continuing on in that area. Just simply the mandate itself, as someone that was in the construction field for almost 30 years, the last thing folks like to be told is what to do by government. Or that they need to do it. With that being said, the question I have, Madam Chairwoman, is with regards to the prevailing wage rate law, workers' classification for these type of employees, do we have a workers' classification in place for these types of employees that would work on these projects?

MRS. GALEF: Well, we have classifications right now for the people that are there. I am not sure about the types of classifications from another company coming in, Holtec is from New Jersey, they want to purchase the plant. I don't know about their -- their systems. We -- we -- I don't think we're getting into the classification, we're just getting into the situation where we can say that the prevailing wage has to be paid. Remember, at Indian Point the prevailing wage I think has always been there. And actually, Holtec, who wants to buy the property, has already said that it would provide prevailing wage. So, we're just putting it in law, they have said that they would do it. Now, they may not be the company that ends up buying the plant, I -- you know, I don't know. But, you could also say that Indian Point is a utility today. It may not be considered -- I don't know whether it's considered in the law a utility tomorrow when it doesn't provide any energy. But it still has spent fuel rods there, and spent fuel rods could actually be used as they are in France and other countries to be renewed and used for energy. So -- but we have already said with our utility companies that they have to pay prevailing wage. So, if you want to consider this, which I do, a utility company, it is a nuclear facility, and -- and they should be able to continue to pay the minimum wage. I may have another answer for you, I just don't know -- the -- the Department of Labor would base it off the rate paid in the area for the job titles.

Let me just tell you another thing, too. When we were dealing with this whole hydrofracking issue, I went on a visit to

Pennsylvania. And, you know, I talked to the people there because it was all about jobs, jobs, jobs, jobs coming to Pennsylvania. But you know what happened? These companies came from Texas and every other place, they brought their people with them. And I'm -- I'm really concerned in this situation that they're going to bring -- if -- if they could pay a lower rate, they're going to bring people from other states in here. They're going to replace our workers. They're going to replace my neighbors and -- and the residents of the State of New York with jobs from [sic] people from other places at a lower rate. And, you know, I just think we owe it to the Indian Point workers that have been there for 50 years doing a great job for us, providing great energy, that we should protect them during this period of time. And as it goes along, because I've gone to nuclear plants that have closed, and, you know, they just have kind of a policeman at the door and, you know -- I hope that doesn't happen here, but you -- you work down over time in the number of employees that you need because you're -- you're tearing buildings down. It's a different type of program. And what this bill says is that, you know, they won't hire people if they can't do the job. They're going to have to hire new -- new people. But, you know, we're hoping that they can hire as many people that are left here that haven't gone down south and haven't retired. So, it's a protection for them. It is unique, but if you -- if you wanted to say it's a utility, which I would say it is, if it's under the laws that we really adopted in our State Budget this last year. So, it isn't anything new.

MR. TAGUE: Well, thank -- thank you very much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: Yes, sir. On the bill.

MR. TAGUE: Again, I concur with my colleague, Mr. Palmesano. I think that it's not the job of government to be getting involved in private businesses. I think when we start to go down that slippery slope we create a lot of problems. And I would also argue that if this company is coming into the area and they're going to be there for a lengthy part of time, it's not going to be relevant for employees to be brought in from outside the community anyway. If they do, then they'll become new residents. So, I think it's, you know, on the local government and us to do our best to bring people here and tell them why it's good to work and live in New York State. And mandating on businesses, whether they're from New York or outside of New York, mandating certain things like prevailing wage rate, I think is not the answer. And for those reasons, I will be voting in the negative, Mr. Speaker, and thank you and thank you to the sponsor.

