

THURSDAY, JULY 23, 2020

10:59 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, July the 22nd.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of July 22nd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If I could offer a quote at this point, I would use one from Ralph Waldo Emerson, who, as you most -- most of you know is an American essayist, lecturer and a poet. Ralph shares with us this morning, *What lies behind you and what lies in front of you pales in comparison to what lies inside of you.* Again, Mr. Speaker, that's from Ralph Waldo Emerson.

And I would like to say to all of our colleagues who are both remote and in the Chamber, welcome. This is day four of a week-long conference. We've -- we've been getting a lot of stuff done here in Session. We have a lot more to do. So, thanks again for being here and thanks for your previous cooperation. Members will have on their desks a main Calendar as well as a debate list. We will begin our work today from the debate list as well as the main Calendar. We will continue consent of new bills on the main Calendar beginning with Rules Report No. 298 on page 9 through Rules Report No. 355 on page 21. Later today and following, we will have the following committee meetings. For those colleagues who are on these committees, there will be Ways and Means and Rules. These committees will produce an A-Calendar which we will take up at

some point today.

I would like to remind members that we will be operating under the same procedures as we did yesterday and the day before that and the day before that. Just a reminder that those participating by Zoom should utilize the "raise hand" function when seeking to be recognized for purposes of debate and/or explaining your vote. As in our previous remote Sessions, when we are on a fast roll call or a Party vote, members wishing to be an exception should contact their respective Majority Leader or Minority Leader offices.

With that, Mr. Speaker, I believe we are ready to proceed with our business of today and we should start with resolutions on page 3.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. And as we mentioned yesterday, we ask those of you who are with us virtually to ensure that you are dressed in Chamber-ready appropriate attire before you log in to either debate a bill, raise a question or explain your vote. We appreciate your cooperation. Thank you very much.

On page 3, resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 979, Rules at the request of Ms. Buttenschon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 5, 2020, as Teacher Appreciation Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all

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

THE CLERK: Assembly Resolution No. 980, Rules at the request of Mr. Zebrowski.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim August 2020, as Indian-American Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 981, Rules at the request of Ms. Buttenschon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 21, 2020, as a Day of Peace in the State of New York.

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

THE CLERK: Assembly Resolution No. 982, Rules at the request of Ms. Buttenschon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October, 2020, as Polish American Heritage Month in the State of New York.

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

adopted.

THE CLERK: Assembly Resolution No. 983, Rules at the request of Ms. Jaffee.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim November 2020, as Epilepsy Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 984, Rules at the request of Ms. Jaffee.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2020, as Childhood Cancer Awareness Month in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you. Now having completed our resolutions, if we can go to our debate calendar. We're going to start with Rules Report No. 273 by Ms. Jean-Pierre, followed by Rules Report No. 281 by Mr. Zebrowski, and Rules Report No. 296 by Mr. Englebright. And, Mr. Speaker, then we're going to go to Calendar No. 190. That one is by Ms. Rosenthal.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10567-A, Rules Report No. 273, Committees on Rules (Jean-Pierre, Stern, De La Rosa, Dickens, Mosley, Simon). An act in relation to requiring that COVID-19 contact tracers be representative of the cultural and linguistic diversity of the communities in which they serve to the greatest extent possible; 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. 273. 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. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: Hello, everyone. Thank you, Mr. Speaker. I would like to thank my colleagues who will be supporting this legislation and to one of our previous sponsors who introduced and passed legislation for New York City. This legislation will be an important -- an important tool for our State to ensure that contact tracers reflect the very thing that we take pride in ourselves, which is the diversity of New York State. Containing the spread of coronavirus is contingent on the ability of our contact tracers to be able to be successful to connect with COVID-positive patients that reflect the diversity of New York State.

So, again, I hope that I can get the support of all my colleagues to vote in the affirmative, and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following members in the negative: Mr. DiPietro and Mr. Walczyk.

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. A10783-A, Rules Report No. 281, Committee on Rules (Zebrowski). An act to amend the Town Law, in relation to changing certain filing and submission date requirements for petitions brought before a town board.

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. 281. 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. A10803-A, Rules Report No. 296, Committee on Rules (Englebright, Stern, Ramos, Griffin, D'Urso, Otis). An act to amend the Environmental Conservation Law, in relation to the disposal of construction and demolition waste; and to amend the Penal Law, in relation to creating the crime of scheme to defraud by disposal of solid waste.

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 Rules Report No. 296. 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. Stern to explain his vote.

MR. STERN: Thank you. Mr. Speaker, for far too long, New York State and particularly my local communities of Long Island have faced unprecedented environmental threats from criminals making huge profits by illegally dumping toxic materials in our vast and vulnerable open spaces. These dangerous offenders have taken advantage of weak laws and dispose hazardous materials near our homes, our parks, playgrounds and waterways, and cause extreme harm to our most vulnerable neighborhoods, our sole source aquifer

and our suburban quality of life. We can no longer afford to stand by and allow these criminals to evade responsibility. So I was proud to partner with Senator Todd Kaminsky, Chairman Englebright, Deputy Majority Leader Ramos. Champions for Long Island's environment on this historic legislation to strengthen New York State law and impose the stiffest possible penalties on dumping violations. This bill empowers our law enforcement to crack down on these crooks with meaningful penalties and ensure that dumping is no longer just a part of doing business.

Mr. Speaker, a very special thank you to Suffolk County District Attorney Tim Sini, the outstanding men and women of the District Attorney's "Operation Pay Dirt" and Suffolk County Police Department in support of this initiative and who remain strongly committed to protecting our precious environment and the water we drink for now and for generations to come.

Mr. Speaker, I will be voting in the affirmative and I strongly request all of my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Englebright to explain his vote.

And that was Mr. Stern in the affirmative. Thank you, sir.

MR. ENGLEBRIGHT: Yes. Thank you, Mr. Speaker. I just wanted to associate myself with the comments just made by Assemblyman Stern. The bill that we're now passing will protect the drinking water of all of coastal New York, most

particularly Nassau and Suffolk Counties that have been subjected to a -- a whole series of incursions with toxic waste, mostly coming from New York City. And the bill will correct that by adding penalties that will make it so that there's a tremendous disincentive replacing what we have now, which is an incentive in the absence of adequate penalties and incentives to pollute. As we've heard, the District Attorney for Suffolk County, Tim Sini, has done a -- a really wonderful job of defining the need. We're responding to that need here today. I just want to say thank you to Tim Sini; my colleague in the -- in the Senate, Todd Kaminsky; and of course Steve Stern, whose district was targeted for some of this illegal activity. Steve, thank you for your good work. Also, thanks to the Speaker and especially to the Speaker's staff for helping to reconcile some of the technical difficulties of language. But the bill we have is a strong bill. It will work going forward to help protect our (unintelligible) factor for our -- our quality of life on Long Island, which is our drinking water.

And so I'm proudly voting yes and urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Mr. Smith to explain his vote.

MR. SMITH: Thank you, Mr. Speaker. I -- I just want to thank my colleague Assemblyman Steve Stern, as well as Assemblyman Steve Englebright on their leadership on this bill. I think this is a critically important bill. For Long Islanders, the reality

of the individual (unintelligible) and sand mining is just all too familiar to us. As a people who rely on our sole-source aquifer, we really need to take special care (unintelligible) our drinking water is protected. I am so happy to support this bill today. I know in my district some years ago there was a big issue where some pretty bad actors took advantage and they were able to probably make millions of dollars by engaging in illegal activity, but under previous laws there really was not -- not much of a penalty. It was more of a slap on the wrist. And I am so happy today that with the leadership of my colleagues and our District Attorney, who really - no pun intended - dug into this when taking office, that -- that we finally will see adequate laws on the books to protect Long Island and to really make sure that these crooks are held accountable for their actions.

For that reason I am so proud to vote yes. I hope all of my colleagues are safe and well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly, sir. Mr. Smith in the affirmative.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. I, too, want to commend the sponsors, Steve and Steve, DA Sini and the staff that helped put this legislation together. Dumping -- illegal dumping on Long Island has been a problem for many, many years. We've been very frustrated by, you know, by the DEC's lack of teeth, so-to-speak, in trying to crack down on this, and I think now that it will be in the Penal Code we'll be able to go after people who engage

in this activity much more aggressively, with real teeth. And I'm just thankful that we've been able to pass this today, and my compliments go to my good friend Steve Englebright for everything he's done on this. Thank you.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Hello. Thank you for allowing me to explain my vote, Mr. Speaker. I just want to congratulate Assemblymember Englebright and Assemblymember Steve Stern on this historic legislation. I'm a proud sponsor of it. And this is very meaningful and impactful for Long Island because we need to have our drinking water safe and this will help protect us.

So I vote in the affirmative and I encourage all my colleagues to do so. Thank you for allowing me to explain my vote.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you very much, Mr. Speaker, for an opportunity to explain my vote. I, first of all, want to commend the sponsor of this legislation. While I do understand that their driving motivation was about the criminals who literally leave construction demolition and other solid waste products in their water, I have to tell you that these similar criminals do the exact same thing in inner-city communities, albeit not in water. It's on

vacant land. And at some point either the city and/or other local governments have to clean it up, and I think it should be the responsibility of the people who leave it there.

So I am wholeheartedly in support of this legislation, and I'm glad it does not stop at the borders of Long Island but that it includes the entire State. Thank you, Mr. Speaker, and congratulations to the people who introduced this legislation.

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

Mr. Tague.

MR. TAGUE: Good morning, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. TAGUE: Thank you, Mr. Speaker. I, too, want to commend the sponsor and thank him for his leadership on environmental issues here in New York State.

(Audio cuts out)

(Pause)

ACTING SPEAKER AUBRY: All right. Mr. Tague, please proceed. Can we --

(Pause)

There you are.

I don't know that he knows he's connected.

(Pause)

MR. TAGUE: Hello?

ACTING SPEAKER AUBRY: Yes, sir. Go right ahead.

(Pause)

One more time, Mr. Tague.

MR. TAGUE: Mr. Speaker?

ACTING SPEAKER AUBRY: Go right ahead now. We have you.

MR. TAGUE: Thank you. No, just on the bill to explain my vote, Mr. Speaker. I just wanted to say thank you again to the sponsor, Mr. Englebright. I will be in support of this bill today. This is a -- a bill that will make a lot of sense to people in my district, especially in Saugerties where we've had a serious problem with illegal dumping of construction debris. And as someone that's been in the construction industry for over 28 years, there are a lot of bad actors and this bill will help clean that up.

So thank you again to Mr. Englebright and thank you for -- for his continuous commitment to environmental issues. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Tague in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04943-B, Rules -- Calendar No. 190, L. Rosenthal, DenDekker. An act to amend the

Mental Hygiene Law, in relation to annual reporting on substance use disorder in incarcerated individuals.

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. 190. This is a fast roll call. Any member wishing to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We can now bring our attention to Calendar No. 34. This is by Ms. Niou. Calendar No. 119 by Mr. Dinowitz, Calendar No. 179 by Ms. Fahy, and Calendar No. 205 by Mr. Thiele.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00710-A, Calendar No. 34, Niou, Abinanti, Barron, Carroll, Colton, Cusick, De La Rosa, Dickens, Dilan, Glick, Gottfried, Hevesi, Kim, Mosley, Ortiz, Peoples-Stokes, Pretlow, Quart, Richardson, L. Rosenthal, Simon, Simotas, Abbate, Lentol, Pheffer Amato, Blake, Seawright, Epstein, Englebright, Frontus, Solages, Reyes. An act to amend the Public Health Law, in relation to the closure of nursing homes.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Would the sponsor yield?

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

(Pause)

MS. NIOU: Sorry, I couldn't unmute myself. I -- I wasn't given an update to speak on the bill, but yes, I will yield.

ACTING SPEAKER AUBRY: Ms. Niou yields, Mr. Goodell.

MR. GOODELL: Thank you, Ms. Niou. There are a lot of people that wish they had a mute button for me --

(Laughter)

-- but I'm on the floor so they don't have that option yet. Yet. As I understand your bill, it would require a nursing home that's considering closing to notify the State Department of Health and the local elected officials prior to closure, but that's part of current law, isn't it? Don't they have that reporting requirement under current law?

MS. NIOU: Not the kind of reporting to the public that we would like to see, actually. And so this is -- this is what was changed. It -- it's what gets to change that as well.

MR. GOODELL: So what are the current reporting requirements for a nursing home that's considering closure?

MS. NIOU: The current requirement -- well, there's no -- it's not -- not under the current law do they actually have the

reporting requirements to the public at all, so...

MR. GOODELL: And then this bill also provides, though, that if a nursing home is considering closure, that pending a review of the closure plan by the Health Department, they're prohibited from several different activities. Is there any time frame under which the State Health Department must make a response?

MS. NIOU: Sorry, could you repeat the question? I didn't understand it very clearly. Maybe because it's Zoom it might've glitched out.

MR. GOODELL: Certainly. So this bill contains a number of restrictions on nursing homes that are contemplating closure that prevent them from doing a number of things until they hear from the State Health Department about their closure plan.

MS. NIOU: Mm-hmm.

MR. GOODELL: Is there any requirement that the State Health Department give a response on the closure plan within a designated time period? Like within 15 days or 30 days or 90 days?

MS. NIOU: No, there's no time frame within the bill. They're going to work with the nursing homes.

MR. GOODELL: So once a nursing home decides to close and they submit their closure plan, am I correct that the nursing home can no longer admit new residents?

MS. NIOU: That the nursing home can no longer admit new residents. Yes.

MR. GOODELL: And the nursing home can no

longer increase the charge for any fees or any other charges?

MS. NIOU: They can still raise the fee. The nursing homes can raise the fees once the closure plan is approved.

MR. GOODELL: But not until --

MS. NIOU: I'm sorry. They can admit after the plan is approved, by the way. They can't just admit while the plan is being reviewed.

MR. GOODELL: I see. So the restriction on admitting new residents, does that also apply to temporary residents that might be coming in for physical therapy, for example? Oftentimes, as you know, a hospital will discharge a patient that maybe had a hip -- hip surgery or knee surgery or something like that and they go to a nursing home for rehab. Does this also prohibit a nursing home from accepting any temporary rehab patients pending the review of the closure home -- closure plan?

MS. NIOU: Yes. It -- but they can all -- they can admit, you know, if they notify any new -- you know, they can notify if there's any new residents, but it's all residents, yeah.

MR. GOODELL: So the question that I have is a very practical question, I think. We had a nursing home in my county that closed because it went bankrupt.

MS. NIOU: Sure.

MR. GOODELL: And as it was going into bankruptcy, not surprisingly, they found it was impossible to get supplies because the -- the providers weren't going to send them

supplies, critical supplies, without being paid. So if a nursing home is going into bankruptcy and they are restricted on bringing in new residents, even temporary new residents, which would improve their cash flow, and they are prohibited from raising any fees, how does this bill envision that they will pay for critical supplies or pay their staff?

MS. NIOU: I think that the plan itself will help to be able to help them with that. And on top of that they should work with the community to be able to help with that. I think that you -- you know, if you knew about the situation you'd be part of the community, you'd be able to help with that. And the Commission -- the Commissioner would also be able to work with them on a case-by-case basis. And on top of that I think that there would also be the fact that there's a lot of, you know, ability to be able to -- you know, once they've notified, then they can change the fee, which I just mentioned, which would make it so that folks can have the ability to be able to -- would be able to help with the -- with the nursing home's bankruptcy situation. To clarify, the plan doesn't need to be approved for new residents, they just need to tell the new residents that they are closing so that they also understand that their -- that their, I guess -- that their care would also be limited, in that sense.

MR. GOODELL: Does this bill provide any State funding to enable a nursing home to cover the costs that it incurs if it has no cash flow anymore? Is there any grant connected with this or any other funding connected to this?

MS. NIOU: No.

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

And on the bill, Madam Speaker.

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

MR. GOODELL: I've -- I've gone through this in my own district where we had a nursing home close, and the State Health Department was directly involved. They already have jurisdiction to ensure that the residents were properly transferred and that there was no loss of care or imminent threat to safety. So I'm familiar, very much, with that process that already exists to protect residents. I appreciate my colleague's concern that the Health Department be given more time and a more formal role in that process and that the nursing home not be allowed to be closed until the plan is approved. The problem is that without funding from the State or a source of funding for a nursing home that's going out of business, the concepts of this bill, which are excellent, run head on into a brick wall of reality. And that brick wall of reality is that suppliers will no longer send critical supplies like food or medicine or bandages. They will no longer supply a nursing home when they're not being paid. And as soon as the nursing home publicly announces that it is closing, almost all the suppliers will go on COD because they know there's no long-term revenue source for them to be paid. And as much as they love nursing home residents, they're not and cannot continuously provide expensive goods and services for free.

The second thing that happens is when a nursing home announces it's closing, if it hasn't already received that call, it will receive a call from many of its lenders. And the lenders are going to say, *How do you plan to repay us?* And by the way, they will also immediately terminate any line of credit. And no line of credit for working capital is guaranteed. In a commercial context they're all subject to termination if the borrower fails to meet certain financial criteria; debt equity ratios, cash flow ratios and a number of others.

And you have a third problem. Most nursing home staff are extraordinarily dedicated and many of them truly love and have tremendous compassion for the patients. But very few of them can continue to work for free. And so without any cash flow, as soon as the nursing home announces it's looking at closure, its staff immediately send out resumes to all other nursing homes and similar facilities, seeking long-term employment. And so while it would be great if we had the funding so that we could cover these cash flow issues and provide more time, this bill doesn't provide that funding. Until it does, we are creating a financially impossible situation with this legislation. Because critical staff will leave as soon as that announcement's made. Critical supplies will no longer be delivered. Lines of credit will end, and -- and you have an impossible financial situation.

Thank you very much, Madam Speaker, and again, thank you to my colleague. And I applaud her concern and would be happy to support this bill if it was accompanied by the financial

resources to make it a reality. Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell.

Ms. Niou.

MS. NIOU: So, I just wanted to thank Mr. Goodell for this robust debate. I just wanted to clarify two things before I talked a little bit why, again, I sponsored this bill. So, first off, just to clarify because I wanted to clarify this since the two things were lumped together. The -- the rent increases and the no new residents issue, they have different triggers within the bill. And I just wanted to clarify that because I think it was lumped into one question, but I wanted to pull it apart so they were -- and -- and one of the other things I want to talk about is the fact that these are people's homes. Like Mr. Goodell had said, you know, folks work really hard, but these are also people's homes. And, you know, the financial issue is a real one, but they are -- the -- the nursing homes are still paid and they continue to be paid. The residents are still paying, and the residents who pay deserve the services that they paid for. And I think that it's really important that we note that. The -- the bill that I'm sponsoring right now, the Rivington Act, it is something that strengthens the oversight by establishing a transparent process when nursing homes and residential healthcare facilities are threatened. And it requires the Commissioner of the New York State Department of Health to ensure our local community needs are adequately met before approving any closure. The current process does not consider what impacts a

facility's closure would have on a community that it serves. And so information on potential closure is not disclosed to the public prior to closure approval, and the community input is not incorporated into the decisionmaking process. And so in my own district, just like Mr. Goodell, I had a -- a nursing home that closed. And Rivington House, which this bill is named after, was the nation's first nursing home for individuals suffering from HIV and AIDS. And that's real, true history within those walls, and the history is that Rivington House has cared for our most vulnerable members in our community and we are very grateful for its service in caring for our severely underserved population at that time. And in an unfair and un -- uninformed deal - and you can read about this in the *Wall Street Journal*, in the *New York Times* - there was no transparency and the community engagement was severely lacking. And the historic deed restrictions - there were two - was lifted on this public land. And I was shocked to hear about the backroom deals in 2015 as was the rest of the nation that resulted in two deed restrictions being lifted, and then its near-immediate sale for luxury housing in its place. It's these backroom deals that make it clearly evident, Mr. Speaker, that the amount of corruption in our government and the lack of transparency is -- is what we need to fix here. And I want to highlight that there was absolutely no community engagement. Zero. No fair warning at all, and that this unprecedented lifting of two deed restrictions was -- was historic. And I just wanted to say that this amendment creates a new provision regarding the closure of nursing homes. This -- the nursing home

operator would have to then notify the Commissioner of the New York State Department of Health 90 days prior to closure by submitting a plan which will be released to the public. And local executive Body, legislative Body and community boards, if applicable, will receive the plan, too. And this allows for officials and the community to review the plan for closure and give input if necessary. And so that, I think, would address a lot of the concerns that Mr. Goodell has because then he would also have a say.

And so I hope that my colleagues will sponsor -- who -- who sponsored this bill will be proud. And also that folks in our Body will vote for this bill to make sure that we have more transparency and accessibility and -- and time for the public as well. And I think that, you know, the reasons that were listed on why folks need to be notified that Mr. Goodell had just listed is also, you know, reasons why it's so important for folks to be able to have that time to be able to seek relocation alternatives because this is where people live. This is what people are trying to say is that these are homes for folks, that they have been living here long-term. And this is why it's important that, you know, we have a community engagement process because this is a -- a modification to the neighborhood and -- and who their neighbors are.

So thank you, Mr. Speaker -- Ms. Speaker. And I just wanted to say, you know, that I really appreciate the opportunity to be able to speak on the bill.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I would rise to make a comment on this piece of legislation. It -- it's uniquely important both for the reasons that the sponsor put it in. I want to commend her for doing so, and for the reasons that were brought up by my colleague on the other side of the aisle. Nursing homes are -- it's a business. And inherently, businesses are in the business of making a profit. And when it gets to the point where they're not making profit, then they have to rethink their business model or whether or not they're going to remain open. That's real. But I know that there are a lot of nursing homes in the State of New York where there's not been good service delivered because Medicaid reimbursement is not enough. There are a lot of reasons why some nursing homes are failing. But I think it's -- it's almost a conflict to say that the private sector would be -- do a better job at delivering nursing home care when we know they're not being reimbursed at the rates that they really should be. It's a challenge. But I do want to say that there have been nursing homes that closed in my district in the past and in the -- in the -- I will say at least ten years ago, and some even later than that, where there was community involvement. Because what the nursing home can do is before it gets to the point where we know we have to shut down because we're not going to be able to get access to supplies or pay our employees, that doesn't happen on, you know, somewhat quickly. That happens over a period of time. You know over a six-month span whether or not you're going to be moving towards the direction where you're not going to be able

to continue this business and still be able to maintain the profit margin that you engaged in the business for the purpose of. And so based on that, you can generate community conversation way ahead of time. Way before it gets to your suppliers. Way before it's going to impact your employees' desire to not be on unemployment or to go right to another job. And in fact, in some cases what happened in Western New York is we were able to help the business work through its issues, help the employees work through their issues and help the families of the patients work through their issues for where they were going for their next stop. So I think these things can work well together. And it clearly appears to me that what our colleague here was trying to do is put some -- codify something that said that you have to have these kind of conversations. No one is in business and realize that they're closing one day and then think that they need to have a community conversation. They can begin that conversation when they begin to see that curve go down. A lot of us have been watching these curves for a lot of reasons of late. Business people watching for another reason. And when it starts to go down, that's the point when they should be engaging the community.

So I want to commend the sponsor on this. This is critically important. Many people who are in nursing homes are the most vulnerable amongst us, and they don't need the least of what we can provide, they need the best of what we can provide. And sometimes that is about a community engagement.

Thank you, Mr. Speaker.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 34. 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 very much, sir. For the reasons stated, the Republican Conference will generally be in the negative. But if there are members that would like to vote for this, please notify the Minority Leader's office promptly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. I would ask colleagues who would like to vote in the negative to please contact the Majority Leader's office and someone will record your response and get it over to us right away, and we will handle it appropriately.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes. So noted.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I want to commend the sponsor. The organization that ran Rivington House was VillageCare. A long history of providing care in the community. And as we found more medications to keep people healthy with HIV and AIDS, the need for the nursing home was reduced. But because of the restrictions, the deed restriction, VillageCare sold the building, with some notice, to another healthcare provider. It was that healthcare provider that knew in advance that they were going to seek the -- the rescission of those underlying deed restrictions and they were the ones that made the money. And I think that this definitely showed a corrupt instance in the City. Nobody realized that you could just pay to get a deed restriction released. And the need for nursing care continued in the community, but without access to a facility that should have been transformed for senior citizens and others who needed that kind of care. And so it was a huge scandal, and that's why this bill is before us. And I applaud the sponsor for doing this and I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Actually, I've got an exception that I would like to note.

ACTING SPEAKER AUBRY: Certainly.

MS. WALSH: Thank you. On this bill, Mr. Speaker, Mr. Norris wishes to be recorded in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02667, Calendar No. 119, Dinowitz, Carroll. An act to amend the General Obligations Law, in relation to pre-payment penalties for mortgages secured by real property owned in a cooperative form of ownership.

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

MR. DINOWITZ: -- everybody. This bill will forbid pre-payment fees by real property owned in a co-op form of ownership where over 50 percent of the units are shareholder-occupied, and it will make the pre-payment penalties (audio cuts out).

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: I'm -- I'm not sure Mr. Dinowitz was done with his explanation, sir.

ACTING SPEAKER AUBRY: Let's check with Mr. Dinowitz.

Mr. Dinowitz, would you like to try that again? We

are -- we lost some of your statement.

MR. DINOWITZ: Okay. Are we -- are we having a computer issue? Because I was done with my statement, but I'll repeat it. It was pretty short. Okay. *Your network bandwidth is low.* Hmm.

This bill will forbid pre-payment penalties and fees from being charged or collected on a loan or forbearance secured by real property owned in a co-op form of ownership where over 50 percent of the units are owner-occupied and will make such pre-payment penalties unenforceable.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Thank you, Mr. Dinowitz. And thank you for the patience in repeating that. We did have some Internet connectivity issues, and I know from actual experience when you're on the floor that you do speak smoothly and thoughtfully rather than looking like Mad Max with the -- the Internet connectivity issues that we had for a moment. So thank you for your -- for your courtesy on that.

So right now if a borrower goes to a bank, the borrower can negotiate with the bank on whether to pay closing costs that are incurred by the bank up front or sometimes they'll agree to not refinance the mortgage in return for a lower upfront cost. And if they do refinance the mortgage during that time period, typically one to five years, they agree to pay a pre-payment penalty. Why is it to the advantage of the consumer to eliminate options for the consumer to choose what makes the best sense for the consumer?

MR. DINOWITZ: I have no reason to think that those options would be eliminated.

MR. GOODELL: Well, under this bill a consumer couldn't opt for lower up front cost in return for a pre-payment penalty if they refinanced the mortgage, correct? That's not an option that would be available to the consumer.

MR. DINOWITZ: Well, our banks, many of which are heavily subsidized by bailouts and things like that, are -- certainly have the opportunity, if they so choose, to not provide for the penalty and yet at the same time continue to provide for the provisions that you just mentioned. So I don't know that there's any reason to assume automatically that those options would be eliminated. That's just a conjecture on your part.

MR. GOODELL: But this bill eliminates any pre-payment penalties that would be available, correct?

MR. DINOWITZ: It would eliminate pre-payment penalties on co-ops. Not -- not the individual apartments, but the co-op itself where the majority of the units are owner-occupied.

MR. GOODELL: Gotcha. Thank you very much, Mr. Dinowitz. Thank you for those clarifications, and I am glad that we heard the rest of your comments clearly.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Thank you very much. So when a bank is looking at a commercial-type mortgage, and obviously the

financing or refinancing of an entire cooperative building would fall within that type of classification, the banks have a certain amount of upfront costs that are inherent in that type of financing. They have recording expenses. They have mortgage recording expenses, typically. They have legal fees that they incur. They often have appraisal reports, evaluations on ownership. The condition of the property, the condition of the improvements. And those upfront costs that are incurred by the bank must recover. And so there's a couple of different ways a bank recovers those costs. One approach is a bank can say, *We'd be glad to consider your loan. Get us an application, and these are all the expenses you have to pay, some of which are prepaid even before closing.* And with a major commercial development like a cooperative or a condo, this would apply to being a cooperative, and those expenses can run thousands and thousands of dollars and can be a real financial burden. But sometimes the bank in order to reduce the upfront costs will say, *We'll charge a slightly higher interest rate for the term of the loan, and in return you agree not to refinance our loan for a certain period of time, or if you do, you pay a pre-payment penalty.* And that pre-payment penalty is designed to reimburse the bank for those upfront costs that they cannot otherwise recoup through the term of the loan with a slightly higher interest rate. Now, the problem that banks have if you eliminate a pre-payment penalty is the bank is then forced to charge those closings costs up front because they don't want a competitor to come in and offer a slightly lower interest rate and then to write them. And so if they

charge up front, they can charge a lower interest rate. They can't reduced the upfront costs and charge a higher interest rate because they always run a risk that they'll be undercut by a competitor. So what this bill does in the guise of eliminating a pre-payment penalty actually eliminates a financing option that many borrowers find very attractive. And from my perspective, the better approach is to give the borrowers as many options as they can and require the banks to simply describe with enough detail exactly what the advantages and disadvantages are, rather than to treat the borrowers as not being sophisticated enough to choose the right option for their particular financial means.

For that reason, I'll be voting against this and encourage my colleagues to do the same. Thank you, sir.

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. 119. This is a Party vote. Any member wishing to be recorded 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 in opposition to this bill. If there are any members of the Republican Conference that would like to support this bill, please contact the Minority Leader's office promptly so that we

can properly record the vote.

Thank you very much, sir.

ACTING SPEAKER AUBRY: Sure. So noted.

Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. This is a Party vote in the affirmative. Colleagues wishing to vote negative, please contact the Majority Leader's office and we will record your vote.

Thank you.

ACTING SPEAKER AUBRY: Thank you, ma'am.

So noted.

(The Clerk recorded the vote.)

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Very briefly. The Consumer Finance Protection Bureau has rules restricting the ability to impose pre-payment penalties on most new mortgages for individuals. The CFPB has limited pre-payment penalties to fixed mortgages that are considered to be, quote, "qualified mortgages." This rule applies to single-family units including those that are part of co-ops. Therefore, if an individual owns a single unit in a 200-unit building, the protections would apply. However, these protections exclude the 200-unit building itself as a whole due to it being a commercial property. So this bill simply rectifies that inconsistency and provides a very significant benefit to co-ops and, therefore, the people who live

in them.

I vote yes and I urge everybody to do the same.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record in the affirmative Mr. Reilly and Ms. Malliotakis. Our Staten Island delegation.

Thank you, sir.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have Member Buttenschon who would like to be recorded in the negative on this one.

ACTING SPEAKER AUBRY: 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. A04739-C, Calendar No. 179 Fahy, Thiele, Gottfried, L. Rosenthal, Epstein, Ortiz, Galef, Stirpe, Jaffee, Dinowitz, Magnarelli, Lifton, Carroll, Colton, Stern, D'Urso, Mosley, Paulin, Reyes, Perry, Steck, Wallace, Griffin, Abinanti, Jones, Buchwald, Barron, Quart, Simon, Zebrowski,

Fernandez, Peoples-Stokes, Davila, Barrett, McDonald, Woerner, Ryan, Hevesi, M.G. Miller, Sayegh, Glick, LiPetri, McMahon, Simotas, Rozic, Rodriguez, Solages, Weprin, Santabarbara, Gunther, Hunter, Walker, O'Donnell, Burke, Frontus, Vanel, Rivera, Otis, Kim, D. Rosenthal, Seawright, Englebright, Schmitt, Cook, Niou, Barnwell, Ashby, Jacobson, Cruz, Hyndman, Bronson, De La Rosa, Lupardo, Cusick. An act to amend the Environmental Conservation Law, in relation to the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging.

