

MONDAY, JULY 20, 2020

2:05 P.M.

SPEAKER HEASTIE: The House will come to order.

In a moment I will ask all of you to join me in a moment of silence to honor two outstanding public servants who we recently lost. Thank you all for being here today as we continue doing the people's work. It has undoubtedly been a challenging year, but today our hearts are a little heavier. Since we were last together we have lost a member of our Assembly family, Assemblymember David Gantt. And just this past weekend the country lost a Civil Rights icon and champion, Representative John Lewis. Both these men will be greatly missed. Assemblymember Gantt dedicated his life to public service and was a fierce advocate for his constituents and his community. He had an unwavering commitment to the people of

Rochester, which he showed in every step of his career. From his time as a youth counselor in Rochester to serving on the Monroe County Legislature, and his more than three decades of service here in the Assembly, David was committed to improving people's lives and ensuring that every New Yorker had the opportunity to succeed. He was a friend and mentor, and I know we will all miss him dearly. May he rest in peace.

As I said on Friday evening, our nation lost a true hero and role model with the passing of Congressman John Lewis. Representative Lewis dedicated his life to the fight for racial equality and basic human rights. While his contributions are immeasurable, like so many Americans, he knew that our work was not done. Representative Lewis was deeply moved by the global demonstrations following the death of George Floyd, and how inclusive the fight for racial justice has become. In his absence, we must honor his legacy by continuing the momentum of the fight for equality. His action opened the door for so many Americans, including myself. With the passage of the Voting Rights Act, John Lewis transformed the political landscape for African-Americans. It allowed people of color to not only participate in elections, but to represent their communities and government as elected officials as well. Thanks to his work, the diversity of the legislative Body has continued to grow year after year. I'm eternally grateful for his dedication to racial equality, and will continue to honor his legacy here in New York. May he rest in power.

So before we begin our work, let us take a moment of

silence to recognize Assemblymember Gantt and Congressman Lewis.

(Whereupon, a moment of silence was observed.)

Thank you.

Once again, thank you all for being here and let's get to work. Let me now turn it over to Reverend Elia who will offer a prayer.

REVEREND DONNA ELIA: Let us pray. Holy God, You are with us even in places where we did not expect to be. As this Legislature gathers for a summer Session, pour out a generous measure of Your blessing upon each one and upon their work for the betterment of our communities, our State, our nation and the world. We give You thanks for the lives of Assemblyman David Gantt and Congressman John Lewis. Thank You for their passion for justice, for all in them that was good and compassionate, justice seeking and wise. May their memory be a blessing and may we carry on the work that remains unfinished. As this Body convenes, infuse it with wisdom and understanding and help the members find good and just solutions to the challenges they face. Strengthen those who are weary. Give good health to any who feel unwell. Thank You for their commitment to public service. Thank You for the staff, those visible and for those who work behind the scenes, for their long years of tireless dedication, wisdom and humor. We ask Your blessing and Your strength to be upon them. Bless the families whose love and support undergirds this Assembly and staff. Keep them healthy and strong. Bring healing mercy to those who suffer from the coronavirus, and we are grateful,

O Lord, that the work that we are doing in New York State is keeping our numbers low. Let us continue to be responsible and caring for one another. Help us eradicate systemic racism. Preserve our democracy. Let the voice of each person be heard. Enable us to stand against oppression and hatred, and bring us peace and justice in our time, O Holy One. Amen.

MEMBERS: Amen.

SPEAKER HEASTIE: Thank you, Reverend Elia.

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

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

A quorum being present, the Clerk will read the Journal of Sunday, July 19th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of July the 19th and ask that the same stand approved.

SPEAKER HEASTIE: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to, again, offer a quote to guests and colleagues who are in the Chambers and in and around our Zoom Session. This quote today comes from the Honorable Representative

-- House of Representatives John Lewis. John says to us, *Do not get lost in a sea of despair. Be hopeful. Be optimistic. Our struggle is not the struggle of the day, the struggle of the week, the struggle of the month or the year. It is a struggle of a lifetime. Never, ever be afraid to make some noise and get in good trouble, necessary trouble.*

Again, from the Honorable John Lewis.

Mr. Speaker, again, I want to welcome all of our members and staff who are in the Chambers with us and those who are participating remotely. Members do have on their desks or in their presence a Calendar, an A-Calendar and a debate list. At this time, Mr. Speaker, I would like to advance the A-Calendar.

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

MRS. PEOPLES-STOKES: Okay. Just so folks are aware, this is going to be a pretty busy week. I want to thank you in advance for your cooperation and -- and your patience because it's going to take both of those to get through this. Our major work for today, Mr. Speaker, will come from the debate list, from the main Calendar as well as from the A-Calendar that we just advanced. I would also like to remind members that we will be operating under the same rules and procedures that we did when we met the last time in Session. Those participating by Zoom should use the Zoom "raise hand" function when you're seeking to be recognized for either a debate and/or to explain their 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 or Minority Leader offices. So as we begin today's Session, Mr. Speaker, once again, I just want to, you know, thank members both remotely and in the Chambers for their patience with this process. This is -- we've done this before, but it's still a challenge. And I thank them for their cooperation as well. Not just on my side of the aisle but on all sides of the aisle, Mr. Speaker. We want to be thankful for our colleagues.

With that, I believe we can begin with our debate calendar. We're going to be going to Calendar No. 40, followed by Calendar No. 58. And immediately following that, Calendar No. 68, Mr. Speaker, in that order.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, we will take care of some housekeeping before we begin.

On a motion by Mr. Dinowitz, page 18, Calendar No. 99, Bill No. A.2331, amendments are received and adopted.

On a motion by Ms. Walker, page 45, Calendar No. 322, Bill No. A.8280-A, amendments are received and adopted.

On a motion by Mr. Zebrowski, page 45, Calendar No. 324, Bill No. A.8308-A, amendments are received and adopted.

We're now on page 9, Calendar No. 40.

The Clerk will read.

THE CLERK: Assembly No. A00794-E, Calendar No. 40, Simotas, Colton, Aubry, Englebright, Braunstein, DenDekker, Jaffee, Perry, Cook, Weprin, Santabarbara, Rozic, Hevesi, Quart,

Lifton, Otis, Mosley, Fahy, Seawright, Taylor, Zebrowski, L. Rosenthal, Reyes, Cruz. An act to amend the Penal Law, the Criminal Procedure Law, the Correction Law, the Social Services Law, the Vehicle and Traffic Law, the Family Court Act, the Civil Rights Law, the Civil Practice Law and Rules, the Agriculture and Markets Law, the Judiciary Law and the Domestic Relations law, in relation to sex offenses; and to repeal certain provisions of the Penal Law relating thereto.

ACTING SPEAKER AUBRY: 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. 40. 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. Paulin to explain her vote.

(Pause)

Mr. Goodell for exceptions.

MR. GOODELL: Thank you, Mr. Speaker. Voting no on this particular bill will be Assemblywoman Byrnes. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes for exceptions.

MRS. PEOPLES-STOKES: Make sure we record

Member Paulin as a no vote.

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

Are there any other votes? Announce the results.
(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01184-A, Calendar No. 58, Glick, Fahy, Stirpe, Griffin, Colton, Walczyk. An act to amend the Education Law, in relation to mandatory reporting of certain convictions, professional misconduct and/or employment termination; and to amend the Criminal Procedure Law, in relation to notice to the Education Department.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 58. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority and/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. A01329-A, Calendar

No. 68, Galef, Wallace. An act to amend the Real Property Tax Law, in relation to a residential revaluation exemption.

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 Calendar No. 68. 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. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: To continue our consent from the debate list we're going to go to Calendar No. 120, then Calendar No. 159, and then Calendar No. 201.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02832, Calendar No. 120, Cymbrowitz, Abbate, Bronson, Malliotakis, Peoples-Stokes, Weprin, Abinanti, Seawright, Bichotte, Hevesi, Ramos, Reyes, Gottfried, Walczyk, Wallace, Cruz. An act to amend the Insurance Law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for health insurance claims or billing purposes.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar 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. A04061, Calendar No. 159, Englebright, Peoples-Stokes, Glick, Galef, Abinanti, Seawright, Lupardo. An act to amend the Public Officers Law, in relation to defining the terms "retiree" and "beneficiary" within the Freedom of Information 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 Calendar No. 159. 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. A05306, Calendar No.

201, Gunther, Ortiz, Zebrowski, Wallace, Williams, Glick, Galef, D'Urso, Blake, Santabarbara, Montesano, Abinanti, Gottfried. An act to amend the General Business Law, in relation to the use of voice recognition features.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 201. 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, we're still on our debate list. However, we are actually going to debate. We're going to start with Calendar No. 12 by Mr. Steck, followed by Calendar No. 27 by Ms. Rozic, and then Calendar No. 33 by Ms. Rosenthal.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00292-B, Calendar No. 12, Steck, Seawright. An act to amend the Civil Rights Law, in relation to the imposition of penalties and remedies in suits brought

for the vindication of civil rights or human rights.

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

MR. STECK: Okay, now -- now I see I'm unmuted. So this legislation goes back to the Civil Rights Act of 1871 when Congress recognized the need to protect the constitutional rights of the free slaves, recently freed slaves. And to do this, Congress established a damages remedy for any person whose constitutional rights were violated by a government official. For some reason that is unknown to me, that provision of law never made it into New York State law for over 100 years. And, in fact, the Civil Rights Act of 1871 lay dormant for some time before it was resurrected by famous lawyers like Thurgood Marshall. And this was used to vindicate the civil rights of not only African-Americans, but free speech rights, the rights of women and many other things. In New York we passed legislation to create an equal rights amendment in our Constitution, and that indicated to me that we needed legislation to provide for an enforcement mechanism. Otherwise, you can have a right on the books that can only be enforced through injunctive relief, which means an order telling people to stop. A lot of times people obey the order and they stop, but then they do it again later because there's no disincentive for them to abide by the law. This statute has a long time-honored history in Federal practice, and we feel bringing the exact same enforcement provisions to New York State law is long overdue. There are other states that have these Civil Rights Acts, and

that is, in essence, what this bill does. I've heard arguments, again, that, for example, you can get assistance from the Civil Liberties Union if your rights are violated. That's not good enough. If you live in some small town in Upstate New York and your rights are violated, you're not going to come down to the City or one of the -- or even Albany, to see if the New York Civil Liberties Union will take your case. You need support from your local attorney looking out for you, and that's what this bill does.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. Steck?

MR. STECK: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Steck. I thought it might be helpful for our colleagues to reveal a little bit how this law applies in relationship to the existing Federal statutes. You mentioned Section 1983 and 1988 I think also applies. Would this be broader or the same as the Federal provisions that already exist under Section 1983 or 1988?

MR. STECK: So, the law would be broader because we have things in our Constitution that the Federal Constitution does not have. There are also differences. New York has a -- a more robust tradition of enforcing First Amendment principles than does the

Federal government. The statutes are not the same. And the idea that -- for example, if you want to bring a 1983 action in New York State court - which you're allowed to do - there -- there's concurrent jurisdiction, but the defense will invariably remove that to Federal court. Another thing that we've done in this Legislature, we have very, very controversial concepts that have developed under this law, many of which are judge-created. There are many different ways that courts could go. We, in the bill, say that the courts can use but are not required to use existing Federal precedent as guidelines. So there's a lot of concern about the concept of qualified immunity these days. This bill neither preserves it nor eliminates it. It allows the New York State courts to develop their own concepts as to the appropriate enforcement of this law.

And in the bill memo, I also note that one of the most important things here is that a lot of New York State agencies are known for being heavy-handed. And one of the reasons they are is the lack of enforcement mechanisms. So this bill provides safeguards for our citizens who have been mistreated by government, and if we don't have this legislation they will continue to be mistreated by government.

MR. GOODELL: You noted in -- in particular that Section 1983 and 1988 covered a lot of the same ground. You indicated there were perhaps provisions in the State where the State Constitution is different than the Federal. But when you look at the remedy section on this bill - I'm referring to page 2 starting on Section

2 - it seems to reference that the remedies would be the same as provided, quote, "... to the extent that the laws of the State of New York furnish a remedy." That's the first provision, which indicates that there's already a remedy out there for much of this. And then continues to say and if it doesn't already have a remedy there would be an extension of common law. Is that your read as well?

MR. STECK: Now, Mr. Goodell, what this bill does is provides a damage remedy in addition to the remedies that exist now. The remedies that exist now do not provide damages remedies for violations of constitutional rights. That's what the Federal law has historically done. 1983 is a Constitutional tort. This is the same thing. We don't have constitutional torts in the State of New York, and we would under this legislation. So the other thing that is very different about Federal law, which we don't have in this State is typically, under Federal law, attorney's fees are mandatory. So if you go into court and you win a case and the judge didn't like it and he denies you attorney's fees, the Federal courts do not permit that. Attorney's fees are mandatory. New York courts have always had this concept that discretionary -- that attorney's fees are discretionary with the court. That is very destructive of civil rights enforcement. And the reason being is that civil rights cases tend to be quite expensive. They tend to require over \$100,000 of attorney's time, and no lawyer is going to take a risk on a case unless they have the opportunity to be paid if they're successful in the action. And that is -- so what we're doing here is we're borrowing from Federal law, but we're also creating the

opportunity for State law to provide stronger remedies than in -- in Federal law. So I could give you an example. I know of a case where the Department of Education, a -- a teacher had been suspended for a year, and 20 years for some act that he committed 20 years earlier. And then he -- he got a job teaching as a long-term substitute in a school district, and the Department of Education sent a fax to the -- to the school district that said that he's under investigation again and they fired him. It was completely untrue. So in Federal concepts of qualified immunity, for example, you have to have an appellate case showing that the constitutional right is well-established. We are leaving it open for New York State courts to say that that point of view need not be followed because a lot of times when a principle is established in the trial court level, one of the reasons you don't have an appellate decision is because no one appeals it because it seems pretty self-evident. So not all of Federal jurisprudence in this area makes a lot of sense. And when we were looking at this bill, we certainly want to take guidance from what has been developed in the Federal courts, but we don't want to tie the hands of our State judges to examine -- reexamine some of the issues that have made civil rights litigation problematic in Federal court.

MR. GOODELL: Well, as you noted, this litigation can be very, very expensive. And as you noted you can incur over \$100,000 in legal fees. That was your example. In other areas of the law, like, for example, in unemployment while you can be awarded attorney's fees there's restrictions on the amount of attorney fees that

you can be awarded. And it's subject to the review of the Unemployment Board. You actually have to submit an affidavit and a petition and they have to approve the attorney's fees. And of course, as you know, in civil litigation if you're taking a contingency fee we have rules of the Appellate Division that limit the amount of the attorney's fees that can be charged. Is there anything in this legislation that would limit attorney fees or witness fees in bringing such an action?

MR. STECK: Absolutely. Because the court always has the ability to review attorney's fees for reasonableness. I remember one case that we had in Albany County when I was a county legislator. It was a redistricting case. And the plaintiffs were in a firm from New York City that put five people at a deposition when only one or maybe at the most two would be required. The court can review that. There's a long line of jurisprudence as to what type of activities are recoverable, what type of recordkeeping you have to have, and, you know, duplicative billing is not allowed. There -- there's all kinds of jurisprudence that makes sure that the fees are reasonable. But the problem is that if you don't have the attorney's fee remedy, the individual or entity violating someone's civil rights has no disincentive to stop doing so after an order is issued. It's the deterrent effect of damages and attorney's fees that make sure they won't do it again, and that's how Section 1983 works and that's how this law would work.

MR. GOODELL: Now I note, though, that when it

comes to reimbursement of attorney's fees and witness expenses you provide that the prevailing party would be entitled to reasonable attorney's fees and witness expenses unless the prevailing party was the State of New York. Is there a reason why the taxpayers of the State of New York shouldn't be able to recover attorney's fees if it turns out that the State had to expend, as you point out, possibly hundreds of thousands of dollars in defending an improper or unjustified claim?

MR. STECK: So you've mixed up two things there. You've mixed up the idea of the State of New York as plaintiff not getting attorney's fees, and then the State of New York as defendant not getting attorney's fees if it were successful --

MR. GOODELL: I would just -- just to clarify, I was referring to the situation where the State is the defendant.

MR. STECK: Right. Which would be the same as true in the private sector, Mr. Goodell. The -- the -- in the private sector if you were successfully defending an action of this sort, any of the civil rights actions in -- that are Federal, you don't recover your fees. You will only recover the fees as a defendant if the action is frivolous, and the principles of frivolous litigation apply all across the board in -- in modern jurisprudence. So in civil rights, the United States Congress and the United States Supreme Court have made the judgment that if you allow the recovery of attorney's fees by the defendant in every case that was won, even if the case was reasonable and appropriate, that would deter people from litigating to enforce

their civil rights. And so the only circumstance where a defendant can recover fees is in the event of frivolous litigation. So again, the priority here is enabling people to enforce their civil rights. This has been done effectively in Federal court for years, and the other states that have this law of this type have been doing it. There's absolutely no reason based on anything in the history of law that New York State should not have this as well.

MR. GOODELL: Thank you very much, Mr. Steck.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I appreciate my colleague's comments, and I thought I might suggest a few reasons why many of my colleagues will have a concern over this. As you know, we've seen the State economy shut down for an extended time period which has resulted in a horrific loss of revenues to every level of State government. We saw a more than 30 percent drop in sales tax revenues, for example, last month. And so, recognizing that all of our governments are basing extraordinarily serious financial challenges just to provide the basic services and meet the most critical needs of our residents, this might not be the right time to increase liability on all of our local governments by expanding their civil liability. I would point out that there's a questionable need for this. Already New York State has Article 78. It's an expedited procedure. The courts are very familiar with it. They move very quickly because it's an expedited procedure, and that procedure is all designed to result in an injunction,

if necessary, to stop in a very quick way any violation of civil rights or violation by the government. In addition, those injunctions are enforceable by the court. If the injunction is not followed, the court has direct authority under a contempt of court proceeding to enforce that injunction. So we already have the injunction remedy available to protect the residents of the State of New York. In addition, we have the Federal provisions that are already in place, as my colleague noted. That's Section 1983 and 1988. Those provide for civil remedies if there's a violation of any constitutional provisions that overlap with the Federal Constitution. I would also note, though, that in addition to subjecting all of our local governments to civil liability, as my colleague noted, it subjects local governments to the high cost of paying for the very lawsuit against the taxpayers. And as you noted, those expenses can exceed \$100,000. That's a huge, huge financial hit for a small village when we already have a remedy, an Article 78 action, which stops the allegation without imposing a huge liability on our taxpayers. So as we move forward, recognizing that most of our civil rights statutes already have remedies - and that's referenced in this law - that we already have broad remedies under Article 78, we already have civil remedies under 1983 and 1988 on the Federal level. This would impose large potential liability, financial liability, at the very time all of our local governments are struggling to pay for those essential services that we need here in the State of New York.

Thank you very much, sir.

ACTING SPEAKER AUBRY: Mr. Steck.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STECK: The issue of Article 78 is not correctly raised. Article 78 has no attorney's fee remedy. A lot of times people who bring Article 78 proceedings or who try to can't get a lawyer because they cannot possibly afford the hourly cost of an Article 78 proceeding. That is why Congress and the United States Supreme Court recognized the appropriateness of a Section 1983-type remedy. With respect to increasing costs on local government there's a simple way to avoid those costs, and that's not to violate people's constitutional and civil rights. Then you don't have litigation against you. And one of the problems that we have with local government is because there's never been an enforcement mechanism in this State, when constitutional rights get violated there's not necessarily any disincentive to do it again. They get a slap on the wrist and they're told, "Stop" and they stop. And if they continue to do it with that same plaintiff, yes, they would be held in contempt. But there's nothing to say that they don't do it again in another circumstance, and we have seen that over and over and over in this State and that's why you have so many Article 78s exploring the very same issues.

So I think this bill is needed for the very same reason that it was needed in Federal law. I think if we're going to have a constitution in the State of New York, for example, that prohibits discrimination on the basis of sex - which, by the way, the Federal does not - if we -- not all sex discrimination is in employment and

therefore covered by the Human Rights Law. There's lots of other forms of discrimination, and we need an enforcement mechanism for whatever -- whatever constitutional and civil rights are violated. And by the way, I will point out that in New York State today in our Human Rights Law if you've been the victim of racial discrimination and -- and you bring a case under the Human Rights Law you cannot recover your attorney's fees. So this -- this law would allow you to do that if you're basing it in the Constitution of the State of New York.

ACTING SPEAKER AUBRY: Thank you.

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 Calendar No. 12. 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 very much, sir. The Republican Conference will be voting in the negative on this bill. If there are members of the Republican Conference that would like to vote in the affirmative, please contact the Minority Leader's office immediately.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. Members desiring to vote no should please feel free to contact the Majority Leader's office. There are people there awaiting your call and will record you in the negative if you choose to. So otherwise, Mr. Speaker, again, this is a Party vote in the affirmative.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, sir. I found this is an interesting bill because a few months ago we amended Section 28-a of the Executive Law to provide our Governor with much greater authority under emergency situations. And Section 28-a of the Executive Law starts right out by saying *subject to the State Constitution*. And we've already had several Federal cases invalidating some or all of those Executive Orders that's violating the Federal Constitution and even the State Constitution. And in my county we had the anomalous situation, if you will, of having our economy shut down by a Statewide Executive Order when there were no confirmed cases whatsoever in my county. And it's hard to justify shutting down an economy when there are no cases in that county. And it's been extraordinarily frustrating that we've seen these broad-based Executive Orders that apply Statewide that ignore the

language of the statute that says it should be a minimum disruption and that we should minimize the negative impact. And those shutdowns directly affect people's livelihoods and their businesses. And there was no due process. None. You want to know if you're essential business or not, you ask the Governor's staff. No due process. And so many people across the State questioned whether or not those Executive Orders violate fundamental constitutional provisions on due process, on taking, on limiting peaceful assemblies. I mean the Governor shut down the churches in my county when we had virtually no confirmed cases. All of those are constitutional violations (unintelligible/buzzer sounded). So while I'd like the concept of being able to sue the Governor for those, overall I don't think this is a good bill and therefore I'll be voting no.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Barron to explain his vote.

MR. BARRON: I want to commend the sponsor of this bill. You know, Black people in America from the beginning we're trying to get this country to respect us as human beings much less civil rights. The very least that we can do is to have a bill that will have -- or give more strength, more teeth for enforcement. And if somebody else doesn't want to sue the Governor because of what's happening in their place, that's your business. But the bottom line for us as a people in this State, the least we could do is support legislation

that gives us -- gives us more teeth for enforcement of our civil rights in a country that doesn't even respect our human rights.