ACTING SPEAKER AUBRY: On a motion by Mrs. Galef, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 140. This is a Party vote. Any member

wishing to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be voting no. Those members who would like to vote yes, please contact the Minority Leader's Office as quickly as possible. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. Those members desiring to vote no should contact the Majority Leader's Office, the folks are awaiting your call.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. My colleagues who mentioned a great deal about the requirement of imposing a prevailing wage on a private company that's buying the assets of Indian Point, I would point out the bill goes well beyond just the minimum wage. It requires that the -- the new company who's coming in maintain the current workforce, they have to hire from the pool of existing employees. They have to enter into a labor peace agreement. In other words, what this legislation says is that you may be coming in from another state to buy an asset in New York State and hopefully

continue operations here, and we're going to tell you who you can hire, what contract you have to have, and how much you're going to pay them. And that's an inappropriate role for a government to do when we're dealing with a new company, to tell them who they must hire, how much they have to pay them, and what kind of contracts they have to sign. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Buchwald.

MR. BUCHWALD: Thank you, Mr. Speaker. I spoke earlier in appreciation of the sponsor of this bill who represents Indian Point and all those comments apply as well to this bill. I just wanted to make one additional observation, which is that I was -- I've been struck by the arguments today when juxtaposed them against the arguments that I've heard from occasionally some more conservative constituents, but others around the State who assert on the one hand how dare New York State or, in particular, our Chief Executive be involved in quote, unquote "shutting down Indian Point", but then today we hear, *Well, the State had nothing to do with this so, therefore, there's -- there's no reason to provide prevailing wage.* My view is, you know, I'd reconcile the two points. If you believe that New York State created the marketplace for there to be a company to come in and decommission the Indian Point Plant, then you also have to believe that New York State has effectively played a role in essentially creating this opportunity for whichever company, whether

it's Holtec or any other that ends up handling the decommissioning, and so, therefore, it is appropriate for New York to play a role in establishing the basic groundwork and ground rules for this process. And I think doing that on behalf of the hard-working men and women at Indian Point is an appropriate place for New York State to say, *You have to do right by them.*

And so, I appreciate, again, the sponsor of this bill who represents Indian Point and who I think understands the value of this legislation, as I do. That's why I proudly vote in the affirmative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Buchwald in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. My colleague just made one excellent point about New York State having created the market for this particular opportunity. But I would also say that for as long as I've been in office, I have seen companies, private companies, come to the State, ask for a variety of supports. Many times we provide that and, yet, now we have no right to tell them what to do in any way, shape or form, aside from a minimum wage, which some of my colleagues oppose. There is also the reality that when businesses provide a job opportunity, but at a very low rate of pay, they do so with the expectation that the New York State taxpayers will provide additional supports, whether it is health care through Medicaid or SNAP

benefits. Those are things that the State is in a position, or is put in a position to do in part because private industry is not doing its part to adequately provide support for the workers.

So, I applaud this particular measure and withdraw my request and happily vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Actually, I do have some exceptions. Thank you, Mr. Speaker. Assemblymen Barclay and Schmitt wish to be in the affirmative on this bill.

ACTING SPEAKER AUBRY: So noted.

MS. WALSH: Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. I just want to explain my vote. I am going to be voting in the affirmative on this bill. It kind of reminds me of something that we did last year with the legislative -- what this legislative Body has done in the past before I joined it. It was the EPP bill for Yellow School Bus drivers and, unfortunately, the Governor vetoed that. So, I'm hoping that we can continue that push because the Employee Protection Provision seems to be the same goal here with this prevailing wage bill for this specific entity. So, I just want to make sure that we put that on the record and make sure that we advocate and push that forward, too, as well. So,

thank you and, once again, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Reilly 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: Thank you, Mr.

Speaker. We are now going to turn our attention to the main Calendar for consenting on local bills. We're going to start at page 22 with Calendar No. 13, Mr. Steck. Then we're going to page number 49 and take up Calendar No. 206 by Mr. Salka and No. 207 by Mr. Goodell. And then we're going to go to page 16 and take up Rules Report No. 106 straight through, Mr. Speaker, until No. 127, all on consent.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Page 22, Calendar No. 13, the Clerk will read.