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

MS. FAHY: Thank you. Thank you, Mr. Speaker. This bill is to ban what are called PFAs, which are approximately 5,000 man-made chemicals that are used for the purposes of either waterproofing or creating non-stick surface such as Teflon. The chemicals are -- commonly, they're -- they're the class of chemicals that have in the past that have included PFOAs and PFOSs. Something that we've heard a lot of over the last few years because of water contamination issues, and we've made great headway in addressing some of those to get those out of our water and to address some of the really tragic health impacts of the contamination of those. This bill would go further and ban the entire class of chemicals because they are very, very similar. The State has already taken action to prohibit these in the use of firefighting foam. The Administration, under even this Administration in -- at the Federal

level, the Trump Administration, has even moved to take them out of the military food packaging for the Armed Forces and it was issued by Executive Order even more aggressively than the timeline on this bill. New York -- the State has also issued procurement rules to begin to prohibit the purchasing of PFA-contaminated products. So, these substances, again, are often used in food packaging to -- it -- it's added in by manufacturers because of their non-stick properties, but it has been found that they can enter into the human bloodstream by leaching into the food. A study in 2014 looked at 400 samples and found that 46 percent of food contact papers and 20 percent of paper board samples had these chemicals. So this is an effort to, once again, put our health first, and I'm really pleased that a number of companies are already committed to doing so. In fact, large companies that are committed, as well as a number of food chains. So we are making progress, but this would provide the next couple of years to move away from them completely.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. FAHY: Yes.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. GOODELL: Thank you very much, Ms. Fahy.

You mentioned that there's been an issue with PFAs and PFOSs in being detected in water supplies. Am I correct, though, that the most well-known PFA is POF, and the PFOA that have been highlighted as water contaminants are not used in food packaging?

MS. FAHY: They've been banned from the -- yes, they've been banned in recent years from the food packaging, but this is -- it's a very similar chemical. This is part of the overall class of chemicals that have been found to have very serious health risks. PFAs, this class of chemicals, if you will - again, there's 5,000 different ones - it has been linked to multiple cancers. It's been found to decrease vaccine responses in children. It's been found to increase cholesterol levels as well as decreased birth weights -- infant birth weights rates -- infant birth weight, as well as found -- there have been a couple of studies found it in the bloodstream. It's assumed it's in the bloodstream of the vast majority of Americans. They have -- these chemicals have been that prolific. And they are -- they -- they leach -- and they've been found, again, to leach in from the food packaging into the food and then thereby into -- into humans for ingestion.

MR. GOODELL: Well, as you mentioned there are nearly 5,000 different chemicals in this classification. But weren't the issues that were linked to environmental issues, particularly in food processing or food containers, all tied in with long-chain PFOSs or PFASs. They were the long-chain. It was -- it wasn't the entire 5,000, right? It was a particular class that had long-chain chemical compositions. Isn't that correct?

MS. FAHY: Yeah. The -- I think you're referring to the PFOAs and the PFOSs, the ones that we have addressed to get out. These -- the PFAs, the entire class, we are finding is still linked and -- and still is considered dangerous because of -- they are deemed to be food contact substances ending up in humans because they're leaching into our food and also leaching into the supply. So it's -- it's -- it is -- this is going one step further to address additional health risks as well as additional concerns. And -- and as you know, for many years, many years - and this State has been more aggressive than others - but for many years we were adding in PFOAs and PFOSs with tragic consequences, as we've seen in Hoosick --

MR. GOODELL: If I can -- and I appreciate your --

MS. FAHY: So we're trying to be proactive on this. Go ahead. Sorry.

MR. GOODELL: Yeah, and I appreciate your concerns over the potential danger. So, but if it's okay, I wanted to focus on some specific aspects. Am I correct that the long-chain PFAS which were identified as the most serious, the industry, the food packaging industry voluntarily eliminated any intentional addition of those in 2011, nine years ago?

MS. FAHY: Yes.

MR. GOODELL: Am I correct that in 2016 the FDA also revoked regulations that had authorized the remaining uses of long-chain PFAS? And that was four years ago, so the FDA has already revoked the authorization for long-chain PFASs in the food

industry?

MS. FAHY: Yeah. The long-chains -- you're correct on the long-chains, but short-chains can also be very problematic.

MR. GOODELL: If it's okay, can we talk about that a little bit?

MS. FAHY: Sure.

MR. GOODELL: The FDA maintains Federal jurisdictional control over all food packaging, correct?

MS. FAHY: Yes. It's --

MR. GOODELL: Of course the DEC here locally, also, has a concurrent rule if they wished to exercise it. Has the FDA moved forward on any regulations to ban any of the short-chain PFAS?

MS. FAHY: Let me -- okay, let me answer the -- the couple of pieces there. Thank you. First of all, the FDA's moved on certain things, but as you know, often the -- the assertiveness of -- of trying to clean up chemicals in our environment, New York has been a leader repeatedly on this. So the leadership has often come from the states, not from the Federal government. And there is no Federal preemption provision that -- that would be a problem here. The other thing is, what's interesting is even though the FDA has not outright banned these, the fact that this Administration, under this President, has just shortened the timeline and given -- and directed the military to phase out all PFAs out of their food packaging, especially on these ready -- ready-to-eat meals, the very popular ready-to-eat meals used

by the Armed Forces. So they have a more aggressive timeline. That might not be the FDA, but that is the U.S. military. And so there is a growing recognition that these products are -- have been, again, linked to numerous problems, just as it took us many years to find the problems with PFOAs, two of the sub-chemicals in PFOSs. We recognized that -- the health impacts, whether it's cancer, thyroid disease, birth defects and more. So, once again, we are looking to New York and other states to take the leadership, even though I commend the Administration for showing tremendous leadership with the military, at least, with removing this from packaging.

MR. GOODELL: But as of this date, certainly as you point out correctly, and thank you -- certainly the Administration is very much aware of this issue. You've noted they're moving forward on the purchasing side, so the Federal government is saying, *We're not going to purchase packaging for our military that contains this chemical composition*. The FDA, at this point, has only banned long-chain, they have not banned short-chain. You mentioned other states. I'm aware that the State of Washington in 2018 passed a ban, but that ban doesn't kick in until 2022; am I correct?

MS. FAHY: And -- and that would be the case here. This would -- ours would be implemented at the -- December 31st, 2022. So we have a -- a two-year-plus window as well here. And I should add, in addition to what the military has done, New York State itself, the Executive Order, has also banned any purchasing of -- of food packaging with these chemicals in it as well. So we -- which is

why I think you're seeing huge name-brand companies such as Taco Bell, Chipotle, you're seeing Stop & Shop, Hannaford and more who are setting up timelines to eliminate all PFAs from their food packaging. The --

MR. GOODELL: Well before we leave the --

MS. FAHY: Sure.

MR. GOODELL: -- State of Washington, that legislation, though, said that even with a 2022 deadline, that deadline was not a firm deadline, right? It provided that that would kick in only if there was an identification of safer alternatives available for the food industry. Does this bill have comparable language?

MS. FAHY: That may be the case in Washington, but there are already numerous alternatives --

MR. GOODELL: But my question is, does this -- does this legislation have comparable language?

MS. FAHY: No.

MR. GOODELL: Okay. And --

MS. FAHY: Because -- because -- if I could just add, because since their legislation passed in 2018, there have been numerous alternatives that have been identified using wheat products, corn products, the (unintelligible) products. So there are -- it's actually -- I think you know I'm -- I'm very fond of promoting Upstate, especially small businesses. And the innovation that has been created around this I think is -- is creating whole new markets, especially for small businesses, to really come into this market. And we are already

seeing alternative packaging, which is why you've seen major corporations and grocery chains recognizing there are -- there are safe alternatives. They are getting in front of this, and we think the two-and-a-half -- almost two-and-a-half-year window here will just fuel more markets. If I could just add, one of the --

MR. GOODELL: (Unintelligible) interrupt --

MS. FAHY: Of course. Of course.

MR. GOODELL: -- we have limited time --

MS. FAHY: Sure.

MR. GOODELL: -- and I was kind of hoping you might -- I might be able to ask some questions --

MS. FAHY: Sure.

MS. GOODELL: -- and that you might answer the questions I have.

MS. FAHY: Okay.

MR. GOODELL: I understand you've got a wealth of knowledge that you want to share with us, and I appreciate that. And -- and you will, by the way, have more time if you want to speak, another 15 minutes to share all those studies with us, if you like. Now, am I correct that PFAS is ubiquitous in the environment at trace levels? This is a naturally-occurring chemical in trace levels throughout the environment, correct?

MS. FAHY: It's -- it's not -- yeah. It's not naturally-occurring. These are 5,000 different chemicals, up to 5,000, but they're all manmade. So, no, it's not naturally-occurring at all which is

why we are trying to remove them.

MR. GOODELL: Now, there's been a lot of concern that regulating trace levels that would have no impact on public health might be inappropriate. Does this bill provide a threshold so that it excludes trace levels from regulation?

MS. FAHY: Thank you. Great question. And this bill was on the floor over a year ago and we pulled the bill to -- to strengthen some language around that while we don't set an actual threshold, but we did add language that said there is an exemption where there's no intentionally-added chemical. So for instance, where it --

MR. GOODELL: And I saw that change. That was very positive. The concern, though, has been raised in the paper industry about the phrase "intentionally added" because, as you know, we've had a tremendous push throughout the State to recycle paper, recycle and reuse. And that has tremendous environmental advantages because the production of paper not only involves the destruction of the trees, but huge amounts of energy and water and produces massive amounts of wastewater, high levels of POD. The concern that was raised by the paper industry is would that intentionally added phrase be triggered if they're using recycled paper that had been intentionally added in the original manufacturing?

MS. FAHY: Good question again. That was one of the reasons why we pulled the bill last year and added in this language. No, they would not be harmed by this legislation. If

anything, that would be exempt and there was the example used of WestRock, a terrific manufacturer Upstate that does exactly what you were talking about. They would be exempt under this definition of not intentionally added chemical.

MR. GOODELL: Thank you very much, Ms. Fahy. I appreciate your comments and your extensive research, obviously, on this issue. Thank you so much.

MS. FAHY: Thank you.

MR. GOODELL: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Certainly the use of long-chain PFASs has been an issue. The industry recognized that issue in 2011 and voluntarily banned the use of long-chain PFAS chemicals. The FDA, very much aware of this issue. In 2016, they banned the use of long-chain PFAS. Other states have implemented a ban, and, similar to the legislation we're considering today, had an effective date that was years away, recognizing that you need to look for safer alternatives in the meantime. And I appreciate my colleague's comment that those safer alternatives are being developed.

At the same time, while the U.S. government is clearly aware of this issue, and the FDA has ruled on this issue already on long-term -- or long-chain PFAS, they also recognize that there are over 5,000 chemicals or forms of this chemical and not all of them are dangerous. So, with 5,000 variations, they've eliminated all the long-chain ones, they recognize those as dangerous, but they haven't

thrown out the entire class. Nor has the EPA. Nor have any of the experts in our own DEC. Nor have any of our experts in the Health Department.

So, once again, while I really appreciate the expertise of my colleague, we are being asked to ban 5,000 variations of this component with none of us doing those scientific studies or analyzing the cost-benefit on all 5,000, without the FDA indicating that all 5,000 need to be banned, or the DEC or our own Health Department; yet, by legislative fiat we are removing all these compounds. That's a concern. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect December 31st, 2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 179. This is a Party vote. Any member wishing to be recorded as an exception is -- 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 Caucus will generally be in the negative. Those who wish to vote in the affirmative should contact the Minority Leader's office and advise them so that we can correctly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome. So

noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be voting in the affirmative on this item. Should there be colleagues who desire not to vote for it, they should contact the office and we'll make sure their negative vote is recorded.

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

(The Clerk recorded the vote.)

Ms. Fahy to explain your vote.

MS. FAHY: Again, this is a bill that's been a couple of years in the making to ban PFAS, which is a group of approximately 5,000 manmade chemicals that are used for waterproofing or creating non-stick surfaces. Underneath that class of PFAS have included PFOAs and PFOSs, which we know have had significant and quite serious carcinogens that have really polluted our water in a host of places and we're spending millions, if not billions, cleaning that up. This class in numerous studies have shown very, very troubling health concerns, including cancer, including decreased vaccine responses, cholesterol levels, as well as decreases in birth rates.

I will say one of the most important memos of support that we had for this came from the New York Sustainable Business Council. I'm very sensitive to hurting business in Upstate,

let alone anywhere in New York State. They came out in strong support of this. They represent over 2,000 businesses and repeatedly talked about how there are alternatives that are plastic-free, tree-free and PFA-free food containers. The business -- especially small businesses are ready and what we've seen large businesses already commit to removing PFAS from their packaging. Businesses -- aside from those types of businesses, we also know that the entire craft beverage industry relies on clean water, and that's been a multi-billion dollar growth, businesses that have grown in New York State with -- and something I have supported strongly in the past with a few other pieces of legislation. We need clean water in order to do that.

The other most troubling piece of PFAS is that they are considered forever chemicals. Forever chemicals, I find this the most troubling part of -- of these classic chemicals. So, I commend so many who have helped with this legislation and I vote in support. And thank you again, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Oftentimes when we're discussing chemicals, the names -- the names of the chemical itself strikes fear in our hearts, and it makes it more difficult for us to actually make nuance differences. And I'm concerned that that may be the situation here.

A few weeks ago, we had a tragic situation in my

county where a person died from an overdose of hydrogen dioxide. And, unfortunately, it happens almost every year in my county because we have several lakes. And for those of you who are familiar, hydrogen dioxide is H₂O, or water. But it sounds so much more serious -- oh, by the way, there's nothing that isn't serious about drowning. But when you refer to water as hydrogen dioxide, it takes on a whole new meaning.

This bill was introduced about a dozen years ago, and a dozen years ago long-chain PFASs had not been banned. But the industry itself voluntarily ended its use many, many years ago; nine years ago. And the FDA has banned the dangerous forms in 2016. We're continually reminded by almost daily briefings to follow the science. Follow the science. Rely on the experts. But here today we're being asked to ignore the experts at the FDA, ignore the experts at the DEC, ignore the experts at the Health Department and ban 5,000 chemicals because they are all part of a very broad class. That's too broad of a ban. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The following Republican members would like to vote in favor of this legislation: Mr. Walczyk, Mr. Ashby, Mr. Miller, Mrs. Miller - they're unrelated - Mr. Reilly, Mr. Salka, Mr. Schmitt, Ms. Malliotakis, Mr. Byrne, Mr. DeStefano, Mr. Montesano, Mr. Mikulin and Mr. Palumbo. 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. A05415-A, Calendar No. 205, Thiele, Jean-Pierre, Galef, Griffin. An act to amend the Navigation Law and the Insurance Law, in relation to insurance rate reductions upon completion of a boating safety course or an advanced boating safety course.

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

An explanation is requested, Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker. This legislation we have seen before on the floor, and Mr. Goodell and I have discussed this bill before. It has been amended. We, at a time earlier in the year when we were all in the Chamber, we had a -- a debate with regard to this bill. So let me just summarize again what the legislation does.

This bill would allow the Department of Financial Services to provide for or authorize an insurer to issue an actuarial appropriate discount for boat insurance if the insured has participated in and completed a boating safety course. Anticipating some of the

discussion from our -- our prior debate, the discussion about this bill last time was what were -- what were the responsibilities of the parties, how would the bill work, what were the mechanics. And we had a discussion over the words "shall" and "may." And that's really what has changed in this bill. After discussions with the Senate -- this has been a one-House bill in the past, we've had discussions with the Senate, and that's what provided for this amendment.

So how this legislation would now work is that when an insurance company provides for or submits a rate plan to DFS, under this legislation they would be required to provide for, in part of their plan, this particular deduction based on a -- on a boating safety course. And our discussion before was, well if it was approved, if the plan was approved by DFS, would the insurance company be required to offer the discount. And in the -- in the prior draft, the word was "may". In our debate, I stated that it was "may" and it would not be required. This amendment now changes "may" to "shall." So, the insurance company must submit this -- provide for this deduction as part of a rate plan if it is approved by DFS and an insured completes either a boating safety course or an advanced boating safety course, the language now says "shall". So, that means if the course has been completed and the certificate is submitted, the insurance company would be required to provide a -- an actuary -- an actuarial appropriate discount for that insured.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Thiele. And I -- I

appreciate the clarification in this language. Last year, as you may recall, we adopted legislation that would require every single person operating a motor vehicle in the State of New York to take and pass a safe boating class. And -- and that was phased in over a few years to allow our system to handle the increase. Would that mandatory safe boating class qualify under this bill as being a boat -- a boating safety course?

MR. THIELE: Well, first of all, I guess I'd make two points: One is what my bill adds to is -- is a boating safety course was already included in the existing law. This bill actually adds an advanced boating safety course as -- as something that would require the -- the discount, also. So the advanced boating safety course isn't required by the legislation we -- we previously passed last year. So -- so that would be point number one. And second, there are -- to -- to get the discount under this legislation, you would have to provide -- it would have to meet certain requirements with the Parks Department under the Navigation Law. So, if that course meets -- if -- if both courses meet those requirements, the -- the answer would be yes.

MR. GOODELL: So then my question is you envision, then, three insurance rates, one for those who are operating boats illegally who haven't taken the basic course, a second one for those who have taken the basic course and are operating lawfully, and a third one for those who have taken the advanced course?

MR. THIELE: Well, I would probably agree with the -- the latter two. I don't think anybody is suggesting that there should

be a rate or that we in any way should be countenancing the illegal operation of a boat.

MR. GOODELL: In addition to being able to take the safe boating course, as you know there are multiple licenses that are issued either by the U.S. Coast Guard or by the State itself relating to boating, and those often involve written, sometimes factual exams, as well. What you envision that an individual that has one of those specialized license, whether a Coast Guard, they call it a six pack, or a Coast Guard Masters License or a New York State Pilot Engineers License or Pilot License would automatically be eligible for the enhanced discount for a -- an advanced boating safety course?

MR. THIELE: This legislation really doesn't address that. It really just focuses on the advanced boating safety course. If that is part of the licensing requirements that you're talking about, obviously it would apply. If not, it would not apply.

MR. GOODELL: Thank you very much for your comments.

On the bill, sir.

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

MR. GOODELL: I'm thankful that the sponsor included in the language that the discount has to be actuarially appropriate, and -- and that's a huge safety valve, if you will, so that insurance companies aren't mandated by this Legislature to offer a discount that is not justified by experience or risk rating. And so, I

want to commend my colleague for the foresight in making that clear in this bill, that the discount has to be based on an actuarial analysis of a reduction and risk associated with advanced boating safety courses or the basic safety courses. I -- I have tremendous respect for my colleague and enjoyed discussing this with him in part because I have a marine license, I'm a Licensed Marine Pilot Engineer, which authorizes me to charge people who ride on my vessel, which I've not yet done, even though I've held it for 20 or 30 years. But maybe sometime that any of my colleagues want to come to my lake, I'd be glad to give them a ride, and they'll probably get the same family discount that everyone else does.

But what's curious to me is that if everyone in the State of New York is required to take a basic safety course in order to operate a boat, what's meant by a discount? It's a little bit like walking into a -- a used car dealership and the sign says, *Used to be \$20,000, and there's a red slash and it's now \$19-*. Well, okay. So now we're -- the net effect of this is we're going to ask insurance companies that have an artificially high rate for everyone who's operating illegally in New York State, because everyone else has to take a boating safety course and they're -- they're required by law, this law, would require them to provide a discount, which means the only way you can provide a discount to everybody is to raise the rate for those few who are here illegally who haven't been taking that boater safety course.

So, it's just a -- it's a curious situation and maybe it's

the mathematics background I have, but it's just a curious situation. But since this bill includes the actuarial requirement, then I guess we'll see how -- how it all plays out. Thank you, sir. And thank you again to my colleague.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes?

Oh. Read the last section. I'm sorry.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 205. 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 Mr. DiPietro and Mr. Walczyk in the negative.

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

Are there -- are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could

continue our work on debate and go to Calendar No. 168 by Mr. Cusick, and Calendar No. 322 by Ms. Walker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04454, Calendar No. 168, Cusick, L. Rosenthal, Englebright, Abinanti, Lupardo, Otis, D'Urso, Malliotakis, Reilly. An act to amend the Environmental Conservation Law, in relation to requiring notice to adjacent landowners where certain development is proposed in wetlands in a city with a population of one million or more.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill would require that any activity that would impact on a wetland, delineated wetland within the City of New York or any city with a population of a million or more, which for most people means the City of New York, that a copy of the application must be mailed to everyone within 1,000 feet of the affected activity. And the concern that has been raised is that if you're in the City of New York, sending a notice to the owners of record of everyone within 1,000 feet could involve a lot of people. You can have a cooperative or a condo where you have literally hundreds of residents who are two-tenths of a mile away from the affected activity that's blocks away who are now required to receive a notice, the application sent by the City, apparently, at City taxpayers' expense

with a map and a detailed description. Under current law, only those who are adjacent to the projects are required to receive notice.

And so, there's some concern that perhaps the notice requirement in a densely populated area that extends two-tenths of a mile from any wetland may impose substantial additional costs on the project and on the City.

I would note, if I may, that during this debate process while we've been on Zoom in an effort to make the voting process smoother, we evolved and called for a Party vote where we know the majority of one party or the other is voting in a certain way. Sometimes we'll call a fast vote, particularly on non-controversial issues where we're pretty sure everyone is in agreement and, from time to time, we come across legislation where the Republican Caucus is almost evenly split, which makes my job challenging on which way to call this.

And so, I will be calling a fast vote on this, but I would remind my colleagues that there were 17 no votes in 2019 and by going onto our Assembly web page and clicking on "bill search" and typing in this Bill No. A04454, they can verify how they voted in the past, but please do not call us on the floor to ask us to verify it for you. So, it will be a relatively fast vote as I encourage my colleagues to review how they have voted in Committee or on the floor in the past, and about half of you were yes, and about half of you voted no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar 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, but you will not call them to ask how you voted last year.

(The Clerk recorded the vote.)

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this particular bill, Calendar No. 168, the following Republican members wish to be voted in the negative: Mr. DiPietro, Mr. Crouch, Mr. Fitzpatrick, Mr. Kolb, Mr. Lawrence, Mr. Salka and Mr. Tague. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you, Ms. Walsh.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08280-C, Calendar No. 322, Walker, Carroll, Ortiz, Stirpe, L. Rosenthal, Jean-Pierre, Colton, Perry, Lifton, Reyes, Hyndman, Gottfried, Mosley, Simon, Weprin, Wright, Bichotte, Joyner, Frontus, Taylor, Jacobson,

Seawright, Blake, Barron, Dinowitz, Vanel, Hevesi, Cook, Rodriguez, Darling, De La Rosa, Steck. An act to amend the Election Law, in relation to establishing an automatic voter registration process integrated within designated agency applications.

ACTING SPEAKER AUBRY: On a motion by Ms. Walker, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. So, this bill will create an automatic voter registration system that will use applications at several State and local agencies that are integrated with New York's voter registration application to register and pre-register voters at the point of contact with such agencies. Such application shall include all required voter registration data and will be transmitted by the agency to the State Board of Elections through an interface with the electronic voter registration transmittal system established and maintained by the State Board of Elections. The State Board will then transmit such registration information to the appropriate local Board of Elections.

ACTING SPEAKER JONES: Mr. Norris.

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

MS. WALKER: Yes, Mr. Norris.

ACTING SPEAKER JONES: The sponsor will yield.

MR. NORRIS: How practically is this going to

work?

MS. WALKER: Well, that's a -- that -- of course the bill is available to -- for everyone to read, but I will summarize as best as I can considering the time constraints that we're under. So, the agencies which are participating include the Department of Motor Vehicles, the Department of Health, the Office of Temporary and Disability Assistance, the Department of Labor, the Office of Vocational and Educational Services for Individual with Disabilities, County and City Departments of Social Services and the New York City Housing Authority. It also will include any other agency that will be designated by the Governor because the Governor has a yearly review -- yearly review of the processes with respect to automatic voter registration.

If, for some reason, that the voter's signature when they present their application is not transmitted electronically with the application and it is otherwise available from the Statewide voter registration database or any agency's records, the State Board of Elections shall within ten days notify the voter. That voter may then submit a signature in one of four ways, whether it be in person, by mail with return postage paid provided by the Board of Elections or by -- by electronic mail, or by any electronic upload to the Board of Elections through the electronic voter registration transmittal system.

There are generally some questions with respect to party enrollment that we foresaw and so, therefore, with respect to party enrollment, a voter may enroll in a party at the same time he or

she registers. The integrated form will contain a prominent warning that states if you do not choose a party, you will not be able to participate in primary elections for that party; however, if a voter fails to enroll in a party when that voter either registers or pre-registers for the first time and note, emphasis on "for the first time" through the automatic voter registration system and fails to enroll in a party, the Board of Elections shall promptly, but not later than 21 days after receipt of the registration or pre-registration send the voter a notice, that's the first notice, and a form to enroll or decline in a party with return postage paid. The notice shall contain a prominent warning that states if you do not choose a party, you will not be able to participate in primary elections for that party. If the voter fails to respond within 45 days, a second notice and form shall be sent to them by the Board of Elections.

If the voter fails to enroll after that notice, when they register for the first time through the AVR system and did not appear -- and did not enroll in a party at that time, but shows up at a primary to vote, such voter will complete an affidavit ballot. If the Board finds that the voter registered or pre-registered for the first time through the AVR system, such registration occurred at least 25 days before the primary, which is already law, the voter did not enroll in a party and the voter appeared at a primary election and indicated on the affidavit ballot envelope the intent to enroll in such party, the affidavit ballot shall be cast and counted if the voter is qualified to vote in such election, and that voter will be enrolled in the party and that vote will

be cast.

MR. NORRIS: Ms. Walker, thank you very much for that explanation. I would like to just move to some specific questions because I'm under a 15 minute time limit, but I do appreciate it. Now, you mentioned that the agencies that are mandated by the proposed statute include the Department of Social Services, including the -- and the New York City Housing Authority; is that correct?

MS. WALKER: That's correct.

MR. NORRIS: All right. I'm going to ask you a few questions, because I want to know if these agencies are part of the proposal of this bill. What about under the Department of Ag and Markets for farming forums for our farmers?

MS. WALKER: Well, as I indicated also, Mr. Norris, that the Governor, after a review of the process with a respect to automatic voter registration, may designate additional State agencies by which to include in the automatic voter registration system. And, in fact, at time the Governor deems that the Department Ag and Markets through the farmer's application is such agency to be included, then he is at liberty to do so.

MR. NORRIS: So the Legislature, on your bill, is picking and choosing which agencies they want and then delegating some to the Governor. As a philosophical question, do you believe that the Legislature is a co-equal branch of government in New York State in relation to also the Governor and the Judiciary, we're co-equal with him?

MS. WALKER: Well, I don't want to, you know, go into civics, though I do believe that it should be taught in schools, but from my understanding there are Legislative branches which includes the New York State Assembly and the New York State Senate, and the Executive branch of government is the Governor's Office. So, we are the Legislative branch and he is the Executive Branch, so --

MR. NORRIS: Okay.

MS. WALKER: -- whether it's equal or equitable I think is a conversation that's always up for -- for debate. Perhaps we can have this conversation during budget time and let's see what the response would be.

MR. NORRIS: I would love to have that conversation at the budget time, as well. The -- just -- I want to point out a couple other agencies for the record that I don't think are in your bill, but if they are maybe you can point them out to me: Department of Tax and Finance where people file their tax forms; the Empire State Development Corporation where people do their economic forms for incentives for businesses; the Department of Environmental Conservation where people would have oversight of their fishing and hunting licenses; the Department of State where business formation forms are found; pistol permit offices where people apply for their pistol permit; the Alcohol and Beverage Control Agency where people apply for liquor licenses; the Real Property Services Offices of New York State where people fill out their property tax forms and STAR applications; our local municipal clerks and assessor's offices where

they transact many of these businesses; our small business centers; our professional license renewals, including real estate brokers, attorneys, and Department of Financial Services for banking records.

My point is there are many more agencies and there are many more forms than you specifically have placed in your bill and I just think it is -- it should be equitable, talking about equality, that we have all of these forms. If we're going to go down this route, that we don't just pick and choose, that we actually have all of the possible forms that citizens and constituents in New York State fill out have the opportunity to have their registration done automatically.

Now, if I could just move on to another section of this which is, I think, very, very important. On the automatic voter registration system, will there be an opt-out box for an individual to opt out or to decline if they're not eligible to register to vote?

MS. WALKER: Yes, there -- there is, in fact. The -- here are some provisions to minimize non-citizens getting registered: Number one, a front end opportunity to decline registration rather than a back end that registers a voter and then later notifies the voter that he or she may decline registration is available; two, a provision that bars an agency from sending a voter registration application to the State Board of Elections if the individual indicates they do not meet the qualifications to register to vote; three, a prominent warning that states if you do not check this box and you provide your signature on the space below, you will have attested to your eligibility to register or pre-register to vote and you will have applied to register or

pre-register to vote, and the preregistration is concerning 16- and 17-year-olds; a prominent warning that states if you are not a citizen of the United States, you must check the box below. Non-citizens who register or pre-register to vote may be subject to criminal penalties and such voter registration or pre-registration may result in deportation or removal, exclusion from admission to the United States or denial of naturalization.

So these are some of the notices that will be available and provided. The inclusion of a box that the individual can check that includes the following statement: "I decline use of this form for voter registration and pre-registration purposes. Do not forward my information to the Board of Elections." And when that box is checked, no information with respect to that voter for voter registration purposes will be forwarded to the Board of Elections for registration. The requirement that the State Board of Elections and the designated agencies promulgate regulations to effectuate the law and minimize any opportunities for such registrations.

Furthermore, to protect individuals from unfairly or unjustly being considered someone who is registering to vote when they are not eligible, there is a presumption of innocence which is baked into this legislation. If a mistake does happen and a voter who is not qualified gets registered, attempts to vote or votes, the bill -- this bill contains a presumption of innocence unless the individual did so willfully and knowingly.

MR. NORRIS: Thank you, Ms. Walker, for that.

Now, do they also have to ask the question which is on the voter registration card - I actually have one in front of me because I pulled one out, it says, "Are you a citizen of the U.S., yes or no? Will they still have to answer that question?"

MS. WALKER: Well, you mentioned some of the agencies which were already included in this legislation. Some of those agencies were chosen because they're already keeping citizenship information on individuals who present themselves to that office. And so, this information is still there and the question which is, of course, the first question on the voter registration application will still be listed on any potential future applications for services and, likewise, automatic voter registration.