So I want to commend the sponsor of this bill and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. On this bill would you please record Assemblyman Walczyk and Assemblyman Schmitt in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00587-B, Calendar No. 27, Rozic, Aubry, Blake, De La Rosa, D'Urso, Galef, Jaffee, Jean-Pierre, Nolan, Seawright, Epstein, Rodriguez, Taylor, Cruz, Simon, Griffin, Pichardo, Ortiz, Dickens, Arroyo, Cook, Fernandez. An act to amend the Public Authorities Law, in relation to gender balance in State and local public authorities; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker. This bill would amend the Public Authorities Law to establish a program to

create a preference for women to be appointed to State and local authority boards. Just to give you a sense of the lay of the land, there are over 1,000 local and State public authority boards. Originally when I proposed this bill in 2015, only 14 boards had parity. To give you a couple of examples, the Thruway Authority. Out of an eight-person board only two are women. New York Power Authority, out of six trustees only one is a woman. New York State Bridge Authority, out of five commissioners only one is a woman. The list goes on and on. This would apply to all State and local authorities. It would require the appointing power when making appointments to the governing board of State and local authorities to give preference to a woman, with the weight of such preference depending on the gender disparity of the board. It is a preference. It is not the full factor, it is one of many factors.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ROZIC: Gladly.

ACTING SPEAKER AUBRY: Ms. Rozic yields.

MR. GOODELL: Thank you, Ms. Rozic. As you know, in New York State the percentage of the population that are women is 52.3 percent. Is it your view, then, that in order to comply with this all the State boards and agencies should be looking to have a

majority of women on their boards?

MS. ROZIC: I am looking for gender parity. I think it's in -- in the interest of the State to have more equitable distribution between genders on public authority boards. Starting there.

MR. GOODELL: Well, your overall objective would be to have 52 percent women?

MS. ROZIC: That would be great. If it went to all women that would be great, too.

MR. GOODELL: Looking at page two of your bill and starting on line 18 through 21 it says, *person shall be recommended for appointment, appointed or reappointed to any State or local authority only if that recommendation, appointment or reappointment is gender-balanced as provided in this section.* Isn't that a very explicit prohibition on an appointment that -- of a man? For example, if the board is not gender-balanced?

MS. ROZIC: This doesn't prevent someone from finishing out their term. It doesn't -- it doesn't demand a quota or an exact number. It is just telling the local appointing power that they should give this preference when considering candidates for an IDA, for an LDC or whatever public authority they're taking a look at.

MR. GOODELL: Well then I guess I don't understand. What's meant when you say that that -- a person will be recommended only if that recommendation is consistent with this gender balance? Isn't the phrase "only if" very clear that you cannot reappoint, for example, a male member if that board isn't 52 percent

women?

MS. ROZIC: Again, preference means the act of favoring one person over another, and it aims to be inversely proportional. It doesn't -- it's not the sole contributing factor.

MR. GOODELL: Well, just above it says --

MS. ROZIC: And that's the intent of -- of -- of this bill.

MR. GOODELL: Well, just above it on line 14 it says all appointive State and local authorities, all should have recommendations that are gender-balanced. That's pretty clear, isn't it, that all have to be gender-balanced and you cannot make a recommendation and you can only make a recommendation if it is?

MS. ROZIC: Right. But then if you look at the definition of preference, such favoring shall not be (unintelligible). So it says that it's not the sole factor.

MR. GOODELL: I see. Now this only applies to gender, right? It doesn't apply to race, national origin --

MS. ROZIC: Correct.

MR. GOODELL: -- age, race, national origin. It doesn't cover any other protected class, just gender?

MS. ROZIC: We are taking a look at gender in this bill. I would gladly look at doing other similar bills in the future.

MR. GOODELL: Thank you for your comments.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I absolutely support the sponsor's desire to increase the representation of women on boards. I also support the desire of many of us to increase the minority representation on boards. I think boards that have a diverse representation of highly-qualified individuals bring a really great wealth of background and experience and insights into our boards. I'm also, however constrained, by the U.S. Supreme Court case United States v. Virginia that found that gender-based government acts must demonstrate, and I quote, "exceedingly persuasive justification for that action." This language in this bill goes way beyond just adjusting and encouraging sensitivity to increasing gender balance. The actual language in the bill - and that's what we're called on to vote for or against - states that all, all appointed State and local authorities shall have recommendations that are gender-balanced. Gender-balanced. And it goes on to say persons shall be recommended for appointment or reappointment only if that recommendation, appointment or reappointment is gender-balanced. And so what this bill says is it doesn't matter how qualified and experienced you are. If you're a male coming up for a reappointment and your board's not gender-balanced, you cannot be recommended for reappointment. Our first priority to the citizens of this State is to try to get the very best qualified people on all of our boards and commissions. That's our first mission. And when we do that mission we should be color-blind. We should be blind to gender. We should not be selecting people based on whether they're White or male or female or anything else. We should be

seeking out the very best qualified people. And in looking for the very best qualified people we should look for a diversity of background. And so when we're seeking the diversity of background we should look for the very best qualified people with diverse backgrounds. This language goes further. This language says you cannot be recommended for appointment or reappointment to a board if you're a male. Regardless if you're a male of color, regardless of the wealth of experience you bring, regardless of your qualifications, you cannot be recommended -- or to be more accurate, you can only be recommended if that recommendation is gender-balanced. This takes a good idea, which is to seek diversification, and carries it too far and way beyond the constitutional-allowed perspective. So let's keep our focus in bringing in the most qualified, the best qualified people we can, keeping in mind that part of those qualifications might be their gender and part of those qualifications might be their membership in a particular group or ethnicity or minority, all of which strengthens our board. But our first and foremost mission is to select the very best people, and not put in the law that a person shall be recommended only if that recommendation reflects whether they're a male or a female.

Because this language goes too far, even though I support the objective of increasing diversification I will vote against it and recommend my colleagues do the same. Thank you, sir, and thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: I want to highly commend the sponsor of this bill and say to my colleague what color-blind society? Where have you been? Color-blind? This is a society that has always given an advantage to the White male since its inception. Since all of the Founding Fathers, White men. And White men stole this land from the indigenous people, stole us from Africa to build the wealth and discriminated against women. Didn't even allow White women to vote, any women to vote, until 1920. This is not a color-blind society. This is a racist and sexist society that predominantly White men have perpetuated. When you want to go to meritocracy while everything is unequal, White men have had an advantage for centuries over people of color and women. Now you want to go to meritocracy. We should only deal with people based upon merit. Treat everybody equal. Well, it's not equal. It's like this. It's unequal. So if you keep treating everybody equal it will keep moving up like that. (Indicating)

This is a good bill. And don't assume because you haven't gender-balanced that you won't have competency. That's another sexist notion as well. There's plenty, more than plenty competent women to serve on these boards. More competent than some of the men who serve. So, this is a good bill. I commend the sponsor. And let's move forward and have a revolution in America and then maybe we won't have a racial -- will have a color-blind society in the future. But I commend you for -- for this bill and I'll be voting in the affirmative and encourage all my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I just want to commend my colleague, the Assemblywoman, for introducing this resolution. And it's a step in the right direction, we have a long way to go. And I'm proud to cast my vote strongly for this bill today.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Seawright.

Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. I find this really rich. The Republicans are getting attacked for the Democrat bill when you've had a Democrat Governor in the Majority for two years, the Governor for eight years-plus who controls all these boards, especially in the City. He's the one, and the Democrats are the one that put these people on the boards. I find it rich that you would even attempt to blame a Republican for any of this. That's a joke in my mind. I won't be voting for this bill. It goes way too far and I'm 100 percent against watching this display on the floor trying to blame others for their own party's mistakes and their own party's shortcomings. They had the chance and they have had the chance to fix this with their own leadership and they didn't do it.

So thank you, Mr. Speaker. I vote in the negative.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This --

ACTING SPEAKER AUBRY: One minute, please.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will -- will the speaker -- will the sponsor yield for a quick question?

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

MS. ROZIC: Yes.

ACTING SPEAKER AUBRY: Ms. Rozic yields, Mr. Reilly.

MR. REILLY: Ms. Rozic, thank you so much. I just have two quick questions. I want to ask you a question about when they apply for a position, I know that like applying for jobs you don't have to answer those gender questions. What would -- how would that impact this -- the intention of this bill, which -- which I -- I will admit is -- is well-intentioned, but I'm just curious how that will play if they don't have to answer those questions.

MS. ROZIC: The appointing power is required to take all efforts necessary to obtain a list of qualified candidates and recommend them for appointment. So it's within the discretion of the local or State appointing authority.

MR. REILLY: So -- so if the -- if an applicant who may be qualified doesn't answer that question, do you -- do you see how the authority would move forward with that?

MS. ROZIC: Again, it's up to the discretion of the

local or State authority.

MR. REILLY: Okay. So -- so in New York City not too long ago they approved putting an X as the gender on birth certificates. If someone wants to identify as an X, I -- I -- and I'm only asking this because I -- I want to make sure that we -- and I'm in no way trying to be inflammatory. I really want an answer about how the boards can ensure that they get that information. Would it be up to the candidate to -- to actually be willing to answer that question?

MS. ROZIC: Unless -- in the case of someone who's non-binary or gender non-conforming, this bill does not directly address that. But I would be happy, again, to look at that issue going forward. If you want to put together a bill on that topic I'd be happy to cosponsor it.

MR. REILLY: Well, I mean, I -- that might be a good -- a good way to -- to enhance this bill now. But thank you for -- for answering those brief questions. I appreciate it. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 27. 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. If there are Republican members that would like to vote yes on this, please contact the Minority office -- the Minority Leader's office forthwith.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this will be a Party vote in the affirmative. This is a very good piece of legislation that just seeks to add inclusion. Those wishing to vote against this, though, however, should feel free to call my office, the Majority Leader's office, and we will record you in the negative. Absent that, Mr. Speaker, this will be a full Party vote in the affirmative.

ACTING SPEAKER AUBRY: So noted, Mrs. Peoples-Stokes.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. This is really a good bill. It is not mandatory. There's nothing mandatory in this bill whatsoever. This bill is what's called -- legally it is called precatory, p-r-e-c-a-t-o-r-y. It is expressing a wish or a desire of the State of New York to ensure that we have gender balance. You know, it's very fitting that this bill is on our calendar and our agenda for today, especially given the fact that we lost our colleagues David

Gantt and -- and John Lewis. Because in the face of this pandemic, if one thing doesn't strike clearly, it is the fact that we are all in this together. And unless we're all in this together we're never going to get through this. This bill simply tries to ensure that, in fact, we are all in this together, men and women.

I'm very pleased to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I just want to note for the record that study after study has shown that diversity in teams and organizations and boards lead to better results overall. In one particular study, an all-male team was found to make better decisions 58 percent of the time, but when there was a gender-diverse team the results were 73 percent of the time that they reached a better result. And when there is geographic and age diversity, the results improved to 87 percent of the time. So it's not just about whether there needs to be one -- the individual himself is the most qualified, but it's also when you ensure that there's gender diversity you're making sure that the entire group is making a better decision overall.

So I think this is an excellent bill. I'm very proud to support it and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the

affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Assemblymembers in the affirmative: Brian Miller, Assemblyman Morinello, Assemblyman Norris, Assemblyman Palumbo, Assemblyman Reilly and Assemblyman Schmitt.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00694, Calendar No. 33, L. Rosenthal, Perry, Wright. An act to amend the Civil Rights Law, in relation to privacy of electronic fare and toll records.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: Hi. Yes. This bill establishes reasonable uniform provisions for maintaining the confidentiality of electronic toll and electronic fare records.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Will the sponsor yield for a few questions?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MS. WALSH: Thank you, Mr. Speaker. So, Ms. Rosenthal, when we're talking about the electronic records we're talking about things like E-ZPass, is that correct?

MS. ROSENTHAL: Yes.

MS. WALSH: Okay. So E-ZPass records, why -- I guess as a preliminary matter, why should something like E-ZPass records be confidential?

MS. ROSENTHAL: I think that -- that people have an assumption that their whereabouts are not tracked by governments and that those records are confidential and should be.

MS. WALSH: Well, they may be tracked by all kinds of different people; employers who want to know where their employees are, spouses who may want to know where their spouse is. A lot of different people, not just the government. Do -- do you believe that that's a reasonable expectation of privacy given the fact that we have cell phones in almost everybody's hands that have cameras. We have many cameras out on the street that could record somebody's whereabouts. Why should E-ZPass records be entitled to so much of a presumption of confidentiality and protection?

MS. ROSENTHAL: Well, referring to what you said earlier, if a spouse or a workplace wants to know where someone is they should ask them. However, once this bill passes and is signed

into law, if someone -- law enforcement, for example -- wants access they can -- they can get it upon court order. So it's not just easily accessible. It's still accessible.

MS. WALSH: So picking up on that. So there are -- there's criminal law and then there's civil law. So as -- as to criminal law, in those types of cases I would definitely agree with you that the bill language as it's put out there does allow for a procedure to obtain the E-ZPass records. And in fact, there was a -- not so long ago there was a case here in Albany County where a murder was solved in part through the E-ZPass records. The defendant in the Porco murder trial. So that -- those do -- those records do come into play sometimes in criminal law. And I do support the section of your bill that talks about the procedure that would be followed for a court to be petitioned for a -- a search warrant to be issued by a court on reasonable cause. My concern I think with the bill and what I'd like to talk to you about has to do more with the civil side of things. So, under -- the language of the bill as I'm reading it, and perhaps you could clarify it for me, it looks as though the only time in a civil matter that you could access E-ZPass records would be in a proceeding relating to the collection of toll or fare revenues. Is that correct?

MS. ROSENTHAL: Can you repeat that? I'm sorry, it cut out for a second. Can you repeat the last line? You cut out for a second on my end.

MS. WALSH: Oh, I'm sorry. Of course. In the bill, Section -- let's see, Section 2 of subdivision (c) it talks about how in

civil matters, the only civil matters where you can allow for E-ZPass information to be disclosed would be when you have a matter relating to the collection of the toll or fare revenue. Is that correct?

MS. ROSENTHAL: Yeah. That is in case you haven't paid your bill, for example. E-ZPass is one -- one way you pay for it in advance, but other cases they take a picture of your license plate or other and then they bill you. And this is for cases where you haven't paid, basically.

MS. WALSH: Okay. So -- okay. So in all other civil matters, I mentioned earlier a matrimonial matter where the spouse is questioning the whereabouts of their soon-to-be ex-spouse or an employment discrimination matter where an employee is perhaps noting on time records that they're in one place when E-ZPass records may show that they're in another place. In those types of circumstances there is no procedure under your legislation which would allow for the disclosure of the E-ZPass records. Is that correct?

MS. ROSENTHAL: Yeah. This is just for that one particular civil matter.

MS. WALSH: Okay. And so the effective date is -- states that this act shall take effect immediately. So if, for example, an individual used FOIL perhaps to obtain records like this in the past and then this bill becomes law, would this bill affect the admissibility of this evidence if obtained prior to the passage of this bill in, for example, a matrimonial matter?

MS. ROSENTHAL: Unsure. Unsure. I mean, I'm

sure the courts can work it out.

MS. WALSH: Okay. All right. Thank you very much for your answers, Ms. Rosenthal.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: So, I -- I generally think that the concept of being able to protect the privacy of one's whereabouts is if it isn't gone, it's going, I think in today's society. I think that with cameras pretty much on every corner, cell phones in our pockets, things being recorded routinely, it -- it's -- I think in a way we can't un-ring that bell. We've -- we've pushed our -- society is pushed to a place where the privacy of one's whereabouts is perhaps not a reasonable expectation anymore. However, I do think that -- I think that the bill does have a good intention in the -- in the sense of trying to establish some routine reasonable procedure that can be followed. I like the way that it's worded to help protect the confidentiality of records except for in criminal matters where you have this process of asking the judge for a search warrant to be issued upon reasonable cause. Or a subpoena duces tecum to be issued upon a finding that it's relevant and material. I -- my problem with the bill is that I wish that it had also carved out an exception for civil matters to follow the same kind of procedure so that if you had a matrimonial case or an employment law case, you could try to go to a judge and make an argument that this would be relevant material to the case that you're putting on and have a judge with discretion be able to make those

decisions about whether a subpoena could issue or a -- or something along those lines.

So I think that on this bill I'm going to be voting in the negative. And it's because of that, because I don't think that the exception is broad enough to encompass reasonable requests for this kind of information. And again, for that -- for that reason I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 33. 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, sir. The Republican Conference will be voting in the negative. If you would like your vote recorded in the affirmative I would encourage those members to promptly contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be voting in the affirmative

for this bill. Those wishing to vote negatively should call my office and we will so record. Thank you.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you please record the following Republican Assemblymembers voting in the affirmative: Assemblyman Byrne, Assemblyman Montesano, Assemblyman Schmitt and Assemblyman Walczyk.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Member Buttenschon, Gunther and Buchwald in the negative.

ACTING SPEAKER AUBRY: So noted. Thank you.

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, we're moving along pretty nicely here. Let's continue with Calendar No. 35

by Ms. Niou, Calendar No. 77 by Mr. Gottfried, and Calendar No. 93 by Ms. Solages.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00711, Calendar No. 35, Niou, Wright, Barron, Kim, Dinowitz, Epstein, Simon, Frontus, Richardson, D'Urso, Fall, Sayegh, Weprin, D. Rosenthal, Blake, Reyes, Solages, Abinanti, Cruz, Seawright. An act to amend the General Business Law, in relation to requiring debt collectors to inform debtors that written communications are available in large print format.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for the opportunity to speak briefly on this bill. This bill would offer protections and assistance for people who are in debt who suffer from vision impairment, such as seniors or my whole family. Oftentimes, debt collectors will bombard debtors with information that can be intimidating and also difficult to understand. Much of this information is purposefully sent in small text sizes, and with some of the text sizes as small as size 8 font. This makes it even more difficult for individuals to read and understand the information sent to them, especially if an individual has a vision impairment. This bill would ensure that debtors who have vision impairment and are hard-of-seeing would be able to receive clear and conspicuous notice that the communications they are receiving can be provided in large

print and request large print formats for further communications. This service would ensure that those who are intended to read, understand and comply with these communications are better prepared to do so.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. NIOU: Yes, of course, I will yield. And I miss you, Mr. Goodell.

(Laughter)

MR. GOODELL: Yes, normally you sit just a couple rows ahead of me. Thank you, Ms. Niou. I agree with you, by the way. I get frustrated with the very small print that I see on credit card applications and -- and some of those communications. And the older I get, the more I appreciate normal size print. But this doesn't require normal size print, right? This requires 16-point print which is quite a bit larger.

MS. NIOU: So, I mean, as the definition of normal, I mean, I think that most of us are very used to 12-point font or 16-point font when reading documents. I -- I mean, most of our term papers when I was in school was in 12-point font.

MR. GOODELL: Just a couple questions. If it turns out that a debt collector is perhaps not aware that they have to provide

16-point font on notices upon request but makes a mistake, is there an opportunity for the debt collector -- collector to correct that mistake under this bill?

MS. NIOU: I mean I think that there will be some time given, but I think that, you know, this establishes violations for a first offense a civil penalty of \$250, and then for any subsequent offenses, a civil penalty of \$500. So there is a chance, obviously, to correct but it's also, you know, a warning as well.

MR. GOODELL: You mentioned the penalties of \$250 to \$500. Can the debt collector apply that penalty against the amount owed? So in other words, let's say the debt collector is collecting a debt that's worth \$10,000 and by mistake they don't send large-print font, can they just simply reduce the amount owed to \$9,750, for example?

MS. NIOU: I don't think so because the -- the fine is to us and the -- the debtor is -- the penalty would obviously be separate from the debt.

MR. GOODELL: I see. Does this legislation provide any exemption for documents in connection to litigation like the summons or complaint, a judgment execution, notice to provide information about your assets? Any of those court-related documents, or would they all be subject to 16-point font?

MS. NIOU: This bill would not apply to those situations. It only applies to communications between the debt collector and the consumer.

MR. GOODELL: So if the debt collector sues somebody and the debt collector is named as the plaintiff - which they would be, by the way, if they bought the debt - would it then require the summons, the complaint, all motion papers, notices of deposition and all the other litigation documents to be in 16 point font?

MS. NIOU: No. No court documents. The court documents are between the court and then the debtor and then the court and the -- and the business.

MR. GOODELL: So looking at the terms of the language of the statute, can you point out where court documents are excluded?

MS. NIOU: It's only -- like I said, the language only pertains to the communication between the debt collector and the consumer.

MR. GOODELL: Well, on line 22 on page 1 it refers to any written communication. Is it your intent, then, that any written communication does not include written communications involving litigation?

MS. NIOU: Correct, because the litigation is between the court and the borrower.

MR. GOODELL: Thank you very much. I appreciate your comments and look forward to seeing you here on the floor of the Assembly at some point in the future.

MS. NIOU: Same. Same, same, same.

MR. GOODELL: On the bill, Madam Speaker.

ACTING SPEAKER WOERNER: On the bill.

MR. GOODELL: I appreciate my colleague's desire to have a large-print format on routine communications from debt collectors upon request, and I would support that if this legislation was clear that it did not apply to communications related to litigation. As a practicing attorney I can tell you that sometimes that communication, which is sent directly by the plaintiff - in this case the debt collector - to the defendant can be quite voluminous. And if you don't have an express exclusion, you might have a unique situation where a person who is owed money who brings a lawsuit using standard 12-point font could be facing a fine or a penalty. And it's important that when we do legislation that if we don't want it to apply to court documents that we expressly state it doesn't apply to court documents. And that's especially important in this area because typically, the summons and the complaint will attach to it multiple documents. And the cost and difficulty of converting all of the attachments to 16-point font can be substantial.

So I appreciate my colleague's desire. I certainly would support legislation requiring that it be at least 12-point, and I'd be much more supportive of legislation if it excluded court documents and gave debt collectors an opportunity to correct an honest mistake if they missed that request.

Thank you very much, Madam Speaker, and again, thank you to my colleague.

ACTING SPEAKER WOERNER: Read the last

section.

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

ACTING SPEAKER WOERNER: The Clerk will record the vote on Rules -- on Calendar No. 35. 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: Madam Speaker, the Republican Conference will be voting no on this bill. If there are Republicans who would like to vote yes, please contact the Minority Leader's office immediately. Thank you very much, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, the Majority Conference will be voting in the affirmative on this piece of legislation. Those desiring to vote negative should contact the offices and we will make sure your vote is properly recorded.

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

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record the following Republicans in the affirmative on this

particular bill: Mr. Barclay, Mr. Giglio, Mr. Montesano, Mr. Morinello, Mr. Palumbo, Mr. Schmitt, Mr. Smullen, Mr. Norris, Mr. Reilly and Mr. Byrne and Mr. Blankenbush. Also, Mr. Garbarino.

Thank you, sir -- thank you, Madam.

ACTING SPEAKER WOERNER: Thank you. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01526-B, Calendar No. 77, Gottfried, Dinowitz, Colton, Cahill, Weprin, D'Urso. An act to amend the Uniform City Court Act, the Uniform District Court Act, the Uniform Justice Court Act and the New York City Civil Court Act, in relation to obtaining jurisdiction over certain defendants.