THE CLERK: Assembly No. A00306-A, Calendar No. 13, Steck. An act to amend the Public Health Law, in relation to authorizing the City of Schenectady to impose fees for the issuance of birth and death certificates through local law.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 13. This is a fast roll call. Any member

wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The following Republican members will be voting no on this bill: Mr. Fitzpatrick, Ms. Malliotakis and Mr. Schmitt. Thank you very much, sir.

ACTING SPEAKER AUBRY: So noted, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our colleagues in the Democratic Majority that will be voting no on this bill is Mr. Burke, Ms. McMahon, Mrs. Barrett, Mr. Ramos, Ms. Buttenschon, Mr. Santabarbara and Mr. Stern.

ACTING SPEAKER AUBRY: So noted, ma'am.

MRS. PEOPLES-STOKES: And Member Wallace, as well. Ms. Wallace.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05419-A, Calendar No. 206, Salka. An act to amend the Public Health Law, in relation to the fee charged for the issuance of birth and death records in the City of Oneida.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report [sic] No. 206. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The following Republicans will be voting no on this bill: Mr. Fitzpatrick, Mr. Schmitt and Ms. Malliotakis. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our Majority colleagues voting no on this piece of legislation is [sic] Mr. Burke, Ms. McMahon, Mrs. Barrett, Mr. Ramos, Ms. Wallace and Mr. Santabarbara.

ACTING SPEAKER AUBRY: So noted, ma'am.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05456-A, Calendar No. 20 -- 207, Goodell. An act to amend the Public Health Law, in relation to the fee for issuance of birth and death records in the City of Jamestown.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report [sic] No. 207. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the affirmative: Ms. Malliotakis -- I apologize. Please record these Republicans in the negative: Ms. Malliotakis, Mr. Schmitt and Mr. Fitzpatrick. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Please record our colleagues in the negative: Ms. Griffin, Ms. Wallace, Mr. Burke, Ms. McMahan, Ms. Buttenschon, Mr. Stern and Mr. Ramos.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 16, Rules Report No. 106, the Clerk will read.

THE CLERK: Assembly No. A09981, Rules Report No. 106, Hawley. An act -- act granting retroactive Tier III membership in the New York State and Local Employees' Retirement System to Steven R. Grice.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 106. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A09997, Rules Report No. 107, Englebright. An act to amend Chapter 3 -- 238 of the Laws of 1963 relating to incorporating the Port Jefferson Volunteer Firemen's Benevolent Association, in relation to its purpose and the use of foreign fire insurance premium taxes.

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 immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 107. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10002-B, Rules Report No. 108 has already passed.

Assembly No. A10055, Rules Report No. 109, Jaffee. An act in relation to authorizing Hamaspik of Rockland County, Inc. to file with the Town of Ramapo Assessor an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 109. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10056, Rules Report No. 110, Jaffee. An act in relation to authorizing Hamaspik of Rockland County, Inc. to file with the Town of Ramapo Assessor an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 110. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. 10058, Rules Report No. 111, Jaffee. An act in relation to authorizing Hamaspik of Rockland County, Inc. to file with the Town of Ramapo Assessor an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 111. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10059, Rules Report No. 112, Jaffee. An act in relation to authorizing Hamaspik of Rockland County, Inc. to file with the Town of Ramapo Assessor an

application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 112. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10061-A, Rules Report No. 113, Byrne. An act to amend the Executive Law, in relation to including Casse Lake, Gilead Lake, and Kirk Lake in the Town of Carmel as inland waterways for the purposes of waterfront revitalization.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 113. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10073-A, Rules Report No. 114, Byrne. An act to amend the Executive Law, in relation to including Journeys End Lake in the Town of Yorktown as an inland waterway for the purposes of waterfront revitalization.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 114. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10107, Rules Report No. 115, Galef. An act to amend the Real Property Tax Law, in relation to nuclear powered electric generating facilities.

ACTING SPEAKER AUBRY: On a motion by Mrs. Galef, 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 on Rules Report No. 115. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact

the Majority or Minority Leader at the number previously provided.