MR. NORRIS: Thank you very much, because underneath it it says, "If you answer no, you cannot register to vote." That is question number one on our current form. So I don't even understand why we even need to have an opt-out box in the first place when it says right there, "Are you a citizen of the U.S., yes or no?" If you answer no, you cannot register to vote. Period. And then the information on the bottom, because my time is running out and I want to make sure I get this on the record, I swear or affirm that I am a citizen of the United States. I will have lived in the county, city or village for at least 30 days before the election. This is my signature or mark below. The above information is true. I understand that if it is not true, I can -- I can be convicted and fined up to \$5,000 or jailed for four -- up to four years. It's already on our form. What I suggest to

you even instead of having the opt-out box at all, put a big stop sign on it and say, stop, do not fill out this form. Because what's going to happen is is that someone may not decline that box who's not a U.S. citizen and inadvertently continue or maybe intentionally continue to sign and fill out the form, which leads to potential fraud, which leads to potential non-U.S. citizens voting in our elections that I know none of us would like to see, because voting is a sacred right for all of us and it's very, very important. I have great concerns about that.

And, furthermore, I want to just mention this liability exemption where we have this warning. Now, if you continue with the warning, it's very clear and you've read it into the record already, "If you are not a citizen of the United States you must check the box below. Non-citizens who register or pre-register to vote may be subject to criminal penalties and such voter registration or pre-registration may result in deportation or removal, exclusion from admission to the United States or denial of naturalization." That warning is there, too. So, in the event that they are warned with that warning and they still continue, I just find it absurd that we are then providing another provision in the law which basically grants them immunity from prosecution, especially after the warning that is right in the proposal that you have and they are proceeding forward.

So, I have great concerns about this and I want to just express them for the record. And also -- I know that I'm running out of time, I just really am concerned about the costs to our Board of Elections for the implementation of this proposal, and also because of

the accessibility already of voter registration forms. You can get them anywhere. You can get them online, you can get them at the Post Office. I believe you're going to eventually register online. So again, I just think this is unnecessary, it is riddled with flaws and I encourage -- I've heard the buzzer, I encourage all my colleagues to please vote in the negative. Thank you, Mr. Speaker --

ACTING SPEAKER JONES: Thank you, Mr. Norris. Thank you.

MR. NORRIS: -- thank you, Ms. Walker.

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I'd like an opportunity to ask the sponsor some questions.

ACTING SPEAKER JONES: Will the sponsor yield?

MS. WALKER: Yes.

ACTING SPEAKER JONES: The sponsor yields.

MR. MALLIOTAKIS: Thank you, Ms. Walker. So, currently under the National Voter Registration Act of 1993, which is also known as the Motor Voter Act, our DMVs as well as our public assistant offices are required to offer voter registration opportunities to individuals when they come either apply for a driver's license or apply for public assistance. Now, this bill would actually take it a step further and require that those agencies, as well as additional agencies automatically be voter. So, my question is why are we choosing to automatically register people to vote instead of just asking them as we

currently are doing under the Motor Voter Act?

MS. WALKER: Well, I think that New York State, we are in a movement with respect to our Election Laws from going from worst to first. And this is synonymous with a number of other progressive Election Law reforms that we have engaged in as a Body which makes voting easy, efficient and accessible. And so, to the extent that automatic voter registration provides that opportunity to all voters who present at the stated agencies, as well as future agencies, I believe that we are doing an act which is in furtherance of any voting rights legislations, whether it's the Motor Voter from 1993 or the Voting Rights Act of 1965.

MR. MALLIOTAKIS: Now, if - if the intent is truly to register as many people to vote, then why are you excluding such agencies as was mentioned by Mr. Norris, including those who paying -- individuals who are paying taxes to the IRS -- I mean, not to the IRS, to our State Department of Finance, or applying for a hunting license or fishing license. It just seems that it's very arbitrary, the agencies that you've selected. So, it kind of diminishes -- if the intent is truly to register as many people, I don't understand why we're limiting those options, but -- but, more importantly, I think, you know, voting is a right, it's a privilege and -- and asking individuals if they'd like to vote when they apply, I think is very sufficient because they also have a right to decline if they choose not to be involved which, of course, we don't want to encourage, we do want people to vote, but we want to at least provide -- provide that option. I mean, we're forcing

someone to check off an opt-out box, doesn't -- I don't think makes sense. We should just ask them if they want to register.

And that brings me to another point. Now that those who are in the country illegally or non-citizens are eligible for driver's licenses and, if you recall, I did bring this up as a concern during the Green Light driver's license debate. I was told not to worry about it, that New York wasn't going to be doing automatic voter registration any time soon. Well, here we are and now we're doing automatic voter registration. My question for you is if an individual, for example, applies for an driver's license using a foreign document, okay. I walk in with a Greek Passport, for example. Am I going to have my information automatically sent to the Board of Elections?

MS. WALKER: So, the in -- so the short answer is when a person presents at one of the listed agencies, that information will be forwarded to the Board of Elections. But with respect to the agency selection process, the agencies were selected based on a number of considerations. And the first one is does the agency currently have online applications? Does the current application form ask about citizenship? Does the agency have a centralized Statewide application? Does the application ask for a driver's license ID and/or Social Security Number? So, there -- this was sort of the rationale by which the agencies which were listed were chosen. And trust, it was a vetted process where we looked at as many agencies as possible by which to make sure that as many people will be able to avail themselves of automatic voter registration as possible.

MS. MALLIOTAKIS: So, if someone is -- so you're saying that all these agencies that have been selected do ask that question, "Are you a U.S. citizen?"

MS. WALKER: What I am saying is that the process which was involved with respect to the choice of agencies included that question. And I will particularly say so as well for the New York City Housing Authority and, generally speaking, almost every agency which involves any Federal resources, it is a requirement that that question is asked in the first place. So, I will submit to you that, you know, that was a part of our consideration.

MS. MALLIOTAKIS: So, you're saying, just to confirm, because I really just kind of want a "yes" or "no" answer. You're saying that every agency will ask if the individual is a U.S. citizen before proceeding with providing them with this automatic voter registration?

MS. WALKER: So, the information may not be necessary for purposes of getting the agency services. So, for instance, if I present because I, you know, am looking for child support to OTDA, it may or may not be necessary for them to know whether or not I'm a citizen, but for purposes of automatic voter registration, you will be asked. There will be other procedural safeguards that are put in place in order to protect any voter who is not eligible to vote from registering, as well as from voting. And in the event that a mistake is made, there is also a presumption of innocence to protect that voter from any possible and future criminal litigation.

MS. MALLIOTAKIS: So, is one of the safeguards when you apply for any of this and you have to -- when you apply for a driver's license, for example, you have to present ID so people know that you are. Is one of the safeguards going to be to -- to provide U.S. documentation, U.S. identity to show that you are a U.S. citizen?

MS. WALKER: Well, one of the things that, you know, I was very conscious of is the fact that it is not the principle or the spirit of the Voting Rights Act of 1965 to create any avenue which infringes upon a person registering to vote. And we have seen across the country that there are voter ID laws that have threatened those -- those liberties. And so, we wanted to ensure that just like you can fill out your voter registration form in this instance and register to vote without having to necessarily present a photo identification, those same considerations are -- exist under the automatic voter registration situation.

MS. MALLIOTAKIS: Okay. So, to make a long story short and just to get to the bottom line here, if I walk into the DMV with a passport, a foreign passport from Greece, that's my identity that I'm using to apply for a driver's license, my information will be automatically sent to the Board of Elections; "yes" or "no"?

MS. WALKER: If you're registered to vote and you don't decline, your information for voter registration purposes will be sent to the State Board of Elections.

MS. MALLIOTAKIS: Okay. Well, you're not -- you're not voluntary -- voluntarily registering to vote anymore, this is

now automatic we're talking about --

MS. WALKER: But you have the option of declining if that's what you're interested in.

MS. MALLIOTAKIS: Yeah, you do have the option, and that's lovely, but, you know, to be honest, that -- that puts the burden on the individual to, number one, you know, understand what the question is, number two, to be honest about it, and it's not really a safeguard that we're putting in place to ensure that an individual isn't accidentally or purposefully, you know, registering to vote. So, I think it is a major issue that, you know, and it really does compromise the integrity of our elections.

So, you know, we can move on from that, but I think that that is a key point, a key flaw in this legislation, because you then -- you even go so far as in subsection 5904, paragraph 1 to say that if a person who is ineligible to vote who fails to decline to register to vote in accordance with the provisions of this Section do not willfully or knowingly seek to register or pre-register to vote, they shall not be guilty of any crime as a result of the applicant's failure to make such declination. And the same thing goes if they -- they actually go and vote. In the next subsequent paragraph they talk about actually who -- a person who -- who fails to decline to register or pre-register and then who either votes or attempts to vote in an election held after the person's registration shall not be guilty of any crime as a result of the applicant's failure.

So, I don't understand what safeguards you actually

are putting in here because, quite frankly, it looks like you're making it easy for people who are not even citizens, they're not even eligible, not even 18, to vote because there are no safeguards in here. So, I'd like to know, again, what exactly are the safeguards to ensure that, you know, someone isn't coming with a foreign document. As you know, the -- the -- the -- the Green Light driver's license law from last year allows individuals to use a foreign passport, they allow them to use an expired foreign driver's license, you know, and -- and -- and -- so, that's number one, that would be the first safeguard. If someone comes with a, and I like to use that example, because I'm Greek, all right, passport from Greece. All right, guess what? We don't move on to that section where we automatically register you to vote. It's not an infringement on anyone's right to vote to ask them to actually furnish U.S. documentation that shows that they are a U.S. citizen. That's why we ask the driver's license numbers, that's why we ask the last four digits of the Social Security Number. But now, you don't even, you know, you can just walk in and apply for a driver's license that day and get automatically registered to vote. So -- so, I don't understand why we are going this far. I think having agency -- and I guess I'll speak on the bill, because I really don't have no more questions because --

MS. WALKER: You asked three questions.

MS. MALLIOTAKIS: All right. Well, if you want to throw in any more safeguards, then, you know, please add, but I don't -- it doesn't seem like there are any.

MS. WALKER: Well, I did read off in the record a number of notices that will be provided to an individual to prevent them or to warn of the impending challenges that will present a person if they register to vote and they are ineligible. But I also believe, again, that, you know, voting should be easy, it should be efficient, it should be effective and I do not believe that we should deny any individuals who are eligible for the right to vote an opportunity not to be automatically registered because this is just the way that our progressive Election Law reforms are going -- going towards.

And so, I think that it's the best way that we can reconcile a number of the archaic Election Laws that we have had on the books for a long time, and I believe it is a great day in the State of New York. This is not a "gotcha" moment for Election Law. You don't go and register to vote in hopes that, you know, the State is going to say, you know, *Gotcha, now you'll be, you know, prosecuted criminally*. And so, we want to make sure that there are all of these provisions in place that makes voting something that people want to do, people want to engage in the process and it's an easier opportunity for them to do so. And so, I'm proud of the legislation, but I look forward to continuing in the dialog with you and listening to your on the bill commentary.

MS. MALLIOTAKIS: And if -- and if people want to vote, they absolutely have every right to vote, so I don't think that, you know, that's the issue here.

On the bill, please.

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

MS. MALLIOTAKIS: You know, I think the most important thing that we have in this nation is the integrity of our election system. We need to ensure that only United States citizens, those who are eligible meeting the citizenship requirement, the age requirement and the residency requirement register to vote. The -- when the voter -- when the Motor Voter Law was passed by the United States Congress and signed by President Bill Clinton, it was a good initiative because it offered people the opportunity and asked them whether they wanted to vote when they came to various agencies. We certainly, as a State, should be adding to that list of agencies that ask individuals if they would like to register. I think that's a wonderful thing to do. However, this bill does not do that. And when the -- the Motor Voter Law was passed, by the way, in 1993, they did not anticipate that states like ours would be registering those who are non-citizens -- those who are in the country illegally to give them driver's licenses.

So, we as a State have an obligation to protect the integrity of our election system. And the way that we do that is to ensure that only United States citizens register to vote. This bill does not provide safeguards. It asks a question, if you want to opt out, if you're not eligible, then you have to check a box. But if you don't check that box, your information will be automatically sent to the Board of Elections to register you to vote, even -- even, as the sponsor

confirmed, if you apply for that driver's license using a foreign passport or a foreign document. Think about that. There is no safeguard in this bill to protect the integrity of our elections and to ensure that only the United States citizens elect -- elect their government.

So, I -- I really feel that that, in addition to the -- the following provisions that actually make it so there's no penalty if you accidentally register to vote or you accidentally do vote. Now, of course, there may be some people who may accidentally register to vote, which is exactly why I want to have the safeguards in place. So we should be doing what I'm saying and put those safeguards at the front end instead of allowing people to -- you know, the fact that you even put that in there that we're going to not have any penalty for individuals who accidentally register to vote or not willfully or accidentally actually cast their vote just shows you anticipate --

ACTING SPEAKER JONES: Thank you, Ms. Malliotakis. Your time is up. Thank you.

Mr. Schmitt.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER JONES: The sponsor will yield.

MR. SCHMITT: Thank you. I just -- I'm going to ask you a few questions. I might clarify some of your previous answers and take a couple of other topics that we haven't touched yet. I just want to confirm, right now looking at the DMV driver's license or non-driver ID card application, there is the chance to, yes, I want to do a voter registration, no, I decline. And if you do not check either box, it would be considered as not having decided to register to vote. So, we're going to be getting rid of those three and just having an opt out. So, if you do not take any action -- the only action to take is to opt out; is that correct?

MS. WALKER: That's correct.

MR. SCHMITT: Now, we've talked about a couple different concerns here about what agencies can and cannot possibly do this process, the reasons they were chosen, but in particular, last year there was significant issue with this legislation which caused it to be pulled from the floor, it made a lot of media attention in which it required, in the wording of the legislation, non-citizens, whatever their status was, here illegally, here as non-citizens who are applying for driver's licenses or using any process that required them to not check the box to decline. I'm assuming that has changed in this version of the bill?

MS. WALKER: So -- - so one of the things I will disagree with is the fact that it was a significant difference. And as you pointed out correctly, in one particular bill it said, *Do not check here*, and -- and in another bill it says, *Check here*. But the principles

with respect to what the bill is espousing has never changed, and the spirit of the law with respect to automatic voter registration is as real and as important today as it was last year during the same time. So at this point and time there will be a -- there will be a provision that reads, *If you do not check this box and you have provided your signature on the space below, you will have attested to your eligibility to register or preregister to vote, and you will have applied to register or preregister to vote.* So this time the box check is present, yes.

MR. SCHMITT: So the language has been clarified that nobody who is a noncitizen should be not checking the box. So that -- that issue, whatever you want to describe it, mistake, misprint from last year, that has been updated, or that's your intent, at least, your legislative intent is for that to have been updated to the correct wording.

MS. WALKER: Correct.

MR. SCHMITT: Wonderful. Now, you've also mentioned that there's no penalty now for registering to vote if you are not eligible to register to vote. That there's a presumption of innocence. That's -- that's a correct understanding?

MS. WALKER: There is a presumption of innocence, yes.

MR. SCHMITT: Now, is that presumption just specifically for registering or using this automatic voter registration process? So as previously as has been mentioned in debate there's a \$5,000 and/or up to four years in jail potential punishment for

registering to vote fraudulently or, you know, inaccurately. Is this just giving that presumption in this specific case or is it changing all registration law?

MS. WALKER: So, the presumption of innocence is only relevant to the four corners of this document. And, furthermore, it also notes that this is -- this legislation, particularly with respect to enrollment in the party, et cetera, is when the voter registers or preregisters for the first time through the automatic voter registration system.

MR. SCHMITT: So for the first time. So I go, you go to update a -- an ID or a vehicle registration, whatever it may be. My next-door neighbor does, busy with her four children, doesn't -- doesn't really read it, but is registered and doesn't want the party to change or doesn't want to change registration. Maybe it's even something they're affiliated with. It's a work thing, so they're helping register a vehicle, say, for work, they don't want their address to be changed, but there's some different type of language on one of these documents. It -- that won't impact someone who's already a registered Green Party member, say, or a registered Conservative, if -- if they may just accidentally because of the course of life not checked the opt-out box?

MS. WALKER: Absolutely. So --

MR. SCHMITT: That is great.

MS. WALKER: -- this is only with respect to -- party enrollment is only with respect to voters who register or preregister for

the first time.

MR. SCHMITT: Okay. Now, with the Green Light Law from last year which allows noncitizens of any designation to be able to get a driver's license - including those here illegally, legally, whatever their situation may be - and it provides them a New York State DMV ID number, which is one of the qualifications to apply for registering to vote. Is that New York State DMV number still an acceptable form for registering to vote?

MS. WALKER: That I do not believe has changed. But it is also worth noting that currently in the law there is no proof of citizenship which is required. So that doesn't change under this provision or this law either.

MR. SCHMITT: No proof of citizenship for the driver's license application. Is that what you're speaking of?

MS. WALKER: There's no proof of -- we're talking about, respectfully, automatic voter registration and registering to vote. We're not here to relitigate, if you will, the Green Light Bill. I'm sure there's an opportunity to do so at a later time, but right now it's not.

MR. SCHMITT: Well, and -- and -- and with all due respect we're not relitigating it, but there's a new law here that you're attempting to pass and attempted to passed last year and had to be pulled from the floor because of mistakes, that will significantly change the way that people interact with numerous government agencies including the DMV, which is probably the most prominent,

in my opinion, time and location where citizens who live in this State or people who are residing in this State, regardless of their citizenship status will interact with the State government and register to vote. So now somebody's coming in, a citizen, noncitizen, Green Light, whatever. They're all applying on the same driver's license form at the end of the day. As of right now, if you go today it doesn't matter what your citizenship status is. If you're trying to get a driver's license, you're going to get that. In your piece of legislation you state that that is one of the processes to apply for automatic voter registration. It does not ask for citizenship. That was one of the comments that you made previous in this debate. It does not ask for citizenship. In other law it does not actually allow DMV workers to ask for citizenship to verify. Now somebody, willfully or not, does not follow the procedure here, does not read the warnings, gets applied. It gets sent to DMV -- or excuse me, the DMV sends it to the Board of Elections. Is there another additional verification process - willfully, accidentally, whatever the reason might be - that somebody may have not properly opted out for the Board of Elections to confirm?

MS. WALKER: Well, I would say, Mr. Schmitt, that the same legal procedures that are in place presently to address this issue will still be in effect to address any instances of a noncitizen registering to vote or being registered to vote under this provision of the law as well, with one caveat in place. If an individual is registered and is a noncitizen or un -- ineligible to register to vote, there will be a presumption of innocence unless it can be proven that that person

registered willfully and knowingly.

MR. SCHMITT: So there's no specific additional verification for somebody once they -- let's say accidentally, no willful intent -- did all the wrong things despite the warnings and -- and everything that you previously described. It gets forwarded to the Board of Elections. There's no additional checks, protections in place to prevent that individual from being added to the voter roles?

MS. WALKER: Well, respectfully, that -- there are no provisions with respect to a citizenship require -- or proof of citizenship requirement now, and there is no new additional proof requirement which is indicated in this particular bill with the exception, of course, that when a person's registration is challenged, then there is a presumption of innocence if that person did so and can show that it was not willful and it was not knowingly done.

MR. SCHMITT: When you speak of no proof of citizenship, is that just in general or are you talking about for registering to vote?

MS. WALKER: In general, for registering to vote, yes.

MR. SCHMITT: So on the current New York State voter registration form it requires you -- it asks, *Are you a U.S. citizen, yes or no?* And then in box 13 it speaks about identification, asking for the last four digits of your Social Security Number or your New York State DMV number, which you can now get -- which it used to be required to have a Social Security Number to access. So, are we

getting rid of that entire -- does this law change that process?

MS. WALKER: No, it doesn't.

MR. SCHMITT: Okay. Going on to where there's some specific places where -- what you chose to have as a participant in this different State agencies or you did not choose to participate in. Are there any State veteran agencies or veteran forms that are included in this specific legislation?

MS. WALKER: As I indicated in the past, the list of agencies which are included are the Department of Motor Vehicles, the Department of Health, the Office of Temporary and Disability Assistance, the Department of Labor, the Office of Vocational and Educational Services for Individuals with Disabilities, county and city departments of Social Services, the New York City Housing Authority, and any other agency designated by the Governor. So, to the extent that there are additional agencies which you believe should be vetted and included in this process, I believe that there's an opportunity in order for them to be included. But this is an initial list of agencies which are there. Now mind you, if -- if I had a -- you know, we were able to be a bicameral legislation as was indicated to -- by your colleague, we're not. You know, we could throw in every city agency and just register everyone to vote automatically. But of course, going through conversations with community-based organizations, with advocates, with attorneys, with people who have been dealing and working with automatic voter registration over the course of the past few years, this was -- these were the agencies that

were delineated for this particular legislation at this particular time.

But we do look forward to expanding.

MR. SCHMITT: Okay. I know you did mention that the agencies that you had picked were places that checked citizenship. Obviously, that seems to be in question based on some of the more questions -- some of the questioning since then. But, you know, for example, State veteran agencies and application process is something where you had to prove, and there's a long record of citizenship and that status is maintained. So, hopefully, going forward that is something that could be included.

I wanted to get back to the point you had mentioned that -- about the numerous warnings that would be included of not -- of opting out if you weren't qualified. What languages or what other -- I guess, what language is that going to be required to be in? Is it going to be required to be in multiple languages? Is it going to be -- fit the language of whatever document it's going to be in, and including those who might be reading -- have vision impairments as well? Are all those different avenues going to be accounted for in this legislation?

MS. WALKER: Well, there are languages that many of these agencies are already utilizing, particularly with respect to the application process for the various services from the various agencies. And to the extent that the New York State Board of Elections is required to provide additional language applications, then those -- those particular languages will be considered as well.

MR. SCHMITT: And how many --

MS. WALKER: We're not changing any of those requirements.

MR. SCHMITT: Do you have an estimated percentage increase in voter registration or in the raw number of registered voters that this is supposed to deliver to New York State?

MS. WALKER: I do not have that estimate at this time.

MR. SCHMITT: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER JONES: Mr. Schmitt on the bill.

MR. SCHMITT: I will be opposing this legislation. I think through the questioning we have seen that there are numerous inconsistencies and concerns where this will truly not be a net positive for the free exercise of elections in New York State. We need to worry about the security and safety, integrity of our electoral process for all citizens that reside in New York and for all parties, all beliefs at the end of the day. You know, I'm particularly concerned with what appears to be cherry-picked State agencies that will participate in this process. Hunting and fishing licenses, for example, are available at Walmart, at local stores, at local convenience stores, and each local community has been left out. Boating and safety courses, marriage certificates, dog and cat license renewal. Some of the most common ways that every citizen interacts with government has been left out.

That is on top of the failure to have additional verification processes that are desperately needed when it comes to ensuring the safety and integrity of our election, and then the fact that there's a presumption built in but no additional verification process put in. We already hear from county clerks of the many issues related to voter registration.

My time is up. I appreciate it.

ACTING SPEAKER JONES: Sorry, Mr. Schmitt.

MR. SCHMITT: I urge everyone in the Party to vote no.

ACTING SPEAKER JONES: Thank you, Mr. Schmitt.

Mr. Garbarino.

(Pause)

ACTING SPEAKER JONES: You're on.

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

MS. WALKER: Yes, Mr. Garbarino.

ACTING SPEAKER JONES: The sponsor will yield.

MR. GARBARINO: I -- I was trying to listen to the debate but I was having some technical difficulties when Mr. Schmitt was just going. And I -- I thought I heard what I was going to ask about, but please bear with me. The -- this bill, does it take away -- currently under -- under law is there a penalty for just illegally registering and not voting? If you register and you're not supposed to,

you're not a citizen, is there a penalty currently for just that action?

MS. WALKER: So, there is an affirmation that is required when a person is registering to vote under the usual New York State voter registration form, which includes a statement that says, *The above information is true. I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years.*

MR. GARBARINO: Okay. And now this bill changes it to say that it's only -- does it -- does it remove that affidavit completely now that -- or -- or does it just change it to say that you have to be -- willfully do this?

MS. WALKER: So basically what it states now is that there will be a prominent warning that states, *If you are not a citizen of the United States, you must check the box below. Noncitizens who register or preregister to vote may be subject to criminal penalties, and such voter registration or preregistration may result in deportation or removal and exclusion from admission to the United States or denial of naturalization.*

MR. GARBARINO: Okay. Now, is there an additional penalty if you proactively register now and you vote? Does that -- does that violate another crime?

MS. WALKER: An additional penalty -- I'm sorry, can you clarify?

MR. GARBARINO: If you -- right now the penalty is if you -- if you sign the -- if you register you can be convicted -- you

can be convicted of a fine up to \$5,000 or jail for up to four years. Is there an additional penalty if you register and you vote? Illegally register and then also vote.

MS. WALKER: There -- there are definite -- there are definite, sort of -- - what's the word I'm looking for -- penalties, repercussions if you register to vote and you vote and you are not eligible to vote. However, again, I do believe that those particular provisions are not the provisions that we are here to discuss in this particular legislation. So I will state that this does -- this bill does not change any possible future criminal -- criminal liability. However, if a person registers unknowingly and unwillfully, under this particular provision there will be a presumption of innocence on that individual.

MR. GARBARINO: And as you said, the -- the Board of Elections would investigate that if they -- if they register and it's found out, the Board of Elections then investigates it, correct?

MS. WALKER: Well, the Board of Elections is definitely an agency that is -- has a responsibility of ensuring that people who are registered to vote are actually registered to vote. And of course, as we know, there are also particular Election Law parts in the various courts across the State of New York when a person does not, you know, sort of have all of their legal needs met at the agency level they do have the opportunity to utilize the court system.

MR. GARBARINO: So we -- the Board of Elections has -- we're giving them a way to e-verify or verify these applications that come in to make sure that the people that didn't check the box are

-- are citizens?

MS. WALKER: We are not changing in this instance any particular avenues that the Board of Elections, whether someone presents a handwritten form or under this particular bill as well. So those changes were not -- there are no changes on the -- to the present law.

MR. GARBARINO: Okay. So but do they -- presently -- presently, does the Board of Elections have access to those records so they could verify whether or not someone is a citizen or whether someone's qualified to vote?

MS. WALKER: I'm sorry, can you repeat the question?

MR. GARBARINO: Does the Board of Elections presently have avenues to these records that they can check now -- since we're not changing -- we're not changing their current access, do they currently have access to verify whether or not someone is a citizen and whether someone -- whether someone can vote?

MS. WALKER: Well, again, Mr. Garbarino, under present law the Board can, at the present moment, question someone's eligibility to vote and/or register to vote. And this bill does nothing to circumvent those particular requirements. Again, with the exception - and I want to continue to note that - is the one caveat here is that if a person is registered unknowingly and unwillfully, the State of New York will not present some unnecessary "gotcha" moment to say that, *Now, you know, we're going to prosecute you based on your*

unknowing and unwillful registration, albeit whether you're eligible or not.

MR. GARBARINO: You -- you just said in your statement that the Board can question someone's ability. Who do they question? Do they question the person, do they question the DMV? Who do they question?

MS. WALKER: They will question the voter.

MR. GARBARINO: How? They're just going to call them up?

MS. WALKER: How -- how do agencies question individuals? Maybe by, you know --

MR. GARBARINO: I mean -- I have -- they're not gonna -- my -- my thing is they're not going to call every voter and say, *Are you a citizen?* I mean, how -- how do you -- if it's coming in, wouldn't it be easier to get around this problem that everybody's bringing up and say, *Okay, everybody can -- everybody can opt -- opt out. You're automatically registered unless you opt out.* By the way, let's have it double-checked on the back end when the Board of Elections gets the -- let's give them access so they can double-check it to make sure everybody's doing it right.

MS. WALKER: Well, I will definitely refer you to Article 5, Title 7, which also provides an opportunity for a police investigatory agency to further investigate any possibilities of fraud.

MR. GARBARINO: Okay. So the complaint goes to the Board of Elections. They have no way to -- they can question --

they can question it, but they have really no way to question or verify the information. But then they'll kick it over to the police if they can't get the answer? Or how do the police get involved?

MS. WALKER: Well, I will definitely, though, say to you, just take a look at Article 5, Title 7, and see if your questions are answered in that particular provision. And to the extent that you feel like it does not, then, you know, we still -- well, some of us will have an opportunity to come back here and consider the bill in the future.

MR. GARBARINO: All right. Thank you. And one more question. Do you think there's currently a problem now with people registering to vote that shouldn't be, and -- and voting?

MS. WALKER: Say that again.

MR. GARBARINO: Currently -- do you think there's a problem now currently, under the current law, where people can register to vote even though they're not allowed? They're not a citizen or they're not old enough and that they have voted in elections. Do you think that's something that's currently an issue?

MS. WALKER: Well, Mr. Garbarino, I am someone who really am inspired by the New York State Election Law and Democracy in and of itself. And so I believe that, you know, to the extent that there are individuals who believe in Democracy, as I do, will register to vote and will vote. And if there are individuals who if at -- you know, they are ineligible to do so, I'm sure that they will go along the avenues by which they can in order to become an eligible

voter and citizen of the United States.

MR. GARBARINO: Okay.

MS. WALKER: I believe that.

MR. GARBARINO: Thank you very much, Ms. Walker.

Just on the bill.

ACTING SPEAKER JONES: Mr. Garbarino on the bill.

MR. GARBARINO: Thank you, Mr. Speaker.

Thank you to the sponsor for answering my questions. I have grave concerns about this legislation because it -- it changes the registration law to automatically allow people to register unless they check a box if they're not -- if they're not eligible. You know, currently, on the DMV form or the voter registration form there are two spots where you have to verify -- you have to say you're a citizen. One is the part 2 where it says, *Are you a U.S. citizen?* You check yes, and then again in the affidavit you swear that you're a U.S. citizen. That's -- that's two affirmative actions on one form. We're now taking away those affirmative actions. And currently today in Suffolk County alone - not to mention I don't know what's happened in the rest of the State - but we've had this issue where people have registered to vote when they weren't eligible. They were not U.S. citizens and they -- and they voted. I mean, I have some -- I have some Suffolk County Board of Election forms here in front of me. Marvin from Suffolk County voted several times. Registered and he voted in 2004, 2006, 2008,

2010. In 2011 he sends an affidavit, *I, Marvin - I'm leaving out his last name - wish to be removed from the Suffolk County voter roles effective immediately. I am not a citizen and my application for citizenship requires proof that I'm no longer on the voter roles.*

Another one. Glayton. She voted 2008, 2010, 2012. In 2013 she sends a letter. *I, Glayton, am applying for my citizenship. I need to be taken off the vote -- the list to vote. I need confirmation that I've been removed from the list sent to me. My return address is so.* I have a pile of these letters that have been sent to the Suffolk County Board of Elections by people who registered to vote and were not eligible. This is currently an issue. And they have to -- and there are -- and this is when you have to currently say twice on a form that you're a citizen. I am very concerned about the increase of people that will be voting illegally after we change this bill. This is -- there's -- there's got to be some affirmative act to be able to register. People need to know that they have to -- they -- they have to be able to check a box and say, *Yes, I meet the criteria.* It shouldn't be, *I'm checking a box and because I don't want to register.* It's -- this is a major concern to me. I know it's a major concern to a lot of people. There's already proof - I have it right here - that people are doing this already, and I think that this change in the law is just going to allow more and more people to vote when they are not eligible to do so.