ACTING SPEAKER WOERNER: Mr. Goodell.

MR. GOODELL: Thank you, Speaker.

On the bill.

ACTING SPEAKER WOERNER: On the bill.

MR. GOODELL: As you know, we have different courts for different reasons, and one of the courts we have is the Small Claims Court. And by its very definition, it's only for small claims, the process is expedited and the rules of evidence don't apply. The pleading rules don't apply, and the jurisdiction is very limited. And the Small Claims Court was all designed to be as convenient, fast and easy as possible for both the plaintiff and the defendant, and that's why

it has limited jurisdiction. And one of those limitations on jurisdiction is that a Small Claims Court will only hear a claim against a defendant if the defendant resides within the jurisdiction of the court, or has a place of business or regularly conducts business within that jurisdiction.

Now, if somebody wants to bring a lawsuit against a defendant who doesn't live in that immediate jurisdiction, then they can bring the action in Supreme Court that has much broader jurisdictional reach. This bill changes those jurisdictional provisions in just one group of plaintiffs. And it says if it's a tenant that wants to bring a Small Claims action against a landlord, they can bring it where the apartment exists even if the landlord doesn't otherwise meet any of the jurisdictional requirements for an action against the landlord, meaning you don't have to bring the Small Claims action where the landlord lives or where he does business, you can bring it anywhere the apartment is. And that creates a real problem if you have landlords that have a second house, for example, that's quite a ways away. And in my county, we have a lot of summer residences and the landlord might live in Florida, for example, during the winter and rent the house during the winter to somebody who is in my jurisdiction 1,700 miles away. And so, to say that that particular landlord would be subject to long-arm jurisdiction in a Small Claims Court really changes the rule and nature of that jurisdiction.

And so, for those reasons, I and many of my colleagues will likely vote no on this. I know the last time this came

up for a vote, we had considerable opposition, primarily because it's fundamentally unfair to change it; we had 33 no votes the last time this came up for a vote. And I will be opposing it and would recommend my colleagues vote no as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 77. 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, sir. The Republican Conference will be voting in the negative, although if there are any members of the Republican Conference that would like to vote in the affirmative, please call the Minority Leader's Office and let them know right away so they can properly record you. Thank you, sir.

ACTING SPEAKER AUBRY: Sir, so noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority will be voting in the affirmative. Those members desiring to vote negative should contact their respective

offices, particularly the Majority Leader's Office, and let us know that. We will make sure that your vote is properly cast.

(The Clerk recorded the vote.)

MR. GOODELL: Thank you, Mr. Speaker. Would you please record Mr. Lawrence and Mr. Morinello in the affirmative on this? Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02176-A, Calendar No. 93, Solages, Crespo, Pichardo, Lentol, Peoples-Stokes, Bichotte, Niou, Barron, Davila, De La Rosa, Dickens, Epstein, Fernandez, Hevesi, Hyndman, Jaffee, Jean-Pierre, Mosley, O'Donnell, Pretlow, Ramos, Rozic, Seawright, Weprin, Williams, Wright, Lavine, Kim, Gottfried, D'Urso, Perry, Joyner, Ortiz, Fahy, Simon, Buchwald, Lifton, Arroyo, Glick, L. Rosenthal, Taylor, Cahill, Cook, Rivera, Otis, Paulin, Simotas, Cruz, Carroll, Lupardo, DenDekker, Stirpe, Richardson, Jacobson, Buttenschon, Quart, Zebrowski, Colton, Galef, Fall, Dinowitz, Sayegh, Bronson, Darling, Blake, Reyes, Vanel, Walker, Nolan, Aubry, Barrett, Thiele, Steck, D. Rosenthal, Rodriguez, Wallace, Ryan, McMahon, Abinanti. An act to amend the Civil Rights Law and the Judiciary Law, in relation to protecting certain interested parties or people from civil arrest while going to,

remaining at, or returning from the place of such court proceeding.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Solages.

MS. SOLAGES: Yes, Mr. Speaker. Access to our court system is vital for all persons in New York State. This bill would help assure access to important court proceedings. The bill would provide individuals from warrantless civil arrest while going to, remaining at and returning from a court proceeding where such person is a party or potential witness, or a family member or a household member of a party or potential witness. However, such an arrest should be permissible if it -- if it is supported by a judicial warrant or judicial order authorizing such arrest.

This bill reflects a long-standing protection in the Civil Rights Law against civil arrest for individuals going to, remaining at and returning from court for certain purposes, including serving as a witness. The bill, which has gathered strong support from both immigration reform advocates and the community of legal practitioners, will help promote the integrity of our court system in New York State, and uphold all persons' right to access the court system.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

ACTING SPEAKER AUBRY: Will you yield --

MS. SOLAGES: Yes, Mr. Speaker.

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: Ms. Solages yields.

MS. WALSH: Thank you, Ms. Solages. So, I just have a couple of questions, and I think what I really want to get to is the breadth of individuals who could be covered by this piece of legislation. So, under our current law, we already protect the -- the witness going -- going to court, do we not?

MS. SOLAGES: Yes, Mr. Speaker.

MS. WALSH: Okay. So this -- this expansion, then, under this bill, protects a family member, and it doesn't define "family members", so I don't know how far that goes, if it could be a cousin, an aunt, an uncle, a twice-removed -- we don't know how -- how -- how we're defining "family", do we? Or do you have that defined somewhere in the bill?

MS. SOLAGES: So, you know, we know the judicial process is quite complex. You know, at times, individuals receive a ticket, or a witness, and it's sometimes intimidating to go alone. So we should have no objection as to who is accompanying a potential witness or defendant. We should have -- we should allow people to be able to bring whomever they want to come to court, either if for moral support or for advice, it should be permissible. And so, we don't speak to that on the bill because we want people to be comfortable with whom they want to go to court with, because at the end of the

day, we want to ensure that the judicial process is happening here in New York State. We want people to go to court. We want people to be model citizens.

MS. WALSH: Okay. So what you're saying really is that in addition to a family member or a household member, or a potential witness, it really should be anybody who is coming into court should not have to fear arrest. Is that -- is that your position? That's -- that's more even than what the bill says.

MS. SOLAGES: So this bill just wants to ensure that the Federal enforcement agents or officers have a judicial warrant, that they abide by the Fourth Amendment, which requires judicial warrants, or a warrant -- or -- sorry, a notice from a -- a judicial magistrate. And that's all we're asking for. It's very simple. I think our forefathers believed in judicial warrants and, you know, all of our -- our legislators out there. So, that's what this says, that, you know, officers can come, but we just want a judicial warrant when they're talking about going into the courthouses or arresting someone going to court or leaving court.

MS. WALSH: Okay. So what about just a spectator who is not a family member or who isn't a household member? I mean, really, what you're saying is really anybody in the court system should be immune, unless there is a judicial warrant, as you said.

MS. SOLAGES: So -- yeah. We're talking about having this in good faith and we're talking about the person accompanying either a witness or a person going to court. That's what

the bill is speaking to, and we're speaking about good faith.

MS. WALSH: Okay. So under the process that's laid out in the bill, I think -- I think there were some amendments to the bill made last year, it looks like. So, can you describe if you are a representative of a law enforcement agency who is in their official capacity, they enter a New York State courthouse intending to observe an individual or take that individual into custody. Walk us through the process of what that -- that individual would need to do.

MS. SOLAGES: We're allowing Federal agents to -- to come into the courthouse, it's just the arrest. You know, there's a -- a privilege of the arrest clause law that we have in statute, the Civil Rights Law, Section 25, that says that civil arrests cannot happen. And so, you know, individuals are welcome to our courthouses. We want to send a loud, clear message that our courthouses are open for all because, as you know, lady justice is blind. Regardless of your race, your income, your nationality or your immigration status, the courts are open to all.

MS. WALSH: Right, and I wasn't suggesting that the person couldn't enter the courthouse, I'm saying how could they -- what's the process for that individual, that representative of the law enforcement agency who wants to effectuate a judicial warrant when they enter the courtroom; what do they have to do?

MS. SOLAGES: So, on April 17th, 2019, the Office of Court Administration actually put out a directive that gives a -- a rundown of all the process that need to be done. It's quite a lengthy

document, do you want me to -- to read it to you?

MS. WALSH: No, I guess what's sufficient -- let me -- let me see if can maybe just quickly summarize it and maybe you could just confirm whether I've got it right.

MS. SOLAGES: And the language is verbatim -- it's somewhat verbatim, in the -- in the language of the bill.

MS. WALSH: I don't think you need to read any large section, it just -- it looks as though the individual has got to, when they come into the courthouse, they have to present to a court officer a copy of the judicial warrant; is that correct?

MS. SOLAGES: Correct. Yes, they have to present a copy -- they have to first identify themselves --

MS. WALSH: Yep.

MS. SOLAGES: -- then they have to present a judicial warrant if they weren't -- so, are you talking about the process of the law enforcement agent just coming in to the courthouse, or the process of doing a civil arrest? I just want to clarify.

MS. WALSH: Doing a civil arrest is where I was going with that.

MS. SOLAGES: So, once again, you know, they have to identify themselves, they have to provide the documentation, and then, you know, everyone works together to -- to facilitate the process.

MS. WALSH: Well, once the court officer gets the -- gets the warrant, then the court officer's got to present it to the judge

there to review it, and then - or the court attorney - to promptly review it and determine, I suppose -- I guess to see if it's valid --

MS. SOLAGES: Correct.

MS. WALSH: -- if it can be executed, and then it says that only in extraordinary circumstances may an arrest be made in the courtroom absent the leave of court, and that -- and you can't do it without a judicial warrant or judicial order authorizing the arrest --

MS. SOLAGES: So, let me clarify --

MS. WALSH: -- did I summarize that all right?

MS. SOLAGES: Pardon the interruption. Let me just clarify: There's "administrative warrant". An administrative warrant in immigration matters is an agency-issued arrest request that a person to be taken into custody for alleged violations of Federal law. So, administrative warrant is requested from the Federal agency, whereas a judicial warrant is signed by a judge, which means that there needs to be probable cause, that there's a reason. And so, we're just preventing Federal agents from using an administrative interoffice document to try to do civil arrests -- a civil arrest in our courthouses, because we've seen that it's -- it's proved positive that, you know, at times, Federal agents come into the courthouses and disrupt the proceedings. If they don't get what they want, they cause disruptions. For example, in Yonkers in November of 2019, an ICE -- excuse me, a Federal agent wasn't able to arrest, and actually kicked the door of the courthouse, which happened to be made of glass, and break the glass of the courthouse. And this is solidified by a police report. So, you

know, we're talking about ensuring that we have peace in our courthouse, that people can get through the judicial process and send a message that our courts are open for all.

MS. WALSH: So -- yes. And so, we've -- we've talked about the arrest -- the situation where the arrest is -- is being effectuated in the courthouse itself, but your bill actually goes further than that. It gives protections to that family member - we -- we've decided that that's not really even defined what "family member" is, or a household member. They can't be, under your bill, arrested on their way to court or while they're at court, or when they're on their way home from court; is that correct?

MS. SOLAGES: Yes, it's correct. It's actually a 100-year-old law, and I'm trying to find the documentation - just give me one moment, please --

MS. WALSH: Well, your bill isn't that old, though.
(Laughter)

MS. SOLAGES: No, no, no, but the English courts in the late 1800's repeatedly recognized a Common Law privilege against civil arrest for anyone presented in the courthouse, or on the grounds or coming to and from court. But it gets even better: During the 19th Century and early 20th Century, American courts, including the New York State Court, as well as the U.S. Supreme Court confirmed that this privilege was a part of the law. So, there is actually a privilege of -- of not getting arrested going to court or leaving court or being at court.

MS. WALSH: And as we --

MS. SOLAGES: So, this is --

MS. WALSH: I'm sorry. And as we discussed at the beginning, we -- we don't -- we don't challenge the existence of that. We know that for very many years - I didn't realize it was that long - but for very many years, we have protected the -- the witness who was coming into court. But -- but, again, this -- your bill broadens the scope of the individuals who are protected --

MS. SOLAGES: So --

MS. WALSH: -- under that long-standing rule.

MS. SOLAGES: Only subpoenaed witnesses are protected. But, again, we are trying to preserve our judicial process. We want everyone, regardless of their immigration status, to feel comfortable to go to court, you know, just -- like I said before, justice is blind. Everyone has a right to due process. Everyone has a right to go to court.

MS. WALSH: Okay. How long after the individual who is the household member or a family member, how long after they return -- coming home from court may they then be arrested?

MS. SOLAGES: So, you know, we want individuals to be able to be comfortable to go to court. Women who are assaulted should be able to get an order of protection. With COVID-19, we're going to see mass evictions, and many of those individuals are mixed-status families. So, what that means is that some of them are, you know, non-citizens, asylum holders, undocumented and others are

actually U.S. citizens. So, we want to ensure that every single person has a right to go to court, and feels comfortable. This bill is sending a message that -- that everyone can go to court without feeling that they're going to get arrested or deported, because that impedes, it puts a chilling effect on our court system. And I know that if a witness, maybe they happen to be a non-citizen, a witness wants to point out my accuser and testify, but is afraid to go to do that, that's a travesty on justice, and that hurts the whole judicial process.

MS. WALSH: Very good. So, my question is, so you've got a person who is undocumented and they have gone to court, they have been there for, as you said earlier, maybe moral support or they're spectating or they're a member of the family, of the household, and then they leave the courthouse and they go back to wherever. How long -- how long after that can they then be arrested by law enforcement? Does your bill speak to that?

MS. SOLAGES: It's -- the -- it's clearly stated in the language. It's only to and from. It's very simple. To and from in good faith.

MS. WALSH: But where are they going back to, their residence, or their place of work or...

MS. SOLAGES: It's leaving to and from court. So, wherever they're -- wherever they're coming from and wherever they're going.

MS. WALSH: Okay. All right. Well, thank you very much for your answers to my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: So, I tried to -- tried to bring out in my questioning that, you know, we -- we have no objection to the concept of the witness being protected, and has been for many, many years. I think the problem with this bill is that it greatly expands the scope of the individuals who are protected. I understand and greatly respect the sponsor's explained rationale for the bill. I think, though, that during our conversation, and on debate, it appeared that the bill was even being expanded more beyond the bill language itself just during the debate to be really just somebody who is spectating at -- at a court proceeding. And I don't know that an individual should be entitled to those types of broad protections, going to, staying at and leaving a court proceeding simply because they are a mere spectator. So, for those reasons, I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. SOLAGES: Yes.

MR. GOODELL: Thank you very much. From your comments, it appeared that you're particularly concerned about the situation where a non-witness, non-party to a court proceeding, a

member of the household, for example, might be stopped going to or from court by an Immigration official, and taken into custody because they're here illegally or they're lacking documentation; was that really one of your main concerns on this bill?

MS. SOLAGES: I'm sorry, could you elaborate on your question?

MR. GOODELL: Sure. Was -- was your main concern on this bill that an Immigration official might execute a non-judicial civil arrest of a undocumented or an immigrant who is here without legal authorization while that person is going as a member of the household to watch a court proceeding? Was that really the thrust of your concern?

MS. SOLAGES: My concern and, you know, we have countless DAs from Albany, from -- from New York City, from Long Island, from across the country who have expressed concern, even Chief Judges, who expressed concern that they're not able to facilitate the judicial process. And so, the judicial process isn't just, you know, going to court, it's also going to the clerk's office to hand in paperwork, it's anything dealing with -- with court operations. And so my concern is that the court operations were being impeded by a third-party, especially a Federal third-party. And, you know, I -- I don't believe in State violence against us, and so, I want to stand up and push back and ensure that our -- our judicial process is protected, our State judicial process.

MR. GOODELL: Certainly, and I appreciate that

desire, but the concept of a civil arrest is -- is not very common. There's only a few situations where civil arrests occur, right? One might be, for example, in violation of a court order where you have an order of contempt; that's a civil arrest, right? Immigration officials, they have the right to make a civil arrest, right, with or without judicial order. Are there other examples of civil arrest?

MS. SOLAGES: So, I'm just going to take a -- a quote from the Federal judge that actually put out a -- a -- a decision - thank you - a decision, and he said, *Immigration detention has arisen to a new, inclusive form of civil arrest*, and that's straight from a Federal judge.

MR. GOODELL: But that -- in terms of the context, so we understand what we're talking about --

MS. SOLAGES: Mm-hmm.

MR. GOODELL: -- civil arrests are typically orders of contempt --

MS. SOLAGES: An individual --

MR. GOODELL: -- violation, may be a violation of an order of protection, although that can be criminal, as well, and immigration. Is that the three? I mean, are there other categories, other types of civil arrests that you're concerned about?

MS. SOLAGES: So, as -- as I said before, you know, this is a, you know, an old standing privilege and, you know, this is something that's always been protected. We --- we don't support civil arrests in the -- in the courthouse. So, you know -- and we have to be

careful about painting all immigrants as criminals and public safety threats, and it's racist and dangerous. In a country, everyone, including immigrants, have rights, including the right to access court, to defend themselves in court and to seek legal representation of the court. So, you know, we have to not look at the individual nuances, but look at the language. It's civil arrest. There's a privilege from civil arrest that's within 100 years, of, you know, Civil Rights Law Section 25, and I can read it to you if you'd like.

MR. GOODELL: No, I'm -- maybe you can help me just understand this. Let's say that a relative of a witness or a party of the court is stopped, or someone in the same household is stopped going to or from court, and they're stopped by an Immigration officer --

MS. SOLAGES: Mm-hmm.

MR. GOODELL: -- who wants to take them into custody because they are here illegally, or without documentation. And the person says, *Well, wait a minute, under this new bill I'm protected from civil arrest.* What should the officer do? Should he just take their word, or can he detain them temporarily while trying to verify whether they're actually going to or from a court proceeding; how would that work?

MS. SOLAGES: So, I would -- I would hope that the Federal -- you know, there's been a directive, there's a Federal decision. ICE officers are very familiar with the process, or, you know, Federal officers are fairly familiar with the process. So, you

know, if someone says that they're going to court, that individual is protected. But, they can get them -- they can ascertain them if they get a judicial warrant, and I would hope that they would walk around and obtain a judicial warrant if they -- if they would like to, you know, arrest someone.

MR. GOODELL: Well, keep in mind, under the current protection, the current protection covers anyone who is a witness or anyone who is a party, and that's very easy to document, because if you're a witness you'd have a subpoena, so, you know, if you got stopped, for example, coming or going, you'd pull out a subpoena and say, *Officer, here's a copy of the subpoena, as you can see; I'm protected.* Or, if you're a party, of course you can bring out a copy of the summons or complaint, or whatever the -- the court documentation. How would you document --

MS. SOLAGES: So, I --

MR. GOODELL: -- that you are going to or from court --

MS. SOLAGES: So, I --

MR. GOODELL: -- when you are - just let me finish the question - when you live in the same household or you're a relative, but not a party, particularly if you are not traveling with the party. Let's say you're going to court in a separate vehicle or on the subway in a separate -- you're meeting them there. How do they establish that they are going to or from court so that the Immigration officer is not arrested, as they could be under your language, right?

An improper stop would subject the Immigration officer, a Federal officer to arrest for false imprisonment, right? So, how do they document that this member of the household or this relative, who may not even be in the same household, falls within the scope of this statute?

MS. SOLAGES: So, you know, Federal officers, Immigration officers are using our courthouses as -- as traps. So, they're purposely looking at the court dockets, they're looking at names, they're cross-referencing it with their list, and identifying who are -- who are -- people who are immigrants. So, they're using our State data and information as a means to be able to, you know, arrest individuals, which only makes the consequences that, you know, the consequence being is that that person is not able to go to court, which hurts our judicial process. And so, just to explain --

MR. GOODELL: Just to be fair, just to be fair -- all --

MS. SOLAGES: So, if you go to a case-by-case basis, it makes it difficult, because there's different nuances, because, you know, an individual can have a conversation. It seems like these Federal agents are following a person if they were to -- you know -- it seems from your -- from what you're saying from your -- from your example. So, you know, it's -- it's very difficult because every situation is very different. But let me read, please let me read the Civil Rights Law really quick --

MR. GOODELL: Well, my --

MS. SOLAGES: -- I'll read the last sentence, really: *An arrest made contrary to the provision of this Section is absolute and voided and is contempt of court if any from which the -- the subpoena was issued, or by which the witness was directed to attend.* So -- so, that's current law. So, that's -- that's the exact current law. So, it's only the people who are subpoenaed. So, we're not providing protections for New Yorkers.

MR. GOODELL: So my question, again -- I apologize - and I apologize for almost interrupting you. My question was very specific. I understand all the theory that you mentioned, and I appreciate that. My question is very specific: What documentation would be shown to a Federal official to indicate that a person who doesn't even live in the same household, A, is related to somebody in the court and, B, is on their way to or from the court. What documentation in the person who is stopped who is unrelated to anyone in the courthouse, living in the same household, or, alternatively, is related, but doesn't even live in the same house, what documentation can they show the Immigration official so that the Immigration official doesn't run the risk of being arrested for false imprisonment? What documentation - that's the question - what documentation will they have?

MS. SOLAGES: So, you can have a ticket, you know, court documentation.

MR. GOODELL: Well, that would be available to the witness or a party. I'm talking about a non-witness, non-party or

relative who lives in some other house. What documentation would they have with them, or could have with them, to document that they're coming to be a spectator at some other court action?

MS. SOLAGES: So, simply, if the -- if the individual says, *I am with so-and-so person*, you know, that person also produces some documentation --

MR. GOODELL: And if they're traveling separately -- if they're traveling separately to the court, what --

MS. SOLAGES: See --

MR. GOODELL: -- what documentation --

MS. SOLAGES: Now -- now you're bringing nuances. What if the person's jumping down from a parachute, like, you know, we can't provide these examples. I trust Federal agents to be able to ascertain and be able to communicate and be able to have -- to make an arrest and make a solid, lawful arrest. And if they're trying to wiggle through loopholes and such, it just really is -- is a defamation on justice.

MR. GOODELL: Thank you very much, and I appreciate --

MS. SOLAGES: So, I was just going to --

MR. GOODELL: Oh, I'm sorry, I didn't mean to interrupt you.

MS. SOLAGES: I'm so passionate, so I just --

MR. GOODELL: Yes, indeed.

MS. SOLAGES: And also, you know, in the

directive, so in January of 2017, the Federal government did an Executive Order and also there was an impending memo done and circulated amongst Federal officials saying that the arrests have to be lawful. And lawful means and ensure that faithful execution of the Immigration Laws of the United States are -- are done in such a way. So, you know, even within documentation, they want to employ all lawful means. And so, I would hope that these law enforcement agents are, you know, dotting their i's and crossing their t's and not going with hypotheticals or maybe. You know, these individuals know what they're doing. By identifying and going through our court dockets and waiting for individuals coming to and from court, they know exactly what they're doing. And so, all that we're saying is that we need to protect our court system. We need to protect all New Yorkers regardless of their immigration status and allow them to go to court. They should not be using our courthouses as traps -- as trap houses. Thank you.