(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. A10121, Rules Report No. 116, Griffin, Solages, Braunstein, O'Donnell, Cook, Williams, Ortiz, D'Urso, Hyndman, Ra, Kim, Lentol, Aubry, DenDekker. An act to direct the Department of Health and other State departments and agencies to conduct a study on the quality of life and human health impacts of John F. Kennedy International Airport and LaGuardia Airport.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Griffin to explain her vote.

MS. GRIFFIN: Okay. Thank you for giving me the opportunity to explain my vote, Mr. Speaker. For far too long, our mutual constituents from several Assembly and Senate districts, including mine, have continued to experience a detrimental impact and a diminished quality of life from the excessive daily noise of air

traffic above their homes. The excessive noise has continued unabated for decades. While air traffic is primarily a Federal jurisdiction, a State study will scientifically validate what residents already know: The noise is excessive, harmful to humans and needs to be better regulated and mitigated.

Although we will always endure a level of airplane noise, this study will illustrate that many residents are faced with excessive noise way above the acceptable level. Although this passed last year in both Houses, it was not signed by the Governor. This bill was edited in hopes that Governor Cuomo will sign again this year -- we want him to sign it this year since he didn't last year.

I thank my colleagues for passing it again this year, and I look forward to it passing in the Senate in hopes that the Governor will sign it this year -- will sign it into law. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you for allowing me to explain my vote. I support the sponsor of this bill. As we know, JFK Airport transports hundreds of thousands of people day after day throughout Queens, and so this bill will hopefully study the impact that happens to the residents not only in the -- in the sponsor's district, but also in the 29th Assembly District. We are -- my district is right on the border of that and even though during COVID the -- the

airlines had less flights, the community was appreciative. But now as we begin to open up the airports, we know there'll be a lot more planes overhead, and this is very important to make sure we study the health effects on the children and all of the population that exists in the Southern part of Queens near JFK Airport. I thank the sponsor for this bill and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The following Republicans will be voting no on this: Ms. Malliotakis, Mr. Fitzpatrick and Mr. Walczyk. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10125, Rules Report No. 117, Lator. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Wappinger Veterans Memorial Highway".

ACTING SPEAKER AUBRY: On a motion by Mr. Lator, 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 on Rules Report No. 117. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Assembly No. 10166, Rules Report No. 118, Salka. An act to amend the Tax Law, in relation to authorizing the County of Otsego to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Home Rule message is at the desk and the bill is laid aside.

THE CLERK: Assembly No. A10176, Rules Report No. 119, Barrett. An act to amend the Executive Law, in relation to adding the Saw Kill and Fall Kill Creeks to the definition of inland waterways.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 119. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact

the Majority or Minority Leader at the number previously provided.

(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. A10206, Rules Report No. 120, Stern. An act in relation to authorizing the Assessor of the Town of Huntington, County of Suffolk, to accept from Chabad Lubavitch Chai Center, Inc., an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 120. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10201-A [sic] (A10209-A), Rules Report No. 121, Kolb. An act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law

relating to the construction and financing of facilities for certain public libraries, in relation to including the Victor Farmington Library.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 121. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10313, Rules Report No. 122, Galef. An act to amend Chapter 598 of the Laws of 1938 relating to incorporating the Volunteer and Exempt Firemen's Benevolent Association of Briarcliff Manor, New York, and providing for its powers and duties, in relation to changing the form of the benevolent from a corporation to an unincorporated association.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 122. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10383, Rules Report No. 123, Mikulin. An act to amend the Nassau County Civil Divisions Act, in relation to the Volunteer and Exempt Fireman's Benevolent Association of Nassau County.

ACTING SPEAKER AUBRY: On a motion by Mr. Mikulin, 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 on Rules Report No. 123. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10398, Rules Report No. 124 has previously been passed.

Assembly No. A10416, Rules Report No. 125, Committee on Rules (Palmesano). An act to amend the Tax Law, in relation to increasing the sales and compensating use taxes for the

County of Steuben.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 125. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you very much, sir.