And for those reasons, along with many others that my colleagues brought up, I will be voting in the negative on this bill, Mr. Speaker, and I encourage my colleagues to do the same. Thank

you.

ACTING SPEAKER AUBRY: Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CARROLL: First, I would like to commend the sponsor for her leadership in bringing this important piece of legislation to the floor. But there is one thing that I would like to note for the record. The sponsor of the legislation went through a very long process, a complicated process, about how one would enroll in a party if they at the time of automatic registration did not choose a party enrollment. Notices being sent to one's home, one showing up at a polling place within a certain period of time, et cetera. Of course all of this is very convoluted and complicated, and there is a simple solution to it. If we are going to drive towards universal voter registration and participation, there is one important caveat or addition that needs to be made to automatic voter registration, and that is the ease in which one is able to change their party registration. Because without that, we, of course, will register hundreds of thousands of young people who will have not checked that box. Not checked their mail. Show up to polling places. Wanting to participate in a party primary - which in many instances is the de facto election - and be turned away. And that will create a bad taste in the mouth of an early voter and will be more likely to dissuade that early voter from voting again and participating.

So again, I commend the sponsor for her leadership. This is in the right direction from taking New York from worst to first in voting laws. But there is a big way to go. Just like we know there's a big way to go when we're talking about getting every single person a ballot in November instead of having them to have a two-step process which we knew was very, very problematic in June. We need to make it easier for an individual to enroll in a party.

I do see that the sponsor keeps standing. And so I -- I -- I -- I pause.

ACTING SPEAKER AUBRY: Ms. Walker, why do you stand?

MS. WALKER: Thank you. Thank you, Mr. Speaker. Thank you, Mr. Speaker. So I just wanted to note for a point of clarification. And - and -- and, you know, it's -- it's always a pleasure to be able to have this dialogue.

ACTING SPEAKER AUBRY: Ms. Walker, are you asking Mr. Carroll to yield?

MS. WALKER: Mr. Carroll, would you yield?

MR. CARROLL: Yes, Ms. Walker.

MS. WALKER: Thank you.

ACTING SPEAKER AUBRY: Mr. Carroll yields.

MS. WALKER: So I just wanted to provide a point of clarification, Mr. Carroll, that when an individual does not enroll in a party, that individual will receive two notices, just again, as an another level of procedural safeguards by which -- which would

prevent someone from showing up to vote in a party primary not having enrolled in that particular primary. In the event that those two notices either goes unnoticed or ignored, then that individual may still show up to a voter site and a poll site in order to cast their ballot. They may cast their ballot on an affidavit ballot, and the party enrollment by which the affidavit ballot is passed becomes the party enrollment for registration purposes of that voter, and that vote will be cast and it will be cast as a valid vote for purposes of the party primary.

ACTING SPEAKER AUBRY: So, Ms. Walker, you'll turn that into a question because when you -- when you asked him to yield --

MS. WALKER: Are you aware of that, Mr. Carroll?

ACTING SPEAKER AUBRY: Thank you very much. Go ahead, Mr. Carroll.

MR. CARROLL: Ms. Walker, I believe I am aware of that. I asked you a question. If I were to preregister, if I were to automatically register and vote in a general election where my party enrollment is not a matter, and then the following -- and I had not chosen a political party and then I walk into a Democrat or Republican primary the following year with still not having registered, would I be able to vote in that primary election?

MS. WALKER: Yes. Because at that time if you are registered to vote, under this particular bill and your voter registration or preregistration for the first time you will be registered to vote by

affidavit ballot pursuant to the party of enrollment of the election or the party primary of that particular election.

MR. CARROLL: Ms. Walker, my question was if I've already voted in a general election and then -- and I had not enrolled in a party and then I go to vote in a party primary, you're saying I would be able to vote? Because I don't believe that's what the law says. I believe that I would then be a registered "blank" and I would be unable to participate.

MS. WALKER: You will be registered to vote in the primary pursuant to the same registration caveat with respect to the noninclusion of party enrollment in that particular primary, albeit --

MR. CARROLL: So I wouldn't --

MS. WALKER: -- the general election has already taken place.

MR. CARROLL: My -- my ballot would not count for that election?

MS. WALKER: For which election, the general or the primary?

MR. CARROLL: For the --

MS. WALKER: For the primary?

MR. CARROLL: For the party primary, yes.

MS. WALKER: It will count for the party primary and the party of enrollment by which the primary that you're participating in becomes your enrollment.

MR. CARROLL: I -- I -- I understand that. I'm

saying I believe in -- can I go back on the bill, Mr. Speaker?

MS. WALKER: Thank you.

ACTING SPEAKER AUBRY: You certainly can go back on the bill, Mr. Carroll.

MR. CARROLL: Thank you. And thank you, Ms. -- Assemblymember Walker. I -- I believe that one's vote would not count. If I were to vote in a general election and then participate in a party primary and I have not affirmatively chosen a party within the time frame that is currently outlined in the Election Law, that I would be able to change that -- change my party enrollment and vote in that particular primary. I'm not saying that my party would not be updated after the fact. And the reason I bring this point up is -- is not to nitpick, but is to say that as we go towards trying to get more folks to participate in our elections, we should try to simplify our election laws. We should try to make it simple. This bill ensures that more New Yorkers will be automatically registered. That is a great thing. The next thing we need to do is to make sure that it is easier to change one's party status so that they can participate in primaries so, again, that more New Yorkers are able to participate. And finally, we need to make sure that all New Yorkers in November get a ballot so that they can exercise their franchise.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for just a couple of questions?

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MR. MANKTELOW: Thank you, Ms. Walker. Just a couple of questions, just really quick. What's the drive of this bill? To make it -- in your words, what's the drive of this bill? What do you want to accomplish?

MS. WALKER: I want to accomplish an opportunity for more citizens of the State of New York to be able to vote, to register to vote. That the spirit of the law considering the fact that we just lost a Civil Rights icon in John Lewis, Congressman John Lewis, and C.T. Vivian. I think about Medgar Evers College and Medgar Evers and -- and -- and the person of Medgar Evers, where he was killed for registering individuals to vote. I think about all of the other individuals who came up to New York, up south from many states as Mississippi and South Carolina where my family's from, who were hung. And all of the other burning crosses and people who died just for registering someone to vote. So I think that I have a personal conviction by which to advance an opportunity for people to be registered to vote and not have any fear of retribution under any circumstances in doing so. And it is my hope that the agencies that are listed here may even be expanded to provide other individuals with an opportunity to automatically register to vote as well.

MR. MANKTELOW: So we've heard from a few of our colleagues. Would that be documented and undocumented citizens?

MS. WALKER: That will be citizens, right? Because, you know, we -- that's who gets granted the opportunity to vote in this country. And this law by no chance is -- seeks to subvert that requirement.

MR. MANKTELOW: When this bill was drafted up I'm sure you were a big part of that, correct?

MS. WALKER: Correct.

MR. MANKTELOW: So yesterday when I was on a floor we were debating a -- a glyphosate bill, and one of the -- the constant messages that I've heard from the Assemblymember was the safety of our children and our families here in New York. And as I was sitting up in my office just a little while ago listening to the start of the debate here on your bill, I looked over on the bookcase and I have a picture of my grandson there. And I got thinking about that really quick and that's why I came down. I didn't plan on debating this. But as I listened, I said, *I'm going to come down and ask*. When -- when this bill was crafted, was there any consideration about the -- the safety of New York or the safety of the United States when this bill was being crafted?

MS. WALKER: Well, the safety of New York and of the United States is something which I believe is on the forefront of every individual who has been involved in the drafting of this

legislation. It is also something that -- you know, when I became a member of the New York State Assembly, I took an oath and -- and I believe today in that oath that I took in 2014 as -- just as much as I did then, I do believe in it today. So, yes.

MR. MANKTELOW: I just -- I had a little bit of concern here that, you know, as people do sign up to vote and with this here bill, there's such a time lag and really a misunderstanding or a -- there doesn't seem to be a direction. I think Assemblyman -- one of the Assemblymembers asked the question, you know, how are you going to reach out to ask that question. If they're not really a citizen, how are we going to find that out? And you said -- I think he said or you said that we would maybe call that person to find out or -- or something like that. And in -- in this bill there'd be nothing -- nothing would happen because they probably unintentionally did it. Is that correct?

MS. WALKER: Well, I wouldn't say that nothing would happen because, generally, the presumption of innocence particularly is relevant in a court of law. And so this also assumes that, you know, a scenario where someone has challenged a particular voter's registration and they now -- and they were inadvertently registered to vote and now they're in the position where they have to defend that particular action, albeit a mistake, and then that's when the presumption of innocence is employed in order to say that unless you did so knowingly and/or willfully, then you will not be prosecuted under any of the various election laws.

MR. MANKTELOW: And I'm assuming that would -- that would take quite sometime to get to a -- a court. Is that correct?

MS. WALKER: From my experiences with the Election Law, I can't necessarily state how the court's timeline will be for this. But for purposes of most Election Law litigation, it's a -- it's fast-tracked. You know, it -- it happens on the ex parte motion part, and I am sure that that particular situation will be deployed here as well because people in the State of New York take voting and Election Law seriously.

MR. MANKTELOW: What would happen if that individual realizes that he or she signed up as a citizen and then says, *All right, I did something wrong. I'm not a citizen*, and leaves New York State? What happens then?

MS. WALKER: And the person leaves New York State?

MR. MANKTELOW: Yeah. Let's say the person goes to Idaho. What happens at that point? Does that person come off the records?

MS. WALKER: I think that that is -- well, there are a couple of things, right? So, of course, I believe that most of these situations will be handled on a case-by-case basis. However, there are still a number of --of provisions which are still on the law with respect to making voters ineligible voters after not having participated in certain general Federal primaries, and which is something I think

should be addressed as well. But, you know, those provisions still apply. And so, again, as I indicated in the past, this bill only deals with the automatic registration of individuals when they present at certain agencies at certain particular times. And so all of the other laws of the State of New York still exist, and again, I also direct you to New York Election Law Article 5, Title 7.

MR. MANKTELOW: I don't know the answer to this, and maybe you do. You're good with the Election Law stuff. If I -- if I was that individual that went to Idaho, would my voter registration be automatically transferred to that state or would I have to -- to request that?

MS. WALKER: Well, we do -- within the State of New York there are, you know, automatic -- the motor -- motor voter laws, if you move around -- in and around the State of New York your registration follows you. I do not believe the same holds true if you move to, what did you say, Idaho?

MR. MANKTELOW: Yeah. Just -- just a quick state that came into my head.

(Laughter)

MS. WALKER: As I said, maybe South Carolina or Mississippi.

MR. MANKTELOW: All right, North Carolina. My son lives there. We'll go with North Carolina. I went to North Carolina. When -- if I went to North Carolina, could I request that to be moved there, to North Carolina?

MS. WALKER: Would you -- well, if you moved to North Carolina then perhaps you should register, you know, when you get to North Carolina.

MR. MANKTELOW: Okay. So my initial question was when -- when this bill was developed and crafted, I have concern that as a nation, we're Americans. I think we're the greatest nation on this earth, and I think people would love to take us down. And I was just thinking about this. Do you think this could open this -- you know, as New York seems to be the gateway coming into the United States on the East Coast, San Francisco on the West Coast, it's so easy to come into New York now as an undocumented person. You can get a driver's license. More than likely you're going to get a -- a voter registration card before somebody realizes that, *Hey, I'm not a citizen. I don't have to sign the boxes.* If I wanted to be someone that wanted to hurt New York or hurt the United States, we're -- we're opening it up -- we're opening it up -- so easy for fraud or for some bad person -- I'm trying not to use the "T" word -- a bad person could come into the United States and through New York, blend in, be part of our society and then move out and be in the United States. And before we know it, that's -- that person, their family, are part of our neighborhood and deep down inside they want to harm America. Is there any way we can put some safeguards in for that?

MS. WALKER: Well, I believe that there are safeguards that are listed for that. But I was just on another, you know, note. There a number of different fact patterns that we can, you

know, come up with which present scenarios which may -- which may present significant challenges to a number of -- of bills and -- and laws that exist here in the State of New York. But the likelihood that a "T" word will come here to do harm to this country by registering to vote, I don't think that that's typically that high on their list of -- of illegal actions that they may take, but who knows. There are a number of -- of opportunities where we have seen or that people are attempting to influence elections, whether they're the box on Twitter or anything otherwise. I believe that we are a vigilant State and that the oath that we all took to uphold the laws of the State of New York exist in the Election Law as much as it exists anywhere else. And if there are individuals who are willfully and knowingly taking advantage of our laws in order to harm any of the citizens of the State of New York, we will make sure to be able to prosecute and -- those individuals to the fullest extent of the law.

MR. MANKTELOW: Okay. I thank you for answering those questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: As I just spoke about the bill, I do have concern about the "T" word here, not only in New York State but in the United States. You know, looking at the history of the United States going all the way back to Pearl Harbor, there was a Japanese individual that actually moved to Hawaii and overlooked Hawaii, overlooked the -- the shipyards, getting all that information

together and it took quite a long time. And I just want to be sure here in New York State when we always consider doing the -- the right thing and making it the easiest way, that that's probably not always the right way. Because we do have to be concerned, especially in today's society and today's world of everything going on. Anybody that's trained for combat or has been in combat, especially over in the Middle East and in the Vietnam War, it's -- it's very hard to see who your enemies are and who your friends are. They all blend in. And I just have concern that if we continue to open up the borders of New York State, allowing people to come into New York State and giving them everything because they have the right, even though they're not a citizen, we are opening up Pandora's Box. And I just want that on the record here that I do have grave concern here. And Ms. Walker, thank you for -- for your -- your words, and I hope that we can look at that down the road here because I really do want to get that addressed. And I think we need to address it for our kids, our grandkids and their kids. I want to make sure this is a safe place for them.

So thank you for -- for your bill. Thank you, Mr. Speaker, and I will be voting in the negative only because I want to see those safeguards in place. So, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Ms. Walker, will you

yield?

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: All right.

MR. RA: Thank you very much. I just wanted to go back to the provisions dealing with the presumption of -- of innocence (unintelligible) basically as it's pushed forth here and just -- just so we're -- we're clear about it. And, look, I -- I know you are, you know, an accomplished and experienced attorney. I -- I have no doubt that you know criminal law better than -- than I do. But I, you know, being an attorney whose done really minor criminal stuff, I -- I do, you know, remember back some of those theoretical conversations we would have in law school and criminal law about, you know, the mindset and intent of -- of an individual. So just so I'm clear, under existing law there's a statute that deals with registering to vote when somebody is not eligible to, which requires in order to be prosecuted a knowing violation. Is that correct?

MS. WALKER: Mm-hmm. Yes.

MR. RA: And there's the same for actually voting when ineligible also requires the person to do so knowingly.

MS. WALKER: Yes.

MR. RA: So would you agree that, though, if somebody is accused of either of those violations or crimes because they're felonies currently, they are presumed innocent because that's the hallmark of our judicial system? They -- they do have a presumption of innocence when they're brought into court, correct?

MS. WALKER: Yes, absolutely.

MR. RA: Okay. So now what this bill does is requires that the person -- there's a -- basically a protection or a presumption that it was an innocent error if they didn't willfully and knowingly seek to register. Now, there's a provision about -- that talks about the registration and -- and -- and then about actually voting, and I'll get to that in a minute. But my concern here is, you know, there's going to be the text that is put forth that says, you know, if you're not a citizen you should not -- I'm sorry, you should check the box, correct?

MS. WALKER: Mm-hmm. Yes.

MR. RA: Because you may be subject to criminal penalties, deportation, et cetera. But the person who is ineligible if they're not a citizen as they're going through this transaction with whatever agency who fails to check that box hasn't really undertaken the act, it's an act of omission. So my question is, can you willfully and knowingly perform an act of omission?

MS. WALKER: Well, yes. You can willfully perform an act of omission. However, with respect to the presumption of innocence, it merely, if you will, shifts the burden of proof for showing willfulness or knowledge to the -- to the State, if you will.

MR. RA: Willfulness and knowledge.

MS. WALKER: Willfulness and knowledge. So, you don't have to show that you weren't willful or you did so unknowingly. The State would have to show that you were willful and you did know. And it, of course, becomes a conversation about,

you know, knew or should've known, that, you know, I would love to, you know, deliberate, but I'm sure there's an opportunity for us to do so on the off-Session.

MR. RA: Sure. And -- and -- and again, though, you know, under current law, you know, if the burden is -- is there in terms of -- the criminal statute says "knowingly." So you have to prove -- a prosecutor would have to prove beyond a reasonable doubt that the person knowingly registered, correct?

MS. WALKER: Correct.

MR. RA: Okay. Now I want to move on to the second piece of it which is about, you know, when the person actually votes. Now it seems to read to me, it says person who -- *a person who is ineligible to vote who fails to decline to register or preregister to vote in accordance with the provisions of this section who then either votes or attempts to vote in an election held after the effective date of that person's registration and who did not willfully and knowingly seek to register or preregister to vote, knowing that he or she is not eligible to do so, and did not subsequently vote or attempt to vote, knowing that he or she is not eligible to do so.* If somebody registered not -- not willfully and knowingly that they couldn't, but then subsequently finds out, you know, I'm not -- I'm not supposed to be eligible to vote, and goes and votes, would they be violating that? Because it seems to have as a precondition that they also willfully and knowingly registered.

MS. WALKER: Well, I believe that that will be for

the court or a jury to be able to decide whether or not the person is actually guilty or not of the underlying cause of action. And so basically, what this particular bill does is it provides a presumption of innocence -- or a -- a presumption of innocence with respect to whether or not someone did so unknowingly and unwillingly. And so the -- the bill doesn't, you know, prosecute an individual for doing so. It just provides them with a procedural safeguard and knowing or -- and feeling assurances that when they present at a city and/or State agency and they have to complete this form, that the government is not going to present an opportunity for a "gotcha" moment on them to be able to avail themselves of all of the many and the various resources that this great State provides to the individuals who are contained herein.

MR. RA: And thank you. And I -- you know, I -- I agree in terms of what you said that, you know, it's going to be determined by a jury or a judge whether they violated this section. But -- but just so we're clear. If you're -- under this, which just so -- so everybody's aware of what I read previously -- it looks like page 5, line 25 on -- which is presumption -- I'm sorry, line 37, which is subsection 2. Is the presumption applicable if the person -- they -- they registered, it -- it wasn't willingly -- it wasn't willfully and knowingly, but now they vote, knowing -- knowing they're not eligible -- it says "and". So -- so does the regis -- in order to prosecute somebody who votes who basically knows they're not eligible to vote now, they found out after they registered, they now know they're not

eligible to vote. Do they have to also be proven to have willfully and knowingly registered?

MS. WALKER: So, let's say this. The presumption of innocence applies in three places: Where the individual gets registered at the onset; where the individual attempts to vote; or where the individual actually votes. If at any point in time on this three-part task, registered, attempt to vote or vote, that an individual do so knowingly or willfully on any part of that process, then the presumption of innocence arguably will not apply because it only applies to whether or not you did so knowingly or willfully. Whether you voted, you registered or you attempted to vote. That's, you know, in -- in the -- in the four corners of the document, and other than that I can't necessarily make any other commentary.

MR. RA: Okay. Thank you very much, Ms. Walker.

MS. WALKER: Thank you.

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

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

MR. RA: So I -- I just want to be clear on the point I'm making here. Certainly, the first piece that I talked about in terms of registration, you know, the burden is on the individual as they undertake a transaction with one of our covered agencies here. So there's going to be a line there that says, *You should check this box so you opt out because you may be subject to criminal penalties or may be subject to deportation.* But the burden is on that individual. I find it very, very difficult that you're going to basically prove that

somebody acted willfully and knowingly by omitting to check the box. Then there's the second piece. Currently, there are two different felonies in the law. There's the one when you register, and -- and as the sponsor noted, voting or attempting to vote. They're separate. This seems -- this presumption -- and I -- and I don't -- I don't want to confuse the issue by calling it a presumption of innocence because the individual prosecuted under existing law, when they're brought into court they are presumed to be innocent. It's not their burden to show that they didn't know. It's the prosecution's burden to show that they knowingly registered or that they knowingly voted knowing they weren't -- they weren't authorized to. Beyond a reasonable doubt. A -- a very -- you know, a hallmark piece of our criminal justice system. But this now kind of conflates those two acts together because it says "and." So if you have -- the way I -- I read this, if you have not willfully and knowingly registered, but go and knowingly vote, you know, I -- I just -- I see that as -- as -- as a problem here. There are other concerns with this bill in terms of how this is just all going to work. People have -- have raised them. I - I -- but I think that the -- the problem that this gets at is I think you could argue that, you know, that notice is there, and presuming somebody read the form they're filling out, whatever the agency, that they knew perhaps they were violating the law if they didn't check the box. But when you added the willfully piece of it, I think it makes -- that makes it that much more difficult. So it's more than just a presumption of innocence. It is -- it is taking it to another level in terms of the burden that would have to

be overcome by a prosecutor. And, look, I -- these are not matters that, at least to my knowledge, get prosecuted very often because I think even under the best of circumstances -- and I'll -- I'll use "best" in quotes because I don't -- this isn't necessarily a good thing -- but under the best of circumstances, being the best case for the prosecutor, I think it would still be difficult, you know, to prove because there could be any number of -- of obstacles. You know, somebody could have filled out a form but had a language barrier. And -- and, you know, so they didn't know. Or -- or, you know, when you get into some of these online forms, depending on how they're processed, it can be easy to miss a question or just, you know, check a box unknowingly. I think we've probably all done that or forgotten -- forgotten to put in information in or anything of that nature.

So I certainly thank the sponsor for -- for taking the time to answer my questions. I think she always does a terrific job when we debate on the floor and speak about criminal justice issues. And I do -- I am happy to be having this discussion with you in the daylight because I think the last time we talked about anything criminal justice-related was at about 4:00 in the morning about marihuana decriminalization last year.

So, thank you very much to the sponsor.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MR. SMULLEN: Thank you very much, Mr. Speaker, and thank you very much, Ms. Walker, for being here today. I've got a few questions. I know we're probably coming towards the end of this debate, so some of them have been covered. But one thing I'd like to go back to is the -- the various State agencies which have been authorized under this bill to conduct automatic voter registration. You said that they were the Department of Labor, the DMV, the Department of Health, OTDA and the New York City Housing Authority, amongst a few others. What were your discussions with the Department of Environmental Conservation for enrolling people that interact with that agency and automatic voter registration? What were their -- what were those discussions like?

MS. WALKER: Well, the discussion would be the Department of Environmental Conservation do not believe that there was necessarily a discussion with respect to any particular agency head. However, I will state that it is the intention and definitely this House's intention, for more people to have the opportunity to register under automatic voter registration than not. I do believe that this is still a conversation that can be ongoing to include the Department of Environmental Conservation. And particularly, I'm a graduate of Pace Law School, and the environment and climate and climate justice is

always something that's very important to me, and I definitely look forward to the consideration of DEC as a future agency for consideration for AVR.

MR. SMULLEN: Well, thank you very much. I'm on the Environmental Conservation Committee. I also represent a very rural area which includes a big portion of the Adirondacks, which has 46 towns, 13 villages and two small cities in it. And in those areas a lot of people get licenses. They're very similar to a driver's license. In fact, sometimes even more expensive than a driver's license and it's done yearly, not, you know, on the 10-year period, say, that you get for a driver's license. And, in fact, I went through the numbers today. You know, for the record, there are 532,000 resident New Yorkers that get hunting licenses every year. There are 750,000 New Yorkers who get fishing licenses every year. There are 382,000 New Yorkers who get licenses for their marine vehicles -- jet skis, boats, et cetera, et cetera -- as well as some other areas in which people interact either online or in person with designated, authorized agents of the Department of Environmental Conservation to get a license, to pay a fee to be able to conduct activities across New York State. And I think it's a huge, huge oversight to not see those -- those people touched on a yearly basis to ask if they want to be automatically registered to vote because I think that would be a great way for a -- a huge number of New Yorkers to be reintroduced to the voting system that if they don't already vote, then to go ahead and register to vote.

Now, to follow up on that. What was your discussion

with the New York State Association of Counties and the New York State Association of Towns as far as having municipalities become part of this process of automatic voter registration?

MS. WALKER: Well, the conversation with respect to towns, municipalities and any other advocacy group, agency, et cetera, is the same for this bill as it is in any other -- any other situation. Any particular municipality, from the conversations and votes and discussions that were had about automatic voter registration, has the opportunity to contact the Legislature in order to allow their concerns be heard. And I submit that any city, town, village or otherwise across the State of New York who has an opinion on this particular legislation or any particular legislation that comes to the floor here should definitely allow their voices and their concerns to be heard. However, please note that the agencies that are listed here is the floor, it's not the ceiling. And to the extent that any of the hunting licensees and any other individual who would like to avail themselves of the opportunity to automatically register to vote when they're going and have interaction with these agencies, they can and should raise their voices and be empowered to reach out to the Governor for his consideration and -- or her consideration, depending on who the Governor is, in order for them to have the opportunity to have those various and particular agencies to be included for possible future consideration for AVR.

MR. SMULLEN: Well, I do really appreciate that because it seems that, like many of the legislative efforts that we do a

chapter amendment. Would you be open to some chapter amendments to this law to increase the breadth and depth across New York State of agencies that interact with people that would be able to automatically help with this process?

MS. WALKER: Would I be open to it? Certainly. But, of course, we recognize that we are still, as well, a bicameral Legislature, and so we also would have to continue to have these conversations with our friends and colleagues within the New York State Senate, as well as with the Executive Office. So I do look forward to the expansion to other agencies, you know, fishing agencies and the like.

MR. SMULLEN: Thank you so much for that. Now, I've got a few technical questions. I apologize about kind of going backward in time. Many of my colleagues have been talking to you about some of the actual provisions in the -- in the bill that we're considering today. I would like to ask you, who is responsible for prosecuting criminal violations of this statute?

MS. WALKER: Well, that would be, I guess, any -- any situation where there is a violation of a particular State law, that those generally come under the jurisdiction of the New York State Attorney General's Office. And so, to the extent that that is a -- a proper jurisdictional office or entity, then that would be the agency provided. And I was just noted also that it would be the District Attorneys offices.

MR. SMULLEN: So, it would be a -- a local

jurisdictional issue. So, in the 62 counties in New York, the District Attorney as supervised by the Attorney General would -- would get notice of a violation probably from the Board of Elections and then would be required to investigate and then go ahead and prosecute based on evidence that would be gathered?

MS. WALKER: Yes.

MR. SMULLEN: And is there any -- any provision in this legislation that would provide any additional funding for those local government entities to be able to -- to prosecute these crimes?

MS. WALKER: Well, all questions and concerns with respect to funding opportunities will have to come up during our budget negotiations.

MR. SMULLEN: Okay. Thank you very much for that. Now, going back to the exemplar signature issue. Will the signatures for driver's licenses, the applications that are put on people's driver's licenses, will they be furnished to the Board of Elections as an authorized signature?

MS. WALKER: Yes.

MR. SMULLEN: And so, we would have a record then of the DMV with an authorized signature from someone who has applied for a license and have been granted a license that then would be transmitted to the DMV, we would know who that person is specifically?

MS. WALKER: Do we know who that person is specifically who's going transmit that?

MR. SMULLEN: No, whom the person is that signed for that driver's license signature, we would know that person, their name and their address and perhaps a tax ID number and some other documentation either from U.S. documents or foreign documents if they were not a --

MS. WALKER: Right.

MR. SMULLEN: -- documented citizen.

MS. WALKER: So all required information that will -- all pertinent and required information for purposes of registering to vote will be transmitted from the agency to the Board of Elections to include the signature, as well.

MR. SMULLEN: So wouldn't it be fairly simple then for the New York State Board of Elections to get the list from DMV of those noncitizens who had gotten a driver's license and then be able to take and forward that information to the local Board of Elections to ensure that noncitizens were not afforded the right to vote?

MS. WALKER: I do believe that, you know, in the spirit of New York State -- so, to the extent that New York State provides information to the Board of Elections, it is not -- DMV is not under any requirement to provide any information with respect to the citizenship or non-citizenship of an individual. And I believe like we -- this is the same sentiment that we've taken as you've seen here with respect to courthouses, policing within New York City or otherwise.

MR. SMULLEN: Wouldn't that make just common sense, though, to -- to have that information transmitted? It would

prevent having this whole second half of this law which is, assuming a presumption of innocence if someone inadvertently did it, you could just automatically do it at the State level, it's -- it's done routinely and, in fact, you know, it would be fairly simple to do from a data perspective. Why -- why wouldn't that -- wouldn't that preclude all these unnecessary, you know, investigations right up front?

MS. WALKER: Well, I'm not sure; however, I do believe that that's a consideration that can be brought up in any future legislation with respect to making New York State a sanctuary state, which I look forward to actually.

MR. SMULLEN: So -- so how many -- how many undocumented immigrants have applied for driver's licenses in New York in the last year, since we passed the Green Light legislation; do you know that off the top of your head?

MS. WALKER: I do not know that off the top of my head; however, that information can be provided to you at a later time.

MR. SMULLEN: I really appreciate that. Thank you very much, Ms. Walker.

Now, the last -- last technical question here. Can you walk me through how party enrollment is administratively executed under the provisions of this new law?

MS. WALKER: Sure. So if an individual, you know, presents at the New York City Housing Authority, they will be automatically registered to vote. If they did not make a choice at that point in time with respect to their party enrollment, the registration

will exist as "unenrolled" until that individual appears at a poll site for a party primary election. When they do show up at the poll site and they are not included on the party roles, then just as in any other situation which is currently in law, that individual may vote on an affidavit ballot. That particular affidavit ballot in the party primary by which they are voting becomes their party enrollment. So, your affidavit ballot and your vote becomes your party enrollment, you are enrolled and the vote that you have just taken will be cast and it will be cast as a valid vote.

MR. SMULLEN: Otherwise the -- the various political parties would have to compete for those unaffiliated -- those new, unaffiliated voters by contacting them and -- and asking them to become members of their party; would that be -- would that also be an option for party enrollment?

MS. WALKER: Well, I can't necessarily say what parties will decide to do with respect to encouraging individuals to enroll in any particular parties, so this bill doesn't speak to any of those such actions or communications, except to state that when that person is contacted, may or may not be contacted, and they shown up to vote for primary, that affidavit ballot will be their party enrollment.

MR. SMULLEN: Very good. Ms. Walker, thank you so much for your time --

MS. WALKER: Thank you.

MR. SMULLEN: -- and consideration on the floor. And I -- I look forward to working with you on expanding the number

of New Yorkers that can be automatically registered to vote in the coming years. I thank you very much for your work on this.

MS. WALKER: Thank you. My sentiments are the same.