MR. GOODELL: Thank you very much, and I appreciate your passion and I appreciate your answers, as well.

On the bill, Mr. Speaker.

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

MR. GOODELL: As my colleague noted, for well over 100 years, New York, along with most of the nation, has recognized that a witness or a party to a lawsuit is immune from civil arrest while traveling to or from the court; that's the current law. If

you're a party or if you're a witness, you're exempt from civil arrest. What this bill says is if you're a spectator, not a party, not a witness, but a spectator that's related or might even live in the same household, if you're a spectator, then you are also protected. And it turns around and it says if you are a Federal Immigration official and you stop and execute a civil arrest on one of these spectators, you could be arrested for false imprisonment or be facing a fine.

And so, here we have a law that subjects Federal law enforcement officials who are carrying out Federal law to being arrested in New York State if they arrest a spectator who claims they are coming or going to watch some legal proceeding involving a member of their household or a relative. Keep in mind that we are creating an impossible situation for those Federal law enforcement officials to verify that the person is actually going to or coming from a court proceeding, because unlike a party or unlike a witness, there's no subpoena to the -- to this spectator; they are not named in the proceeding and they would have no documentation.

The current law strikes the right balance. The current law says if you are a party or you are a witness, you are exempt from civil arrest. This law says we are now making spectators exempt from civil arrest if they happen to be related to anyone in the court or live in the same household. That goes too far and it makes Federal law enforcement officers subject to criminal prosecution for carrying out their duties to enforce Federal law. That's an inappropriate change in the way we deal between those who are here illegally and those who

are (unintelligible/buzzer sounding). Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I rise to just thank the sponsor for this legislation. This is a -- a really difficult thing to do when there is so many within our House and within our society who don't think that people who yet -- don't yet have their American citizenship should have the same protections as everyone else. I came from a family that wasn't necessarily immigrating to America, but was forced here. I understand that there are a lot of people who come to America by their own will, and sometimes we really do need to have that person that can help you understand what's going on during the court proceedings that you have to go through. They will have the same experience you've had, that has a level of empathy for you, that can help you speak and understand the language. Most Americans speak one language, but most people who come as immigrants speak more than one language. All of our court systems are not necessarily at a place where they can articulate and/or handle. And so, what is wrong with having -- bringing someone with you who can support you during the process and then them not have to worry about being arrested on their way home.

Now, if somebody has done something that they need to be, you know, picked up or prosecuted for in the future, that's not what this bill is talking about. This bill is talking about going to and from a process that happens within our judicial court systems. So, again, I want to commend the sponsor and I hope that colleagues will

have an open mind when making their decision about whether or not this -- this legislation moves forward. I, for one, hope that it does. It's important work and it's work that needs to be done, particularly in 2020.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: Thank you very much, Speaker.

This is always very interesting to me, how we just forget history. The people who are coming here now, whether they are from Mexico or from the Caribbean, or from Africa, the indigenous people of this land were African and so-called "Indians" and, as a matter of fact, if you might remember, Texas seceded from Mexico and became a country of its own first, then they joined the United States, so you done ripped off a part of Mexico and made Texas a state. Talk about a spectator, my colleague, you live in a bubble. You are the spectator. You came here from other places and took land from people, your ancestors did this. So, who is the real spectator?

I think this bill is good. Immigrants contribute billions of dollars to this economy, so-called "immigrants"; some even fight in wars. But, yet, the only thing this bill is saying, you can't use the courts to entrap immigrants. You can't do that, whether they're spectators in the courtroom or not. ICE, under the Obama Administration, deported millions and they continue to do that. They terrorize immigrants. They're racist, and they should be dismantled. But this bill is simply saying, no, you cannot entrap immigrants in the court system. You can't hang around the court system preying on

them - P-R-E-Y, not P-R-A-Y - preying on them, so you can, what, Make America Great Again? Keep America as white as possible? Avoid the browning of America?

This is a good bill. This is a simple bill. This is a bill that ain't calling for no revolution, it's just calling for protection of immigrants when they have to go to court. And, yes, even if they're spectators to support a family member. Good bill, sponsor. We should support this. This is a no-brainer. It's simple. And it's interesting, when you gotta fight for such simple, no-brainer bills. You would think people live in some bubble, that they don't know what's going on outside of their little bubble. But, we need to get hip to reality. America is changing, and there's nothing you can do about it. No kind of suppressive laws, no kind of agency like ICE is going to stop the browning of America.

So, I say that we should appreciate immigrants. They contribute to the cultural richness of this country, to the intellectual capacity of this country. They contribute to hard-working labor in this country, and this bill merely says if they have to go to court, let their family come and sit and be supportive of them without being in some trap set up by the racist ICE that needs to be dismantled. When the European immigrants came, Irish, Polish, Jewish, Germans, Italians, yes, they were discriminated against, because the white Anglo-Saxon Protestants from England did that. But they didn't get treated like this. When the color of immigration changed, don't even want their families to go to court with them, absurd. I applaud the sponsor. Great bill.

Let's do the right thing, Assembly, and pass this bill. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. CRUZ: So, I have a couple of rhetoric questions. I'd like to know who these spectators that are going to court just for fun are, because as a former Legal Services attorney, I can tell you that the only people who are willingly going to court are family members accompanying the folks who have to go to court, the folks who have to go to court, and us, the lawyers, and the witnesses. And the idea that there could be acceptance to spectator arrest almost strikes me as the idea that it would be okay to conduct racial profiling, because how would ICE know that a spectator is someone who should be arrested?

And then that gets us into the question of ICE warrants are civil in nature. ICE warrants are not authorizing criminal arrest. And the promise that this country gave us when many of us came -- have come who come from other countries and those of us who came undocumented and fleeing what are basically lawless countries and other places, is that here in the United States we have a Constitution, and that Constitution protects us regardless of the color of our skin or the status that we have. And that that Constitution doesn't simply stop because of how we look or because of state -- I'm

sorry, a Federal agency wants to step into a courtroom and, as Mr. Barron said, entrap us.

And so, I want to thank the sponsor of this legislation because it is a long time coming. How do you promise a witness, how do you promise a human trafficking victim - and I mention a human trafficking victim because back in June 16th of 2017, ICE attempted the arrest of a human trafficking survivor, at human trafficking court in Queens. How do you promise any of these folks that when they step into court, they'll have their day in court, that they'll be protected, that the promise of this nation to keep them safe will remain so when they step into the one place that it should absolutely be clear exists.

It doesn't happen right now, and unless we pass this bill we are going to continue to see the behavior of ICE get worse, the behavior of Federal agencies get worse, because if you have been paying attention to the news, you saw what happened in Portland. And it is about to start happening in New York. And we need to make sure that we protect victims, that we protect witnesses, that we protect lawyers and that we protect the family members who are simply looking to give some support to the people who are in court seeking justice, because that's what our courts have promised us.

And so, the idea that we would even have to ask for a bill that basically says what a judge has already decided should be the law of the land, is, quite frankly, insane. I'm going to be voting in the affirmative and I'm asking my colleagues to do the same because we got elected to protect the Constitution of this country and our State,

and we have a rogue Federal agency, a rogue Administration trying to find every and which way to keep our people down, to arrest them, to deport them, to take them away from the only families and the only country they have known.

And so, I want to reiterate a couple of things before I end. ICE does not have the ability to conduct criminal arrests. That is why we're asking that they go and get an order from a judge. The Constitution protects us no matter what status we have. There is a notion of innocent until proven guilty that many of us went to law school and have been fighting our entire lives for. And if you allow ICE, an agency, to come into a courthouse and arrest someone before they've even had the opportunity to have their day in court, or, because they're engaging in racial profiling because let's get it clear, if they're arresting someone because they're a spectator, spectator, that is racial profiling because how the heck do you know that someone is an undocumented immigrant simply by looking at them. I can guarantee you that nobody knew it about me until I said it.

And so, I am asking that we, as legislators, uphold the Constitution of this country and protect the people who elected us to protect them, because I want to remind everyone, we didn't get elected just to protect the people who vote for us, we got elected to protect every single person that lives in our district. And I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I want to

congratulate the sponsor for bringing this forward. Essentially, ICE is operating with interagency or interoffice memos, and that's how they proceed. And they come to the courthouse undermining the ability of all of us to get justice. If somebody has been a witness of a crime, they may be a witness of a crime that has been committed against any one of us and they -- and we may depend upon them in order to have the perpetrator identified and prosecuted. Undermining that isn't undermining it for a particular group of people, undocumented people, it is undermining it for everyone.

The Federal government has brought a strange, new notion of having unidentified Federal officers appearing in the cities from Washington, D.C., first, now to Portland, and we'll see where else. This is disgraceful, it is frightening, it reminds me and my history, my family history, of the Brownshirts of the '30s, unidentified officers showing up and taking people off the street.

So, it is -- it makes sense that we ensure that someone who is a Federal agent, an ICE agent or any other agent, has to have a -- a warrant, not a memo, which is say essentially what ICE warrants are, they're an administrative warrant. So, to me, it's an interoffice memo identifying someone, and then trolling the courthouses to identify -- to try to find people does not make any of us safer.

So I applaud this measure. I thank the sponsor for bringing it forward. It is a measure of protection for all of us, because you don't know who you may need to depend upon to come forward in a court action on your behalf. And making certain that the courts are

sacrosanct is in everybody's interest. So thank you, Mr. Speaker, and very much thanking Member Solages for bringing this forward, since I'm not explaining my vote, I can mention her name.

(Laughter)

ACTING SPEAKER AUBRY: Thank you, ma'am.

Mr. Epstein.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: Thank you. I also want to applaud the sponsor for her leadership on this important issue. I, as some of my colleagues just said, I am a lawyer, I've been to court hundreds if not thousands of times, and I see how the court system is used to continue injustice in our society. And racial profiling, unfortunately, is part of the system -- of the society we live in. ICE just wants to put that on steroids. They want to be able to continue to go into court and target people based on - the only thing I can think of is their race - and to try to get what they believe is undocumented people out of court.

These, quote, "people" are people who are there seeking justice from the system. These could be, as someone said, they might be "spectators", but spectators are not that, spectators are potential witnesses, they are moral support for people, maybe someone who is a domestic violence survivor. They could be a translator, they could be a trusted friend. The people who go to court are an integral part of our court system. And if we believe the court system should be open to all, we need to ensure that it is open to all.

We live in a system that's racist. We live in a system that's unjust. We live in a system, as we see everyday, by, you know, what was happening across this country and what we've seen from the Black Lives Matter movement that we need a better way to approach injustice in the world. This is one step forward. This is how we make the court system a little fairer. This is how we ensure that people who are going there to seek some level of grievance have the ability to do that without the threat of deportation or arrest from ICE.

ICE is deeply troubled and deeply problematic and we should abolish it, but until that day that we don't have a system where people go rogue all the time and attack people based on their race and potentially take -- rip families apart who have been here for decades, until we have that day, we need these important victories. And, Assemblymember Solages, I want to applaud your efforts here. I encourage all of my colleagues to vote in favor of this bill, I know I'll be voting in favor of it, as well. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. SIMON: I, too, want to commend Ms. Solages for her -- for this bill, for arguing it so eloquently. ICE is laying in wait outside our courthouses, that's what they're doing. They are just laying in wait, they are there to terrorize anyone who ICE may have profiled as being undocumented and subject to deportation. They are

doing it by using false documentation. They are not using proper process, and they are there to simply frighten people. They are there to frighten the people who are -- have a matter before court or someone who might be assisting someone or just supporting someone, or might be translating, all of the various permutations of why anybody would go to court to be there for someone, to just support them in any way. And these tactics have a very dark past and a very dark history. We know that history. And that history should not be happening, that should not be repeating in the United States of America, and it sure as heck shouldn't be happening in New York State.

And so, I encourage all my colleagues to vote for this. Again, I want to commend the sponsor and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you so very much.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 93. 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, sir. The Republican

Conference will be voting no on this bill in general, but any Republican members that would like to vote yes, please contact the Minority Leader's Office as quickly as possible. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This will be a Party vote in the affirmative. Members wishing or desiring to vote no on this piece of legislation should contact the Majority Leader's Office and we will make sure your vote is properly recorded.

ACTING SPEAKER AUBRY: Thank you, ma'am.

So noted.

(The Clerk recorded the vote.)

Mr. Pichardo to explain his vote.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to take a pause and explain my vote. First of all, I want to commend the sponsor on this piece of legislation and I want to make sure that it's clear to all of my colleagues that regardless of your documentation status, everyone deserves equal protection under the law. And when the law falls and is heavy-handed in its enforcement, it creates a counterproductive scenario and, more importantly, it makes law enforcements' jobs harder because you will have less cooperative communities and the fact that people will have less of a likelihood or even want to cooperate with law enforcement authorities. I think the idea of making sure that people feel safe to not only interact with the

Judicial system, but also feel that they are protected by their government in any circumstance or any other situation. So, I commend the sponsor for this piece of legislation. I commend my colleagues for voting in the affirmative and I encourage everybody to do the same, and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for the opportunity to explain my vote. And I just want to commend the sponsor for this important piece of legislation. You know, it's important, certainly as representatives of the -- of the Latino and Latinx community, but also for anybody who is, you know, looking to go to court to have their day and to resolve matters, to understand and know that they are not going to be further preyed upon or victimized by law enforcement as a result of showing up to those proceedings and looking to get their fair -- fair day in court.

So, I think it's important for us to send this message that, you know, certain places, you know, should not be target areas for -- for either the Federal government or any other agency, you know, to -- to further victimize people and -- and -- and also must keep in mind the sanctity of the judicial process and -- and the system for all its flaws, but making sure that people can access it with the same level of expectation, you know, in terms of what they're expected

to do when they're -- when they have to go to their day at court -- in court or to their appointment, that they have the same protections and are not victimized as a result. So, I will be voting and supporting this legislation and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker, to explain my vote. A victim is not a party until they file documentation with the clerk. We have DAs from across New York State, Albany, Bronx, New York County, Nassau County, Westchester, who wrote a letter to legislative leaders saying, *As ICE agents become an increasing regular presence in our courthouses, there is a detrimental effect on the ability to investigate and prosecute crimes.*

A woman who -- who has been assaulted needs to be able to testify against her abuser. A tenant serving with an eviction notice needs to be able to defend the case. A consumer who paid money, but did not receive a product should be able to go to court. We're New York State. We have sent a signal, and with this bill we send a signal that our courthouses are open for all, and that the judicial process can be done, and that you -- when you go to court, you're going to be safe. So with the passage of this bill in the Assembly and the Senate, we send a loud message to our community that you are here to stay.

I would like to thank IDP, who have documented the

1,700 percent of increase of Federal agents arresting people to and from courthouses; New York Immigration Coalition; the countless Legal Aid lawyers who, you have said that this -- this piece of legislation needs to pass the legislative process. I thank them all. I thank everyone who championed this bill, all my colleagues, and Speaker Heastie for believing that we need to make sure that our judicial process is open to all. Thank you, Mr. Speaker, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Solages in the affirmative.

Ms. De La Rosa.

MS. De LA ROSA: Thank you, Mr. Speaker, for the opportunity to explain my vote. I simply want to uplift my colleague for all her work in defending this important piece of legislation. As has been said time and time again, this is about allowing access to justice and our court should be the place where access is held and where people have the ability to go and defend their cases and watch cases and be there for their relatives as they defend their innocence. So, thank you to my colleague, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. De La Rosa in the affirmative.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have one of our colleagues, Mr. Santabarbara, who would like to be recorded in the negative.

ACTING SPEAKER AUBRY: Thank you. So

noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could continue on our debate calendar. We're going to go to Calendar No. 108 by Mr. Dinowitz, 116 by Mr. Dinowitz, and 118 by Mr. Englebright. On debate, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 19, Calendar No. 108, the Clerk will read.

THE CLERK: Assembly No. A02479-A, Calendar No. 108, Dinowitz, L. Rosenthal, Mosley, Galef, Abinanti, Jaffee, Fahy, Colton, Crespo, Ortiz, Weprin, Lavine, Arroyo, Reyes, Cruz, De La Rosa. An act to amend the Labor Law, in relation to prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account through specified electronic communications devices.

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

MR. DINOWITZ: Good evening.

ACTING SPEAKER AUBRY: Good evening, sir.

MR. DINOWITZ: This bill would prohibit an employer from requesting or requiring that an employee or applicant

disclose any user name, password or other means of accessing a personal account through specified electronic communication devices.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. DINOWITZ: I will.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. RA: Thank you, Mr. Dinowitz. Good to see you virtually. I hope you and your family are well. I know this --

MR. DINOWITZ: They are. I hope yours are as well.

MR. RA: Thank you, we are. I appreciate that. So, you know, we last voted on this bill a few years back, so I'm going to start with something that I -- I think is a -- is a good thing as -- as I look through this piece of legislation. I -- I had the opportunity to read the transcript from the 2014 debate. It took me on a trip down memory lane, including some of our past colleagues, Al Graf, who was debating you. And one of the things he brought up was the potential that law enforcement might need to access some of this information. So my understanding is now with the current version of the bill, law enforcement, corrections and fire departments would not be subject to these restrictions. Is that correct?

MR. DINOWITZ: As you know, we try to take input

from both sides of the aisle when discussing our bills, so we did make some adjustments to the bill over the years.

MR. RA: Okay. Thank you for that. So I just want to go through exactly what is covered and -- and how this works. As, you know, we're all aware, you know, and we -- we've seen this, you know, over the years as the social media has -- has become something that is, you know, very widespread and -- and -- and in such wide use, you know, the individuals may be -- something comes to light that they said on -- on a social media account years before. Whether it's racially insensitive, whether it's homophobic, whether it's anti-semitic or, you know, some other type of -- you know, a viewpoint that -- that we view to be something that is, you know, objectionable and that, you know, an entity, whether it's a -- a school, university, a -- a business, an organization doesn't want to necessarily be associated with. So my understanding of this, though, is that it wouldn't prevent that prospective employer from looking at social media, but rather from asking to actually have the login information from an individual. Is that correct?

MR. DINOWITZ: I'm sorry, say that again please.

I'm sorry.

MR. RA: So, if -- if I'm a potential employer and I'm, you know, going to be interviewing a person or I just interviewed a person and I want to kind of take a look and see if, you know, there's something on their Twitter or something on their Facebook account that is something I don't want my organization to be connected to, I

can still do that, correct? But what I can't do is ask the individual for their login information to log into their social media account.

MR. DINOWITZ: Yes, that's right. I mean, you can go on -- I can go on a lot of people's Facebook or Twitter accounts and people do it all the time. The question is whether or not we should force somebody to give up their -- their passwords, and the answer is with this bill, no.

MR. RA: Okay. Now, one of the other things I know it says is that you can't reproduce any, you know, information from their account. So, I mean, with that -- if I were to interview somebody and I'm considering offering them a job and I see something that, you know, I -- I think sometimes there are things that we can look at and say, *Gee, this is a problem, I don't want to be associated with this*, or maybe there's something that maybe is borderline that might be a concern. Would that provision -- it -- it says here disclosing or reproduce in any manner photographs, video or other information contained within a personal account. Would that prevent me of, say, you know, taking a screenshot of something and maybe I go and have my H.R. department look at it or -- or I go to, you know, my -- my board or maybe I'm in charge of hiring and I go to the -- the owner of the business to say, you know, *Is -- is this something that -- that is a problem for you?* Will I be prevented from doing that under this language?

MR. DINOWITZ: If the -- if the individual doesn't want you to have their password or any other -- or any other login

information, you can't -- under this bill you can't force them to give it to you.

MR. RA: Well, I understand that as it regards to passwords. But what it says here --

MR. DINOWITZ: What -- what line are you looking at? Let me just find it.

MR. RA: I'm looking at page 2, lines 11 and 12.

MR. DINOWITZ: Well, it's -- it's pretty plain what it says. *Can't reproduce in any manner photographs, video or other info contained within a personal account.* That's what it says.

MR. RA: Okay. So would -- would I be, as the employer, unable to -- I mean, because these things -- you know, the saying goes, *The Internet is forever*, right? But obviously, people sometimes will delete a social media post or something like that. Would this prevent me from -- from storing something that I saw? I mean, maybe somebody says, you know, goes home after an interview and says, *Oh, geez. I -- I remember five years ago I posted something really stupid. I better get that off of my, you know, Twitter page.* Would this prevent the -- the organization from -- from taking a copy of that?

MR. DINOWITZ: Well, that's exactly why I never post anything stupid, because people can look at it. It does not prevent the employer from viewing or accessing public information if it's available in the public domain already.

MR. RA: Okay. Now, I -- I think you -- you -- you

make an important point when you talk about public information. One of the things any of us that are familiar with social media may know is that, you know, there are accounts that are public in terms of, you know, there's no security restrictions, anybody can see them. You know, so I could have a Facebook account that's completely public so that anybody could just pull it up, look at anything that's there and then there's people that have different levels of security. Maybe only people who are my friend on Facebook can see it. You know, same goes for Twitter, Instagram, and requires that an individual actually, you know, accept that person as a friend or -- or a follower, you know, what have you, depending on -- on the social media platform. So I -- I know there is language in here that I believe is intended to address that situation, but I just want to be sure. If the, you know, employer were to friend request or request to follow the individual because their posts are private and they want to be able to take a look at what's in there because, you know, it's not -- it's not public that anybody can access, would the employer be permitted to do that?

MR. DINOWITZ: Well, the employer can certainly make a friend request, but you don't have to accept it. No one can force you to accept a friend request.

MR. RA: Yes, I -- I -- I would agree nobody can force you to accept a friend request. So I think, then, you know, if you were to -- would that then be treated basically the same as saying, *Give -- you know, give me your password?* You're not able to do that? You wouldn't also be able to say, Listen, you know, my H.R. director is

going to friend request you. I need you to accept that friend request because we need to take a look at, you know, whether you've posted anything that we might find objectionable. Would that be prohibited?

MR. DINOWITZ: I'm -- I'm not sure I see wording in the bill exactly on point to that, but I think the intent of the bill based on what it says is that that would have the same net effect of demanding the information that is banned in the wording of this bill.

MR. RA: Okay. Now I -- I just -- is there any differentiation, because I know that, you know, this is being used not just, you know, for applications but does it -- does this also apply if, say, you're trying to, you know, do some type of internal investigation of an individual, you know, for, you know, job performance or -- or, you know, discipline or -- or anything of that nature?

MR. DINOWITZ: It would apply to people applying for employment, people hoping to get a better position within -- within the organization. You know, moving their position. It applies throughout.

MR. RA: Okay. And just one other piece of this. And I -- I understand this is something that I -- I think would be -- make -- make sense to be included, but I'm just wondering if there's any particular examples of -- of this that -- that you might have. It -- it basically provides an affirmative defense if the employer acts to comply with requirements of Federal, State or local law. Do you know of any, you know, laws that would -- would basically necessitate somebody to have to give up that information when requested by a

perspective employer or an employer making a -- a promotion decision?