Notwithstanding the title of this bill, this bill simply reallocates sales taxes within the County of Steuben. So there's no increase in tax burden, it's just a reallocation of the sales tax and that may be relevant for those who are looking at voting on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We have several of our colleagues who would like be -- have their votes recorded as a no on this one: Mr. Santabarbara, Mr. Burke, Mrs. Barrett, Mr. Stirpe, Ms. McMahon, Mr. Mike Miller, Ms. Wallace, Mr. Stern, Mr. Ramos, Mr. Barnwell, Mr. Dinowitz and Ms. Griffin.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the negative: Mr. DeStefano, Mr. Garbarino, Mr. Montesano, Mr. Mikulin, Mr. Schmitt and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10453, Rules Report No. 126, Committee on Rules (B. Miller). An act to authorize Thomas J. Carinci, Jr. to take the Competitive Civil Service Examination and be placed on the eligible Civil Service list for employment as a full-time police officer for the City of Little Falls.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 126. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10538, Rules Report

No. 127, Committee on Rules (Schimminger). An act to amend the General City Law, in relation to a residency exemption for plumbing inspectors in the City of Tonawanda.

ACTING SPEAKER AUBRY: On a motion by Mr. Schimminger, 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 on Rules Report No. 127. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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: Thank you, Mr. Speaker. We can complete our work for the day if we go to the A-Calendar and go to Rules Report No. 128, and we're going to straight through to No. 150. That's No. 128 to No. 150, Mr. Speaker, in that order.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

The Clerk will read.

THE CLERK: Assembly No. A03088-A, Rules

Report No. 128, Englebright. An act to amend the Highway Law, in relation to the limitation on certain highway expenses in the Town of Brookhaven, Suffolk County.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 128. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A08607, Rules Report No. 129, Paulin, Otis. An act authorizing Beth El Synagogue Center to file an application for retroactive real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 129. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We do have one exception where Member Galef would like to be recorded in the negative.

ACTING SPEAKER AUBRY: So noted, Mrs.

Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09606-A, Rules Report No. 130, Darling. An act in relation to permitting Uniondale Land Trust to file an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: On a motion by Ms. Darling, 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 on Rules Report No. 130. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A09675, Rules Report No. 131, Kolb. An act providing for the transfer of Onanda Park from the Department of Environmental Conservation to the Town of Canandaigua.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. 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: Thank you, Mr. Speaker, for recording our colleagues Barron, Barnwell, Dinowitz, Cahill and Walker in the negative.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09733-B, Rules Report No. 132, Stec. An act to amend an item of -- to amend Item A of subpart b of Part XXX of Chapter 58 of the Laws of 2020, authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this State in connection with an even sanctioned by the World Triathlon Corporation, in relation to the

effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Stec, 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 on Rules Report No. 131. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10012, Rules Report No. 133, Byrne. An act to amend the General Municipal Law, in relation to authorizing the lease of space on certain sports field fences in the Town of Yorktown, in the County of Westchester.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 133. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER JONES: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues as a no vote on the bill before us: Mr. Dinowitz and Ms. Walker.

Mr. Dinowitz and Ms. Walker.

ACTING SPEAKER JONES: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10016, Rules Report No. 134, Salka. An act to amend the Tax Law, in relation to increasing hotel and motel taxes in Otsego County.

ACTING SPEAKER JONES: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 134. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

And Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, sir. This bill by Mr. Salka does increase the hotel and motel taxes, and Otsego County is a beautiful county to visit and even if this goes through, it will be worth your visit to pay a few extra dollars on a motel and hotel

tax. I will be supporting it, but I did want to make sure that all of our members knew what this bill did. Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr. Goodell.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The following Republicans will be voting no on this bill: Mr. Schmitt, Mr. Friend, Mr. DeStefano, Mr. Montesano, Mr. Fitzpatrick, Ms. Malliotakis, Mr. Byrne and Mr. Walczyk. Also Mr. Garbarino. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our Majority colleagues in the negative: Mr. Barron, Mr. Barnwell, Ms. McMahon, Mr. Stern, Mr. Dinowitz, Mr. Ramos, Mrs. Barrett, Ms. Buttenschon, Mr. Stirpe, Ms. Griffin, Mr. Mike Miller and Mr. Santabarbara.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 10 -- A10040, Rules Report No. 135, Magnarelli, Stirpe, Hunter. An act to amend the Judiciary Law, in relation to the number of grand jury stenographers that the District Attorney may appoint in the County of Onondaga.