MR. SMULLEN: And, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So, I think we have a clear understanding of -- of the effort and the process here, which is to automatically enroll voters in New York State elections. And one of the main concerns that I have is although we're -- we're considering just this legislation today, in my short time in the Assembly we've passed the Green Light Bill and now we're passing this legislation and then, I think we're probably going to consider some other legislation that will then redistrict the various political districts within New York State sort of thing. So, I see a pattern coming together here. I'm very concerned about it because it did ignore a huge swathe of voters in New York State that could be automatically enrolled very easily, and then it did not put in adequate safeguards for those who are not U.S. citizens to be able to vote in -- in elections. So, I've got some grave concerns for that and, for that reason, I'll be voting no on this bill today. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: I've listened to the debate today and unquestionably this bill is going to result in some noncitizens - maybe not many, I've heard all of the arguments - being registered to vote, maybe accidentally, in New York State. Inevitably, some of them, maybe the number isn't huge, all right, maybe it's not going to swing a gubernatorial election, I got it, and we want to do everything we can to encourage participation in New York State, but some, some noncitizens are going to be registered to vote and will actually vote in elections in New York State. We'll see the proof of this in the future.

So I encourage my colleagues, I want you to think, if you're watching by Zoom and you're not in this Chamber, I want you to think about what it was like to stand in the Assembly Chamber, to press your button and vote yay or vote nay on each one of the pieces of legislation that comes up. That's your job as an elected representative, as a member of the New York State Assembly. The job of the citizen, which is the highest office in our land, is to walk into the polling place and vote yes or no on each one of the candidates. That's their job as a citizen in this State.

So, on behalf of the citizens I'm angry. I don't want a noncitizen to come in and vote for me. I don't want them to swing a town election or a village election or a city election, or a county election. They don't have a say. If you're a noncitizen of this country, work towards citizenship. We absolutely want citizens to register to vote. We want every single New Yorker to be able to participate. But

you want to eliminate the anger and the apathy that's out there that's really the problem with why people don't show up for elections? Stop creating systems that make it look like the system is fixed against their vote meaning something. It's clear that this legislation has a very specific political goal. It's certainly not for Upstate New York, we could argue about that all day long. But stop creating electoral systems that make people feel like their vote doesn't matter.

So, everybody has that opportunity today. I'll be pressing the no button because I'm standing up for citizens in New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Blake.

MR. BLAKE: Yes, on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: Yes, first, just to set the record straight to my -- my colleagues, persons do not have to physically walk in to vote. I think we all can acknowledge that persons can vote absentee if they so chose itself there. But I think it's also important that we -- we do not allow for the gaslighting to continue. I am sick and tired of listening to the notion of people that are noncitizens and just showing up to try to do the wrong thing. I am tired of listening to the notion of all these things that are being done to hurt our communities. As someone who has experienced suppression myself and as someone who can appreciate in the legacy of Congressman John Lewis and in the legacy of Reverend C.T. Vivian and others,

whenever I hear the notion that somehow a process is being put in place that it is for these noncitizens to show up, for these people that we don't trust, it is that language that is absolutely unacceptable. What is racist is discriminatory, and it's something we cannot tolerate. Moreover, it is somewhat ironic that we're literally having a conversation about the premise for how people can vote while we are in a scenario where persons are able to vote remotely because of a pandemic, which there's no reason for us to believe this will not continue thereafter.

So, I just think for my colleagues that we don't get caught in the games that we have heard for decades and centuries of the time of what happens by these noncitizens, by these persons, by these people, which is absolutely unacceptable and wrong. To my -- my -- my sponsor of the bill on the Assembly side, I appreciate how she continues to fight for all of our (unintelligible/mic cut out) -- therefore, I'll be clearly voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: First, I appreciate the comments of my colleague and the sponsor who has been answering questions that are often detailed and probing, and she's doing a great job for quite a

long time. An impressive, impressive response.

What strikes me about this bill is well, what's in it and what's not in it. What's in it is that almost every agency that provides taxpayer-funded benefits that cost the State money are included in this legislation by name, that'd be the Office of Temporary and Disability Assistance, our State welfare agency. The New York City Housing, the Department of Health, the Labor Department. Those are named. But what's missing from the bill are all those agencies that seem to interact directly with the taxpayers. So not named would be the Department of Taxation and Finance, you know, where all the taxpayers send their money every year to pay for all the rest of the programs we all appreciate. Or any of the town clerks or the county property tax collectors. Oh, they're not included either even though they deal every day with the taxpayers that fund our schools and local government as they fund our State-mandated expenses, amongst others. Nor did we include any of the business entities, you know, the Empire State Development Corporation, for example. Or our small business services, or Ag and Markets, or the DEC, or the Alcoholic Beverage Control.

So, unfortunately, we focus all our efforts on this bill, or so it seems with the exception of the DMV, we focus the bulk of our efforts on the named agencies on those who want to get financial support from the taxpayers, and we don't seem to remember to automatically register the taxpayers or those who pay, unless they're registering a vehicle.

My colleagues have talked a great deal, and I think correctly so, about the concern for fraud. Now, unlike our current process where you have to affirmatively check that you're a citizen, and unlike the current process where you swear under oath or affirm under oath that you are authorized, those very simple easy protections are dropped. Nowhere in this law does it even require anyone to certify with a simple checkmark whether they are eligible or not. And nowhere does this require them to certify under oath or affirm that they are eligible.

Now this takes the opposite approach and says even though you didn't even make a checkmark and weren't asked to make a checkmark certifying that you're eligible, we'll consider you eligible unless you take the initiative to tell us otherwise. Now, last year and continuing this year, our local Boards of Elections look for a couple of ways to verify that you are eligible to vote. They look for a Social Security Number or a driver's license number. Well, we know the Social Security Number is issued to people who are non-residents. If you have a green card, for example, or a work visa, you get a Social Security Number. And last year with great fanfare we eliminated the driver's license number as a reliable way to verify that you are even a citizen of New York State, much less the nation. So now under our current system we have no way to double-check to verify. So we've eliminated the simple process of requiring a person or asking a person to make a simple checkmark. We've eliminated any verification requirement. We've undercut or eliminated the ability of our Boards

of Elections to check.

And so, then we turn to the enforcement provisions. And this states that if a person did not knowingly and willingly seek to register when they weren't eligible and then went to vote and actually voted, they're still presumed innocent of any crime, as though they didn't ever realize that you're not allowed to vote if you're not a resident of the State of New York or a resident of the nation. So, presumably a prosecutor would have to say, you know, *What planet were you on? Did you realize that you have to be a resident of New York State in order to vote in New York State? Did you realize you have to be a resident or a citizen of the United States in order to vote in the United States?* Because there's a presumption that the people who are violating this don't know that they're not allowed to vote, notwithstanding all the warnings. But what's amazing is it goes on to say even if you establish that the person was not eligible to register, even if you can establish that, not only will the person not be guilty of a crime, but this goes on to say they shall have been deemed to have been registered with official authorization.

So what's that mean? Well in the last election, as you know, it's taken us a month, a month to figure out what the election results were because there were so many affidavit ballots. But the amazing thing about an affidavit ballot is it comes in with a name and address of the person who's voting by affidavit ballots right on the outside envelope so they can verify that they're registered and properly eligible to vote. And so, let's say you're right on top of things and for

some reason or some way, you have a database and you can identify who's not eligible to vote even if you identify them before that affidavit ballot is open, and you know for a fact before that ballot is opened or cast that they are ineligible, this language says that that vote still counts.

All of my colleagues on both sides of this aisle want to encourage active voter participation. We're all in on that. As one of my colleagues mentioned, we'd love to see the Department of Taxation included automatically, the DEC included automatically, the business associations and business entities included automatically, we're all in. But at the same token, we need reasonable verification and reasonable enforcement to ensure that our electoral process maintains its integrity. And for that reason, I will be joining many of my colleagues voting against this specific legislation, but we look forward to working with my colleague and the bill sponsor on alternative legislation that includes not just those who collect money from the taxpayers, not just those who register a vehicle regardless of their citizenship, but specifically includes those who pay the taxes, who pay the bills, who pay the freight and includes reasonable and appropriate protections to ensure that our electoral process is appropriate.

Thank you, Mr. Speaker and, again, thank you to my colleague for an hour or two of answering questions. Thank you, sir. And thank you, ma'am.

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. 322. 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 generally voting in the negative; however, if there are members that support this legislation, please contact the Minority Leader's office so we can ensure that your vote is properly recorded, along with verification of your authenticity. I'm just kidding on that last part. Just call us and we'll ensure your vote is properly recorded.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We certainly want to honor Mr. Goodell and his colleagues, but the Majority Conference will be voting in the affirmative for this bill. Those of my colleagues who choose not to do so -- do so are more than welcome to contact the number that's been provided. Let us know, and we will certainly record you as such. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. Both sides are noted.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, to explain my vote. I appreciate you giving me this opportunity to do so. These are really kind of difficult times that we live in, and so sometimes I think even the best intended legislation sometimes get viewed in a -- in a way that it undermines the intent. And I listened to the entire debate and, first of all, let me honor Member Walker for her diligence and standing up and -- and debating this bill. She did a fabulous job under some, I would say, strenuous circumstances. But good work. And it is good legislation.

I, in the heart of my hearts, I don't believe that people who come to America searching an opportunity come and decide that they don't want to be citizens. I think they do want to be citizens, but the process is so arduous that they can't get through it fast. And I really do not believe that they intentionally want to vote when they know that they're not eligible to vote. I do, however, think, as has been mentioned on the other side of the aisle, there -- there's a number of good taxpaying citizens who should have been included, and I look forward to working with anyone who wants to get that done with some quickness to make sure that that happens. But I do know that young people like at the age of my grandson, if there's an easier opportunity for them to get automatically registered to vote, it will put us leaps and bounds ahead.

So, I think this is good legislation. I'm pleased to be able to vote for it and I look forward to working with others so that we

might add other citizens to this process of being automatically eligible to register to vote. This is a great opportunity. I don't want us, in the words of Alexander Hamilton, to miss this shot for those people who are ready, citizens and ready to register to vote through this automatic process. I think this is an opportunity we should not miss and I look forward to working with others to fix it in the future.

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

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I first want to commend the sponsor on introducing New York Automatic Voter Registration Act of 2020, which implements a system of automatic voter registration within certain designated State agency applications such as the Department of Motor Vehicles, Department of Health, the Office of Temporary Disability Assistance, Department of Labor, Office of Vocation and Educational Services for Individuals with Disability, County and City Departments of Social Services and the New York City Housing Authority as agencies participating with AVR, Automatic Voter Registration.

Mr. Speaker, there has been a long -- been a long need for New Yorkers to modernize and revamp their voter registration process. Last month, I saw this in the primary in my capacity as the head of one of the Brooklyn party chair. For years, the people of the State of New York who are eligible to vote have been

deprived of voting because for whatever reason they were -- they did not have access. Many of the marginal communities like communities of colors, people with disability, young Americans, young peoples, seniors, did not have access, and still do not. So making these agencies available to the automatic voter registration process is a great way in contributing to making voting easy, efficient and accessible. And it also addresses partly the low record of voter turnout.

A modern voter registration will not only reduce costs involving processing voter registration, but it will maintain complete and accurate voter registration lists. My mission as an elected official and party leader is to empower as many people as possible to participate in our Democracy, that is to make the voting and the electoral process more effective, efficient, easy, accessible and transparent. When that process because arduous and difficult in the current case of this pandemic affecting people's lives, then New Yorkers can truly participate in Democracy. I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Crouch.

MR. CROUCH: Yes, thank you. And, you know, everybody wants to have people go to the polls and vote, and whatever we can do to get people registered properly should be done. But I find it ironic in the last three to four years people have worried so much about the Russians manipulating our elections, and here we're opening

up a process that other people that are not eligible to vote in New York State or even in this country have the possibility of manipulating our elections. The process should be looked at and, certainly, there should be some repercussions if somebody has violated the law as far as claiming that they are legal to vote. For every illegal voter that's registered, if they are not qualified to vote in this country or this State, you're diminishing the honest voter -- you're diminishing the honest voter's effect and you're compromising the election. I vote in the -- in the negative.

ACTING SPEAKER AUBRY: Mr. Crouch in the negative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker, I rise to explain my vote. I want to thank the sponsor for introducing this thoughtful piece of legislation. Our goal, hopefully, and everyone's goal, is to get more people to register to vote. The more likely they're registered, the more likely they'll go to the polls and vote. We need to break down the barriers that are currently in place to deny people the ability to register. It's complicated, it's difficult for them to go in (unintelligible/mic cutting out) -- this is a streamlined process. We'll get more New Yorkers who are eligible to vote registered to vote. I applaud the sponsor. I'll be voting in the affirmative and I ask my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Buchwald.

MR. BUCHWALD: Thank you, Mr. Speaker. To explain my vote. I'm pleased to be one of the sponsors of this legislation, but I want to take a moment to thank the lead sponsor for her determination in seeing through the task of having New York join 19 other states and the District of Columbia having automatic voter registration.

I remember a number of years ago there would be debates between people who all ostensibly supported automatic voter registration, which kind and how to do it and so forth. A lot of hemming and hawing. Today marks the day we actually get it done. And I want to thank the sponsor of this bill for being so committed to making sure that we improve Democracy in our State. I believe the voter registration process in many respects in New York has been antiquated. This will provide an opportunity for us to, once again, if not lead -- be at the front of the pack, at least lead by example and make sure that we bring New York further into 21st Century Democracy. So, I proudly vote in favor of this legislation. Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lavine.

MR. LAVINE: Thank -- thank you, Mr. Speaker. And I want to thank the sponsor, as well. No right is more precious in America than the right to vote, because that is the right from which all our other rights flow and emanate. And I just want to comment on

one aspect of this fascinating, fascinating debate which had certainly its share of red herrings, but a point -- I think someone was trying to make a point that oh, this bill is discriminatory because it doesn't include the DEC for those who renew or want to have hunting licenses. Now, I grew up in a remote part of the world far from -- far from New York and I grew up hunting and fishing. And as I recall, very few hunters used to walk to where they would do their hunting. They all drove. So, I think it's important to reflect on the fact that the Department of Motor Vehicles is an important feature in terms of interacting with many, many people. It's been a long time since we saw mass amounts of hunters in New York State walking to go hunting and carrying with them their rifles and gear.

So, we will continue to work with everyone, as Chair of the Elections Committee, to make sure that the State agencies are expanded, and we will get there. But this works so well, AVR works so well in the other states that have it. Again, congratulations to the sponsor. This has not been an easy road, but we are at the end of this immediate road and, again, well done to the sponsor. I cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you would please record our colleagues in the negative: Mr. Burke, Ms. McMahon, Ms. Griffin, Mr. Stern, Ms. Wallace, Ms. Barnwell -- Mr. Barnwell, I'm sorry, Mr. Vanel, Mr. Fall, and Mrs. Gunther.

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: Thank you, Mr. Speaker. We are going to now move to Rules Report No. 351 sponsored by Mr. Zebrowski, and it will be on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10839, Rules Report No. 51 [sic] 351, Committee on Rules (Zebrowski, Rodriguez). Concurrent Resolution of the Senate and Assembly proposing an amendment to Sections 2, 4, 5, 5-a and 5-b of Article 3 of the Constitution, in relation to the number of State Senators and inclusion of incarcerated persons in the Federal Census for population determination for redistricting purposes and to the functioning of the independent redistricting commission in the determination of district lines for Congressional and State Legislative Offices; and to repeal Section 3 of Article 3 of the Constitution relating thereto.

ACTING SPEAKER AUBRY: Mr. Palmesano.

Oh. An explanation is requested, Mr. Zebrowski.

MR. ZEBROWSKI: Sure. Thank you, Mr. Speaker. This bill is a concurrent resolution which amends the New York State Constitution with regard to the legislative and congressional

redistricting process. It's a few things: It fixes time frames due to our new primary calendar; it makes technical corrections that conforms the process to Constitutional and statutory mandates; it establishes a workable and orderly process with an independent and bipartisan structure for redistricting and, lastly, Mr. Speaker, it ensures in uncertain times that the Federal Census and with the public health crisis that New York receive an accurate count and apportioned representatives in a way that results in equal and just representation for everyone in our great State.

ACTING SPEAKER AUBRY: And now Mr. Palmesano.

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

MR. ZEBROWSKI: I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Zebrowski. I kind of wanted to go through part of the process just as I go through it just don't see where I'm going with it, kind of just to compare the current and new plan. So, as I'm correct, right now under the current plan that is in existence, or this, you would need up to -- the commission would need seven yes votes to pass -- to bring a bill before the Legislature, it would be one from each one of the appointing authorities, so the two Minority Leaders and the two Majority Leaders, plus an independent member, and they would need seven votes to move that forward, and if it did not move forward, they

would have - with seven votes - they would present a plan that had the next number of votes -- that had the most number of votes, and then from there, depending on either plan that went forward, it would require two-thirds of the Legislature to approve that plan, correct?

MR. ZEBROWSKI: So you mentioned several sections of both the old process and what we would present here as a new process. Some of what you mentioned I believe is in both the old and the new process, some of which is changed in this bill, so I would just ask that if you maybe drill down a little bit further on each --

MR. PALMESANO: Yeah, absolutely. So, basically what I'm trying to say is so we're at two-thirds, you'd need seven yes votes on a new -- on a new process -- on this process, pending participation from all the elected party appointees like -- two Minority Leaders and two Majority Leaders and an independent. And then when that moves forward, under the current one, you need two-thirds of that vote. Now, the new plan you're submitting still needs seven, but it takes away that participation having an appointee -- approval from each one of the appointing authorities. And then from there, it would go to a if -- if they had the seven votes, a straight majority vote. And if it was not approved with the seven, then we go to a 60 percent approval. So that's compared -- is that kind of a right comparison is?

MR. ZEBROWSKI: Once again, Mr. Palmesano, I'm not -- I'm trying to answer accurately, but some of the provisions you're mentioning are in both the old and the new process. In the old process, it's set up what I would believe to be an almost very partisan

structure, depending upon who the Leaders were, certain -- certain procedures would then be followed. Under the new process, I would say it's -- it's a -- a -- it's the same commission, it's a bipartisan commission, there are no more Democrats than Republicans on the process. It still has a seven-vote process and it still -- if there's a majority still has a heightened process for legislative approval --

MR. PALMESANO: Sure.

MR. ZEBROWSKI: There are some changes that I -- but I would just ask that instead of reading several, we go to each one.

MR. PALMESANO: All right. Let me -- let me ask this question, then. What's the reason to remove the -- the plan that we had that allowed for an appointee from each one of the legislative leaders and an independent, which would have a bipartisan grouping, whereas now you take that away. What's the main reason to do that and undo that, what the voters already approved?

MR. ZEBROWSKI: Well, I don't think we undid anything requiring a bipartisan process. The panel still has appointees from all four of the legislative leaders from both parties, each have an equal number, there are no more Democrats than Republicans on the panel.

MR. PALMESANO: But is it not true, in the existing one that we have, right now for a plan to move forward to come to the Legislature for us to vote on, we need seven votes, but you would need to have a yes vote from each one of the appointing authorities? Whereas, under your plan, you have taken that all away, you do not

need a yes vote from each one of the appointees, correct?

MR. ZEBROWSKI: Right, because I think in the old process to give any one legislative leader the ability to veto what is a bipartisan process, what is a bipartisan structure where there are no more Democrats than Republicans, I think would put into the process a level of politics, which I think we're all trying to get away from in the redistricting process.

MR. PALMESANO: But, I think when you say "veto", I think it's what they're trying to -- the voters approved this plan that wanted everyone to be involved and is to bring up a plan before this House to have everyone sign off on this is a good plan. Now, you've taken that away. Now everyone has to sign off and you have to have an appointee for each person, so that -- as long as you understand that, that I get that, so I get that perfect. So they don't approve that. So, you guys took that authority away from each one of the appointing authorities.

MR. ZEBROWSKI: No longer both --

MR. PALMESANO: -- they don't have -- they don't have to approve for a plan to move forward to us. So, you've taken that bipartisanship away from the vote, correct? On -- on approving the plan.

MR. ZEBROWSKI: No, I wouldn't --

MR. PALMESANO: As far as number of votes.

MR. ZEBROWSKI: I would not state it in that way.

MR. PALMESANO: Okay.

MR. ZEBROWSKI: Certainly no longer now under what we're presenting today, would any appointees from only one legislative leader be able to veto what is a bipartisan process.

MR. PALMESANO: All right. Thanks, you've answered some of my questions that I wanted to do. I'm going to -- I just want to spend some time speaking on the bill. I know some of my colleagues are going to have some more technical questions. So, I'm going to speak on the bill now, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Thank you. Thank you, Ken. Mr. Speaker and my colleagues, I participated in a public hearing last week, the so-called public hearing on Zoom where we -- we were supposed to get input and -- and suggestions, but Mr. Speaker and my colleagues, make no mistake about it. What we're doing here today was the intention all along. The sponsor in the Senate in that meeting made very clear what his intentions were from his comments.

The bill we're doing here today has nothing to do with making this process better, more fair, balanced, independent and nonpartisan. This is a deliberate, willful effort to undo and undermine what the voters wanted and, more importantly, what they already approved. Plain and simple, this is a blatant power grab. It's a deliberate, one-sided partisan political hit job to silence the Minority and to ensure and continue one party rule in New York State, which really hasn't worked too well for the voters of this State.

Obviously, being in the Majority is not enough. The

effort through here to silence the Minority participation in the redistricting process and then, State government, as you move forward with this process, this redistricting process to control the entire process through how you made the changes, where before you had to have sign off and approval from each one of the different conferences to show fairness, to show balance. This was -- this was an amendment that was overwhelmingly supported in this House. Overwhelmingly. And now we're, instead of -- we're making it more political and, again, undermining the voters who already approved this.

Now, I know the other side, you guys are going to try sell this as a fair, independent process. But let's be clear. This is anything but. You know it. The media knows it. And so-called good government groups know it. And as far as this so -- so-called good government groups are concerned, if you're not out there opposing this plan, you're losing credibility because you're essentially endorsing a process that is working to silence participation by the Minority in this process and, again, undermine what the public wanted and voted for with the referendum. They want a fair, balanced, independent and nonpartisan redistricting process. Something is so-called -- the good government groups have advocated for it.

I do want to share with you a quote that I think is really kind of telling. This is from 2012. It was in a Queens newspaper, January 19th, 2012. The quote says, "I'd like to see fairness in this process. We have a process that's controlled by the Majorities and they want to damage the minorities." That quote was

said by the Senate sponsor of this legislation from Queens. On this clearly partisan bill, the sponsor -- he said he wanted fairness in the process, he didn't want the process to be controlled by the Majorities because he said it would do damage to the Minorities. That's what he said then. Now we have this bill. How hypocritical, because this bill takes away any fairness to the process. It ensures the Majority controls the redistricting process and does do damage to the Minority parties and will, again, undermine what the voters of this State wanted and already approved.

I'd love to share with you, when we had the debate on the Constitutional amendment 2012, I mentioned comments from a colleague on the other side of the aisle. Let me just share some of the comments that were made on this floor hailing the passage of this legislation. I'm not mentioning any names, but one comment said, "I rise tonight to very enthusiastically vote on this proposal before us. This is a terrific bill. I look forward to the redistricting in ten years from now." Another colleague said, "I think this bill goes a long way. We can finally reform the process. We can make good on that by voting for this bill and I encourage my colleagues to vote for this." Another colleague said, "What this vote tonight is about is asking the people of the State if they would want to continue the power of the Legislature to create legislative districts." And another comment from one of our colleagues, "This proposal, we'll be able to put it in place, this independent commission, which will result in fair lines being adopted that the public can view as being fair." That was then. Here

we are now. Again, very hypocritical.

It's truly my hope that the voters in the State, that the media don't buy this and fall for this, and they call it for what this truly is. This is simply no other than a power -- a blatant power grab. So, I'm urging my colleagues who voted yes on this bill last time, who support fairness, balance and independent nonpartisan process to reject what we have before us today. Reject it and vote no on this ridiculous plan that takes away balance -- that takes away the participation of all parties being involved in this process, the way it was set up, intended to be, that each appointee block from every side have a say in approving the redistricting plan, not just the Majorities. Not just to let them have four plus two other people do this.

This is a step in the wrong direction. This is a ridiculous bill. This is not what the people want. The people already approved and said what they wanted: Independent, balance, fairness. Mr. Speaker, my colleagues, this is anything but that. I would urge all of you to reject this plan and let the commission get to work and do what we already authorized them to do. It's amazing to me that we're doing this before we even got that process started. There's no need for it and it's really, what we're doing to the voters in this State with this process is basically, it's a black eye on this institution because we're turning this political. We had balance, we had a plan that was agreed to. I am urging my colleagues in this House, please, take a stand. You know it's -- this is not the right thing to. You know this was not agreed to. You know this is taking a step back. Reject this plan.

Speak up, don't accept it. Vote no. I know I am.

So, I urge everyone to vote no on this blatantly -- blatant power grab by the Majorities so they can control the redistricting process and try to ensure one-party rule in New York State. It's wrong. It's wrong for this institution. It's wrong for the people of the State. They deserve much better. And what we're doing here today is not much better. It's much, much, much worse. Mr. Speaker, I'm going to be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. I just wanted to be through some of the stuff Mr. Palmesano mentioned, but I guess I'll try to get specific in terms of what I'm asking under the new process that -- that this creates. So, let's assume this commission gets the work, they come up with maps and there -- there's a provision here for if, I guess, if they don't take a vote on the maps at all, what -- what happens?

MR. ZEBROWSKI: If they don't take a vote --

MR. RA: If there's no vote within the commission.

MR. ZEBROWSKI: There's no vote for any maps.

MR. RA: No.

MR. ZEBROWSKI: They send all maps to the Legislature.

MR. RA: They -- so any maps they've created will be sent to the Legislature.

MR. ZEBROWSKI: Yes.

MR. RA: And at that point, does the Legislature have to vote on exactly what was sent? Can the Legislature make modifications?

MR. ZEBROWSKI: No, the Legislature doesn't have to vote on exactly what's sent. They can make modifications. Obviously we don't at that point have a plan. They have to send us their plans (unintelligible).

MR. RA: Okay. And under those circumstances, a 60 percent majority vote would be required in both Houses?

MR. ZEBROWSKI: So, there's not seven -- if -- if no plan was voted on by seven people then it's 60 percent.

MR. RA: Okay. Now give you -- I'll give you a different scenario. There is a vote and no plan gets a majority vote, and basically there are -- there are party line votes. The -- the Republican appointees vote no on a plan, the Democratic appointees vote yes and there's another plan that the Republican appointees vote -- vote yes on and the Democratic appointees vote no. What happens with those maps as it pertains to the Legislature?

MR. ZEBROWSKI: You would send the plan or the plans with the highest number of votes to the Legislature.

MR. RA: So if there were multiple plans with the same exact number of votes they would all be sent over, correct?

MR. ZEBROWSKI: Yes.

MR. RA: And again, could those be modified by the Legislature prior to a vote?

MR. ZEBROWSKI: No. Not on the -- not on the first two rounds of submissions to the Legislature.

MR. RA: Okay. And that is a 60 percent vote in each House, correct?

MR. ZEBROWSKI: Yes, under that hypothetical.

MR. RA: Okay. Now under the current constitutional amendment that was approved by the voters of New York State back in 2014, once a plan has come out of the Independent Redistricting Commission and it's brought to the floor, can it be amended by the Legislature or does it have to be voted on first?

MR. ZEBROWSKI: Similarly, not on the first two, but on the third submission.

MR. RA: Okay. And assuming at that time which would be in the next -- you know, when the next Legislature convenes -- assuming at that time let's say the political makeup of both Houses remains exactly as it is today. What -- what vote would be required?

MR. ZEBROWSKI: Under the old plan or the new plan?

MR. RA: Under what's currently in the State Constitution that was approved in 2013.

MR. ZEBROWSKI: Two-thirds.

MR. RA: It would be two-thirds of each House. So given that, would it be fair or accurate to say that a plan that comes on the floor under the new version could potentially be passed by the full Legislature -- I'm not talking about the -- the Commission part of it but by the full Legislature -- assuming the current make up of the Houses holds politically, you know, the same ratios, that it could be passed without a single Minority Party vote under this new plan?

MR. ZEBROWSKI: Well, under the new plan -- I think you're fast-forwarding through a lot of the process. Under -- under the new plan there's a bipartisan process. The same amount of Democrats, the same amount of Republicans.

MR. RA: We're already past that. They're out on the floor. We already -- we went through that portion -- (unintelligible) come to the floor.

MR. ZEBROWSKI: So you're suggesting that there was no way under this bipartisan panel with non-affiliated folks to come up with a plan twice, right? I'm just trying to get to your hypothetical because it's not -- I don't want to give anybody the impression that --

MR. RA: I'm saying the -- the first -- the first set of maps comes out that we're -- we're dealing with from the Commission.

MR. ZEBROWSKI: First set of maps comes out of the Commission and how many --

MR. RA: Maybe there's the dead -- maybe there's the

deadlock scenario that we just talked about, and so we get -- maybe we get two plans, you know, and maybe there's one that the Republicans were supporting and one that the Democrats are supporting.

MR. ZEBROWSKI: Okay. So under -- under -- under the process that's -- that's in this bill, there are supposed to be seven votes in order to submit the process to us and then it would be a majority vote. If there's not seven votes you would need 60 percent of the Body to approve it.

MR. RA: Okay. Sixty percent in each House.

MR. ZEBROWSKI: Right.

MR. RA: As opposed to if maps were to come to the floor, the first -- you know, the first set that comes out of the Commission under the 2014 amendment that's currently in the Constitution, it would be two-thirds. Correct?

MR. ZEBROWSKI: It would be two-thirds currently.