MR. DINOWITZ: Well, I -- I think it says in the bill here what the exceptions are, and -- and it's pretty clearly laid out here. So, I mean, that's my answer.

MR. RA: Okay. Thank you very much, Mr. Dinowitz.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. RA: As I -- as I stated earlier, I -- I -- I am certainly, you know, appreciative of -- of the sponsor's actions in -- in making that change as it relates to law enforcement. I think we can definitely see circumstances under which getting, you know, this type of information might be helpful in making sure we're not in those types of jobs hiring individuals, law enforcement, corrections, fire departments. And I -- and I don't think we would want to take away a potential tool that could weed out somebody who was not fit to perform one of those -- one of those types of jobs. So -- so I am happy to see that amendment having been made. You know, this is certainly a difficult issue in some ways. I certainly understand the privacy aspect of it, but I think we've seen very, very often in modern times, even recently, you know, whether it's individuals who have, you know, lost a spot in a -- in a college or university who had previously admitted them or an employee who ends up getting fired as a result of something that they post on social media or something that comes to

light on social media that maybe, you know, there's a thought that they ought to have known about before they hire an individual. You know, particularly if it happened before that hiring decision was made. I -- I think the sponsor made a good point when -- when he said the best approach is not to say stupid things on social media, but I think we also all know that there are, you know -- you know, young people sometimes say things, they don't choose their words too -- too wisely on social media and they forget that things that you post are -- are going to be there forever and -- and somebody may look at them later on, and even if it's not indicative of their true feelings on a subject, it may really cause issues for them in employment in the future. So my concern with this is that, you know, if somebody has a private account and say you hire them -- and it could be anything. It could be, you know, a small local business, it could be somebody that gets hired to be, you know, a journalist that rises through the ranks and all of sudden, you know, is a -- you know, is a famous journalist or on TV or whatever, and then all of a sudden somebody goes and looks it up before that entity hired them, they said something really ridiculous on social media that their employer does not want to be associated with. And their employer now is in a situation where people may be saying, *Hey, how are you employing somebody who put this type of language or put this type of thoughts out on to the social media?* So there definitely is kind of a double-edged sword here, and that is why, you know, while the privacy aspect of it is very important, I think that there has to be some ability for an employer -- and it doesn't have to be

that they have to be able to take and request and ask for somebody's password, but maybe there is an opportunity where you have a situation where they can look at the information. They can request to look at the information, but -- but maybe, you know, can't discriminate against an applicant who decides to not give them access to that information or that, you know, they're able to ask somebody to pull up the information and let -- let them look through it so that you have that balance so that, you know, we can allow a business to -- to really take advantage of the information that's out there on somebody who they may be hiring or may be promoting within their organizations.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. This will be a Party line vote. The Republican party will initially vote in the negative. Although if there are members that would like to vote in favor of this, please contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 180 days.

ACTING SPEAKER AUBRY: The Clerk will
record --

(Pause)

Mr. McDonald.

MR. MCDONALD: Yes, Mr. Speaker. This is a Party line vote in the affirmative. Any member who would like to

vote differently please contact the Majority Leader's office.

ACTING SPEAKER AUBRY: Just a little out of order, gentlemen.

The Clerk will record the vote on Calendar No. 108. This is a fast roll call -- 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.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the affirmative in alphabetical order: Mr. Ashby, Mr. Byrne, Mr. Garbarino, Mr. Giglio, Mr. Manktelow, Mr. Miller, Ms. Miller, Mr. Montesano, Mr. Morinello, Mr. Norris, Mr. Reilly, Mr. Salka, Mr. Schmitt, Mr. Smullen and Mr. Walczyk.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read page 21, Calendar No. 116.

THE CLERK: Assembly No. A02611-E, Calendar No. 116, Dinowitz, L. Rosenthal, Crespo, Buchwald, Weprin,

M.G. Miller, Rodriguez, Otis, Abinanti, Seawright, Solages, Reyes, Taylor, Sayegh, Gottfried, Epstein, D'Urso, Stirpe, Arroyo, Blake, Hyndman, De La Rosa, Steck, Cook, Glick, Cruz, Zebrowski, Ortiz, Wallace, Fall, Frontus, Fernandez, Darling. An act to amend the General Business Law, in relation to prohibiting the disclosure or use of a person's consumer credit history to an employer, labor organization, employment agency or agent thereof for purposes of employment decisions.

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

MR. DINOWITZ: This bill would prohibit an employer or potential employer from using a job applicant or employee's consumer credit report in his or her decision to hire, terminate, promote, demote, discipline, compensate or in setting the terms, conditions or privileges of employment.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Mr. Dinowitz. So just to recap, and your explanation was very complete, but this does include potential employers as well as current employers of an employee,

correct?

MR. DINOWITZ: Yes.

MS. WALSH: And this also says that you may not request or use the credit report. Is that right?

MR. DINOWITZ: Well, I'd have to check the bill to see if the word "request" is there, but I'm sure the answer is yes, you can't use it to make those kind of decisions because -- well, I'm sure you'll ask questions so I'll go into more depth as you ask the questions.

MS. WALSH: Okay. Can't request it or use it, right? So, there are just a couple of carve-outs from the prohibition of using the credit report. One involves police, and one involves anybody who is -- employers who are subject to SEC regulations. So in those two examples, two carve-outs, you could use request and/or use a credit report in making an employment decision. Is that correct, Mr. Dinowitz?

MR. DINOWITZ: It's a carve-out, yes.

MS. WALSH: Very good. So there are a host of other jobs that may require individuals to use the financial background; bookkeepers, cashiers, people who are involved in a financial role of some kind but where the employer is not subject to SEC regulations. And in those instances the potential employer or employer could not request or use a credit report in evaluating the employee. Am I right?

MR. DINOWITZ: You are absolutely right.

MS. WALSH: Okay.

MR. DINOWITZ: And there's a reason for that.

MS. WALSH: Okay. Well, why don't you give me the rationale for that.

MR. DINOWITZ: Would you --

MS. WALSH: Yeah, go ahead.

MR. DINOWITZ: -- like me to explain the reason? I don't have to.

MS. WALSH: Well --

MR. DINOWITZ: There are a few reasons. One is the credit reports often have mistakes, serious mistakes. And we're not just talking about a small number of the credit reports, but rather a significant number of the credit reports. That's been proven time and time again. To the tune of millions of people, there are mistakes in those credit reports and it would be unfair to the people to make an employment decision based on a credit report which has mistakes. But secondly, there is not the slightest indication whatsoever that a bad credit history has any connection to job performance for better or worse. There's just no connection. There's no correlation at all. And very often what happens is there are people who are, I guess you would call them sometimes "unfortunate victims." People who run up medical bills who don't have insurance, but, you know, nonetheless have medical bills sometimes due to life or death situations, and therefore, they have bad credit history. Or perhaps a young person who has a -- a very large amount of student loans that they haven't paid off yet. So simply because somebody owes money, doesn't mean

they won't do a good job at whatever job it is that they're looking to get.

MS. WALSH: Thank you, Mr. Dinowitz.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: Thank you. So, New York State is an at-will employment state. And what that means is that there is the notion of a contract between the employer, potential employer and the employee. When I was practicing in the area of private sector Labor Law, the way it was explained to me is that an individual can be fired for a good reason, a bad reason or no reason as long as it's not an illegal reason. And the -- the converse is true in the sense that it's an at-will hiring situation as well. Private employers have an ability to take a look at potential employees, evaluate them, and they have the freedom to try to gather relevant information, information that they believe is relevant to make the very best hiring decision that they can. And they know best what the needs of their particular business is. They know whether that individual would be tasked with manning a cash register, balancing books or perhaps working in some type of field or job within that employer where a great deal of discretion and trust is very important to that employer. And in those instances, I don't believe it's fair to have the State tell an employer that they can't consider information like a credit report which could show some telltale signs, perhaps, or an -- an indication that at least in the case of a potential employer would maybe trigger that employer to ask the

employee for a further explanation before issuing an offer to employ that individual. We don't want employers to have to suffer the damage, the really grievous damage that could come if you make the mistake of hiring an individual who ends up embezzling a huge sum of money, pilfers and damages that company. We know that New York businesses have enough trouble being businesses in New York without putting that additional burden on them. But again, the idea that I keep coming back to is that the basic idea is that parties are free to contract with each other. But the employer should have the ability to make reasonable inquiries, and I do believe that a credit report, requiring a credit report, particularly in these instances where discretion and trust is really paramount to that individual's job responsibilities, that that information could be relevant and we should be allowing an employer to make that type of an inquiry. I think possibly for those reasons, and maybe there were some others, the last time that this bill was voted on was back in 2013 and also in 2012, there was significant opposition. We know that this time around there's opposition from all kinds of different places including the Business Council and FIB and others.

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

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 116. 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, sir. The Republican Conference will be voting in general in the negative. If any members would like to vote in the affirmative please contact the Minority office.

Thank you.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. I'm encouraging my colleagues to vote with us on this one. Those of you who desire to vote in the negative, please contact the Majority Leader's office and leave that message.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: I -- I just wanted to add one thing, so I will explain my vote by adding this one thing. We are now in Depression-like conditions in New York. Can you imagine how many

people there are who've lost their job, (unintelligible) who deprived of a job, that is really outrageous. And I don't have to tell everybody here that that kind of what I believe is discrimination would fall more on some groups than others. I think it's more incumbent upon us than ever to pass this legislation and not discriminate against people who, through no fault of their own, are suffering.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, to explain my vote. I want to commend the sponsor for introducing this legislation. This is one of those things, Mr. Speaker, that often puts people who are trying to move forward backwards. Life is very challenging in America, not just now but even in the past. It's been very difficult for a lot of people. And to assume that because you don't have a good credit rating that somehow you're untrustworthy is not always the case. Sometimes people have a bad credit rating because they didn't have money to pay for it because they didn't have a job. And so, if you're making efforts to pull your life together and go seek work so you can begin taking care of things like increasing your credit rating, for that to be used to exclude you from that job is just pushing you further back. And so sometimes I think when we tell people that if you work hard, if you do this right and you do this right and go get a job you'll be fine. Well, then when you put all sorts of criteria on why you can't have the job because of something that

happened in the past, you don't get access to that job. And when you don't get access to that job, unfortunately, Mr. Speaker, sometimes you end up still relying on the State or the Federal government when you should be relying on yourself. So I'm encouraged by us wanting to remove some what I call "barriers" to employment and give people a fair opportunity to turn their lives around. The assumption that they won't is the reason why people stay in the condition that they do. I think we should turn the assumption around is that they will. They will take an opportunity to take this job and do a good job and move their lives forward. If they move their lives forward, they're moving their communities' live and their moving their families' lives forward.

So I applaud the sponsor and look forward to voting in the affirmative on this legislation.

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

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. I appreciate the comments that my colleagues have made that sometimes people fall on hard times and they need an opportunity to -- to start a new life and -- and I -- I appreciate that. But I also appreciate that this bill has some exceptions where it is an appropriate role for the employer to look at credit history. And what I would suggest is there's a little bit of a middle ground, and I would recommend that the sponsor consider adding some additional exceptions where a credit report is particularly relevant. So if you're

an employer and you're hiring somebody who does not deal with a lot of cash or is not in a financial position, then the credit report is probably irrelevant. But if you're an employer and you're looking to hire somebody who handles a lot of cash or is involved in your financial transactions, then knowing whether they're under severe financial stress is very relevant because if you start looking at those situations where embezzlement has occurred, not always, but often, embezzlement occurs when people are dealing with cash and they're under high financial stress. And so an employer ought to have the opportunity to know whether employees that are being entrusted with a large amount of cash or transactions that involve a lot of cash -- cash, whether or not that employee is under financial stress so that if they decide to hire them they can ensure there's appropriate protections and controls. But I agree with the sponsor that if the employee's not handling cash or financial transactions their credit should be irrelevant. So I would just encourage the sponsor if this bill comes forward to consider adding some additional exceptions. Until those exceptions are in there, though, I think the more prudent approach is to allow employers to check to see if those who are handling cash are under real financial stress.

Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you, Mr.

Goodell. Mr. Goodell in the negative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I quickly just

want to say that I find it interesting that people who for any number of reasons might have a bad credit rating, especially these days with the loss of health insurance and people facing serious health problems, or having lost a job and being faced with the burden of rent and other expenses that a bad credit rating could be a bar to them getting a job. And I think of all of the people with great credit ratings who are rip-off artists, many of whom who have aspired to a high office. So I applaud the sponsor of the bill. It's not an indication necessarily of character. We've had lots of folks with great credit ratings who just are greedy, and they are subject to embezzlement or various financial misdeeds and should not be trusted with anybody else's money but there you have it.

So I applaud the sponsor and withdraw my request and vote in the affirmative.

ACTING SPEAKER JONES: Ms. Glick in the affirmative.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to thank my colleague for introducing this important piece of legislation. We are talking about making sure that people, regardless of standing, have access to employment and opportunities. And I think it was said earlier before that if a person doesn't have access to some sort of employment, what tends to happen is that now they'll be more dependent on Social Services and issues that are going to cost all taxpayers. I think we

should try to remove as many barriers as possible to employment. That's first and foremost. And secondly, a credit report doesn't necessarily indicate whether or not a person is going to be a good employee or not, a good business owner or not. And I think it just creates more barriers, particularly to people and individuals in communities of color, in order to access some sort of gainful employment and career opportunities down the line.

So I want to thank my colleague for introducing this legislation and I withdraw my request and I will be voting in the affirmative on this piece of legislation.

Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you, sir. Mr. Pichardo in the affirmative.

Mr. Barron.

MR. BARRON: Thank you. You remember the commercial, *No credit? Bad credit? We will give you money anyway.* And then the people think that's too good to be true. It is. It was a predatory loan. Or it's a way to put people in bad credit. People getting ripped off even if they have bad credit. So it's not difficult for people, particularly black and brown people, low-income communities, to have bad credit. And my colleague said, *Oh, what if it's a job where they have to handle cash?* Well, if we had cash we wouldn't have bad credit. So I'm certain that they would be able to handle cash. It's not your inability to deal with capital money, it's your inability to have any that causes the problem.

This is a great bill. And I think the sponsor said it right. There's no correlation or causation that connects bad credit with your inability to do 99 percent of the jobs out here. So I think it's a good bill. I think we all need to pass it and understand that any other layer of discrimination against those who are struggling to make it in this economy is unconscionable and unacceptable.

I vote in the affirmative.

ACTING SPEAKER JONES: Thank you. Mr. Barron in the affirmative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to explain my vote very quickly. I just wanted to say thank you to the sponsor of this bill because it is a very thoughtful piece of legislation. It is so important that we are actually making sure that we are prohibiting the disclosure of the use of consumer credit history for employment purposes. I think it's silly, actually, because I think that, you know, there's so many things that can affect credit. And so many predatory products like the former -- the previous speaker had just said that actually draw people into a cycle of debt, that prey on particular communities. But one of the other things that people don't realize is that if you are a recent immigrant, if you are somebody who has been in the country for less than ten years, you have no credit history. And this is something that is actually very important to consider. And for a lot of folks who are, you know, in college, a lot of folks probably see that, you know, sometimes you get offered these credit cards at the

entrance of your school and, you know, people will sign up for one. It doesn't mean that, you know, they are -- they are people who shouldn't be hired. They were young, they signed up for a credit card and they learned their lesson and then that's it. You know, it's one of the things that -- there are predatory lenders out there, there are predatory products out there and, you know, there are things that people have -- have -- that have affected their credit in the past, but that doesn't mean that they are -- you know, they should be affecting their credit in the future or affecting their employment ever. I think that one of the things that people also have seen is there was a breach with identity theft, Equifax, et cetera. You know, these are all things that affected people's credit. Right now we are seeing that people have -- have had medical expenses due to COVID and other things that have backed up their credit issues and, like, have had to take out loans.

I think that right now this is a very important and conscientious bill, and I vote in the affirmative. Thank you to the sponsor of this bill, and I think that it is a -- a good piece of work. Thank you.

ACTING SPEAKER JONES: Ms. Niou in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would you please record the following Republicans in the affirmative on this bill: Ms. Miller and Mr. Montesano.

Thank you, sir.

ACTING SPEAKER JONES: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our colleague Mr. Santabarbara would like to be recorded in the negative on this one.

ACTING SPEAKER JONES: So noted. Thank you, Mrs. Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02655, Calendar No. 118, Englebright, Colton, Lifton, Gottfried, Galef, L. Rosenthal, Arroyo, Buchwald, Cook, Simon, Seawright, Fahy, Abinanti, Ortiz, Quart, Carroll, Steck, Paulin, Dinowitz, Taylor, Peoples-Stokes, Glick, Reyes, D'Urso, Griffin, Jaffee, Lupardo, Otis, Weprin, O'Donnell, Epstein, Niou, Mosley, Walker, Simotas. An act to amend the Environmental Conservation Law, in relation to the uniform treatment of waste.

ACTING SPEAKER JONES: Mr. Goodell, an explanation?

MR. GOODELL: No -- no thank you, sir.

On the bill, sir.

ACTING SPEAKER JONES: Mr. Goodell on the bill.

MR. GOODELL: Thank you very much, Mr.

Speaker. This bill is interesting because it, by statute, requires all by-products, including wastewater, from natural gas drilling to be considered as a hazardous waste if it might meet that definition. And the problem with that is -- there are several issues. First, under current law the waste by-products of natural gas drilling are typically considered as an industrial waste. Which means they're not freely disposed of, they have to require a permit and proper disposal. But by allowing them to be classified as industrial rather than hazardous waste it allows the natural gas companies to actually recycle a lot of the by-products, and particularly the flowback after they've fracked. And this is a very positive environmental reuse and recycling and it would be inappropriate to change that. Second, it's inappropriate for us, by statute, to target a particular industry. Our rules should apply equally to everybody. We shouldn't target a particular industry. In particular, the natural gas industry which is very important in my county and in many other counties. The last point I would just like to point out. For many of us we heat with natural gas. And in New York City many of the buildings had been converting from fuel oil to natural gas because the natural gas burns so much cleaner than fuel oil. We've also seen some of our electrical generation facilities convert from coal or fuel oil to natural gas. And there are a lot of great environmental advantages, particularly when compared with coal or compared to fuel oil. And while our State has made a great initiative to enhance and increase the amount of green power from solar and from wind, the bottom line is we still need base load generation that can respond quite

quickly if it's a cold, still dark night. So we've recognized that while the green energy plays an important role in our energy portfolio, we need to have reliability. And that reliability is best met by natural gas because natural gas turbines can be started quickly and can ensure reliability in a very cost-effective manner. Unfortunately, recently, as you -- many of you know, we've had severe natural gas shortages in the New York City area. In fact there's been moratoriums on new natural gas hookups, which is extraordinarily stressful and upsetting to homeowners who want to be able to use this source for home heating or for restaurants who want to use it for cooking. And so rather than helping encourage our own natural gas resource development, what we've done is two-fold: Number one, we've blocked most of the natural gas pipelines that have been proposed, which is creating an even greater natural gas crisis. Second, we're now imposing new and higher restrictions on any locally-produced natural gas, which means the natural gas we do import comes from other states. And so we're taking millions and millions of dollars and exporting all that money and all that job -- all those jobs and all that economic development to our neighboring states because we have such a hostility toward clean-burning natural gas that's produced in our own State.

Just suggesting, Mr. Speaker, that a change that makes it even more difficult for our own natural gas industry to survive further exacerbates the shortages that we have, and creates a distinction that applies to only one industry is inappropriate. And for that reason I'll be voting no and urge my colleagues to join me. Thank

you, sir.

ACTING SPEAKER JONES: Thank you, Mr.

Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record the vote on Rules -- on Calendar No. 118. 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, sir. The Republican Conference will be voting no in general. But if there are members that would like to vote in favor of this legislation, please contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be voting yes on this piece of legislation. Those desiring to cast a ballot no, then they should contact the office and let us know and we'll be happy to record you as...

(The Clerk recorded the vote.)

ACTING SPEAKER JONES: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please

record the following in random order as voting yes: Mr. Schmitt, Mr. DeStefano, Mr. Mikulin, Mr. Smith, Mr. Reilly and Ms. Malliotakis.

Thank you, sir.

ACTING SPEAKER JONES: So noted, Mr.

Goodell.

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, I'm really proud of where we were moving forward in this debate. We have just a few more that we need to do, so if we just keep plowing through we'll get there. So next we're going to go to page 2 on Calendar No. 128, 146, 149 and 154. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: Page 22, Calendar No. 128, the Clerk will read.

THE CLERK: Assembly No. A03076-A, Calendar No. 128, Gottfried, Dinowitz, Galef, Paulin, L. Rosenthal, Colton, Jaffee, Abinanti, D'Urso, Lifton. An act to amend the Public Health Law and the Insurance Law, in relation to the definition of clinical peer reviewer.

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

MR. GOTTFRIED: Thank you, Mr. Speaker. What this bill -- this bill deals with the internal review process by a health

insurance company. It's a two-stage process. Internal review and then an issue can go to external appeal where the insurance company doesn't want to pay for a particular service. Today the internal review can be done by a couple of categories of healthcare providers, but the external appeal requires that a physician's opinion be reviewed by not only another physician, but a physician who is in the same speciality as the physician who is treating the patient. This bill applies that standard - namely that the physician be in the same speciality - to the internal review, not just to the external appeal.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: So just so I understand this bill. If the treating physician is not a specialist, is not board certified, would this bill still require the insurance company to utilize a board-certified physician in reviewing that?

MR. GOTTFRIED: No. The reviewer would have to have credentials at least as good as the treating physician. And if the treating physician were not in any speciality or -- or certified in that speciality, I don't believe that would apply to the reviewing physician.

MR. GOODELL: As you know, of course, we ask our physicians to make a lot of different determinations. Sometimes being board certified is almost a prerequisite for that determination

because it may be highly specialized. At the same time, we often have a board-certified physician that may be making primary care decisions. Is the trigger on the level of review based on the type of care provided or only the qualifications of the initial treating physician?

MR. GOTTFRIED: Well, I'll -- I'll read you the language. And this is the language that for, I guess about 25 years now, has applied to external appeal. So it's not newly-invented language. It's been applied to external appeal since it was enacted, I think, in '96. And what it says is that where applicable, comma, the -- the physician is board certified or board eligible in the same or similar speciality as the healthcare provider who typically manages the medical condition involved. So if it's -- it's -- it's governed by what kind of physician would typically manage that condition. So if you've got a brain surgeon who's making a decision about what cold medicine you ought to have or whether to provide physical therapy for, you know, a sore back, you wouldn't have to have another brain surgeon reviewing that treatment.