ACTING SPEAKER JONES: On a motion the Senate, the bill -- on a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 135. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. 10057, Rules Report No. 136, Jaffee. An act in relation to authorizing Hamaspik of Rockland County, Inc. to file with the Town of Ramapo Assessor an application for certain real property tax exemptions.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 1 -- 136. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10077, Rules Report No. 137, McDonough. An act authorizing Community Mainstreaming Associates, Inc. to receive retroactive real property tax exempt status.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 137. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10221, Rules Report No. 138, Stern. An act in relation to authorizing the Assessor of the Town of Huntington, County of Suffolk, to accept from the Joshua Baptist Church, an application for exemption from real property taxes.

ACTING SPEAKER JONES: On a motion by Mr. Stern, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 138. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact

the Majority or Minority Leader at the number previously provided.

(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. A10335-A, Rules Report No. 139, Griffin. An act to authorize the Assessor of the County of Nassau to accept a retroactive application for exemption from real property taxes from Community Mainstreaming Associates, Inc.

ACTING SPEAKER JONES: On a motion by Ms. Griffin, 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 JONES: The Clerk will record the vote on Rules Report No. 139. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10338, Rules Report No. 140 has previously passed.

Assembly No. A10371-A, Rules Report No. 141,

Palmesano. An act authorizing the alienation of certain reforested lands in the County of Yates.

ACTING SPEAKER JONES: On a motion by Mr. Palmesano, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 141. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our Majority colleagues in the negative on this one: Mr. Barron, Mr. Cahill, Ms. Glick, Ms. Rozic, Ms. Weinstein, Ms. Walker and Mr. Dinowitz.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10377-A, Rules Report No. 142, Garbarino. An act to authorize the Village of Patchogue -- Patchogue, Town of Brookhaven, County of Suffolk, to alienate and discontinue the use of certain parklands.

ACTING SPEAKER JONES: On a motion by Mr.

Garbarino, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 142. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I'm honored to speak and explain my vote in favor of this bill, which seems to be a great benefit for the people of Brookhaven and Patchogue - I want to make sure I say that right; I hope that -- hope that was right, Mr. Garbarino. And it sounds like this will be a great bill that will hopefully bring you some revenue to parkland or recreational facilities.

But more importantly, my friend and colleague, Mr. Garbarino, I wish I could be in Albany with you today, I think you're up there. You've been a great friend since I got elected in 2016, a mentor in many ways; many fond memories. And this will likely be your last bill, so I just wanted to give my utmost support. I will be voting in favor of it, and I just thank you for your friendship and, hopefully, if you're in Washington, D.C., you can bring some more clout to help the great people of New York State. So, again, thank you. (Unintelligible) will not be the same without you, whenever that

kicks back up. And, Mr. Speaker, it is my honor and privilege to vote in the affirmative on this bill. Thank you.

ACTING SPEAKER JONES: Mr. Byrne in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our Majority colleagues in the negative: Mr. Barron, Mr. Cahill, Ms. Glick, Mr. Barnwell, Ms. Rozic, Ms. Weinstein, Ms. Walker, Mr. Dinowitz and Mr. Mike Miller.

ACTING SPEAKER JONES: Thank you.

Mr. Goodell.

MR. GOODELL: Please record Mr. Montesano in the negative on this bill. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10388-A, Rules Report No. 143, Byrne. An act in relation to authorizing the Town of Southeast, County of Putnam, to alienate certain lands used as parkland and to dedicate certain other lands as parklands.