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

Mr. Speaker, on the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. RA: What -- what I just went through was really meant to illustrate something, and that's that under what was put out to the voters in 2014 and, you know, some of us are newer, some of us we're here back then. I remember being here that night when we did first passage. I don't think it's a night most of us would forget if we

were here because we ended up basically voting on, like, the entire agenda for the year over one night in the middle of March. And I remember it very vividly because it was the first time I ever watched the sunrise through the windows of this Chamber while I was sitting in here. But all of us or many of us that came to the Legislature during that time -- my first election was 2010 and there was a movement back then by former New York City Mayor Ed Koch. He -- he came up with something called New York Uprising, and he had seen a lot of the dysfunction that had gone over the years in Albany. And he asked people to sign a pledge that they would support independent redistricting, and over 200, I think, State Legislators and Statewide -- candidates for State office signed that pledge. And so the idea of independent redistricting was very much on people's minds from day one when I -- when I got to Albany. And, you know, and you would get communications from this organization saying, you know, you need to sign on to a bill and we'll, you know, honor your pledge and all -- all that type of stuff. We then go forward -- the next year came around and I kind of saw the redistricting process from -- from a distance. (Unintelligible) went about their business. They had their hearings. Maps came out. And then ultimately on that night in March, coincidentally, the same night we had first passage of this constitutional amendment that was approved in 2014, what we passed in the legislative lines. And, you know, when we look at these things it's -- it's the same for us for years at budget time. You know, it's -- in our Chamber the Republican Minority are making points, in the

Senate Chamber it would be the Democratic Minority making some of the same points, maybe advocating for different issues but making the same points about process and all of those types of things. But it's interesting, those -- some very vocal people down the hall of the Senate Democrats back then about the terrible redistricting process who seem hell-bent now on going back and making this process more political once again. The idea of a kind of Minority Party veto was brought up at the hearing last week, and I think it was brought up almost as if it's like a loophole or -- or an unintended consequence. It's not. The whole point of independent-type redistricting is that it is totally non-partisan. That no Majority gets the opportunity to run rush (unintelligible) over the Minority. And, you know, there's a saying many of us probably heard many times, *power corrupts and absolute power corrupts absolutely*. Many of us have probably heard it, but we don't necessarily know where it came from. A British politician, Lord Acton, is -- is the one attributed to it, but I think it's been really repeated many times over the years. And if you go all the way back to 2009-2010 when we had a Democratic Majority in the Senate for the first time in many years and, you know, the Assembly obviously was Democratic-controlled and the Governor was Democratic-controlled, our Minority Leader in the Senate flat out said was quoted -- this wasn't a secret, this wasn't a closed-door thing -- said their intention was to redistrict the Republican party into oblivion. So during those two years, which, you know, would kind of be the same type of time as now - it was 2009-2010 as opposed to 2019-2020 - and you didn't

seem to have any interest in doing anything about redistricting, independent redistricting. They didn't -- they didn't want to do anything that was going to create a -- an independent process because they hoped to be in power so that they could redistrict the Republican party into oblivion. Fast-forward, they lost the Chamber again and all of a sudden they -- they were on the outside looking in on the redistricting process in the Senate. With the passage of this this year and next year, we'd be going back. We'd be going back to the idea of allowing politicians to choose their constituents rather than allowing constituents to choose their representatives, which is what the point of this independent redistricting is. We'd be taking something that we did two passages of in the Legislature, sent out to the voters of New York State, they approved us in 2014. And before we've even begun that process, we're sending them a new process for consideration, basically based on one invitation-only hearing that was held a week ago. So, you know, as we -- we look at this and we're going to have the opportunity again to debate it next year and then it will go out before the voters. But I hope that the editorial boards of this State are paying attention. I hope that the good government groups are paying attention. And I hope that they would call this out for what it is. My colleague said it was power hunger. That's exactly what it is. It's taking a process and making it less independent. And how anybody can characterize that as -- as being an improvement, it's an improvement for large D Democrat, not for democracy. It's -- it's not an improvement. It silences the majority's role in this process, and

does so, I have to add, during a time when we're operating under special rules because of the situation, which means debate is limited, the public hasn't had access to this building since March, and -- and we're here -- we're here doing this. So even in the debate the Minority voice is silenced because instead of having two 15-minute opportunities to question and speak we only have one under these modified rules. So I hope that, you know, as we look at -- we just did another Election Law reform bill. We did a huge number of them last year. Many of them were -- were supported by people on our side of the aisle, some weren't. Some we had some philosophical differences in. But I -- I want to remind everybody, as you read off that list of all the things we did to foster voting turnout and -- and great Democracy, don't forget to leave a few out. Don't forget to leave out that last year in the budget, in the middle of the night, there was a provision put in that changed State law to allow the Democratic State Chair to be part of the Commission to rewrite our election laws. Don't forget that after that effort was rejected by the courts as an unconstitutional delegation of legislative powers, that in the middle of the night this year, in the budget, in the middle of a pandemic, with the public banned from the building, with suspended rules on debate, we took what was written by that Commission and put it into statute. And by the way, as part of it, we went after minor political parties. Some that had started to be a thorn in the side of the two majorities. So, middle of the night, shove that in there. Now many of them will cease to exist after the next election as a result of it.

Lastly, we're reducing the Minority voice in redistricting. So I'll say it one more time. *Power corrupts, and absolute power corrupts absolutely.* I urge you to reject this power grab. Thank you.

ACTING SPEAKER MCDONALD: Mr. Kolb.

MR. KOLB: Good afternoon.

ACTING SPEAKER MCDONALD: Good afternoon, Mr. Kolb.

MR. KOLB: Will the sponsor yield for a couple of questions, please?

ACTING SPEAKER MCDONALD: Will the sponsor yield?

MR. ZEBROWSKI: Of course.

ACTING SPEAKER MCDONALD: The sponsor yields.

MR. KOLB: Thank you. A couple questions on --on this proposed bill, Ken. First of all, could you tell me why the -- the logic is to maximize the number of Senators to 63?

MR. ZEBROWSKI: Currently there's a complicated formula to determine how many Senators there are. We're certainly in the Assembly capped at 150. I remember several years ago when they increased the number of Senators it was rather controversial, so I think this gives some certainty moving forward and we can operate with under this construct and avoid any of those questions in the future. We've never had it in the Assembly side.

MR. KOLB: The -- do you know how many citizens are per Senate district now, based on the 63? Based on current population?

MR. ZEBROWSKI: I don't have that in my notes right now, but I'm sure it's at -- we will get it for you by the end of this debate.

MR. KOLB: Well, it's basically, I think, the rough number is if you take the total population of our State and divide it by 63, you know, it would come out a little bit over 300,000 people per Senatorial district. So what happens if our population grows significantly? That would mean that holding at 63 would mean that the population each Senator would represent would grow significantly, which I think basically dilutes their ability to represent a much larger population. Now it becomes -- it could grow into more of a Congressional district rather than a Senatorial district. And I'm just saying it would seem if that if our population is going to grow, unless all of you are acknowledging now that the policies we have in the State, we're not going to be able to grow our population, so that's why it's okay to cap it at 63.

MR. ZEBROWSKI: The same process would happen that would happen in the New York State Assembly. We're capped at 150. Populations can shift at times. Districts can be slightly larger or slightly smaller.

MR. KOLB: Well, the Assembly population, though, is, you know, basically one-third of the Senate population right now

so that's quite a ways to -- to change.

Changing -- also couple of other provisions I want to ask you about that were eliminated was -- with your proposed legislation is eliminating dividing blocks within the City. In other words, you're going to allow to divide a City block, which, obviously, I know that's pretty much focused on New York City and -- and the other cities. And also a limitation -- you're eliminating four more Senators in a county. Could you just give me rationalization why those two provisions are being eliminated?

MR. ZEBROWSKI: Sure. First of all, those are only in the Senate lines. It has nothing to do with the Assembly lines. But those limitations sometimes could or would alter the way a map could be drawn and result in a process that is less equitable to those communities. There could be communities of interest that because of those roles that we would -- we would believe are somewhat arcane could not be put together in the same district. So we would rather leave it up to this independent panel to come up with a construct that is most equitable and fair, pursuant to the provisions that are in the bill on page number four, and we believe, you know, utilizing those fair and equitable constructs without some of these other arcane procedures is the best way to go.

MR. KOLB: Are they only arcane because they've been there for a while or are they arcane because this would benefit the Majority party in the Senate?

MR. ZEBROWSKI: I don't believe that they would

benefit any party. I think that the maps are going to be drawn by a panel that neither has more Democrats nor more Republicans on it. And we want to give them all the tools at their disposal -- disposal without restrictions. And I just want to point out again that these are just in the Senate. They're not even in the Assembly anymore.

MR. KOLB: No, I understand that. But we're talking -- this bill encompasses the Senate and the Assembly, and the provisions I'm asking you about is the Senate specifically. And also the fact with eliminating the four more Senators in a county, did you look at this fairly from studying the impact on Upstate New York in terms of the population, which has spread out, obviously, geographically significantly more than the urban populations and how that may affect representation in Upstate versus Downstate? Did you look at that personally?

MR. ZEBROWSKI: No, I -- it's just an outdated formula. We draw districts by population, not by -- we don't just give, you know, one county an Assemblymember or one county a Senator. So I think it's an outdated rule. And once again, we should be giving the independent panel the ability to draw the most fair maps possible and not have language like that in the statute or in the resolution that harken back to a time when we used to draw districts based purely on political boundaries and not under the one -- one person, one vote constitutional construct.

MR. KOLB: So as an example and now switching back to the Assembly, there's no provision to limit the number of

Assemblymembers in a county, is there?

MR. ZEBROWSKI: I -- I don't believe so. We don't -- we don't draw lines -- I say "we" -- the panel won't draw lines, the State won't draw lines based on ages ago rules of political boundaries.

MR. KOLB: So you're saying it's arcane for the Senate but it's not arcane for the Assembly. Because that's what you're really saying because you're not putting any limitations in terms of the number of Assemblymembers in a county.

MR. ZEBROWSKI: We don't -- we don't have any limitations. We draw our districts by population.

MR. KOLB: Well, you're eliminating it with the Senate, and I know you say, *Well, that's not the Assembly*, but it's the bill that you're formulating here that basically is eliminating a provision that you can have four more Senators in a county. So I'm saying if that's arcane, why wouldn't you limit the number of Assemblymembers in a city as well, instead of -- as you know, the games that have been played over the years with the Majority, especially in the Assembly, was to minimize on the plus or minus percentage of the legislative districts is that they would go in the lower end of the district to cram in more Assembly Democrat representations in New York City, as an example, or -- or any of the urban areas, rather than space out and have a district drawn evenly on population, regardless whether there was five members or ten members or eight members in the Assembly.

MR. ZEBROWSKI: I don't understand your premise

or your question, Mr. Kolb, to be honest. Because we eliminate the limitation. We don't have that type of limitation in the Assembly so we're certainly not treating the Assembly different from the Senate. There should be no limitation based upon political boundaries. We should be drawing districts purely based upon population or -- you know, you can't have a district -- one Senate district in one county that has, you know, 300,000 people and another one in a county that has 100,000 people. It just -- that doesn't pass constitutional muster. So I don't understand the premise of your question because you're suggesting that we should keep a rule in that arbitrary -- arbitrarily sets the number based upon a political boundary.

MR. KOLB: Well, you're saying that we're going to eliminate those provisions only for the Senate because you think that's arcane. So are you also trying to say, then, all of the representative districts in the Senate for the last how many years has been arcane and that the people aren't being represented properly in the Senate with our current legislative districts? Is that what you're saying?

MR. ZEBROWSKI: I'm just saying, Mr. Kolb, that we can do better. We always try to do better. And we believe that this construct that we're able -- that we're putting before the Legislature today and will, if passed twice, go before the voters is a better process for the future. I'm not stating anything about any Senator's past representation of their district. But my confusion is because we don't -- I feel like you're suggesting that I'm eliminating something for the Senate and keeping it for the Assembly and we don't

believe that to be the case.

MR. KOLB: No, I'm not suggesting anything. I'm just asking clarification questions.

MR. ZEBROWSKI: Okay. Just to clarify what we eliminated, what you're asking me on in the Senate is also not -- is not applicable in the Assembly.

MR. KOLB: Well, let me go back. So you -- you've been through one redistricting process, correct?

MR. ZEBROWSKI: Correct.

MR. KOLB: Did you like your district when it was all said and done? Did you feel like your district was fair? Fairly drawn?

MR. ZEBROWSKI: I love every neighborhood in my district, Mr. Kolb.

MR. KOLB: Yep. And when you first got elected, did you like that district that you were elected to?

MR. ZEBROWSKI: I love them equally.

MR. KOLB: Of course you do. But that wasn't the question I asked you. Do you think they were fairly drawn once you had the experience of actually voting on a redistricting map?

MR. ZEBROWSKI: We are presenting an amendment here to try to make it as fair as possible moving forward. I'm not sure that going back into my head ten years ago and trying to figure out whether or not I felt all four corners of my district were the best possible district, I was -- I've been more than happy to represent

all four corners of it the entire time I'm here.

MR. KOLB: The -- so did you agree -- did you vote for the current Independent Redistricting Plan?

MR. ZEBROWSKI: Yes.

MR. KOLB: Yes. Did you stand up at that time and raise any objections to the fact that you felt it was arcane, could be better, didn't like what the leadership had negotiated? Did you personally, on this floor of the Assembly, speak out and say *things need to change, we need to change the Senate, we need to change the number of Senators, we need to eliminate the dividing blocks in the City, I don't think this is fair*. Did you -- did you do any of that when we went and passed this and presented this to the taxpayers? And be honest here.

MR. ZEBROWSKI: Prior to this debate I did not go back and look at any legislative records. I will say that I -- I vote on, I debate, I think about each bill that is presented before us individually. Oftentimes I think I could speak for many, many of my colleagues in saying that a bill is a -- is a compromise and that many times you think one line or ten lines or 20 lines could be slightly better and every Legislature has to make a decision on the whole on whether or not they want to vote yes or no and whether or not a given procedure moves the ball forward, if you will, for an analogy, or -- or it makes the situation better than it was prior. But I would say most of us, myself included, would always try to improve on any piece of legislation. And oftentimes that's why on any bill -- on many bills that

come before this House it's an amendment of a prior bill. We're amending a prior bill that many people thought was great, but you're trying to make it better.

MR. KOLB: Trying to make a bill better that hasn't even had a chance to work yet.

One last question is the fact that the Citizens Union and League of Women Voters have both come out and stated a memorandum in opposition basically saying that this bill does not provide a fair and open redistricting process. It establishes one-party control over the redistricting process. It reduces the role of the Independent Redistricting Commission. Do you have any general comment to these independent good government groups saying that this bill is a bad idea for New York State?

MR. ZEBROWSKI: I would note that there are other good government groups that have come out in support of the amendment and many provisions of the amendment. I certainly respect Citizens Union and the League of Women Voters. I would disagree with their memo, and quite frankly, I would disagree with individual parts of their memo which I do not believe accurately reflect what this legislation does.

MR. KOLB: Okay. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER MCDONALD: On the bill, Mr. Kolb.

MR. KOLB: The taxpayers, the voters, have already

paid for an independent redistricting process back in 2014. That process hasn't even been given a chance to work or not work. The Commission, the Independent Redistricting Commission, the eight primary members are two members that are appointed by each leader, Majority and Minority so there's equal representation from both parties. Then the current Commission would then select or -- two new independent members that cannot have any political affiliations with anyone. Once that Commission does its plan, it has to vote on that plan, and then submit it to the Legislature for its approval. The legislative leaders do not get a chance to reject this legislative plan. This is what the whole purpose of the independent Commission was. I've been through two of these nightmares; one as a sitting member and also one as a legislative leader, and this process that they're talking about today is nowhere[sic] near an improvement on the process that was passed by the Legislature twice and also --

ACTING SPEAKER MCDONALD: Thank you, Mr. Kolb.

MR. KOLB: -- as a constitutional amendment by the voters.

ACTING SPEAKER MCDONALD: Thank you for your comments.

MR. KOLB: This is the wrong bill, wrong piece of legislation.

ACTING SPEAKER MCDONALD: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the

sponsor yield for a couple of questions?

ACTING SPEAKER MCDONALD: Will the sponsor yield?

MR. ZEBROWSKI: Of course, Mr. Speaker, I'll yield.

ACTING SPEAKER MCDONALD: The sponsor yields.

MR. TAGUE: I just want to say thank you to my three colleagues before me. I'm going to be brief with the sponsor because they asked some of the questions I already wanted to ask. But first I'd like to ask the sponsor, Mr. Speaker, why -- when and why did you decide to introduce this, especially since the voters approved this independent redistricting amendment in 2014?

MR. ZEBROWSKI: Thank you, Mr. Speaker. Mr. Tague, it is clear from -- it's clear that changes in the primary political calendar necessitated us to take action. It's also clear that there are several other provisions of this bill that needed to be changed in order to comply with statutory or constitutional mandates. We had a hearing where folks brought up several issues, and we took all those comments into account. And it's also clear, I should say, that I don't think any of us ten years ago - whether in this Legislature or out of this Legislature - could have anticipated the crisis that we're currently in on a public health perspective and all the uncertainty surrounding the Census. So I think it's incumbent upon the Legislature to revisit this process which necessitated this bill before us.

MR. TAGUE: Also, how many hearings have been held on this specific amendment, and have they been held throughout the State as to get input from a variety and our diversity of our communities?

MR. ZEBROWSKI: Well, it -- there was no amendment yet. There was a public hearing that we held related to the Census issues and all issues surrounding redistricting.

MR. TAGUE: But nothing specific just to the redistricting.

MR. ZEBROWSKI: No, it was specific to redistricting.

MR. TAGUE: Maybe sometime -- will this amendment -- do you believe that should this amendment be approved, existing provisions of the New York State Constitution that prevent partisan gerrymandering will still be in effect?

MR. ZEBROWSKI: Yes. I believe -- maybe you could rephrase your question so I properly answer it. Do I believe that -- I'm sorry, I'm rephrasing it now. But did you ask me if I believe that this amendment will -- will make sure -- this amendment will prevent partisan redistricting?

MR. TAGUE: Yes. What I'm saying is the existing provisions that are in our Constitution, will they still be in effect to prevent partisan gerrymandering?

MR. ZEBROWSKI: Yes. Not only do I believe that existing provisions under this construct will prevent partisan

gerrymandering, but I believe that this bill before us will improve on the process for preventing partisan gerrymandering.

MR. TAGUE: And let me ask you this, too, sir. Is it your opinion or not your opinion that this amendment establishes a redistricting process that makes it difficult for New York State to meet all the requirements it must follow for the Voting Rights Act?

MR. ZEBROWSKI: No, that's not my opinion.

MR. TAGUE: Okay.

On the bill, Mr. Speaker.

ACTING SPEAKER MCDONALD: On the bill, Mr. Tague.

MR. TAGUE: Despite what others have said, this bill isn't about furthering Democracy or bringing justice to the redistricting process. This is a calculated power grab. Requiring a two-thirds vote on important matters such as this has always been a way of assuring this Body remains collaborative and that the concerns of New Yorkers from out -- throughout the State are taken into account. But unfortunately, with this bill, one-party rule of the State will only continue. Proponents of this bill argue that it will provide a fairer redistricting process, taking steps to assure that illegal immigrants are included in the counting process in redistricting. But this bill gives Democrats the tools to make districts even more gerrymandered. With this bill, a voting district could be split between two sides of a city block, giving the Majority the power to carve out districts to their liking at a level more precise than ever before. This is

especially troubling when all -- when all is needed to put these redistricting plans into motion is just a simple Majority vote, giving us in the Minority no effective input or means of standing against unfair redistricting. This is just another case of Democrats seeking to further their own one-party rule and to rule the State from New York City. The fact of the matter is that this bill will exclude legislators representing many parts of Upstate New York. It will give Democrats everything they need to advance redistricting plans that further empower themselves, but rob our Upstate and rural residents of accurate representation. I am sickened by this bill's rejection of any effective collaboration or compromise. I assure all of you, taking the Minority out of this process will only allow for more gerrymandering, more unfairness, and only work to entrench the power of the Democratic Party in this State. We should be working to make things better for the people, not political parties. And I could never support legislation that empowers Downstate lawmakers to rob Upstate residents of legitimate representation, as this bill does. The State Constitution was amended in 2014 to establish a fair, independent redistricting process. This amendment passed both Houses of the State Legislature. It was overwhelmingly approved by the voters of New York State. We haven't even been through this process once. What are we trying to fix if we haven't even tried the process but once? What is being proposed is nothing more than partisan politics masquerading as good government. Simply put, this proposal guts the ability of the Independent Redistricting Commission to establish

nonpartisan fair, independent districts. This takes us back to the bad old days and partisan gerrymandering districts. You know, it was our great President Abraham Lincoln that said, *America will never be destroyed from the outside. If she is destroyed, it will be from within.* How true those words are becoming.

You know, just yesterday I saw what I found to be a very disturbing tweet. It came from an individual claiming victory in a Democratic Assembly primary election in New York City. And I quote, I quote, "Socialism won." Yes, that's right. Socialism won. I am sure that our veterans, past and present, which will include my grandfather, a Pearl Harbor survivor, a survivor of the Normandy beaches and the Battle of the Bulge who spent the closing days of World War II liberating Nazi death camps, a vision that he carried in his mind until the day he died. I am sure that he and his fellow veterans are rolling over in their graves. My God, what have we become? I hope this is not where we're headed. I love this country and I love the State and that's why I chose to serve. And I want to say God bless to each and every one of you, God bless this great country, God bless this great State, and most importantly, our military men and women who have fought for our freedom.

ACTING SPEAKER MCDONALD: Mr. Zebrowski, why do you rise?

MR. ZEBROWSKI: I wonder if Mr. Tague will yield.

ACTING SPEAKER MCDONALD: Mr. Tague, will

you yield?

MR. TAGUE: I will not.

ACTING SPEAKER MCDONALD: Mr. Tague does not yield.

MR. TAGUE: I will not.

ACTING SPEAKER MCDONALD: Continue, Mr. Tague.

MR. TAGUE: I want to finish by -- I want to finish by saying that we will not give up the fight. We will prevail. We still are the greatest nation on earth. And I want to thank all those veterans for their sacrifice.

For these reasons, Mr. Speaker, I will be throwing this amendment exactly where it belongs; in the garbage pail. I would encourage my colleagues to please do the same for the good of our State, for the good of our Constitution and our country. And for God's sake, Mr. Speaker, I will be voting no on this amendment and I encourage all my colleagues to do the same.

Thank you.

ACTING SPEAKER MCDONALD: Mr. Brian Miller.

MR. B. MILLER: Thank you, Mr. Speaker. Can you see me?

ACTING SPEAKER MCDONALD: I can see you, Mr. Miller. Good to see you.

MR. B. MILLER: It's good to be back on the floor. I

just want to speak on the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. B. MILLER: And I want to speak about the 101st District that I represent. And I would like to say it's an honor to represent the people of the 101st District. As we all know, the 101st goes from the Mohawk Valley all the way to Orange County. I know we talk about fairness process and how the lines were drawn. I know -- I don't know how the lines were drawn for -- for this district. You know, this district encompass seven counties and 25 towns. Most of the districts are one town at a time that splits counties right in half. To represent this district, I have to leave the 101st. I have to drive on the Thruway in Albany and then all the way back -- all the way back to New Paltz and cross lots to the bottom end in Orange County. That's my Lab barking. He thinks when I talk it's time to feed her. But I'd just like to talk about fairness in drawing these -- these lines. You know, for one thing this isn't fair to the constituents. You know, we -- we get calls all the time on *Who is my Assemblyperson?* And that question's pretty much figured out now because we've been there for four years. But this isn't fair to the constituent. Now, when we -- when we draw these lines we have to think about the voters, the constituents and how this district is going to be operated, represented by -- by the representative. But, you know, this has been a tough district to represent. I know we've done a great job doing it. But this Commission has to -- excuse me, I'm still recovering from COVID so I still get winded a little bit.

ACTING SPEAKER MCDONALD: Take your time, Mr. Miller. We gave you a little extra seconds while you're taking your dog for a walk.

MR. B. MILLER: Well, I wasn't taking her for a walk, I just had to go to a different room. Like I said, the Lab thinks that when I talk it means it's time to feed her. But back to the 101st District and the district lines, you know, this district's 204 miles long. It takes three hours and 14 minutes to go from New Hartford all the way to the Town of Montgomery. It's awful tough to have two meetings in one day in two different parts of the district. You know, there's a six-hour drive down and back. And, you know, this process, thought process for drawing these lines was totally chaotic. I hope in this -- in this bill there's -- there's groundwork and -- and rules on how these districts need to be -- need to be drawn. You know, I go from the Mohawk Valley -- this district goes from the Mohawk Valley through the -- through the Upper Hudson Valley to the Lower Hudson Valley through the Catskills. There's geographic differences all through this -- through this district. Along with that, you know, we talked about southern counties, and I know my colleague talked about how many representatives represented the county. Well, in Oneida County there's five different Assembly people that represent Oneida County. And along the way down through Otsego County, Delaware County, Ulster County, there's -- there's two or three different Assembly people representing the constituents. And then over to Sullivan County we have one town. So, you know, when you talk

about fairness of drawing -- drawing lines, the 101st District, Assembly District, should be an example of what not to do. But like I said, this is a great district, the people in the district are fantastic. You know, I tell everybody if you want to learn how to be an effective Assembly person, this is the district you'll want. You know, you have issues from the Mohawk Valley all the way down, like I said, down through Herkimer, Otsego, Delaware, Ulster all the way to Orange County where you have issues with -- with the MTA because that's -- that being the farthest north that anyone can live and still work for the City of New York. So you learn to think globally, and it works. But to represent the constituents and be fair to them, we got to put provisions in there that this can't be -- these districts can't be drawn with that -- that -- that type of diversity in them. So I hope in this legislation that we see some rules in here. You know, my profession was an engineer for 35 years before I came to the Assembly. And when we put together plans, we looked at every aspect from representing constituents to how -- the driving time, the whole the nine yards. We have to make sure we do this and do this right.

Thank you for giving me the time, and I hope this works the way we planned. Thank you.

ACTING SPEAKER MCDONALD: Thank you, Mr. Miller.

Mr. Schmitt.

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

ACTING SPEAKER MCDONALD: Will the sponsor yield?

MR. ZEBROWSKI: Sure.

ACTING SPEAKER MCDONALD: The sponsor yields. Go ahead, Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Zebrowski. Would you be able to clarify a few things for me? One, what -- when would this constitutional amendment take effect should it pass both Sessions of the Legislature and then be voted on by the public?

MR. ZEBROWSKI: January 1st, 2022.

MR. SCHMITT: Okay. And then when would maps be due from the Commission for this upcoming redistricting cycle under this proposed amendment change?

MR. ZEBROWSKI: For the 2022 only. For 2022 only. The first plan would be due by January 1st and the second plan by January 15th.

MR. SCHMITT: So now we have an existing amendment with rules about operations of how they should conduct business. We have this proposed amendment that would modify several pieces of that. There are obviously, in my opinion, would be no way to operate on the day the amendment goes into effect is also the same day that maps are due for this redistricting cycle. So what rules are the Commission expected to follow in the meantime, or is the Commission expected not to do anything until the outcome of this amendment is discovered?

MR. ZEBROWSKI: Well, for things that happen on or after January 1st of 2022, they would be operating under the procedures in this bill, assuming its -- its passage and -- and the approval on the referendum. For things that would happen before January 1st, it would be happening under the old construct. But I -- I would point out that what this statute envisions is that this panel would be meeting and deliberating. And assuming it passes and takes effect January 20 -- January 1st, they would then thereafter immediately on that day, and hopefully would be preparing for that day, execute the requirements of this construct. And I would also just point out that that needs to happen due to our earlier primary calendar. And I don't know whether we should go back through the history of that, but we -- we had to move up our primary calendar. At one point we had multiple primaries, we consolidated. So all of that necessitates that these maps be submitted earlier.

MR. SCHMITT: Now that's -- that's a great point, Ken, and -- and I agree, due to the fact that petitioning and the primary process starts much earlier. So my question is, this Commission is already in the New York State Constitution. My understanding is that in this budget process, money was allocated for the upstart of the Commission, hiring co-executive directors and staff. Is that correct?

MR. ZEBROWSKI: Yes.

MR. SCHMITT: Now it's my understanding that Assembly Ways and Means has yet to sign off on the expenditure of

those funds so that the Commission could hire employees and the -- hire a Executive Director. Is that accurate?

MR. ZEBROWSKI: I'm not exactly sure, Mr. Schmitt, on what Ways and Means has done or where they are in their process of the budget allocation.

MR. SCHMITT: So, I -- I agree with your concern of the modified or advanced timetable here, so wouldn't we want this Commission to immediately be able to name executive directors, co-executive directors and hire staff to begin this process given that we are under such a tight timetable?

MR. ZEBROWSKI: Yes, we want people to move with alacrity. I don't know that at this point we can say that here in 2020 that we are yet behind the eight ball for that process, which is why we're putting forth this amendment here today. Hopefully it will pass and hopefully we will move through this process in an on-time and orderly way.

MR. SCHMITT: When do you envision money being released so that they can hire staff and -- and the co-executive directors can begin their work under the current standards so we do not get behind the eight ball?

MR. ZEBROWSKI: It's probably a question that you should ask both the Chairwoman and the Ranking Member of the Ways and Means Committee. I'm sure they'll be happy to engage in a discussion on all the logistics regarding the financial aspects of the budget allocation.

MR. SCHMITT: But this is necessitated -- or part of the reason that this amendment is necessitated is because of the change of timetable. So I believe we should be very concerned with the fact that we haven't gotten going on an existing rule and procedure. Now my -- talking about the co-executive directors, I understand the amendment you're sponsoring here today will change the process for which the co-executive directors are appointed. Basically eliminating the minor parties' effective voice in that appointment process and potentially ensuring that there would not be bipartisan co-executive directors. Is that the intent of the wording of this bill, the way it's read? I know that the Good Government Group, Citizens Union and the League of Women Voters feel that way.

MR. ZEBROWSKI: The intent of this bill is to make the process more fair. The executive directors will be appointed by a majority of the members, and there will no longer be partisan political language in the -- in the process as there currently is. I would disagree with you in stating that en -- en masse that good government groups are against this. There may be a couple of groups that are against this, but I don't think that's an accurate statement. So I think that the intent is to make it as fair as possible with a majority of members. And I would just point out that you cannot get to a majority of members with just Democrats or just Republicans.

MR. SCHMITT: So Citizens Union and the League of Women Voters specifically said, and I'm quoting, that this amendment, quote, *takes away the voting rights of the Minority party*

appointing Commission members and appointing the two co-executive directors Commission, unquote. Is that a false statement?

MR. ZEBROWSKI: Yes.

MR. SCHMITT: There will still be a Republican -- one Republican and one Democrat co-executive director on the Commission?

MR. ZEBROWSKI: There will be a -- the co-executive directors will be appointed by the majority of the members, and once again, there is equal representation by the Republicans and by the Democrats. So I don't know how it could be unfair.

MR. SCHMITT: Do you believe there should be, just like the Board of Elections, bipartisan -- one Commissioner from each party, then?

MR. ZEBROWSKI: I think in this redistricting Commission we should get away from the construct of partisanship. That's what this is all about.

MR. SCHMITT: Now we have, you know, a Commission is supposed to do its job, supposed to adhere to a public forum process. I believe the number might be 12 under the existing amendment. Does that change in your proposed changes?

MR. ZEBROWSKI: The hearings?

MR. SCHMITT: Yes.

MR. ZEBROWSKI: No.

MR. SCHMITT: And is there any reason that the

current Commission, which is still stymied from doing its job, but once it's up and running at an undetermined time in the future, they're still expected to do their 12 public hearings regardless of the potential changes that are in this process?

MR. ZEBROWSKI: Absolutely. The language is crystal clear. There shall still be the hearings in -- in cities and -- and places around the State to ensure that every corner of the State is somewhat near a hearing spot.

MR. SCHMITT: Now the New York census process that's proposed in this Assembly, that is new language that we haven't seen before. Would that apply to congressional district lines as well as New York State legislative lines, or would that be limited?

MR. ZEBROWSKI: The -- the language in this bill adds the ability of New York to utilize other data if the Federal Census fails to show that total number of inhabitants.