MR. GOODELL: Thank you. And that's very helpful. Under the current process, the insurance company reviews the proposed treatment and determines if it's appropriate and whether it's covered. If the insurance company disagrees with the doc, there's, as you mentioned, the external appeal law which has been in place since '96, I think.

MR. GOTTFRIED: Mm-hmm.

MR. GOODELL: Do you have any data on how

many decisions by the insurance company go through the external appeal process?

MR. GOTTFRIED: What percentage get appealed, I don't know.

MR. GOODELL: Okay. Thank you, Mr. Gottfried. I always appreciate your -- your answers and your assistance.

On the bill, sir.

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

MR. GOODELL: One of the things we always wrestle with is the desire to be fair and appropriate with the costs that are associated with that type of review. So under the current law we have a two-step review process. The insurance company uses a -- a physician to review whether or not the treatment is appropriate and within the scope of coverage, and if the insurance company disagrees with the treating physician, the treating physician can appeal it through an external appeal process. And that external appeal process requires, then, a reviewing physician with at least the same credentials as the treating physician. So under the current process, if you want to go through the external appeal process you're guaranteed that the review will be conducted by a physician with the same type of credentials as the treating physician. This bill would require that the initial review be done with the same credentials as the treating physician. And while that sounds good on the surface, the problem is it dramatically increases the cost to the insurance company of the initial review. And

those costs are then passed on to all of our friends and neighbors in the form of higher health insurance premiums. And we're all struggling with the cost of health insurance. We're all frustrated with how expensive it is. And so all of us want to try to keep that health insurance premium as low as possible while still ensuring fairness. And the current process meets that balance by providing an initial review with a licensed physician and an external appeal process for those fewer cases that are appealed. And I don't know the exact percent that are appealed, but I suspect it's relatively low. And, therefore, unfortunately, while I appreciate the desire of my colleague, as noted by the Health Insurance Association and by Blue Cross/Blue Shield, this bill is unduly burdensome and would dramatically increase costs to insurers, and those costs would be passed on to our friends, neighbors, employers and colleagues. So we're trying to balance being fair. We're trying to keep our insurance premiums as low as possible, and I think the current law does it. And unfortunately, I think this would increase those costs significantly, as reported by the health insurance companies, without a corresponding increase in benefit to our insurers.

For those reasons I will be opposing this bill. Thank you, Mr. Speaker. And again, thank you to my colleague. I always appreciate his thoughtful responses.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 128. 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 be voting in general in the negative. However, if there are any members that would like to vote in favor of this bill, please call the Minority Leader's office and let them know your position. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted.

MS. WALKER: Thank you, Mr. Speaker. This is a Party vote in the affirmative. Any Majority member wishing to vote in the negative, please contact the Majority Leader's office.

ACTING SPEAKER AUBRY: Thank you, Ms. Walker. Your Party vote noted.

(The Clerk recorded the vote.)

Ms. Melissa Miller to explain her vote.

MS. MILLER: Yes, thank you, Mr. Speaker. I'm -- I'm assuming that there's more than one doctor at these insurance companies that is tasked with doing these internal reviews. And I just have to say, I -- I applaud Mr. Gottfried for putting forth this bill. Having been the recipient, or at least the mother of the recipient of several -- far too many of these reviews, it would be refreshing if some

of these doctors that are doing the reviews actually had a clue about the case that they're actually reviewing. When you have a complicated child or when you have somebody who is just very sick and has, you know, non-formulary treatments and medications and these -- the doctors, you know, it's -- it's scary I know more than them. And unless you have a personal physician who is willing to do -- call them and beg for the peer-to-peer, you know, internal process, it would just be a lot easier if they actually had an idea about the -- the issues that are being presented to them. And like I said, if there's more than one doctor doing these reviews, then pick the speciality that's closest and maybe we'd stand a chance.

But, so I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The following members of the Republican Caucus would like to vote yes on this bill, and they are: Mr. Ashby, Mr. Byrne, Mr. DeStefano, Mr. Friend, Mr. Manktelow, Mr. Miller, Ms. Miller, Mr. Montesano, Mr. Reilly, Mr. Smullen, Mr. Dan Stec, Mr. Mikulin and Mr. Schmitt.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03535-B, Calendar No. 146, Pretlow, Woerner, Pheffer Amato. An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to establishing the Commission on Retired Racehorses.

ACTING SPEAKER AUBRY: Mr. Pretlow, an explanation is requested.

MR. PRETLOW: Absolutely, Mr. Speaker. What this bill does is creates a Commission on Retired Racehorses. It is to follow, of course, after they end their career racing throughout their life.

ACTING SPEAKER AUBRY: Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. Will the sponsor yield for a couple questions?

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

MR. PRETLOW: I think I will. Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GARBARINO: Thank you, Mr. Pretlow. This commission, what is the -- what is it going to be doing with its time?

MR. PRETLOW: Excuse me?

MR. GARBARINO: What does the Commission do?

MR. PRETLOW: What the Commission will be tasked with is to follow the lifespan of all horses - that's all tattooed

horses, standardbred and thoroughbreds - throughout their lives. Racehorses generally have -- they use an accounting term, a useful life of four years, but they have an actual life of around 30 years. And this is to ensure that those racehorses, that after they're through racing aren't shipped off to places like Canada where they go into the food chain and become part of the -- the menu on French dining room tables and Japanese dining room tables.

MR. GARBARINO: Okay. Now, is there something in this bill that bans the sale of horses?

MR. PRETLOW: No, the horses are not -- are not banned. The only requirement is that if you were a owner of a -- of a racehorse and you sold it to someone, you have to notify the Commission within 72 hours of the sale that you transferred your ownership of the horse to another individual.

MR. GARBARINO: Now, that was one of my questions. Who does the notification? Is it the person who sells?

MR. PRETLOW: The person who sells the horse when they transfer it to a new person does the notification.

MR. GARBARINO: The way I read the bill it says any change in ownership, the new owner has to report. That's -- that's why I wasn't sure, because it seems like it would make more sense after somebody already had the horse, they would -- the current owner --

MR. PRETLOW: Maybe I'm reading it incorrect. I'll check on it. But the horse has to be -- the Commission has to be

notified when the horse is transferred to a new owner.

MR. GARBARINO: Okay. I mean, that was one of my points. It seems like it would make more sense that if the -- the current owner would report if it was selling. That's why I wasn't sure why the new owner would be tasked with the reporting under Section 712.

MR. PRETLOW: No, I read it differently. I just read it that the -- the -- the original owner does the transfer. But I could check into that.

MR. GARBARINO: It says on line 4 the new owner or owners of the horse shall report it to the Commission.

MR. PRETLOW:

MR. GARBARINO: Okay. So, I -- I -- I -- listen, I -- I commend what this bill does. I think it's a great idea. I just -- there's some, I think, some changes that could be -- could be met or could be done to the bill that --

MR. PRETLOW: We can possibly tweak it in the future.

MR. GARBARINO: Now is there a reason -- the definition of the bill for retired racehorses only applies to New York-bred.

MR. PRETLOW: Yes.

MR. GARBARINO: -- thoroughbreds and standardbreds.

MR. PRETLOW: Yes.

MR. GARBARINO: Is there a reason?

MR. PRETLOW: Yes, I wish I could do it nationwide, but I don't have that authority, or we don't have the authority to do it. But this is for New York-bred horses and horses that actually reside in the State of -- of New York.

MR. GARBARINO: So if I -- if I was a horse owner and I bought a Kentucky-bred thoroughbred but I bought it and kept it here my entire -- its entire career, we couldn't --

MR. PRETLOW: This is only New York-bred horses.

MR. GARBARINO: Okay. And that's -- is that because we -- we just -- we don't have the authority to do it?

MR. PRETLOW: We don't have the authority to do it.

MR. GARBARINO: Okay. Now, does this only also apply if the horse is sold to a New York resident? Is that the only -- do you only -- you only have to report the sale if it's a -- goes to a New York resident or is it all over?

MR. PRETLOW: I'm sorry, Mr. Garbarino. Say it again, please.

MR. GARBARINO: Do you have to report the sale -- does this law only apply if the -- the new owner is a New York State resident?

MR. PRETLOW: Yes.

MR. GARBARINO: Okay. So if -- if a New York

State resident currently owns a horse, a New York thoroughbred horse and they sell it to somebody in New Jersey, the Commission would lose -- could lose track of that horse?

MR. PRETLOW: Yes.

MR. GARBARINO: Okay.

MR. PRETLOW: We can only keep track of horses that are -- that start their lives in New York and remain in New York.

MR. GARBARINO: Okay. All right. Thank you, Mr. Pretlow.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GARBARINO: Mr. Speaker, I -- I think this bill is well-intentioned. I don't think anybody wants to see these majestic animals sold into the food chain. I -- I know the current New York State Thoroughbred Association and the Breeders Association spend over half-a-million dollars a year on aftercare efforts for horses. I know they've retired I think over 470 horses since 2013. I know the industry already puts a lot into this, and I think this bill could be -- there's several issues that could be addressed. I -- I'm going to support it. I think the -- the idea is -- is great, protecting these horses. But I think there's some issues in the bill that have to be addressed so that horses are protected and kept out of the food chain.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar 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.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. I just want to take a moment to commend the sponsor for his leadership on this very important issue. Our equine athletes are running in Saratoga right now, and some of them will retire after this season. And it really is important that we keep track of the horses as they enter into their later careers, and we want to protect against the potential for them to be entering into the food chain.

So I want to thank the sponsor again for his work on this issue. It is a -- it's a pleasure to vote in the affirmative for this.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Garbarino to explain his vote.

MR. GARBARINO: Thank you, Mr. Speaker. As I said I'm going to be voting to support this bill. I just want to commend the sponsor also for this legislation and also a lot of other bills that he's done to support the standardbred and thoroughbred industry. I was the Ranker on Racing and Wagering for six years, and

I don't think anybody has done more in this State for horse racing or just thoroughbred or standardbred, the industry, whether it's the racing or breeding, than the Chairman, Mr. Pretlow. So I want to commend him for this bill and thank him for, you know, being such a great Chairman for all those years.

ACTING SPEAKER AUBRY: Mr. Garbarino in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03654, Calendar No. 149, Pretlow, Abinanti. An act to amend the Public Health Law, in relation to prohibiting approved organizations in the Child Health Insurance Plan from limiting the participation of certain health care providers.

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 Calendar 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. A03832, Calendar No. 154, McDonald, Galef, Stirpe, Fahy, Steck, Montesano, Crespo, Simon, Cahill, M. G. Miller, Colton, Blake, Gottfried, Morinello, Ashby, Pichardo, Arroyo, Lupardo. An act to amend the Public Buildings Law, in relation to the authority of the Commissioner of General Services to lease public buildings.

ACTING SPEAKER AUBRY: Mr. McDonald, an explanation is requested.

MR. MCDONALD: Thank you, Mr. Speaker. The purpose of this bill is to require the disclosure of the names and the residential addresses of the natural persons who are the members, the managers or otherwise authorized persons of a Limited Liability Company, otherwise known as an LLC, when such LLC executes a lease agreement in which the State of New York is a tenant.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. MCDONALD: I would be happy to.

ACTING SPEAKER AUBRY: Mr. McDonald yields.

MR. GOODELL: Thank you, Mr. McDonald. Now, this bill only applies to LLCs that are leasing property of the State of New York; is that correct?

MR. MCDONALD: That's correct.

MR. GOODELL: And it doesn't apply to

corporations?

MR. MCDONALD: It does not.

MR. GOODELL: So if you form an LLC, you'd have to disclose all the members' names and residential addresses, but if you form an S corporation with the same members, you wouldn't have to report anything?

MR. MCDONALD: That's correct.

MR. GOODELL: Why?

MR. MCDONALD: Well, first of all, the majority of properties that the State leases - for some reason, I can't explain why - tends to be with LLCs. But the other aspect is this, and I know many of the colleagues appreciate this, is that sometimes we take this full, bombastic approach and include everybody in the legislation. I thought it would be best just to start off small and be incremental and see how it works.

MR. GOODELL: Well, if these LLCs convert to S corporations, then they can avoid any reporting requirements?

MR. MCDONALD: That would be something that they would be able to do if they choose to do so. I'm sure, and you're probably much more adept at this than I am, that there's reasons why individuals form LLCs, and they serve a good purpose in many aspects. If they want to go to those type of lengths to avoid disclosure, that's up to them.

MR. GOODELL: I note that your -- this bill would require the names and residential addresses. Is there a reason why

you're asking for the residential address of the LLC owners as opposed to their business address?

MR. MCDONALD: We want to have full disclosure of those individuals who are willing to engage in doing business with the State of New York. As I may have mentioned in years past, many people know that I own a pharmacy. They know that as part of being a licensed entity in the State of New York, I have to give my business address, but also my residential address. As being a lotto or lottery re-seller, I have to give much more information, including all my personal information. And you can see the common theme here, if one's going to do business with the State of New York, there needs to be to full disclosure.

MR. GOODELL: Of course --

MR. MCDONALD: And if I could just mention one more thing, Mr. Goodell. I go back to my days as mayor when I used to deal with LLCs, particularly dealing with troublesome properties and abandoned properties and, as you know, nobody here supports blight, but it was extremely frustrating when I was a mayor trying to have a corporation council work with the property owners, we would get a business address. And, in many situations, a business address had nobody there. So, I think it's, you know, if we are going to truly -- be true about the legislation, we want to make sure that we have access to the individuals and know who they are.

MR. GOODELL: I can certainly relate to the frustration on having a business address with no one there, because

this week that's the case in my business, since I'm here. But, as you know, sometimes members of an LLC, just like shareholders or other business entities, are very sensitive about their residential address. They might be, for example, victims of domestic violence, and they're very, very careful about who knows their residential address and, in fact, we've gone to great lengths in this Legislature to protect victims of domestic violence by providing for alternative notification processes, and a number of other measures specifically to protect them. Is there any protection for those who might need to keep their residential addresses confidential for a legitimate reason?

MR. MCDONALD: The bill is written in such a way that it gives OGS the opportunity, through regulations, to address those concerns that you bring up.

MR. GOODELL: So you believe under this bill language, OGS could actually waive the requirement for a residential address?

MR. MCDONALD: I think they would have, in extreme situations -- not -- I shouldn't say "extreme", in certain situations like you mentioned, yes, they would have that opportunity through regulations to -- to lay that out.

MR. GOODELL: One of the other things that's always interesting is that sometimes LLCs have, as a member, a corporation. And this bill states that if the LLC member is a corporation, then you must disclose the name and residential addresses of the shareholders of that corporation, correct?

MR. MCDONALD: Mm-hmm.

MR. GOODELL: Is there any exception for a publicly-traded corporation, or a corporation that has, perhaps, hundreds or thousands of shareholders?

MR. MCDONALD: You know, the intention of the language is to have full disclosure of all the members. I understand what you're saying when a corporation -- I think in past debates we've had discussions about GE Capital Finance and basically assuming a -- a -- a -- a mortgage of some sort or whatever it may be, or property. OGS would have the authority to deal with those type of exceptions.

MR. GOODELL: Yes, and you gave a great example how that might occur. You might actually have a Wells Fargo that forecloses on an LLC ownership that was put up as collateral for a loan --

MR. MCDONALD: Mm-hmm.

MR. GOODELL: -- and we most assuredly don't want to have OGS disclose, or force Wells Fargo --

MR. MCDONALD: Mm-hmm.

MR. GOODELL: -- or any major bank or any major corporation to disclose their thousands and thousands of shareholders.

MR. MCDONALD: And, to your point - and it's a valid point - in those situations, those foreclosures probably occur after the -- the lease has been executed and, therefore, OGS, through its regulations, can address those situations, hopefully rare, but one never knows.

MR. GOODELL: You've mentioned that OGS would have that regulatory authority, which I think is -- is really a great idea. Can you point out where that language is in this bill?

MR. MCDONALD: I have to find my bill. It's in here somewhere.

(Pause)

I don't have the specific part, but the intent of this legislation has always been to give OGS the, you know, the authority to protect certain things, as you mentioned earlier in regards to domestic violence and regards to these rare situations. We don't want to interrupt leases by any stretch of the imagination. As you know, this legislation is prospective so this is something that would take effect immediately upon passage, but at the same token, it's for leases going forward. And I think it speaks to what the underlying theme has been all along: If you want to engage in business with the State of New York, you have to be prepared to expect that there'll be a level of disclosure that's going to be expected.

MR. GOODELL: And if this bill comes back up before us, I would be happy to work with you on that type of language to make sure that that intent is clearly reflected in the statutory language. Thank you very much for your comments. I appreciate them.

MR. MCDONALD: Thank you, Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: I'm appreciative of my colleague's desire to have OGS have authority to provide exceptions where necessary and appropriate to protect victims of domestic abuse from having their residential address disclosed, or in other circumstances where that residential address should not, for legitimate reasons, be disclosed. And I also appreciate his sensitivity to the concern that you could have a very large publicly-traded corporation being a member of an LLC, and we certainly wouldn't want to have OGS burdened with thousands of addresses, names and addresses of shareholders.

The fundamental problem I have with the bill, though, is not on those technical aspects, it's that we pull out one particular type of business entity and impose potentially onerous disclosure requirements on that one entity. So, we say if you're an LLC, you've got to lay out everyone who has any ownership interest no matter how remote, but if you're an S corporation, no need for any disclosure; if you're a C corporation, no need for any disclosure; a limited partnership, a real estate investment trust or any other type of entity.

Now, for those who don't follow politics really closely, I suspect, it's just a suspicion, that this all goes back to a time under old law where LLCs could give more money to the campaigns than corporations. Corporations were limited to the aggregate of \$5,000 total in any election cycle, whereas LLCs could give much more. But that LLC loophole, as it was referred to, has been closed.

And with the closure of that loophole, I think the underlying rationale for this bill was, likewise, closed. And so, I appreciate my colleague's comments and his sensitivity to some of these issues, but in its current form, I can't support it. Thank you so much, sir, and thank you to my colleague.

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 Calendar No. 154. 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, sir. The Republican Conference will generally be voting no. If there's a member that would like to vote yes, please contact that Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Ms. Walker.

MS. WALKER: Good evening, Mr. Speaker. This is a Party vote. Any Majority member wishing to vote in the negative, please contact the Majority Leader's Office.

ACTING SPEAKER AUBRY: Thank you. So noted.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republican members in the affirmative on this: Mr. Morinello, Mr. Montesano, Mr. Schmitt and Mr. Smullen. Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Would you please record Mr. Vanel in the negative. Please, Mr. Speaker, record Mr. Vanel in the negative.

ACTING SPEAKER AUBRY: Certainly. So noted.

Mr. Goodell, are you...

MR. GOODELL: Please record the following additional Republican members in the affirmative: Mr. Norris, Mr. Walczyk and Mr. Ashby.

ACTING SPEAKER AUBRY: So noted. Thank you, sir.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER JONES: Ms. Walker.

Oh, maybe not.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Now Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. We can

continue on debate with the next three bills: Calendar No. 165, which is on page 27; Calendar No. 183, which is on page 29 and Calendar No. 192, which is on page 30.

ACTING SPEAKER JONES: Calendar No. 165, the Clerk will read.

THE CLERK: Assembly No. A04310, Calendar No. 1 -- 165, Aubry. An act to amend the Correction Law and the Public Health Law, in relation to birth certificates for inmates.

ACTING SPEAKER JONES: An explanation has been requested by Ms. Walsh.

Mr. Aubry.

Just a second. We need to activate you, Mr. Aubry.

MR. AUBRY: I want to be activated, not agitated, so let's proceed. This bill is to amend the Correction Law and the Public Health Law. It is to ensure the accuracy of inmate birth certificates and to ensure persons released from prison have State-issued identifications.

MS. WALSH: Will the sponsor yield for a few questions?

MR. AUBRY: Absolutely, I will yield.

ACTING SPEAKER JONES: The sponsor yields.

MS. WALSH: Thank you so much.

So this bill kind of expands -- my reading of it is that it expands something that DOCS is already doing. DOCS is already trying to get birth certificates for inmates who are -- are making

diligent efforts for inmates that are currently incarcerated; isn't that right?

MR. AUBRY: I believe that's what DOCS says, yes.

MS. WALSH: Yep. So this -- this bill -- then my understanding is that this bill says that in some instances you -- the birth certificates got some mistakes on it and needs to be corrected and that the corrected birth certificate is what the inmate that's leaving needs in hand in order to properly reintegrate into the community, and that's what is envisioned by this bill, a requirement that DOCS take that additional step to try to get a corrected birth certificate; is that a correct reading?

MR. AUBRY: That is a accurate reading. Certainly, we recognize that in our effort to ensure that individuals who had been incarcerated are given the best possible opportunity to be successful on the outside, not to recidivate, not for the State and the community to suffer that burden on themselves. We are trying to do everything that we can to ensure they have the documentation. Very small issue, making sure you have accurate information that identifies yourself gives you an opportunity to be successful in readjusting your life.

So, what we want to do is to do everything that we can to ensure that that is happening and that they don't get caught up with the problem of inadequate identification and, certainly, we know that individuals sometimes who have been incarcerated for long periods of time don't have that information available. Sometimes that information is not available at all and they have to go through severe

processes to get that. So this bill works to, you know, to -- to encourage DOCS to do everything they can, not just by their own policies, but by law.

MS. WALSH: Very good. And so, I just have a couple questions to try to think about what this additional requirement would require DOCS in terms of time, energy, manpower, perhaps, or financial implications. Can you speak to, for example, if you've got an inmate who -- whose birth certificate would be from out-of-State or might be a foreign birth certificate, this bill would still require that DOCS make diligent efforts to try to come up with a corrected birth certificate.

MR. AUBRY: Absolutely. And DOCS already requires its counselors to do this kind of work. That's why they're employed. They're not coming off of another job doing this. They're required to work with those who are going to be released to ensure that they have the maximum opportunity for a successful release. So, this falls within the purview of the employment of people who are already working there. So, I don't think it overly burdens them to do the things that they're already required to do. I think it's -- it is just an opportunity to ensure that we do everything and that no change in administration will change that process.

It has been known nationally, and I've worked in Corrections in a very long time, that these are the things that add to making people successful on the outside, by having the appropriate information. I once was fortunate enough to have someone work for

me who had been incarcerated. And he had been arrested, gone to jail and, in the meantime, lost everything that he had in his apartment because the landlord just took it and threw it all away. So, all of his documentation was gone. And when he came back out of his incarceration, he ended up homeless because he had nothing to substantiate both who he was, where he was and what he had done in the past.

And so, we recognize those are real world problems for folks who are trying to get themselves back into society and become productive and stay out of the way of the criminal justice system. So, that all of these things are philosophically where the nation goes, the Evangelical movement goes, the, you know, across the country whether they're red states or blue states, people who are concerned about this issue take these kind of measures and we think it's important that this State does the same.

MS. WALSH: Now, you mentioned earlier that the -- it was envisioned that the -- the counselors that are working with the inmate are the ones who actually go through the process of trying to track down this documentation?