ACTING SPEAKER JONES: Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record

the vote on Rules Report No. 143. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I know it's busy, so I'm going to be brief. I know many of these parkland alienation bills, many of our colleagues are particular about them. I just want to point out that this particular alienation bill has support from the people of Putnam County, the County Legislature, the people of the Town of Southeast. And while it does provide an opportunity for some previous parkland to be used to develop a recreational and sports facility, what it actually does is allow for a net increase in parkland within the Town of Southeast and Putnam County. So, there's actually going to be a net increase of ten acres of preserve space for the people of Putnam County. That will also include wetlands, which is important for our environment and our water quality. So, I -- I am proud to vote in favor of this bill. I just wanted to make sure I made that important point that this bill does provide a net increase in preserve space in Putnam County. So, I will be voting in favor and I urge my colleagues to vote yes. Thank you.

ACTING SPEAKER JONES: Mr. Byrne in the affirmative.

Mr. Goodell.

MR. GOODELL: Notwithstanding that excellent

explanation, Assemblyman, Mr. Montesano is in the negative. Thank you, sir.

ACTING SPEAKER JONES: Mr. Montesano in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Would you please record our Majority colleagues in the negative: Mr. Barron, Mr. Cahill, Mr. Barnwell, Ms. Glick, Ms. Rozic, Ms. Weinstein, Ms. Walker, Mr. Dinowitz, Mr. Mike Miller and Ms. Simon.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10514, Rules Report No. 144, Committee on Rules (Walczyk). An act to amend the Uniform City Court Act and the Judiciary Law, in relation to Watertown City Court Judges.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 144. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Republican members Mr. Morinello and Mr. Norris in the negative. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10584, Rules Report No. 145, Committee on Rules (Ra). An act in relation to authorizing the assessor of -- Assessor of the County of Nassau to accept from Lubavitch of Old Westbury, an application for exemption from real property taxes.

ACTING SPEAKER JONES: On a motion by the -- on a motion by Mr. Ra, 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 JONES: The Clerk will record the vote on Rules Report No. 145. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10585, Rules Report No. 146, Committee on Rules (Ra). An act in relation to authorizing the Assessor of the County of Nassau, to accept from the Eglise Baptiste Etolie Du Matin an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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 on Rules Report No. 146. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10586, Rules Report No. 147, Committee on Rules (Mikulin). An act in relation to authorizing the Nassau County Assessor to accept an application from NGIP, Inc. for a real property exemption.

ACTING SPEAKER AUBRY: On a motion by Mr. Mikulin, 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 on Rules Report No. 147. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10587, Rules Report No. 148, Committee on Rules (Ra). An act in relation to authorizing the Assessor of the County of Nassau, to accept from The Academy Charter School an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 148. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10592, Rules Report No. 149, Committee on Rules (Ra). An act to authorize the Assessor

of the County of Nassau to accept a retroactive application for exemption from real property taxes from the West Hempstead-Hempstead Garden Water District.

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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 on Rules Report No. 149. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(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. A10594, Rules Report No. 150, Committee on Rules (Gunther). An act to legalize, validate, ratify and confirm the actions of the Monticello Central School District notwithstanding the failure to timely file final building cost reports with the Education Department.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 150. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact

the Majority or Minority Leader at the number previously provided.

(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, do you have any housekeeping or resolutions to take up?

ACTING SPEAKER AUBRY: We have both.

On a motion by Ms. Weinstein, page 55, Calendar No. 216, Bill No. A05630, amendments are received and adopted.

We have more than a few fine resolutions, which we will take up with one vote. On the resolution -- resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 857-882, 945-948 and 951 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker --

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: -- I now move that the Assembly stand adjourned until Thursday, June the 11th, tomorrow being a legislative day, and that we will reconvene at the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands

adjourned.

(Whereupon, at 4:59 p.m., the Assembly stood adjourned until Thursday, June 11th, Thursday being a legislative day, and to reconvene at the call of the Speaker.)