MR. SCHMITT: Is that authorization just for State legislative lines or Federal redistricting as well?

MR. ZEBROWSKI: This would apply to both.

MR. SCHMITT: Apply to both. Okay, thank you. And what qualifies as a trigger for New York to say that the Federal government Census was inadequate?

MR. ZEBROWSKI: There -- there is no set trigger. If the Federal Census doesn't accurately -- well, fail to show the total number of inhabitants, then New York could utilize additional data. I would just point out where we are right now, which is a place that

none of us ever imagined, conducting a census in the middle of a global pandemic. So this is just meant to ensure that all tools -- that all the tools are at our disposal to make sure there's a fair and accurate count.

MR. SCHMITT: Who has the authority to order and use non-Federal Census data?

MR. ZEBROWSKI: Well, the panel, the independent panel -- I will reiterate the independent panel that has neither more Democrats nor more Republicans on it are the ones that are analyzing this data. So they would be the ones that if additional data would be needed -- would be necessary, would be the ones utilizing that data, identifying that need. This is what is envisioned here, is that it's not the Legislature, it's this panel.

MR. SCHMITT: So your intent is that only this panel would have the authority to consider non-Federal Census data in the redistricting process.

MR. ZEBROWSKI: The panel is the entity that's drawing the lines in the first two instances. As was discussed earlier in the debate, there are -- if -- if multiple maps are rejected or if the panel completely abdicates its responsibility, there are other processes. But the short answer to your question would be, yes, the panel is the entity that is analyzing the data, that's drawing the lines, so they would be the ones that would be accessing the data.

MR. SCHMITT: Now, this amendment -- does this amendment in any way -- my understanding the New York State

Constitution currently limits there to be only one redistricting per decade. Other states can sometimes have multiple redistricts per decade. Does this in any way change that process?

MR. ZEBROWSKI: We just have one every ten years.

MR. SCHMITT: Right. So that -- that -- this doesn't change that, correct?

MR. ZEBROWSKI: No.

MR. SCHMITT: And does -- this amendment does not provide any mechanism in which to delay redistricting. Other states have mechanisms -- our neighboring State of New Jersey is considering changes where they can wait further -- you know, wait a whole additional election cycle to redistrict because of COVID. There is no intent here at all for that to be the case in any scenario?

MR. ZEBROWSKI: No.

MR. SCHMITT: Okay. Thank you, Mr. Zebrowski.
Mr. Speaker, on the bill.

ACTING SPEAKER MCDONALD: On the bill, Mr. Schmitt.

MR. SCHMITT: You know, this is quite disappointing. We have an independent redistricting process that was passed by a bipartisan Legislature twice where we had a Republican majority and a Democrat majority in different Chambers, and it was meant to protect the Minority party interest and the Majority party interest, regardless of which parties held that designation. I believe

that based on what we're hearing -- and it's not just the Legislature that's saying it, that leading good government groups, Citizens Union, the League of Women Voters - many times who do not agree with members of the Assembly Minority Conference - have stated that this is a step backwards. I quote, this is a step backwards in ensuring these principles of ensuring we have public participation, we are free from political interests and guarantee every person has equal vote, this is really a step back in ensuring that incumbent majority politicians control the redistricting process.

I'm going to read verbatim their summation. This is again, a Good Government Group summation. *This proposed constitutional amendment includes major changes to redistricting policy, most notably attempting to bring back redistricting power to incumbent lawmakers and significantly reducing the role of minority party. Changing redistricting extreme in a highly rushed timeline and with no room for public input would be destructive and potentially damage public confidence in the project -- in the process.* It -- it is quite concerning. This should be as non-partisan as possible. We see time and time again where redistricting is not subject to immense litigation before, during and after, and the public should feel that they were empowered at the end of the day. That regardless of their political party, regardless of their political affiliation, regardless of their demographic or geographic indicators should be confident that they're going to get districts that best represent them. This is a process that's already in place, to rush a process -- a change to a process that's

already started. We already authorized funding in this year's budget to begin this process. It is being held up for whatever reason that may be. As has been pointed out during this debate there's been a change in the political calendar. Regardless if we agree or disagree with that, it is reality and we should accommodate that. And by doing that we should immediately start the work of the constitutionally-sanctioned Commission that we have on the books now. If it should change two years from now, that will be the will of two successive Legislatures and the general public. But we need to authorize the process now. If it is so critical that we need to change the Constitution after the process is already started, then the process should be fully funded and working now in a bipartisan, non-partisan fashion.

I'll be voting no. I urge everyone to vote no who believes in decency about the fair process. Thank you, and I appreciate your time.

ACTING SPEAKER MCDONALD: Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. CARROLL: First, I would like to correct the record. The current redistricting Commission is not nonpartisan, it is highly partisan. It has appointees, political appointees of both major parties sitting on it. The thing that makes it seem nonpartisan is the fact that you would need super majorities to pass the lines. But don't believe that it is completely nonpartisan. It is my hope that one day

we have a redistricting Commission that is out of our hands so that we never have to have this debate again because it is completely, completely not in anyone's favor to have elected officials draw district lines.

That being said, some of the changes that are before us right now I think are important. Making sure that those who are incarcerated are counted in their home districts and not in a prison cell in Upstate New York. Making sure that all New Yorkers are counted no matter their immigration status I think is very important. Making sure that we have an accurate and proper count of the State of New York no matter what the Federal government does this year is extremely important. Those things I'm heartened about in this amendment. I am very concerned about lowering the threshold to approve these lines. I do believe that Minority involvement and rights in the legislative process are very important, but I am putting my faith in leadership in the Assembly and Senate that this amendment that came about a very short time ago is fair and just.

Now, I will hold back next year and reevaluate this, and I may change my mind, but right now, because time is of the essence and we cannot wait, I will vote in the affirmative and I hope my colleagues will do the same. But I will reassess this amendment again in January or February when we take it up. And, of course, the people of the State of New York will be the final arbiter of that in November. Thank you very much, Mr. Speaker. I hope all of my colleagues vote in the affirmative.

ACTING SPEAKER MCDONALD: Thank you, Mr. Carroll.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. I want to say that I agree wholeheartedly with the prior speaker on the points that he made. But for the Black community in particular, which I focus on, that's where my heart is, love everybody, but my heart is with our Black community, historically things that disempowered us was the Census count when they counted us as three-fifths, and they're still undercounting us now. Gentrification that's happening right now where -- and sadly I must say that many Black politicians allowed for their communities to be gentrified, having Whites come in that had a certain area median income that was higher than the area median income of the people of our communities. And then there was the voter suppression, voter IDs and all kinds of voter suppression tricks. And then gutting the Voting Rights Act was also another means for suppressing and disempowering the black vote.

And then redistricting. Historically, they stopped us from being involved in the electoral process by not allowing us to register. And when we fought for Voting Rights Act and the Civil Rights Act in the '60s, well, they went a step ahead of us. While we were fighting for that and eventually won it, then they put in poll tax. You gotta pay money. And they put in dual registration, you had to register in your local city and in the county and we didn't have money for both, and all transportation to get to vote. Then they had the

literacy test, kept you uneducated then asked you to pass literacy test. And then when we fought to get rid of all of that, here comes redistricting. They said, *Okay, they're going to have the right to vote, but we'll make sure that we draw the lines so that no district will be majority Black and, therefore, they can vote, but they'll be voting in majority White districts.* Well, we fought that and now there are majority Black districts and we're trying to fight to maintain political power. And I would say we need the right Black political power, more radical Black political power. But, that's my politics.

But, having said that, so I looked at this referendum that was on in 2'14 and my colleague is correct, this is neither independent nor nonpartisan. This is a Commission that's selected equally by both parties in the Senate and in the Assembly. There is no advantage. As a matter of fact, I hear that they're four Whites, three Blacks, one Asian that some people in the Asian community is complaining may not be representative enough, and no Latinos or Latinas. So, they have to now vote for two more and hopefully it'll be a female and it'll be a Latina, but a Commission with no Latinos or Latinas on that Commission. That's what's before us right now.

So, then we looked at, okay, how can we make it better? And now at least they scratched out the word "alien" and now it's properly called "undocumented immigrants." Aliens are from space. These are folk from planet Earth. And then we also had some concerns about the incarcerated, they will now be able to use their last address in their home and not the town that they're in prison. Because

in the prison industrial complex, the United States and the New York State benefits. There are whole communities Upstate that benefit with the prison economy and always want us to be in prison for their economic advantage.

So when I look at all of this and I see that we need to make some changes, normally I would say, hey, let the people decide everything. But the way they wrote this thing up, it needs to be amended. It needs to have some revisions to it. It needs to have some kind of changes. And this is simply saying that if it's two from the Senate Majority and Minority, two from the Assembly Majority, Minority, then the two Democrats can't say, *Let's not vote for this*, and since they need one from each entity, it will never pass. That will make it an almost impossible process to get anything done. It doesn't give an advantage to anybody except that no one entity, a Majority, two in the Assembly; the Majority, two in the Senate; the Minority, two in the Assembly; the Minority, two in the Senate, no one of those entities can both say no and stop a whole process. That's all this is doing is saying it will be by the Majority that's equally represented and then they both have an equal shot at adding the other two who cannot be a Republican or a Democrat.

I think the whole system stinks. That's why I fight for revolution. But in the meantime, in the meantime, at least that this gets us to a little more fairness, particularly for Black, Latino communities, Latina communities and the Asian community, at least it gets a little more fairness in the process. But it's far from where it

needs to be. Far from it. It's not independent and it's certainly not nonpartisan. So stop it, and let's deal with reality, let's be honest. And I say to the people of this State that Black people must be respected, that gentrification is changing our communities, that we always suffer from an undercount in the Census, that we always suffer from gerrymandering our districts. I've seen one case where it got so minute and so political that they -- they drew the lines and drew out the house of one of the incumbents. Drew his house out of the district. I've seen some funny lines drawn down South that it curls all over the place.

So, we've got to watch this process, this redistricting process, especially Black people. You will be disempowered in this State before you can blink your eyes. Pay attention. Stay woke, stay vigilant, stay intelligent. I think this is a step in the right direction and I will be voting in the affirmative.

ACTING SPEAKER MCDONALD: Thank you, Mr. Barron.

Mr. Johns.

MR. JOHNS: Yes.

Mr. Speaker, on the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. JOHNS: Okay, Mr. Speaker, I'm just going to take everybody down memory lane for a minute. Everybody remember what they were doing on March 15th, 2012? I do. That was the Ides of March. March 15th, 2012, we had ten bills in this

Assembly that we had to pass before -- actually before dawn, it turned out it was after the sun came up. But we passed a number of bills that night, but one of them was the new redistricting plan for 2012. The last bill that came up was the toughest one. It came up at 4:30 in the morning, and it wasn't decided until 7:30 in the morning. Everybody know what bill that was? Tier VI pension reform. And, boy, that was one that the Majority party said, *There's no way we're voting for that. Uh uh, over our dead bodies, we're not throwing the teachers under the bus. We're not throwing the government workers out the window.* Well, guess what? I guess the word trickled down that if they didn't pass all of those bills that were up, and that was the last bill, the Governor would -- would veto their gerrymandered districts.

What was important? The teachers, the government workers? No. It was more important to make sure you had a district where you could get reelected and keep doing the People's work and the People's business. That's how partisan those things were. Everybody knows, the government unions know, the teachers know, they were thrown under the bus because redistricting was the most important thing for the members down here. And that was March 15th, 2012, Tier VI, new gerrymandered districts. You look around this State, folks, especially around the big cities, look at these districts, they look like jigsaw puzzles. There's no way a normal person would look at one of those districts and try and explain any reason or rationale why they're carved up that way. We have cities with 260,000 and they're represented by five Assembly people? Two

hundred and sixty thousand, that's two Assembly districts. Cut it in half, East and West, North and South; there's a couple of districts. But, nope, we're going to take part of them, sprinkle them around in other districts, make sure all our members come back, make sure the Majority is protected.

Another thing that happened that year, every ten years, folks, and we know right now, they do a Census. Every ten years New York State loses at least one or two Congressional seats. We lost two Congressional seats back in 2012. And, you know, there was a big fight as to how they were going to redistrict the 27 Congressional Districts we have right now, it was a big fight. The Assembly gerrymandered theirs, the Senate Republicans gerrymandered their districts, but they couldn't come to an agreement as to how they were going to do the 27 Congressional Districts. So they threw their hands up and guess what? It went to somewhat of an independent factor. Not an independent Commission, but they named a Federal judge and she carved up the districts and, voilà, we got 27 districts, a lot of them in New York State that are actually competitive. And they look like normal lines.

So, if we're going to do something right now, we want to test drive the second car before we even test drove the first car. Why don't we at least see what this new redistricting, this new redistricting law brings before we start messing around, or what I have is an idea. Why don't we come up with unicameral Legislature? How's that for a novel idea? We can all get on board with that, right?

We could just have 75 members total and there won't be any more overlapping districts, no more Senate districts with three or four Assembly Districts underneath them. You represent your district, you represent your area. We can have nonpartisan elections. How great would that be? You represent your area, you represent your district back home and if you're from Upstate New York and you're representing more than New York City area than you are Upstate, guess what? In two years, you're going to be gone. We can have nonpartisan, non-gerrymandered districts and 75 total, we call everybody a Senator, the districts would be doubled the size of an Assembly District, but less than a Senate district is. Represent the People, do the People's work, do the People's business. I think that that, outside of an independent Commission -- and, oh, by the way, a unicameral Legislature with 75 total members, it would save \$165 million a year, \$165 million a year plus future pension costs and future health care costs.

So we could do a lot to save money in this State, make things fair, make things more independent, equitable and we could be doing the People's work, the People's business. Everybody talks about "power to the people." Here's a great example of what we could be doing instead of what we're doing with this particular bill.

So, thank you, Mr. Speaker, I'll be voting in the negative and I hope that going forward we start ushering in real reform. Thank you.

ACTING SPEAKER MCDONALD: Thank you, Mr.

Johns.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER MCDONALD: On the bill.

MR. PALUMBO: So I -- it really boils down to some simple math. And I know we've all had many conversations about this and without reiterating too much, as of 2019 the population in New York was 19,450,000 roughly. That's about 308,000 members' percent district. And I know we did have some members who were here in the Assembly, but we're talking about the Senate more so because this Body has had an override and two-thirds Majority party ruling it for many, many, many years. So, this really affects the other House, which has flipped on several occasions, and just in 2018 flipped to now have one-party rule. So, 308,000 constituents per Senate district and the population in that same Census Year 2019 of New York City was 8,336,817 individuals, which is 27 of the 63 Senate Districts, almost a majority in that regard.

So, really, when you think about all of these little nuances of this proposed amendment, not only has the current commission not even had an opportunity to render a decision or divide districts, we have all incarcerated individuals under this bill will be counted as residing at their last known residence. Obviously, that will increase the population of the more urban areas and I would say specifically that applies to New York City. We now include

undocumented immigrants and we have -- I recall one of our friends and former colleagues who is now on the City Council would speak often on the floor how he had tens of thousands of undocumented individuals in his district in Queens. So, that again is going to really pad the number much larger in New York City.

And then, in the interest of transparency, we needed to allow more than four Senators per county. Hmm, for what reason other than gerrymandering would you possibly need to do such a thing? Because now we can draw lines regarding the Senate Districts and have 15 Senators take a little piece of an urban area. Now, why is that relevant? Well, there are -- there are 5.8 million registered Democrats who just so happen -- in New York State, who just so happen to be the Majority in this House, in the Governor's Mansion, and just recently took the Majority down the hall in the Senate. So, 5.8 million registered Democrats, 2.6 million registered Republicans, and those numbers are going in a more of a tipped scale direction. That's 70-30. So the Statewide -- of a Statewide ratio is 70 percent registered Democrats to 30 percent registered Republicans. And in the interest of transparency, we'll talk about certain districts, like my district, for example, it's a bit of a tossup, slightly Republican in my Assembly District, the Senate District is about -- it's even, I think it's within 3,000 registrants.

So in suburbia, we have pretty even districts. Upstate we have pretty solid heavy Republican enrollment, but almost half of the State's population, and after we include all of those other

individuals I mentioned like incarcerated individuals and aliens to be in their home district, which is most likely going to be, probably more likely than not, they'll be from Downstate and be from more urban areas. We're going to have half of the population of New York State in these urban areas. And so -- and obviously, to get that ratio that I just discussed, those registrations, some of those districts and I know some of our Assembly Districts registrations are 95 percent -- 92 percent Democrat and 8 percent all else, or 5 percent all others. So they're very, very heavily enrolled in one party.

So "in the interest of transparency" - we keep hearing that - and it's really becoming quite silly. And I wasn't going to speak on the bill, but the fact that we're saying this with a straight face, folks, is really disingenuous. Let's call it what it is. This is clearly intended to now allow lines to be drawn by an independent "Commission" or otherwise. It doesn't really make a difference because ultimately, the override power is being reduced to a majority. So, a majority now instead of two-thirds in both Houses, will be up to approve these maps. But that isn't where it ends, and that's why I bring up those other points in addition to what all my colleagues have said, that those are reality, those are the numbers. So, some of the four -- really four out of the five boroughs or even the five boroughs to include them all are so overwhelmingly one party that now you can chip away and have a Senator get a handful of election districts that are really heavily enrolled in one party and leak that into the more suburban areas around those metropolises and take more seats. We

have 27 of the 63 based on the current population -- have enough population for -- the five boroughs have enough population for 27 Senators. And, again, this doesn't apply as much to this Body because they've had the override authority. They amended -- the Democrats I guess what was it, '70-something, right, Mr. Speaker, that the Democrats took control of this House and had it ever since. Who I love, by the way, particularly in this House, you're all -- very reasonable and very friendly.

But really, bottom line is at the end of the day, what is this all about? This is about now rushing it through because it gets voted on twice, immediately goes to the voter and takes effect for that year. A few -- two months after the election in November 2021, right, because it becomes effective in 2022. So that -- before that window closes, the current Commission, which isn't perfect, but it's independent, and involves a two-third majority override, a two-third vote override, will now be reduced to what we have in front of us for such obvious reasons.

So, my friends, I just need to say let's just call it what it is, let's please not continue the rhetoric, because we know what it is. We get it, elections have consequences, but, please, be a little more honest about it. Thank you.

ACTING SPEAKER MCDONALD: Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. ZEBROWSKI: We addressed a lot of what this resolution does in the debate, but I don't feel like we've addressed everything and I wanted an opportunity to bring it all back together to make sure that we accurately describe what it does here. We've just heard debates and questions asked. We heard some debates that have gone, in my opinion, a little bit up field, a little bit partisan and philosophical on things that have absolutely nothing to do with this bill or this amendment. And let me state again that I believe that this will, number one, make the redistricting process more fair, more accurate and will also clean up a lot of language that a lot of folks both in this hearing and throughout the past many years back to the prior redistricting have said that the Legislature should do.

Some of my colleagues that debated the bill talked about some good government groups and certain memos. While I was sitting here looking at one of the memos that was issued by three of those groups I said to myself, well, they describe a good portion of the bill pretty accurately. So let me read from the memo: *The proposal being advanced by the Legislature is intended to address our current dilemma, as well as some of the vexing problems with New York's 2014 redistricting reforms. If approved by the voters, the proposal laudably would cap the number of Senate Districts at 63, provide Constitutional protection for counting prison populations at -- at the -- address people who are -- at -- at people who are incarcerated last residences, do away with the partisan co-directors of the redistricting Commission, eliminates the partisan Commission voting rules, remove*

the 1894 block on border rule that favors towns over cities and Senate line drawing, and removes deadwood provisions long ruled unconstitutional by the U.S. Supreme Court and Federal courts. The proposal also addresses timetable issues, mapmaker space in 2020 and some of the shortcomings of the 2014 amendments. Lastly, it produces the voting thresholds for approval of the Legislature, eliminating convoluted rules that change depending on the partisan makeup of the Legislature.

That was a pretty thorough and succinct paragraph describing much of what this resolution does and why we should do it, and I did not want to leave anybody with the impression that we were putting forth something here that is somehow, you know, universally not accepted or not recommended by good government groups; in fact, I believe much of it to be the opposite.

Much of what the debate centered on, though, was whether or not this panel is -- these changes are somehow making it partisan or somehow making it less independent. Let me be clear: Under the new construct, which is the same as the old construct, there are ten members of this panel, four appointed by the Republican Leaders and four that are appointed by the Democratic Leaders in both Houses. And there are two more nonaffiliated that are appointed by the majority of that group. I want to remind people that in both Houses of the Legislature, the Democrats are in the Majority. The Democrats are in the Majority of the Assembly and the Democrats are in the Majority of the Senate. What you don't see in this proposal is

some sort of power grab to make sure that there are -- there's proportional representation in this panel. There are still equal number of Democrats and there is still an equal number of Republicans, and hopefully, it is our hope that this panel will come up with fair -- we're talking about bipartisan, have a fair nonpartisan lines.

The proposal continues to maintain and push for seven votes to be required by a plan back to the members that are on the panel, only four Democrats, four Republicans, you can't get to seven with just people that are appointed by Democrats or Republicans. And if you can't get seven, you could get six. You also can't get to six with just Democrats. So, I don't understand how we're making a leap to automatically this panel, where the makeup has not changed, and if the accusation is this is a power grab, man, we did a bad job at a power grab because this does not represent the partisan makeup of the Legislature. That would be a power grab, saying the members on the panel should be proportionate to the members elected in -- in both Houses of the Legislature. You could have -- you could make that argument. You can make the argument that the people of New York sent more Democrats to the Legislature than Republicans and, therefore, the panel should have more Democrats on it to ensure that those people's interests that voted -- the majority of people's interests are represented. That is not, not what we are doing here. This remains an independent panel in order to get the voting thresholds you cannot -- you have to have compromise and you have to have consensus.

So when we talk about what's too political and whether or not this is too political or somehow introducing politics, I would say that the current system can be too political. There is no definition of independence that I know of that includes allowing a legislate -- a partisan legislative leader's appointees to veto a plan that is put forth by a bipartisan panel. And the current system would allow any legislative leader's appointees to veto the plan. They could say no because it doesn't protect incumbents. They could say no because it doesn't increase their majority. They could say no because it doesn't increase their minority. They could say no for more nefarious reasons. They could say no for absolutely any reason under the current system. One -- one legislative leader's appointees, and everybody else could be in consensus with a bipartisan plan, and that person's appointees could say no.

I think the Minority in this debate is erroneously assuming that their appointees might be the only one that's exercising this veto. I don't know why that's the case. Any legislative leader's appointees could exercise the veto -- the veto. And there are no more Democrats than Republicans on this panel. Why couldn't it be the Majority that says, *You know what? We want to protect all the current districts the way there are. This panel came up with a consensus and affects too many Republicans, none of the appointees from that legislative leader are going to -- going to approve the plan.* That could happen just as well as -- as an appointee of one of the Minority Leaders. If you want to talk about who might have the

impetus to protect the status quo, I would say that the Democrats are in Majorities in both Houses; yet, once again, we are not trying to make this panel more Democratic. It is not becoming more Democratic, there are not more Democrats on it, you can't get to a majority without Democrats, you can't get to seven with just Democrats, you can't get to six with just Democrats.

I believe independence, fairness, bipartisanship is protected by ensuring that this panel stays independent, that it has equal number of Democrats and Republicans and nonaffiliated -- and two more nonaffiliated members who need to make sure that they can do their work, draw fair maps and do so with an opportunity to do what I think the voters then and the voters now will ask them to do. And a major loophole, a major problem to that would be allowing one legislative leader's appointees to circumvent that when everybody else is in consensus and while in order to get a majority, you would have to have bipartisan or nonpartisan cooperation in the plan.

So, Mr. Speaker, it's not as if one aspect of this resolution is more important than other aspects of this resolution, but taken as a whole I believe that this fixes many problems, makes it much more fair, it adheres to Constitutional and statutory mandates and truly makes sure that this bipartisan, independent panel can do its work and present maps as the voters intended. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: Earlier in this debate, one of my colleagues referenced a quote from Lord Acton where he said famously, "Absolute power corrupts absolutely." And I got thinking about one of my favorite quotes which is actually from Mya Angelou which says, I'll read it, "When someone shows you who they are, believe them the first time." That's one of my favorite quotes. And there are members here I think who, over time, can get jaded a little bit by this process. But I'm finishing up my fourth year and I really -- I -- I didn't feel like I was jaded, you know, I -- I try to work across the aisle. I try to be reasonable and balanced and try to look at the merits of each bill and, you know, try to do the right thing, because I think that even if there are -- there's a great disparity here in terms of Republican versus Democrat in the Chamber. I think that all of us represent give or take around 130,000 people in it, and everybody is entitled to have their voice heard. And I -- I really do believe that and I believe that this legislative process is served best by having a diverse group of public servants working collectively and collaboratively -- collaboratively for the public good.

So, I am deeply disappointed in this amendment. I think that it shows the uglier side of politics. I don't think that it reflects well on the Majority party in power. As another colleague of mine referenced, although my numbers are a little bit different, there

are currently around 6.5 million registered Democrats in New York State, around 2.8 million Republicans and about 2.8 million unaffiliated voters or we call them "blanks", but unaffiliated voters. I believe that if this legislation is passed by two consecutive -- that this amendment is passed by two consecutive Legislatures and passed by the voters, it will strip the Minority of any real input into the drawing of the boundary lines of legislative districts. It will allow unfettered, the kind of gerrymandering that we all should abhorrent and unacceptable, and I think it's going to drag us back to some really bad old days. I do.

I think that this is a direct byproduct of the complete absence of the checks and balances in New York State government at this time. And quoting the League of Women Voters, who does not always agree with me, I will say this, they said: "In sum, this proposed Constitutional amendment includes major changes to redistricting policy, most notably attempting to bring back redistricting power to incumbent lawmakers and significantly reducing the role of the Minority party. Changing redistricting midstream in a highly rushed timeline with no room for public input would be disruptive and potentially damage public confidence in the process. Shifting procedural rules and change standards based on election results sets a dangerous and destructive precedent. It would be counter to the goal of ensuring that no one political party can dominate the redistricting process. We urge the Legislature not to pass this resolution."

The sponsor of this amendment states that this -- that this proposed amendment will be more fair and would be more accurate. And to that I would only say that just because you take out the reference to parties does not magically convert this process to be something that is apolitical. And that's just -- I just believe that that's true. I see it and I believe it and I vote in the negative and I genuinely hope that the public sees and recognizes this for what it is. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Back in 2014, the voters approved a change in the way we do redistricting. And they did so after there was a huge public outcry lead in part by former Mayor Koch who referred to people who were opposing independent districting as enemies of the public. I didn't necessarily agree with him on everything, but there was a huge outcry. And here we are six years later, the change that was approved by the voters hasn't even had a chance to operate and we're changing it, or trying to change it again, over what I believe will be almost universal opposition by the Minorities in the Assembly and in the Senate.

So what's changed in the last six years? Well, we're told that the schedule is a problem because the primary date's been

moved forward. Who moved the primary dates forward? Oh, yeah, that's right, it was us. And for those who forget, there was almost unanimous opposition from the Republicans to move the primary date forward, and it put the primary right in the middle of what is normally the last week of legislative Session here in the Assembly, or right after it. And instead, we recommended a later primary date, which not only made more sense for those of us who have to circulate petitions in rural areas, now under the current process in what can be winter weather, but also in terms of a more orderly process.

So what else has happened? Well, we told -- we're told that there was a hearing and people at the hearing recommended changes. This was a hearing that was called on very short notice, there's not a general invitation to the public, only invited people could speak at the hearing, and you had to have a password to get in on the Zoom session just to listen to that hearing. And there was just one; hardly persuasive. Then we're told that COVID has obviously affected a lot of things, including the results from the Census; yet, the first map under the proposal is due the same day. So, that hasn't really changed. And we have this unique situation under this proposal where we're calling for the first redistricting maps to be issued on Saturday, January 1st, New Years Day, on Saturday, in the year 2020 [sic] is when the redistricting maps are supposed to be issued under this new proposal.

So, why are so many members of the Minority concerned and upset and voting against these proposals? Well, let me

clear up one thing first: This has never been an independent Commission and, in fact, when there's an effort to describe it as an independent Commission in the referendum that went out to voter approval, that language was struck by the courts. No, let's be clear: This was always intended to be a bipartisan Commission. It's not a Commission of people who are all unaffiliated, it was a bipartisan Commission reflecting the exact same way we run all the Boards of Elections all across the State and have for decades.

So what's this change do? Well, under the old -- under the current structure, at least one Minority member from the Assembly and at least one Minority member from the Senate has to agree that the plan is fair, and this proposal eliminates that requirement. That's a great concern because if you've been around and looked at these reapportionment plans over decades, you recognize that when Republicans were in the Majority in the Senate, those redistricting plans benefitted Republicans in the Senate and the Democrats in the Assembly, guess what? Those redistricting plans benefitted the Democrats.

And so, at the single hearing that we had, one of the speakers spoke up and said, *We have a real problem because all the Senate Districts in New York City are really big and the Upstate ones are really small in population so you can squeeze an extra Senatorial district out of Upstate.* And I said, *Yes, and the exact opposite is true in the Assembly.* You know, the Upstate Assembly Districts as large as you can get Constitutionally, and the ones in the City are as small

as you can get Constitutionally so you can squeeze out a couple extra Assembly Districts from the cities. And so, this was an effort to break that. This was an effort to say, *Hey, you've got to be fair to the Minorities in the Senate. You need to be fair to the Minority in the Assembly.* That's why they're structured that way and this reverses that.

Now, the irony is that none of us know the future, do we? I mean, in 2008 the Democrats controlled the Senate and the Assembly and the Governorship, right? Happy days. After raising taxes by several billion dollars, now the Republicans came back in the control on the Senate and they've been that way for about ten years. And then people got upset apparently with the Republicans and the Democrats are back in. And now that we're releasing everybody from jail and eliminating bail in many situations and giving preference to illegal immigrants over law-abiding residents and making sure that everyone who collects welfare benefits is registered, but those who pay their taxes aren't, who knows how the results might be next year?

We should not plan this based on who is currently in power. If the Assembly switches, it's only fair that the Democrats then in the Minority ought to have at least one vote that's got to count. It's unlikely that the Assembly will switch, but I -- I'm a perpetual optimist. Who knows? Maybe we'll pick up another 50 seats.

Let's be honest about what's going on. We set up a bipartisan structure, it was designed to protect minorities. Remember, we all talked about protecting minorities. It was designed to protect

the minorities from each House. Let's not throw that out before we even have an -- an opportunity to -- to let it work, which is why I will not be supporting this. Thank you, sir. And, again, thank you to my colleague who's done an outstanding job answering all these tough questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. Will the sponsor yield for a question or two, please?

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

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MONTESANO: Thank you. Ken, I may have missed it during this lengthy debate. But the two other members, the two nonaffiliated members, who's responsible for appointing them?

MR. ZEBROWSKI: The majority of the eight.

MR. MONTESANO: So who would that be? The Majority party?

MR. ZEBROWSKI: No. No. The -- there are two appointed by each legislative leader. So there would be --

MR. MONTESANO: Right.