MR. AUBRY: Yes.

MS. WALSH: Okay. So I did a quick search and it looks like there are currently around 54,700 inmates in 52 correctional facilities in New York State. Any idea how --

MR. AUBRY: I think we're down to like 40,000 now.

MS. WALSH: Oh, well that's good.

MR. AUBRY: We are being successful. As we know, that was one of the things that we all said we wanted to do, decrease the prison population. And obviously, not every one of them will have this problem. So, what we are doing is then whatever that portion of that population has this problem, some may have their documentation. They may still be connected to their families who provide that kind of support to them so that they have. Some may have brought the documentation with them in some way or another. What we're looking at are people who don't have that. So, it's a much smaller number than the total population and, ergo, it will be less expensive, if that's what the issue is, and maybe less time consuming for staff because they won't be dealing with the entire universe of people who are incarcerated.

MS. WALSH: Yeah, so that you -- you anticipated kind of where I was going with that. I -- I was trying to get an idea of -- of the scope of the additional requirement from the bill. Out of those, say, 40,000 inmates, do we have a sense of how many cases per year there might be where this additional digging would need to be done?

MR. AUBRY: Very hard to, you know, understand that because people who are going to go through this process, everybody doesn't go through the process at the same time, right? You begin a reentry process as you come into the System, and then as you have been in and are starting to move through the -- the process

looking forward to your release, then these things may become more important. So, it's hard to judge when, at what time, how many will be there, other than we know that whoever they are when they arrive at that point, that this is what they need.

MS. WALSH: One other thing that I notice is that under the language of this bill, there -- there's going to be no fees charged to the inmate for this additional work.

MR. AUBRY: Right.

MS. WALSH: So, that got me to thinking about what kind of fees might there be which DOCS would be paying for to obtain a corrected birth certificate.

MR. AUBRY: So --

MS. WALSH: Again, figuring the worst case scenario, you might get somebody from out-of-State or out of the country.

MR. AUBRY: So we -- DOCS already provides inmates with a State ID when they leave which is good for 90 days; 90 days, right. Hard to reproduce your information. And that State ID costs \$2.20.

MS. WALSH: Okay.

MR. AUBRY: A birth certificate fee is \$15, but is waived for DOCS in current practice. So, we're already in the works of taking care of that and understanding what that is. DOCS budget is currently -- it's in the billions, right, I think about \$3 billion. So, all of the things that DOCS pays for, and it does pay for a lot; a very

expensive system to keep somebody incarcerated. This would be minuscule relative to what the -- the agency spends. Never mind their construction, their capital budget, which is just out of this world. So, I think in what we get in return -- how much do we spend per individual? Sixty-five thousand dollars to keep them in, \$65- a year to keep them in. So, we're going to spend \$15 and \$2.20 on an individual to help them stay out? I don't even think -- I don't -- mathematicians would go crazy trying to figure out the odds against that.

MS. WALSH: So, I understand your argument, Mr. Aubry. So, you're saying that although the bill memo itself says, "Fiscal Implication - none", which always kind of, you know, raises a -- a -- a red flag, I guess, in my mind; how could it be none? But you're saying that in the scope of the total budget for DOCS it's miniscule.

MR. AUBRY: I think the word we usually use is de minimis.

MS. WALSH: De minimis.

MR. AUBRY: Which nobody wants to hear, right?
No.

(Laughter)

No, right. But I think we, as the bill has been around, it's been around a long time, it has a beard, you know, we develop better understanding of the fiscal implications and are so, therefore, better able to explain that to you.

MS. WALSH: Very good. Thank you so much for your answers.

Mr. Speaker, on the bill.

ACTING SPEAKER JONES: On the bill.

MS. WALSH: So, this bill -- I -- I really do appreciate the -- the intent of this sponsor and also his answers to my questions, because it did help me to understand a little bit better the importance. I did get on the DOCS website, and -- because I was wondering about whether this type of work was really considered to be within the scope of DOCS mission, and it is - helping an inmate who is leaving to reintegrate into society is part of DOCS mission. And if that requires the additional -- if that requires proper documentation so that the individual can obtain housing or other things that are necessary upon leaving, then I think that although there is a cost that's associated and, perhaps, does take counselors away from the other jobs that they may be doing, I do think that it has value. I have supported this bill in the past and I intend to do so again. So, I will be voting in the affirmative and I thank the sponsor.

ACTING SPEAKER JONES: Thank you, Ms. Walsh.

Read the last section.

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

ACTING SPEAKER JONES: The Clerk will record the vote on Calendar No. 165. 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 recorded.

(The Clerk recorded the vote.)

Mr. Aubry to explain his vote.

MR. AUBRY: Certainly, Mr. Speaker. Thank you for the opportunity to explain my vote. I was prepared to rage against the wind. I was prepared to bring down all the power that I possess in an auditory fashion to crack the ceiling, disbarring my anger, my heartbrokenness that we did not see this in a positive light. And now, I have nothing to say but thank you.

(Laughter/Applause)

ACTING SPEAKER JONES: Thank you, Mr. Aubry, in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Barclay and Mr. DiPietro in the negative on this legislation. Thank you, sir.

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. A04770-A, Calendar No. 183, Hunter, Steck, Arroyo, Quart, Wallace. An act to amend the Real Property Law, in relation to prohibiting mortgagees from requiring mortgagors of certain real property to purchase flood

insurance exceeding certain limits.

ACTING SPEAKER JONES: An explanation is requested, Ms. Hunter.

MS. HUNTER: Thank you. This bill would limit a homeowner's requirements when purchasing compulsory flood insurance and provide notice of the minimum insurance liability that is required. I just want to go on to say the homeowner is not required by law to buy flood insurance that exceeds the outstanding amounts owed to the bank or covers content within the home. This transparency ensures homeowners are not burdened by additional coverage by insurance companies and banks when mandated to purchase flood insurance.

Additionally, inside this piece of legislation, in notifying the homeowner of minimum flood insurance requirements, the notice would include a statement informing the homeowner that minimum flood insurance only covers the bank's interest and may not cover the full value of the home or the belongings inside. Homeowners are encouraged to purchase additional insurance if they desire greater coverage.

ACTING SPEAKER JONES: Mr. Goodell.

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

MS. HUNTER: Yes.

ACTING SPEAKER JONES: The sponsor yields.

MR. GOODELL: Thanks, Ms. Hunter. So, as I

understand it, this has two components, one is -- the first component is to make it clear that a bank can only require you to buy flood insurance in an amount sufficient to cover the mortgage, correct?

MS. HUNTER: Yes.

MR. GOODELL: And the other is a warning notice, if you will, by the bank that says to the homeowner, *You're not covered*, or, *You might not be covered*.

MS. HUNTER: Yes, and this bill is intended to make sure that the consumers are informed about their decisions. We have seen in cases where homeowners have been paying two times more the value of their home because it's expensive, and we're just talking about flood insurance, that they are informed about the minimum amount covered the balance, be the home, but that they are also communicated with, with the bank, that -- if they need additional insurance to cover household items and/or replacement, that they are -- that's communicated to them, as well.

MR. GOODELL: The question I have is most banks are hopeful that the amount mortgaged goes down every month with a regular monthly mortgage payment. So, do you envision, then, that the flood insurance coverage would also go down every month?

MS. HUNTER: Not every month and, you know, most policies obviously have renewals either of six months or annually. You know, I don't live on the water, but I do have a homeowner's insurance policy and annually they send me notification and they tell me, you know, how much my premium is and -- and what

the replacement cost would be. This is talking about something very similar. Just wanting to make sure consumers are informed when they come to the annual time for reinstatement, having those conversations because maybe they don't need this excessive flood insurance.

MR. GOODELL: So, you envision that a bank would meet its requirements under this law merely by advising the homeowner that they only need to purchase an amount to cover their current outstanding balance, that the bank would not need to follow-up, say, the following year and say, *Oh, by the way, you haven't adjusted it.* It's just a requirement that they notify the consumer that they have the right to reduce it?

MS. HUNTER: Right, this is a written statement on the bill and, you know, during the course of a transaction, your house, the coverage of your home when you purchase your policy every year, you're going to sit down and have that conversation with the bank. You're going to say, *This is the minimum amount that you're required to -- to cover. My interest, me, the bank, this is how much it's going to cost in order for you to make sure that you're protected, but let me just talk to you also about how much it would cost in addition if you were to want to cover things in excess of that.* And it's, again, leaving up to the consumer to make an informed decision. They may have other means to want to pay for a replacement. National flood insurance is very, very expensive, as I stated; sometimes two times more than their mortgage. And so, being in a position to be fully informed about the cost, the minimum cost which is never communicated to someone

when they are purchasing flood insurance.

MR. GOODELL: Well, you've made it clear that the bank does not have a continuing obligation to notify the homeowner that they can reduce it as the mortgage goes down as long as they made that notification right up front and are clear about that. The flip side of this same coin is, am I correct that there's no obligation on the bank to actually require flood insurance or any particular amount; is that correct, as well?

MS. HUNTER: There is a formula, and I don't have the mathematical formula, but it's always equal to whatever the mortgage or the investment amount is for the bank. So, whatever makes the bank whole will be the minimum requirement of what a lender would have to purchase as far as insurance is concerned.

MR. GOODELL: It actually would be the maximum amount, right, the maximum amount they could purchase would be that value?

MS. HUNTER: Well, right, they could buy more if they want.

MR. GOODELL: Right.

MS. HUNTER: This is just to cover the lender's...

MR. GOODELL: Well, hopefully one last question.

MS. HUNTER: Yes.

MR. GOODELL: If the bank, for whatever reason, inadvertently provide fails, inadvertently fails to provide the notice that the flood insurance only covers the bank's liability, would this bill

make the bank liable if the flood damage exceeded the amount of the insurance?

MS. HUNTER: It would be up to the board, it's not stated in the bill directly.

MR. GOODELL: I apologize, I couldn't hear.

MS. HUNTER: It's not -- it's up to the courts. It's not stated in the bill directly if the bank would be liable if they did not communicate to the mortgagee that they weren't required to have the minimum amount.

MR. GOODELL: Thank you very much, Ms. Hunter. I appreciate your comments.

On the bill, sir.

MS. HUNTER: You're welcome.

ACTING SPEAKER JONES: Mr. Goodell, on the bill.

MR. GOODELL: I -- I appreciate and agree with my colleague's desire to make it clear that when a bank makes a mortgage or anyone else makes a mortgage that their insurance requirements should be limited to the value of the mortgage. That's their requirements. Obviously, if the homeowner wants to have more coverage, that should be solely up to them. I would want to make it clear, however, that the failure to give notice should not create a new legal liability for banks, and that should almost go without saying since the first notice, which says you only have to cover us, carries the obvious implication that you're not covering more.

But, I would hope that we're not imposing new liability on banks, but I agree with the basic premise that the banks should only require insurance that covers the bank's interest, and I -- and I think that's a good move, and so, I support this legislation. Thank you, Ms. Hunter, and thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you, Mr. Goodell.

Ms. Hunter to explain her.

No. On the bill.

MS. HUNTER: Thank you, Mr. Speaker. This bill would prohibit creditors from requiring homeowners to purchase flood insurance in an amount that exceeds the outstanding balance of the mortgage. And it is necessary because more than half of surveyed homeowners indicated that their insurance rate were elected on their behalf without their notification or consent by insurance for mortgage providers. Some homeowners were found to have to insurance policies in excess of two times the value of their home. Low-income homeowners in New York and Massachusetts presently face foreclosure when exorbitant insurance policies outpace even mortgage payments.

Flood insurance is already difficult to afford for 25 percent of owner-occupied households, and a financial burden for nearly two-thirds of very low income households. And there's 525 miles of coastline and waterfront development in New York and having more residents living in high flood risk zones than any other

city in the country. Homeowners can still purchase full replacement coverage of their home. The changes made by this bill ties the amount of required coverage to the outstanding mortgage balance instead of an arbitrarily higher amount.

And I would like to say that the work that we did on the flood insurance bill in the City of Syracuse with the low-income folks lead to a graduate student at SU's Maxwell School of Citizenship to come and have this conversation with us. And so, this bill that she was doing for a graduate school project landed us here today putting this bill forward. Thank you, Mr. Speaker.

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 Calendar No. 183. 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 Republican members in the negative on this bill: Mr. Montesano and Mr. DiPietro. Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr. Goodell. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, our

colleague, Mr. Buchwald, would like to confirm in the negative on this one.

ACTING SPEAKER JONES: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05045, Calendar No. 192, Davila, Aubry, Gottfried, Simon, Barron, Arroyo, Taylor, Lavine, Ortiz, Cahill, O'Donnell, Seawright, Pichardo, Mosley, Perry, Rivera, Jaffee, Quart, Dickens, Blake, Walker, Wright. An act to amend the Criminal Procedure Law, in relation to allowing a court to waive certain surcharges and fees; and to repeal certain provisions of the Penal Law relating thereto.

ACTING SPEAKER JONES: An explanation is requested.

MS. DAVILA: Thank you, Mr. Speaker. So, this bill would remove criminal charges from individuals who are adjudicated, youthful offenders, and provide the courts with discretion to waive certain court fees and surcharges for individuals under the age of 21 if the fee would cause an undue hardship or the interest of justice requires it.

MS. WALSH: Will the sponsor yield?

MS. DAVILA: Yes.

ACTING SPEAKER JONES: The sponsor yields.

MS. WALSH: Thank you so much. So, I just have a

few questions. It -- it -- it appeared that under our current law - let me get my glasses on - under our current law the court could waive these types of charges, but only the Crime Victim Assistance Fee. So this bill would expand the current law in a couple of respects. It would increase the age of the individual able to have the surcharge or fee waived to now include 19- and 20-year-olds, and it would also expand the fee waived from (unintelligible) the Crime Victim Assistance Fee to include all of the surcharges and fees denoted in the bill; is that correct?

MS. DAVILA: Correct.

MS. WALSH: Okay. And -- yeah. So, that could result in some lost revenue to affected courts or databanks or other fee destinations, right?

MS. DAVILA: Correct.

MS. WALSH: Okay. So, I guess what -- what is the rationale behind doing this bill? I mean, if you've got a 19- or 20-year-old, they are adults in many, you know, senses of the law. They can -- they can vote, they can serve in the military; they can do a lot of things. Why shouldn't they have to pay a fine?

MS. DAVILA: Well, I -- I -- I beg to differ. We have 21-year-olds like -- that act like 15-year-olds at this point. They're not considered adults. And we're living in strange times right now. We -- I don't think that these charges would make a great difference; however, someone that is becoming homeless or is not eating because of this pandemic, \$25 can make a very big difference

and it can make a meal for the entire family.

MS. WALSH: Okay. And this would, again, only be in the discretion of the judge, so if the judge wanted to continue to impose the fine, he or she could still do that, right?

MS. DAVILA: That is correct. It's at the discretion of the judge.

MS. WALSH: Okay. And what would the -- the, I'll just say "youthful offender", what would the person need to show in order to try to convince the court to waive these -- these fees and charges?

MS. DAVILA: Well, I'm sure they -- they would have to show some financial disclosure and other means of how many people live in the household just to be able to verify whether or not they qualify.

MS. WALSH: So, they would have to show financial hardship -- unreasonable hardship --

MS. DAVILA: Mm-hmm.

MS. WALSH: -- on the defendant, his or her immediate family or any other person who is dependent on such defendant for financial support. So, that could include somebody not living in the defendant's household, but maybe the defendant is paying child support for or has got other obligations for somebody else?

MS. DAVILA: Yes, that's correct. If the defendant is 19 and he has a child that he's supporting, or supporting his family or whatever the case might be vice versa his family supporting him,

yes, that would be cause.

MS. WALSH: Okay. And then there's the one catchall, too, as far as the interest of justice if the court feels that it would be in the interest of justice to not charge this -- this fee or these -- this amount of money then that --

MS. DAVILA: That is correct.

MS. WALSH: -- that's another consideration. Okay. Thank you so much.

MS. DAVILA: Thank you.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER JONES: On the bill, Ms. Walsh.

MS. WALSH: Thank you. So I think what's really at issue here is how do we -- how do we balance and have a sense of fairness and compassion towards defendants in our criminal justice system against the interest that society has in safety and in trying to promote deterrence and curb recidivism of a particular defendant.

So, I appreciate the fact that this would be discretionary with the court; however, I would say that an individual who is under the age of 21 could have -- could potentially have a pretty long criminal history at the time that they're appearing in front of the court, and I just think that to misquote *Baretta*, you know, *Don't do the crime if you can't pay the fine* -- that's not even funny, but, no, I just think that it's - it's important that we have discretion of the court system, but I really do think that this bill is difficult to support because

it's really treating individuals who are 19, 20 years old in a way that is not really holding them fully responsibility for what they've done. So, for that reason, there's been a significant opposition to this bill in the past. So, thank you very much.

ACTING SPEAKER JONES: Thank you, Ms.

Walsh.

Ms. Davila.

MS. DAVILA: To explain my vote, Mr. Speaker.

So, I think this -- well, I don't think. This is the second time this bill is going to pass the Assembly, and I'm looking forward to it, especially now. It's perfect timing to get it done. We have many families that are standing in line just to get food on a daily basis. So, I don't think a \$25 or \$50 fine is really going to break the courts. I really do not believe that. But I really do believe that it is imperative that we continue to chip at all of these fines that are causing harm and recidivism to our children. And so, we need to give, once again, second chances. And I truly believe in second chances. We cannot hold our children back because they cannot afford a \$25 fine. So, thank you for your letting me explain my vote and I encourage all my colleagues to please put their vote in. Thank you.

ACTING SPEAKER JONES: Thank you, Ms.

Davila.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: The Clerk will record

the vote on Calendar No. 192. 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, sir. The Republican Conference is generally opposed to this bill, but if there are members who would like to support it, they are encouraged to call the Minority Leader's Office and let us know so we can correctly record their vote. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in favor of this legislation. We are hopeful that all of our colleagues will vote with us, but should they not, please feel free to contact the Majority Leader's Office and we will so record your vote.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. This bill would waive the Crime Victim Assistance Fee, DNA database fee, which is only collected on serious crime, the Sex Offender Registration Fee or a supplemental registration fee, and other

surcharges. And when we waive those fees for a defendant who has been convicted or has pled guilty, because those fees only apply upon entry of a guilty verdict or a guilty plea, then those costs are put back on the taxpayers. And I think that's one reason why the Conservative Party has objected to this, because they think the cost of doing a DNA test or the cost of a crime victim assistance or the cost of registering as a sex offender should be borne by the sex offender and not by the taxpayers. And the cost of the DNA test for a serious crime should be borne by the offender and not the taxpayers. And that probably explains why we had 40 no votes the last time this came up. Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr.

Goodell.

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If we could record our colleagues Mr. Stern and Ms. Griffin in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

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. Colleagues, there's going to be just a bit of a shift here, but

we're going to keep moving. So we're going to shift to the A-Calendar that was moved earlier today and going to page 3 and start right with Rules Report No. 152 and just keep going, Mr. Speaker.

ACTING SPEAKER AUBRY: On the A-Calendar, the Clerk will read.

THE CLERK: Assembly No. A00619-A, Rules Report No. 152, Joyner, Barron, D'Urso, Glick, Gottfried, Colton, Perry, Cook, Wallace, Mosley, Simotas, Taylor, Jaffee, Blake, Cruz, Reyes. An act to amend the Public Housing Law, in relation to establishing the Lease and Landlord Fraud Public Awareness Program to promote public awareness of the potential risks of signing a fraudulent lease with an individual misrepresenting themselves as a landlord.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar -- Rules Report No. 152. 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. We are now on what we affectionately call the consent calendar, and so we will be

reviewing upwards of 60 bills that most of us, if not all of us, believe are good bills or routine bills. And so I would encourage all of our members to pay close attention because the time frame between votes will likely shorten as we try to cover as much ground as possible today so we don't have to go past midnight. We're going to try to wrap up this Session in a reasonable time, but in order to do that we will be moving quickly.

Thank you, sir.

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. A01193-C, Rules Report No. 153, Paulin, Cook, Cymbrowitz, Abinanti, Gunther, Weprin, Hevesi, Ryan, Stirpe, Buchwald, DiPietro, Brabenec, Blake, Fahy, Ortiz, Colton, Norris, Barrett, Pheffer Amato, Dinowitz, Lalor, Zebrowski, Steck, Hunter, Bronson, Solages, Peoples-Stokes, De La Rosa, B. Miller, Garbarino, Morinello, Fitzpatrick, Dickens, Magnarelli, Pichardo, Santabarbara, Giglio, D. Rosenthal, Kim, Rodriguez, Abbate, Jones, Arroyo, Vanel, McDonough, Aubry, L. Rosenthal, Englebright, Lavine, D'Urso, Jaffee, Joyner, Seawright, M.L. Miller, Fernandez, Fall, Burke, Reilly, Reyes, Salka, Wallace, Jacobson, Jean-Pierre, Mosley, Manktelow, Taylor, Benedetto, Stern, Griffin, Buttenschon, Malliotakis, Eichenstein, Lupardo. An act to amend the Education Law, in relation to the use of oral medications by

optometrists.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02277, Rules Report No. 154, Pichardo, Sayegh, Arroyo, Reyes. An act to amend the Workers' Compensation Law, in relation to extending paid family leave benefits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02770-C, Rules Report No. 155, Bichotte, Solages, Jean-Pierre, Barron, Walker, Thiele. An act to amend the Public Health Law, in relation to enacting the Jonah Bichotte Cowan Law relating to pre-term labor care and directing the Commissioner of Health to require hospitals to provide pre-term labor patients with information regarding the potential health effects of pre-term labor and pre-term delivery on an expectant mother and on her fetus.

ACTING SPEAKER AUBRY: Ms. Bichotte on the bill.

MS. BICHOTTE: Thank you, Mr. Speaker. On the bill. Today's a bittersweet day as I introduce the Jonah Bichotte Cowan bill, named after my late son in 2018. This bill requires hospitals and birthing centers to provide patients experiencing pre-term labor with information regarding the potential health effects of pre-term labor and pre-term delivery on an expectant mother and her fetus, as well as care for a mother who is experiencing pre-term labor. This bill is not only dedicated to all expectant mothers with

complications, but it also includes, but is not limited to, highlighting the obvious health disparities regarding Black mortality maternity and Black infant mortality rates. For years Black women have been experiencing these disparities firsthand. The care we receive -- or rather, the care we do not receive during pregnancy and childbirth can lead to the death of a mother and child. In New York City, Black women are estimated to be up to 12 times more likely to die during pregnancy and childbirth than White women, and are three times more likely to suffer from life-threatening complications. It is also found that college-educated Black mothers experience severe complications at higher rates than White women who lack a high school diploma. A study published by Black Women Birthing Justice which surveyed Black mothers in California from 2011 to 2015 found that Black mothers tended to have better health outcomes when they had a good relationship with their caregivers. Oftentimes, this meant that Black women who utilized doulas or other non-traditional medical professionals tended to have better health outcomes for themselves and their children. The impact of the stress of racism can be seen in a report which revealed that Black women face higher infant death rates when in their 20's rather than their teens. For White women the rates are opposite, with lower infant death rates in their 20's versus their teens. Even more alarming than statistics on pre-term labor is the fact that despite the availability of new medical technologies and modern techniques, racial disparities are wider now than in 1850 before the end of slavery. Black infants in America are now more than twice as

likely to die as White infants. Unfortunately, Mr. Speaker, my baby, Jonah Bichotte Cowan, is one of those statistics.

In October 2016 I was five-and-a-half months pregnant, and when I went to my doctor at Columbia University Medical Center, they told me I was 3.5 millimeters -- centimeters dilated. I had something called incompetent cervix. I had to rush to New York Presbyterian Columbia University Hospital with my doctor and her team. When I got there it was informed to me that my baby was bulging out. They gave me two options: To either terminate my pregnancy or to leave the hospital and go elsewhere. The doctor and the resident at Columbia Medical Center said that because of hospital policies there was no room for me if I wish not to terminate my child. They also indicated that I needed to leave because they needed the room for another patient. I didn't want to leave. Why? Because my unborn son and I were in incredible, fatal and high-risk situation, but were not allowed the safe care of medical professionals because of a hospital policy. A policy which claimed that they could not intervene before 23 weeks because insurance would not cover my pre-term labor care. I was one week away from receiving the care we desperately needed. Just imagine what I was going through, and what the other Black pregnant woman down the hall who was crying immensely was going through because she, too, was losing her baby. So after crying like crazy and not having control, I had my friends, Haitian doctors from the American Medical Haitian Association physician, who called the doctors and informed them that it was illegal to kick me out and

that they should admit me and monitor me. They refused. So at that point we had no choice. We left because they pushed us out. It was arranged by these Haitian doctors for me to go to Wyckoff Hospital in Brooklyn where immediately the doctors there did everything they can do to save my baby and save me from dying. After seven days I delivered my son, Jonah Bichotte Cowan, but he didn't survive more than two hours. He was deemed a stillbirth. Because of what happened -- what happened to me and so many women, I decided to introduce the Jonah Bichotte Cowan Law after my deceased son, which ensures that patients experiencing pre-term labor are informed of pre-term labor risks and requires hospitals to take care of a woman with high risk pregnancies. Not Blacks only, not Whites only, not Hispanics only, not Asians only. All women with equity. And in April, pre-term labor accounts for 17 percent of all infant deaths in America. No pregnant woman should be turned away from a hospital during pre-term labor. Earlier this month in my Borough of Brooklyn, Sha-Asia Washington became the third Black woman in New York City to die from birth-related complications so far this year. Family members eager to meet the newest member of their family texted Sha-Asia to call them when the baby was born. Unfortunately, that call never came. Sha-Asia died shortly after the birth of her baby. She was only 26 years old. And in April another 26-year-old pregnant Black woman, Amber Rose Isaac, died at Montefiore Hospital after tweeting about dealing with incompetent doctors. She died alone as New York City battled the coronavirus.

Mr. Speaker, this is why I have created this supporting legislation which would finally level the playing field so that all mothers can enjoy the experience of pregnancy and birth of their children. I want to first thank the members of the Haitian-American Physician, AMHE. Dr. Lesly Kernisant, who called the doctors at Columbia and gave them a piece of his mind and coordinated a rescue plan for me. I want to thank Dr. Daniel Faustin, who himself and all the doctors and the nurses at Wyckoff helped me, who helped delivered my child, Jonah Bichotte Cowan. I also want to thank the advocates like Baby Resource Center, Star Legacy Foundation, March of Dimes and other institutions in New York City Health and Hospitals and SUNY Downstate who are trying very hard to change their approach to -- for better outcomes in our community.

Today, Mr. Speaker, I stand with this bill, Jonah Bichotte Cowan, for all the Black maternal women who lost their lives and for all those Black infants who lost their life due to discrimination, injustice and negligence. I call on all their names. And lastly, Mr. Speaker, I ask my colleagues to join me in passing this legislation in memory of my son Jonah. Jonah Bichotte Cowan, I'm thinking about you every day, and I thank you for giving me the strength to do this. To do this for all women so that they don't have to go through what I went through and what you went through. So I thank you. I thank you, Mr. Speaker. I will be voting in the affirmative and I encourage all my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. And I thank you to my colleague for the courage to share that very difficult story, and the Republican Caucus will be supporting her legislation along with our Democratic colleagues.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 155. 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.)

Melissa Miller to explain her vote.

MS. MILLER: Thank you, Mr. Speaker. I just -- I want to thank the sponsor. I have worked very closely with the Starlight Foundation. I've stood beside many of these moms and these parents, and no mom should have to go through what you experienced. It's hard enough. It's hard enough. And I thank you for doing this, for speaking up and for sharing your heartache to help others.

Thank you. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you for the opportunity to explain my vote. I have never had the situation

that our colleague just described, but I feel her pain. I felt it at the time when she first came back after losing her son. And I'm glad that we are at a point where we can see where the problems are and lay out a plan to solve them. And I hope that once this legislation is passed and certainly signed into law that there will be some mechanisms to follow it and watch closely that people are implementing in -- in the manner in which it was intended. Because sometimes we pass these really great laws and they never get impacted in the right way. It doesn't have a difference in people's lives. We need to see this have a difference in people's lives so that mothers like our colleague will never, ever have to experience this type of thing again.

So with that I withdraw my request and vote in the affirmative.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03057-C, Rules Report No. 156, Barrett, Buchwald, Seawright, De La Rosa, Weprin, Reyes, Lavine, Quart, Bronson, Gottfried, Glick, Dinowitz, Simotas. An act to amend -- an act to establish a task force to explore the effects of cyber-bullying in the State of New York (sic) and potential measures to address such effects; and providing for the repeal of such provisions upon the expiration thereof.

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. 156. 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. A03429-A, Rules Report No. 157, Dilan, Cook, M.G. Miller, McDonough, Barron, Pichardo, Sayegh, Taylor, Dickens, Lawrence, Norris, Montesano, D'Urso, Abinanti. An act to amend the Not-for-Profit Corporation Law, in relation to creating a cemetery disclosure form.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 157. 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. A04921, Rules Report No. 158, Blake, Vanel, Arroyo, Epstein, D'Urso. An act to amend the Economic Development Law, in relation to requiring the Commissioner of Economic Development to publicize certain information related to programs for small business enterprises and minority- and women-owned business enterprises.

ACTING SPEAKER AUBRY: On a motion by Mr. Blake, 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. 158. 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. A04962-A, Rules Report No. 159, O'Donnell, Bronson, De La Rosa, Cruz, Fernandez,

D. Rosenthal, Jacobson. An act to amend the Insurance Law, in relation to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection.

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. 159. 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. Speaker, my apologies. Please lay this bill aside.

ACTING SPEAKER AUBRY: I will charge you for every word I had to say.

(Laughter)

MR. GOODELL: I was afraid of that.

ACTING SPEAKER AUBRY: The roll call is withdrawn and the bill is laid aside.

THE CLERK: Assembly No. A05108, Rules Report No. 160, Davila, Mosley, Ortiz, L. Rosenthal, Otis, Weprin, Reyes. An act to amend the Correction Law, in relation to the housing of transgender or intersex inmates.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05169-A, Rules Report No. 161, Ramos. An act to amend the Environmental

Conservation Law, in relation to requiring certain signs and notices relating to pesticides for commercial or residential lawn application to be printed in both the English and Spanish languages.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 161. 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. A05819-A, Rules Report No. 162, Abbate, Jean-Pierre, Cymbrowitz. An act to amend the Agriculture and Markets Law and the General Business Law, in relation to automobile tire inflation machines.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A05952-A, Rules Report No. 163, L. Rosenthal, Reyes, McDonald. An act to amend the Insurance Law, in relation to unfair discrimination by insurers for the use of prescriptions to block the effects of opioids.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, 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. 163. 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. A06070-A, Rules Report No. 164, Seawright, Galef, Reyes, Sayegh. An act to direct the New York State Department of Financial Services and the New York State Department of State's Consumer Protection Division to conduct a study on consumer awareness and financial education in New York State and to make recommendations for a consumer awareness and financial education program.

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. 164. 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. A06393, Rules Report No. 165, Williams, Arroyo, D'Urso, Sayegh, Rivera, Magnarelli, M.G. Miller, Blake, Cruz. An act requiring the Department of Labor to produce a report regarding summer youth employment programs funded by State, Federal and local appropriations; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Williams, 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. 165. 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. A06662-B, Rules

Report No. 166, Wallace, Simotas, D'Urso, Burke, Simon, Stirpe, Buttenschon, Jaffee, Fahy. An act to amend the Social Services Law, in relation to establishing the "Child Abuse Reporting Expansion Act."

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. 166. 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 to explain his vote.

MR. GOODELL: Thank you, sir. This bill expands reporting requirements for individuals that may be suspected of child abuse. There was some concern that it didn't provide adequate protection to clergy who may hear a confession or were providing counseling in their professional context, and I wanted to reassure my colleagues that a close reading of the bill indicates that this would not apply in a situation where a clergyman is hearing a confession or is providing counseling.

And for those reasons, I will be supporting it and recommend the same to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06679-C, Rules Report No. 167, Ryan, Burke, Wallace, Smith, D'Urso, Pheffer Amato, Frontus, Lavine, Braunstein, M.G. Miller, Simotas, Weprin, Ramos, Jean-Pierre, Reyes, Solages, Stern, Otis, Steck, Ortiz, Sayegh, DeStefano, Garbarino, Mosley, L. Rosenthal, Dinowitz, Blake, Gottfried, Rozic, Carroll, Kim, Cruz, Richardson, Epstein, Quart, Buchwald, Stirpe, Niou, Lentol, Santabarbara, McMahan, Taylor, Glick, Barnwell, Seawright, DiPietro, De La Rosa, Benedetto, B. Miller, Norris, Joyner, Jacobson, Abinanti, Fernandez, Pichardo, Rivera, Morinello, Simon, Stec. An act to amend the Public Service Law, in relation to the Public Service Commission reviewing broadband and fiber optic services within the State.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 167. 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. Palmesano to explain his vote.

MR. PALMESANO: Yes, thank you, Mr. Speaker and my colleagues. I'm happy to support this legislation, but let's be honest. This bill, a study is not enough. If we really want to be

serious about expanding high-speed Internet services for our families and kids in our rural areas and our low-income areas, then why don't we start with repealing the ridiculous onerous State right-of-way tax that was adopted in last year's budget? The State DOT right now is charging fees placed on fiber optic line installers who build lines in the State right-of-way, costing millions of dollars. Millions of dollars that could be used to expand Internet and high-speed internet service for our families and kids. Explain to me how this makes sense. The State wants to promote high-speed Internet service, but at the same time we're taxing the very people who we want to invest and develop and build access to it, to high-speed Internet access. I don't understand it. It's counterproductive. It's certainly a disincentive to investment and will just make it more difficult and challenging to develop and build the Internet service and high-speed access that we want for our families and our children, especially after what our families and our children went through this year with remote learning experiences that did not work. Right now we know many families and kids, especially in our lower-income areas -- low-income areas and our rural areas do not have access to Internet -- reliable Internet services and technology. This was a problem before COVID came. It just became more clearly evident afterward. So if you really want to be serious about this investment to expand high-speed Internet services to our families and our children across this State for economic purposes, for educational purposes, then let's get rid of this onerous costly mandated of a tax that is placed on the very people, businesses we want to expand and

develop high-speed Internet around the State. That's when we can be serious about this. That will be a serious example. This bill does not do enough. We can do all the studies we want, but let's get serious about it. Let's eliminate this tax now.

Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06989, Rules Report No. 168, Jean-Pierre, Blake, Cook, D'Urso, Salka, Hyndman, Fernandez, Dickens, Sayegh, Montesano, Norris, Morinello. An act to amend the Alcoholic Beverage Control Law, in relation to requiring certain licenses to brew or sell beer to include the certificate of authority number.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, 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. 168. 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. A07104-A, Rules Report No. 169, Buttenschon, Lupardo, Woerner, McDonald, D'Urso, Gottfried, Rozic, Jean-Pierre, Sayegh, Otis, Jones, Cook, L. Rosenthal, Pichardo. An act to amend the Education Law, in relation to authorizing and directing the Boards of Cooperative Educational Services to establish an agriculture program for students.

ACTING SPEAKER AUBRY: On a motion by Ms. Buttenschon, 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. 169. 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. Buttenschon to explain her vote.

MS. BUTTENSCHON: Times like these remind us of the importance of ensuring our nation's food security by supporting and protect our agricultural producers. During this COVID-19 pandemic, I am constantly reminded of and am grateful for the tireless hours farmers provide within their fields, in their workplaces, to

supply healthy, affordable food to be processed and packaged. Agriculture is the leading industry in New York, yet our farmers continue to age. The average age of a U.S. farmer producer in 2017 was 57.5 years, continuing in a long-term trend of the aging profession. Over time it becomes increasingly difficult to attract young individuals into the farming industry. Taking steps to recruit young new farmers to the agricultural profession agricultural profession is extremely important to the fine State of New York, and we need to protect our food supply as well as to ensure the health and safety of affordable options to all of our residents. Providing a young farmers apprentice program through our BOCES will encourage and create various programs. This legislation will afford local BOCES the opportunity to establish agricultural programs upon the local interest from one or more school districts through their approval of their boards. These agricultural programs will -- will be designed to provide students with necessary skills to work in and help sustain our State agricultural industry. These programs could include partnerships with farms and other agricultural entities throughout the State. Farming is a difficult and hard industry. I commend all those who are part of it, and I commend those (unintelligible) interest for the future.

I encourage my colleagues to support this. Thank you.

ACTING SPEAKER AUBRY: Ms. Buttenschon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07463-B, Rules Report No. 170, Hunter, Sayegh, Darling, D'Urso, Cruz, Taylor, Gottfried, Simon, Epstein, Niou, Jean-Pierre, Blake, Barron, Jaffee, Seawright, Glick, Frontus, Weprin, Bronson, Magnarelli, Zebrowski, Steck, Fahy, Perry, Mosley, O'Donnell, Eichenstein, Dickens, Rodriguez, Williams, Pichardo, L. Rosenthal, Reyes, Lavine, Ortiz, Quart, Lupardo. An act to amend the Vehicle and Traffic Law, in relation to the suspension of a license to drive a motor vehicle or motorcycle.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07646-A, Rules Report No. 171, Bronson, Johns, Kolb. An act to amend the General Municipal Law, in relation to ensuring paid employees of a county airport or county aviation department which perform fire response or fire rescue duties are eligible for equal benefits as other paid firefighters.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07767-A, Rules Report No. 172, Galef. An act authorizing the Commissioner of General Services to transfer and convey certain unappropriated State land to the Village of Ossining, County of Westchester; and providing for the repeal of such provisions upon expiration thereof.

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. 172. 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. A07820-A, Rules Report No. 173, Fall, Richardson, Sayegh, Walker, Reyes, Dickens, Darling, Cusick, Taylor. An act to amend the Administrative Code of the City of New York, in relation to requiring new homeless shelters conduct a public hearing in the community where the proposed shelter is to be located before being sited.

ACTING SPEAKER AUBRY: The bill is laid aside.
Mr. Hevesi to lay it aside.

THE CLERK: Assembly No. A08142-E, Rules Report No. 174, Hyndman, Carroll, Taylor, Reyes, Griffin, Gottfried, Paulin, Dinowitz, Niou, Blake, Weprin, De La Rosa, Simon, Simotas, D. Rosenthal, Aubry, Perry, Barnwell, Mosley, Ortiz, Seawright, Jean-Pierre, Walker, Quart, DenDekker, Ryan, Nolan, Benedetto, Solages, Braunstein, Abbate, Kim, Jacobson, Hevesi, Fernandez,

Colton, Arroyo, Frontus, L. Rosenthal, Williams, Epstein, Buchwald, Joyner, O'Donnell, Pheffer Amato, M.G. Miller, Wright, Rivera, Pichardo, Sayegh, Cruz, Ramos, Dickens, D'Urso, Bichotte, Rozic, Abinanti. An act to amend the Labor Law, in relation to enacting the "Healthy Terminals Act."

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08149-A, Rules Report No. 175, O'Donnell, Epstein, Simon. An act to amend the Executive Law, in relation to requiring the disclosure of disabled tenants' rights to reasonable accommodations.

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. 175. 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 to explain his vote.

MR. GOODELL: Thank you very much, sir. This law requires that tenants be disclosed -- that disabled tenants have notice advising them of their right for reasonable accommodations. There's a little bit of confusion on the language of the bill, but I think we've come to the conclusion that that notice requirement only applies to disabled tenants who are in publicly-assisted housing and would not apply to tenants in privately-owned housing units that do not receive

any public assistance to make that accommodation. So if you are a private landlord this bill would not require you to put in a new elevator to the second floor of your duplex, but it would apply in the context of public housing.

With that clarification, I and my colleagues will be supporting this bill. Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08186-B, Rules Report No. 176, Darling. An act authorizing the County of Nassau to alienate and sell parklands to the Coleman Country Day Camp and Coleson Properties, LLC.

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. 176. 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, we have a

few colleagues that would like to be recorded in the negative on this one.

ACTING SPEAKER AUBRY: Certainly.

MRS. PEOPLES-STOKES: Ms. Glick, Mr. Barron, Ms. Walker, Mr. Cahill, Mrs. Barrett and Mr. Dilan.

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. A08257, Rules Report No. 177, Jacobson. An act to amend the Election Law, in relation to changes to the entrance and exit of polling places.

ACTING SPEAKER AUBRY: On a motion by Mr. Jacobson, 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. 177. 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. A08283-A, Rules Report No. 178, Darling. An act in relation to permitting Roosevelt Fire District to file an application for a retroactive real property tax exemption.

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. 178. 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. A08337-B, Rules Report No. 179, Walker, Weprin. An act to amend the Mental Hygiene Law and the Public Health Law, in relation to access to medical and psychiatric records of deceased inmates by the Board of Correction of the City of New York.

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. 179. 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. A08482, Rules Report No. 180, Otis. An act to amend the Real Property Law, in relation to requiring landlords to mitigate damages when commercial tenants vacate premises in violation of the terms of the lease.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08511-A, Rules Report No. 181, Epstein, D'Urso, Reyes, Mosley, Gottfried, Seawright. An act to amend the County Law and the New York City Charter, in relation to the docketing of adjudications of certain violations of laws enforced by the New York City Department of Consumer Affairs.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08517-A, Rules Report No. 182, Colton. An act to amend the Public Service Law, in relation to directing the Public Service Commission to conduct a study and report on time-of-use plans offered by gas and electric utilities.

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. 182. 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. A08540, Rules Report No. 183, Jaffee, D'Urso, Gottfried, Seawright, McDonough, Ra, DeStefano, Simotas, Mosley, Buttenschon, Lavine, L. Rosenthal, Simon, Galef, Griffin, Morinello. An act to amend the General Business Law, in relation to child restraint alarms.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08767-A, Rules Report No. 184, Jones, Woerner, Gottfried, Otis, Thiele, Glick, Stec, Simon, Smullen, Quart, Burke, Ortiz, Jaffee, Walczyk, Ryan, D'Urso, McDonald, Lupardo. An act to establish the Adirondack Road Salt Reduction Task Force, Pilot Plan and Test Program; and providing for the repeal of such provisions upon expiration thereof.

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. 184. 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. A08821, Rules Report No. 185, Paulin, Simon, Galef, Gottfried, Jacobson, Seawright, Cruz, Mosley. An act to amend the General Business Law, in relation to denial of access to an employee toilet facility.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09070, Rules Report No. 186, Gottfried, Dickens, McDonough. An act to amend Chapter 557 of the Laws of 2001 amending the General Business Law, the Public Health Law and the Insurance Law relating to clarifying provisions pertaining to pre-need funeral services, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Gottfried, 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. 186. 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. A09076, Rules Report No. 187, Thiele, D'Urso, Buttenschon, Otis. An act to amend the Education Law, in relation to redefining military service.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, 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. 187. 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 -- Assembly No. A09154-A, Rules Report No. 188, Jacobson, D'Urso. An act to amend the Town Law, in relation to authorizing the Town of Newburgh, Orange County, to establish a road improvement district in the Ridge Hudson Valley development area.

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. 188. 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.

On the A-Calendar, a motion by Ms. Wallace, page 10, Rules Report No. 189, Bill No. A.9542, amendments are received and adopted.

THE CLERK: Assembly --

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Sorry, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, no matter what that guy says next to you.

(Laughter)

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any housekeeping or resolutions to take up?

ACTING SPEAKER AUBRY: We got -- we certainly have. I shouldn't say we got. We certainly have a number of pieces of housekeeping, which I will try to do without losing my voice.

On the main Calendar, on a motion by Ms. Fahy, page 29, Calendar No. 179, Bill No. A.4739-B, amendments are received and adopted.

On the main Calendar, on a motion by Mr. Perry, page 13, Calendar No. 63, Bill No. A.1267-C, amendments are received and adopted.

On the main Calendar, on a motion by Ms. Weinstein, page 32, Calendar No. 210, Bill No. A.5605-B, amendments are received and adopted.

On a motion -- on the main Calendar, on a motion by Ms. Weinstein, page 38, Calendar No. 248, Bill No. A.6909-C, amendments are received and adopted.

On the main Calendar, on a motion by Mrs. Barrett, page 51, Calendar No. 421, Bill No. A.2756-A, amendments are received and adopted.

On the main Calendar, on a motion by Mr. Braunstein, page 54, Calendar No. 457, Bill No. A.9837, amendments are received and adopted.

On behalf of Mr. Thiele, Bill No. A.5211 -- hold up -- 5415, Assembly bill recalled from the Senate.

The Clerk will read the title of the bill.

THE CLERK: An act to amend the Navigation Law and the Insurance Law.

ACTING SPEAKER AUBRY: On a motion to reconsider the vote by which the bill passed the House. The Clerk will

record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

We have a number of fine resolutions. We will take them up with one vote.

On the resolutions, all those in favor signify by saying aye -- oh, what a noise -- the resolutions are adopted.

Thank you.

(Whereupon, Assembly Resolution Nos. 952-958 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:00 a.m. Tuesday, July the 21st, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly --

MRS. PEOPLES-STOKES: Mr. Speaker, that's 10:00 a.m.

ACTING SPEAKER AUBRY: Did you say 10:00 a.m.?

MRS. PEOPLES-STOKES: 10:00 a.m. Tuesday, July the 21st.

ACTING SPEAKER AUBRY: It's everybody 10:00

a.m. If they're home, if you're here.

The Assembly stands adjourned.

(Whereupon, at 9:10 p.m., the House stood adjourned until Tuesday, July 21st at 10:00 a.m., that being a Session day.)