MR. ZEBROWSKI: -- two -- four -- four Democrats, four Republicans. So, there would have to be some consensus to -- to

appoint the other two members.

MR. MONTESANO: Okay. So it's a majority of the eight that appoints the two members then, correct?

MR. ZEBROWSKI: Yes.

MR. MONTESANO: Okay. And -- and -- and how are these members chosen? Do they apply for this position? Are they recommended for this position?

MR. ZEBROWSKI: Like -- like anything else, Mr. Montesano, folks that are interested in becoming members of this panel can -- can write to the panel, to the Legislature and make their interest known.

MR. MONTESANO: Okay. And would this be advertised to the public, these positions?

MR. ZEBROWSKI: Nothing in this resolution talks about advertising, but I think a lot of, hopefully, New Yorkers are watching this debate and are now aware that they can apply.

MR. MONTESANO: Okay. And would -- and these people, when they go to apply for this position, is there any qualifications that they have to have in order to be -- to get on this board?

MR. ZEBROWSKI: So, the qualifications are they need to be a registered voter in New York, within the last three years a Commission member cannot be or have been a member of the State Legislature or Congress, a Statewide elected official, a State officer, employee, or a legislative employee, a registered lobbyist, a political

party chairperson, or the spouse of a Statewide elected official, member of Congress or member of the State Legislature.

MR. MONTESANO: Ken, could you --

MR. ZEBROWSKI: I should just say, Mr.

Montesano, to the extent practicable, the Commission will reflect the ethnic, racial, gender, language and geographic diversity of the State.

MR. MONTESANO: And when we talk about that they're unaffiliated, does that mean that they're not registered to either be a Democrat or a Republican?

MR. ZEBROWSKI: Yes.

MR. MONTESANO: Okay. And is there anything to -- for us to consider ourselves with that -- so, let's say someone is a Democrat or a Republican and changes their voter registration prior to making this application, will that be checked or considered?

MR. ZEBROWSKI: Sorry, Mr. Montesano. I was just focusing on your prior question. Could you just repeat that?

MR. MONTESANO: Okay, that's fine. Is there any -- is there any mechanism in place to check to see if one of these applicants who tells us they're unaffiliated changed their voter registration prior to making this application? So, in other words, if a Democrat or a Republican decides he wants to apply, or she wants to apply and they turn around and change their voter registration to become a blank, is there a way for us to verify that? Are we going to check that as part of the application process?

MR. ZEBROWSKI: Well, it's in the -- it's in the

statute, so they would be ineligible. So --

MR. MONTESANO: Well, I -- I understand they'd be ineligible, but, again, so someone's a Democrat or a Republican and they decide they want to make an application for this committee and they have to be unaffiliated. So in a month or two before, they turn around and change their voter registration from either Republican or Democrat and they become unaffiliated. Are we going to check something like that to see that, you know, nobody's playing around to try and get on the Commission?

MR. ZEBROWSKI: Yes, it's a five year lookback.

MR. MONTESANO: Very good. Thank you, Mr. Zebrowski.

MR. ZEBROWSKI: Thanks.

MR. MONTESANO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Montesano.

On a motion by Mr. Zebrowski, 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: A slow roll call has been requested on Rules Report No. 351. The Clerk will call the roll.

But first, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. And thank the members both remotely and in and around Albany for your attention to this very important issue. And certainly a

big thanks for Chair Zebrowski for the wonderful job he did in delivering the message.

This is, as you have stated, Mr. Speaker, a slow roll call. Madam Clerk will call the member's name. The member has to present himself on the screen if they're by Zoom or in the Chambers to take a vote, say their name and vote. To those members who are in Albany, I see you all arriving now, this is good. You should be in the Chambers as you take your vote. The Sergeant-at-Arms will admit those who are in and around Albany. Again, those members who are participating remotely will have to have a face on the screen, they will have to repeat their name after the Clerk says it, and then they will have to state their vote. With that, Mr. Speaker, Madam Clerk.

(Whereupon, the Clerk called the roll.)

THE CLERK: Mr. Abbate. Mr. Abbate.

MR. ABBATE: Peter Abbate, yes.

THE CLERK: Mr. Abbate, yes.

Mr. Abinanti.

MR. ABINANTI: Yes. Mr. Speaker, may I have an explanation of how and when I can explain my vote? Is that now or --

ACTING SPEAKER AUBRY: You can do it now.

MR. ABINANTI: Thank you, Mr. Speaker. I rise to support this legislation. I think it modernizes a section that was modernized, but was modernized under different circumstances in 2014. A lot has changed. The circumstances have changed quite a bit. Number one, we have a Census which is ongoing, but which is

being delayed because of the COVID pandemic. And, number two, the primary has been moved from September to June, which requires a different approach as to how we come to the numbers. It requires us to move much faster, and this process will streamline the -- the entire process rather than have the possible delays that we could have had before.

Secondly, Mr. Speaker, I've heard some concerns that reducing the number required in the Legislature for a vote from two-thirds to 60 percent. The 60 percent number seems to be much more realistic, and I would note that seems to be the number we're using for other circumstances. The Governor himself has required 60 percent of various other processes, and we approved a 60 percent number for -- for the public to pass school budgets. So, 60 percent seems to be a reasonable number, which seems to be appropriate here.

And, lastly, Mr. Speaker, there are certain assumptions being made by those who are opposing this legislation. They are saying that the Democrats control both Houses and will be controlling both Houses later. That seems to be a rather pessimistic view of the upcoming election. The voters will determine this November who is going to be in the majority when this legislation comes up for second consideration. So, I would note, Mr. Speaker, that all we're doing today is starting the process. We're starting the discussion. There will be another discussion in six months and there will be a vote by the voters in a year-and-a-half if it passes a second time in six months.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Arroyo. Ms. Arroyo. Mr. Ashby.

MR. ASHBY: Jake Ashby, no.

THE CLERK: Mr. Ashby, no.

Mr. Aubry votes in the affirmative.

Mr. Barclay votes no.

Mr. Barnwell.

MR. BARNWELL: Aye.

THE CLERK: Mr. Barnwell in the affirmative.

Mrs. Barrett.

MRS. BARRETT: Didi Barrett, no.

THE CLERK: Mrs. Barrett, no.

Mr. Barron.

MR. BARRON: Yes.

THE CLERK: Mr. Barron?

ACTING SPEAKER AUBRY: Mr. Barron, you have to state your name with your vote.

MR. BARRON: Mr. Barron votes yes.

ACTING SPEAKER AUBRY: Thank you.

THE CLERK: Mr. Barron in the affirmative.

Mr. Benedetto. Mr. Benedetto.

Ms. Bichotte.

MS. BICHOTTE: Bichotte, yes.

THE CLERK: Ms. Bichotte in the affirmative.

Mr. Blake. Mr. Blake.

Mr. Blankenbush.

MR. BLANKENBUSH: Blankenbush, no.

THE CLERK: Mr. Blankenbush, no.

Mr. Brabenec. Mr. Brabenec.

MR. BRABENEC: Karl Brabenec, no.

THE CLERK: Mr. Brabenec, no.

Mr. Braunstein.

MR. BRAUNSTEIN: Edward Braunstein, yes.

THE CLERK: Mr. Braunstein in the affirmative.

Mr. Bronson.

MR. BRONSON: Harry Bronson, yes.

THE CLERK: Mr. Bronson in the affirmative.

Mr. Buchwald.

MR. BUCHWALD: David Buchwald I vote no.

THE CLERK: Mr. Buchwald votes no.

Mr. Burke. Mr. Burke.

Ms. Buttenschon.

MS. BUTTENSCHON: Marianne Buttenschon, no.

THE CLERK: Ms. Buttenschon votes no.

Mr. Byrne.

MR. BYRNE: Kevin Byrne, I vote no.

THE CLERK: Mr. Byrne votes no.

Ms. Byrnes.

MS. BYRNES: Marjorie Byrnes I vote no.

THE CLERK: Ms. Byrnes, no.

Mr. Cahill. Mr. Cahill.

MR. CAHILL: Kevin Cahill I vote yes.

THE CLERK: Mr. Cahill votes in the affirmative.

Mr. Carroll.

MR. CARROLL: Robert Carroll, yes.

THE CLERK: Mr. Carroll in the affirmative.

Mr. Colton.

MR. COLTON: William Colton, yes.

THE CLERK: Mr. Colton votes in the affirmative.

Mrs. Cook votes in the affirmative.

Mr. Crouch. Mr. Crouch

MR. CROUCH: No. Mr. Crouch no.

THE CLERK: Thank you. Mr. Crouch votes no.

Ms. Cruz.

MS. CRUZ: Catalina Cruz aye.

THE CLERK: Ms. Cruz votes in the affirmative.

Mr. Cusick.

MR. CUSICK: Michael Cusick, yes.

THE CLERK: Mr. Cusick in the affirmative.

Mr. Cymbrowitz.

MR. CYMBROWITZ: Steven Cymbrowitz, yes.

THE CLERK: Mr. Cymbrowitz in the affirmative.

Ms. Darling. Ms. Darling.

Ms. Davila.

MS. DAVILA: Ms. Davila in the affirmative.

THE CLERK: Ms. Davila is in the affirmative.

Ms. De La Rosa.

MS. DE LA ROSA: De La Rosa, yes.

THE CLERK: Ms. De La Rosa votes in the
affirmative.

Mr. DenDekker.

MR. DENDEKKER: Michael DenDekker, yes.

THE CLERK: Mr. DenDekker votes in the
affirmative.

Mr. DeStefano.

MR. DESTEFANO: Joe DeStefano, no.

THE CLERK: Mr. DeStefano votes no.

Ms. Dickens.

MS. DICKENS: Inez E. Dickens, yes.

THE CLERK: Ms. Dickens votes in the affirmative.

Mr. Dilan.

MR. DILAN: Erik Dilan, yes.

THE CLERK: Mr. Dilan in the affirmative.

Mr. Dinowitz.

MR. DINOWITZ: Jeffrey Dinowitz, yes.

THE CLERK: Mr. Dinowitz in the affirmative.

Mr. DiPietro.

MR. DIPIETRO: To explain my vote, please.

ACTING SPEAKER AUBRY: To explain your vote.

MR. DIPIETRO: Just have to say that it just came through from the Governor's desk today just a little while ago it was told from a reporter that he has deemed chicken wings are not a viable food option at a bar if you want a beer. This is so out of control, this whole day, this whole week. Reminds me of a tire fire. I would wish that at some point this Assembly looks at splitting the State, I have the bill, and separate this State from New York City from the rest of the State. I vote no.

THE CLERK: Mr. DiPietro votes no.

Mr. D'Urso.

MR. D'URSO: Mr. D'Urso, yes.

THE CLERK: Mr. D'Urso votes in the affirmative.

Mr. Eichenstein. Mr. Eichenstein votes yes.

Mr. Epstein.

MR. EPSTEIN: It's Harvey Epstein, I -- while I have serious reservations about provisions of the bill, I'll be voting in the affirmative. I hope that we move forward to an independent redistricting Commission in the near future.

THE CLERK: Mr. Epstein votes in the affirmative.

Ms. Fahy.

ACTING SPEAKER AUBRY: Ms. Fahy to explain her vote.

MS. FAHY: Thank -- thank you, Mr. Speaker. I rise to raise a host of reservations on this proposal. Normally, I do believe in voting to put Constitutional amendments before the voters and to

allow the voters to have that direct say, but I think the voters did say something in 2014 and I think these changes proposed today, while I recognize there are a host of changes that are needed to conform with dates and to update some very needed language, I think this process goes too far and -- and -- and really goes well beyond what the voters intended, especially in 2014. It -- it limits, which was the intent was to make it as independent as possible and to limit the role of the Legislature. I have just too many concerns here and -- and I do think that it has -- it -- it will set a bad precedent.

So, overall, while I respect the need to go back to the -- an interest in going back to the voters, this bill has gone too far. And with that, I vote in the negative. Thank you.

THE CLERK: Ms. Fahy in the negative.

Mr. Englebright.

MR. ENGLEBRIGHT: Steven Englebright, yes.

THE CLERK: Mr. Englebright in the affirmative.

Mr. Fall.

MR. FALL: Charles Fall, yes.

THE CLERK: Mr. Fall in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Ms. Fernandez in the affirmative.

THE CLERK: Ms. Fernandez votes in the affirmative.

Mr. Fitzpatrick.

MR. FITZPATRICK: Michael Fitzpatrick in the negative, no.

THE CLERK: Mr. Fitzpatrick in the negative.

Mr. Friend. Mr. Friend.

Ms. Frontus. Ms. Frontus.

Mrs. Galef. Mrs. Galef.

MRS. GALEF: Yes. Sandy Galef, yes.

THE CLERK: Mrs. Galef votes in the affirmative.

Mr. Garbarino.

MR. GARBARINO: Andrew Garbarino, no.

THE CLERK: Mr. Garbarino votes no.

Mr. Giglio.

MR. GIGLIO: Mr. Giglio, no.

THE CLERK: Mr. Giglio votes no.

Ms. Glick.

MS. GLICK: Deborah Glick to briefly explain my vote. First of all, I hope that Mr. Miller recovers fully, best wishes to him. And when I started, there were 61 Senate Districts. When the Republican-controlled Senate believed that they were at risk, they added another seat, 62. Then, again, when they thought they were at risk, they added another, 63. That's how we have gotten there. So, I'm happy that this caps it and prevents any additional meddling for either party when it comes to the number of Senate seats.

And I would just point out to my colleagues that the lines that are drawn now in the Senate are lines that were drawn by a

Republican Majority, and it was the people who decided that it should be controlled by Democrats. So, the will of the people is not being frustrated in any event, and I would just say this about Citizens Union. I don't think anything they have to say is ever valid. When I ran, they identified me as a 50-year-old attorney. I never even went to law school. So -- and they were off by many years.

(Laughter)

So I withdraw my request and vote in the affirmative.

THE CLERK: Ms. Glick in the affirmative.

Mr. Goodell votes no.

Mr. Gottfried.

MR. GOTTFRIED: Gottfried, yes.

THE CLERK: Mr. Gottfried in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Judy Griffin votes no.

THE CLERK: Mrs. Griffin votes no.

Mrs. Gunther. Mrs. Gunther.

Mr. Hawley. Mr. Hawley.

Mr. Hevesi.

MR. HEVESI: Hevesi, yes.

THE CLERK: Mr. Hevesi votes in the affirmative.

Ms. Hunter.

MS. HUNTER: Ms. Hunter, yes.

THE CLERK: Ms. Hunter votes in the affirmative.

Ms. Hyndman.

MS. HYNDMAN: Hyndman, yes.

THE CLERK: Ms. Hyndman votes in the affirmative.

Mr. Jacobson.

MR. JACOBSON: Yes.

THE CLERK: Mr. Jacobson is in the affirmative.

Ms. Jaffee.

MS. JAFFEE: Ellen Jaffee, I vote in the affirmative.

THE CLERK: Ms. Jaffee in the affirmative.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Kimberly Jean-Pierre in the affirmative.

THE CLERK: Ms. Jean-Pierre in the affirmative.

Mr. Johns votes no.

Mr. Jones votes no.

Ms. Joyner.

MS. JOYNER: Latoya Joyner, I vote yes.

THE CLERK: Ms. Joyner votes in the affirmative.

Mr. Kim is in the affirmative.

Mr. Kolb.

MR. KOLB: No.

THE CLERK: Mr. Kolb votes no.

Mr. Lalor. Mr. Lalor.

Mr. Lavine.

MR. LAVINE: Charles David Lavine, yes.

THE CLERK: Mr. Lavine votes in the affirmative.

Mr. Lawrence votes no.

Mr. Lentol.

MR. LENTOL: Mr. Lentol in the affirmative.

THE CLERK: Mr. Lentol votes in the affirmative.

Ms. Lifton. Ms. Lifton.

MS. LIFTON: Barbara Lifton, I vote in the affirmative.

THE CLERK: Ms. Lifton in the affirmative.

Mr. LiPetri.

MR. LIPETRI: Mike LiPetri, negative.

THE CLERK: Mr. LiPetri?

ACTING SPEAKER PICHARDO: Mr. LiPetri, we didn't quite catch that. Can you please repeat your vote, please?

MR. LIPETRI: Mike LiPetri in the negative.

ACTING SPEAKER PICHARDO: We have to see him.

MR. LIPETRI: LiPetri, no.

THE CLERK: Mr. LiPetri votes no.

Ms. Lupardo.

MS. LUPARDO: Donna Lupardo in the affirmative.

THE CLERK: Ms. Lupardo in the affirmative.

Mr. Magnarelli. Mr. Magnarelli.

MR. MAGNARELLI: Magnarelli, yes.

THE CLERK: Mr. Magnarelli in the affirmative.

Ms. Malliotakis.

MS. MALLIOTAKIS: Nicole Malliotakis I vote no.

THE CLERK: Ms. Malliotakis votes no.

Mr. Manktelow.

MR. MANKTELOW: Manktelow, no.

THE CLERK: Mr. Manktelow votes no.

Mr. McDonald votes in the affirmative.

Mr. McDonough.

Ms. McMahan.

MS. MCMAHON: McMahan votes yes.

THE CLERK: Ms. McMahan votes in the
affirmative.

Mr. Mikulin.

MR. MIKULIN: John Mikulin, no.

THE CLERK: Mr. Mikulin votes no.

Mr. Brian Miller.

MR. B. MILLER: Brian Miller, no.

THE CLERK: Mr. Brian Miller votes no.

Ms. Melissa Miller.

MS. M. MILLER: Missy Miller, I vote no.

THE CLERK: Ms. Miller votes no.

Mr. Michael Miller votes no. I'm sorry. I apologize.

Mr. Montesano.

MR. MONTESANO: Thank you, to explain my vote.

You know, I've listened to this entire debate and the comments by the

-- by the sponsor of the bill, and just to point out a couple things. You know, when we talk about what's been going on, so people voted for this through a referendum, and then we hear that some changes that happened after the referendum required this -- this type of bill. And so, I know about the Census, but when we talk about changing the primary dates, that was a function of the Majority to change the dates and now to use that for an excuse to introduce this new bill and subsequent referendum I think is -- is self-serving.

The people spoke very clearly that they wanted an Independent Redistricting Commission. It was back and forth for a number of years. Many people ran their election platform on this subject matter and the people approved it. Now, going in the backdoor, the Majority seeks to take that away from them and substitute it with a -- with a legislative-controlled Commission.

Now, I understand the makeup of the Commission, four and four. I get it. There's no doubt in my mind, you know, about who the other two will be when they start applying. And it's still doesn't, you know, replace what the public has asked for. So, there are many issues with this that were pointed out. I don't have the time naturally in two minutes to go over all of it. And when we talk about the extra seat in the Senate and we can't forget there was an extra seat in the -- in the Majority of the Assembly put on to Long Island because of the results of the last Census. And so, a seat was taken from Upstate New York and moved to Downstate New York. So this shift in seats happens. We're capped at 150, but the Senate, under the

New York State Constitution is not capped and we shouldn't be changing that because it was put there for a reason.

For these reasons, I'll be voting in the negative.

Thank you, Mr. Speaker.

THE CLERK: Mr. Montesano votes no.

Mr. Michael Miller.

MR. M. MILLER: Mike Miller votes no. Yes, yes.

THE CLERK: Mr. Michael Miller in the affirmative.

Mr. Morinello.

MR. MORINELLO: Angelo Morinello, no.

THE CLERK: Mr. Morinello votes no.

Mr. Mosley.

MR. MOSLEY: Mr. Mosley in the affirmative.

THE CLERK: Mr. Mosley votes in the affirmative.

Ms. Niou.

MS. NIOU: Thank you. Just to briefly explain my vote. I believe that we have a long way to go before we get truly independent citizen-led redistricting. I think that that's really important. I think that the Commission is not an independent Commission, but this proposal does improve and clarifies the redistricting process. We should not have rules. I believe that shift-based on election results or just who's in charge of what party, and I think that this proposal establishes some fair and uniform voting rules. It also includes in our Constitution the requirement that political lines must be drawn based on the total number of people, I

think that makes a lot of sense, irrespective of citizenship standard and, also, guarantees the ban on, you know, prison-based gerrymandering. I think that it's really important that we are actually talking about these issues. I agree that -- with a couple of my colleagues, in particular, that really focused on talking about some of the points that were made about why we feel like the Commission choices and the way that things are appointed might not be independent. And I think that that -- we have a system that needs to be fixed as a whole, but I do think that this is a move in the right direction. So, my vote is cast in the affirmative.

THE CLERK: Ms. Niou in the affirmative.

Ms. Nolan.

MS. NOLAN: Catherine Nolan votes yes.

THE CLERK: Ms. Nolan in the affirmative.

Mr. Norris.

MR. NORRIS: Michael Norris, no.

THE CLERK: Mr. Norris votes no.

Mr. O'Donnell.

MR. O'DONNELL: I'd just like to say that chicken wings are not partisan. I vote yes.

THE CLERK: Mr. O'Donnell votes in the affirmative.

Mr. Ortiz. Mr. Ortiz.

MR. ORTIZ: Feliz Ortiz, yes.

THE CLERK: Mr. Ortiz votes in the affirmative.

Mr. Otis.

MR. OTIS: I vote yes.

THE CLERK: Mr. Otis in the affirmative.

Mr. Palmesano. Mr. Palmesano.

ACTING SPEAKER PICHARDO: Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, thank you, Mr. Speaker, and my colleagues. I understand that you're going to try to sell this plan as not being political, not being partisan, that it is independent and it is a fairer process. Again, this move you and the Majority down the hall made today is clearly political, it is clearly partisan, it is clearly not independent and it is clearly not a fairer process. We know it. You know it. The media knows it. The so-called "good government" groups knows it. So, let us at least be honest about it and admit it.

When you take an already approved plan by the voters and you change that plan, you take away one vote from each appointment block to ensure balance, to ensure transparency, to ensure fairness, when you take that Minority appointment to approve the plan and you change the voting thresholds, again, on the approved plan already, what you've done is you've made this more political, more partisan, clearly not fair and clearly not independent. But beyond all that, putting the politics aside, worse yet what this Body did -- is doing and the Body down the hall is a deliberate and willful effort to undue and undermine what the voters wanted and what they

already approved and wanted to have happen.

Mr. Speaker and my colleagues, that's just plain wrong. I vote in the negative.

THE CLERK: Mr. Palmesano in the negative.

Mr. Palumbo votes in the negative.

Ms. Paulin votes in the affirmative.

Mrs. Peoples-Stokes votes in the affirmative.

Mr. Perry votes in the affirmative.

Ms. Pheffer Amato.

MS. PHEFFER AMTO: Stacey Pheffer Amato votes in the affirmative.

THE CLERK: Ms. Pheffer Amato in the affirmative.

Mr. Pichardo.

MR. PICHARDO: Mr. Pichardo in the affirmative.

THE CLERK: Mr. Pichardo in the affirmative.

Mr. Pretlow.

MR. PRETLOW: Mr. Pretlow, yes.

THE CLERK: Mr. Pretlow votes in the affirmative.

Mr. Quart.

MR. QUART: Dan Quart in the affirmative.

THE CLERK: Mr. Quart votes in the affirmative.

Mr. Ra votes in the negative.

Mr. Philip -- excuse me.

Mr. Ramos.

MR. RAMOS: Phil Ramos in the affirmative.

THE CLERK: Mr. Ramos votes in the affirmative.

Mr. Reilly.

MR. REILLY: Michael Reilly, no.

THE CLERK: Mr. Reilly votes no.

Ms. Reyes.

MS. REYES: Ms. Reyes, yes.

THE CLERK: Ms. Reyes votes in the affirmative.

Mr. Rivera.

MR. RIVERA: Hello to everyone that voted no.

Hello to everyone that voted yes. I'm voting with Charles Barron and Nicole, I'm voting yes. José Rivera, yes. Thank you.

THE CLERK: Mr. Rivera votes in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Hi, thank you. To explain my vote.

ACTING SPEAKER EICHENSTEIN: Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: Thank you. I want to commend and -- and thank the sponsor for his, you know, spirited debate and his clear explanation of the reasons for the bill, but for a very important, I think, clarifications and codifications that are in this legislation to help improve our ability to make sure that every person is counted and every person is represented, I think the efforts being made to ensure for an accurate count, you know, in light of what we see in terms of the challenges of the Census is critically important, as well as making

sure that incarcerated individuals are counted where they belong in a manner that is stronger than just statute, but also with it provides a Constitutional backstop to make sure that that practice continues. As well as making sure that the work of this independent Commission, which remains bipartisan and which remains in power to do the work doesn't become deadlocked or put in a position where there is no plan that is presented for us to be able to move forward from in a timely fashion. We talked about the timelines and why that is important (unintelligible/mic cut out) -- I vote aye.

THE CLERK: Mr. Rodriguez votes in the affirmative.

Mr. Rosenthal.

MR. ROSENTHAL: Daniel Rosenthal, yes.

THE CLERK: Mr. Rosenthal votes in the affirmative.

Ms. Rosenthal.

MS. ROSENTHAL: Linda Rosenthal, yes.

THE CLERK: Ms. Rosenthal in the affirmative.

Ms. Rozic is in the affirmative.

Mr. Ryan.

MR. RYAN: Mr. Ryan votes in the affirmative.

THE CLERK: Mr. Ryan votes in the affirmative.

Mr. Salka.

MR. SALKA: Mr. Salka votes no.

THE CLERK: Mr. Salka votes no.

Mr. Sayegh.

MR. SAYEGH: Mr. Sayegh votes yes.

THE CLERK: Mr. Sayegh in the affirmative.

Mr. Schmitt.

MR. SCHMITT: Colin Schmitt, no.

THE CLERK: Mr. Schmitt in the negative.

Ms. Seawright.

MS. SEAWRIGHT: Rebecca Seawright, yes.

THE CLERK: Ms. Seawright votes in the affirmative.

Ms. Simon.

ACTING SPEAKER EICHENSTEIN: Ms. Simon to explain her vote.

MS. SIMON: Thank you. I just wanted to make a few comments about this -- this bill. One, it provides a uniform set of rules for the Commission regardless of which party is in power. It fixes, very importantly, the prison gerrymandering provision that will now conform to statute and will be codified in the Constitution, and it will ensure a fair and accurate account regardless of what happens with the U.S. Census. It also caps the number of seats in the Senate so that the Senate is not subject to the whims of a particular party in the changing of the numbers of Senate seats, as we've seen at least twice in recent history. And so, I will be voting in the affirmative. Thank you.

THE CLERK: Ms. Simon in the affirmative.

Ms. Simotas.

MS. SIMOTAS: Aravella Simotas, I vote yes.

THE CLERK: Ms. Simotas in the affirmative.

Mr. Smith.

MR. SMITH: Doug Smith, I vote no.

THE CLERK: Mr. Smith votes no.

Mr. Smullen.

MR. SMULLEN: Robert Smullen votes no.

THE CLERK: Mr. Smullen votes no.

Ms. Solages.

MS. SOLAGES: Michaelle Solages votes in the
affirmative.

THE CLERK: Ms. Solages votes in the affirmative.

Mr. Daniel Stec.

MR. STEC: Daniel Stec votes in the negative.

THE CLERK: Mr. Daniel Stec votes no.

Mr. Phillip Steck.

MR. STECK: Phil Steck votes in the affirmative.

THE CLERK: Mr. Phillip Steck is in the affirmative.

Mr. Stern votes in the affirmative.

Mr. Stirpe.

MR. STIRPE: Al Stirpe votes yes.

THE CLERK: Mr. Stirpe is in the affirmative.

Mr. Tague.

MR. TAGUE: To explain my vote, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: Mr. Tague to explain his vote.

MR. TAGUE: Mr. Speaker, I came here to fight for liberty, justice and equality for all, and I will continue. I will fight to defend the Constitution of the United States of America and the State of New York. But, most importantly, and I'll fight for the rights and values of the people that I represent in the 102nd Assembly District. The people spoke in 2014. They said no. I am here today to speak for them again. Christopher Tague, I vote no.

THE CLERK: Mr. Tague votes no.

Mr. Taylor.

MR. TAYLOR: Al Taylor, yes.

THE CLERK: Mr. Taylor is in the affirmative.

Mr. Thiele.

MR. THIELE: Mr. Thiele votes yes.

THE CLERK: Mr. Thiele votes in the affirmative.

Mr. Vanel.

MR. VANEL: Vanel, yes.

THE CLERK: Mr. Vanel votes in the affirmative.

Mr. Walczyk.

ACTING SPEAKER EICHENSTEIN: Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. The document that we are proposing to amend, or that's been proposed to amend in this House starts, *We the People of the State of New York*,

Grateful to Almighty God for our freedoms, in order to secure its blessings do establish this Constitution. We put our left hand on the Bible, we raised our right hand and we swore to this Constitution, to the Constitution of the State of New York. We all bought-in to a government that is *By the People, For the People, Of the People*. And this redistricting plan is it by one party, for one party of one party.

If you want to fix an election, it's easy. Go out and work harder for your constituents. Go out and pound more doors on the campaign trail. Work harder than them, they'll show up for you on Election Day. That's what everybody did in this Chamber. You don't have to fix the election doing it by policy. You can go out and just work hard, be a better Assemblymember, challenge someone. That's the great thing about representative Democracy. Don't fix the race. Mr. Speaker, I vote no.

THE CLERK: Mr. Walczyk votes no.

Ms. Walker. Ms. Walker.

MS. WALKER: Latrice Walker, yes.

THE CLERK: Ms. Walker in the affirmative.

Ms. Wallace votes in the affirmative.

Ms. Walsh votes no.

Ms. Weinstein.

MS. WEINSTEIN: Helene Weinstein votes yes.

THE CLERK: Ms. Weinstein votes in the affirmative.

Mr. Weprin.

MR. WEPRIN: David Weprin in the affirmative.

THE CLERK: Mr. Weprin in the affirmative.

Ms. Williams.

MS. WILLIAMS: Jaime Williams in the affirmative.

THE CLERK: Ms. Williams votes in the affirmative.

Ms. Woerner.

MS. WOERNER: Carrie Woerner, no.

THE CLERK: Ms. Woerner votes no.

Ms. Wright.

MS. WRIGHT: Tremaine Wright in the affirmative.

THE CLERK: Ms. Wright in the affirmative.

Mr. Zebrowski votes in the affirmative.

Mr. Speaker votes in the affirmative.

ACTING SPEAKER EICHENSTEIN: Call the
absentees.

Mrs. Arroyo. Mrs. Arroyo.

Mr. Benedetto. Mr. Benedetto.

ACTING SPEAKER EICHENSTEIN: Mr.
Benedetto, you need to umute.

MR. BENEDETTO: Benedetto in the affirmative.

THE CLERK: Mr. Benedetto votes in the
affirmative.

Mr. Blake.

MR. BLAKE: Mr. Blake in the affirmative.

THE CLERK: Mr. Blake votes in the affirmative.

Mr. Burke.

MR. BURKE: To explain my vote. I'm not comfortable with the process (unintelligible/mic cutting out), so I'm going to be voting in the negative. But listening to the debate (unintelligible/mic cutting out) of the sanctimony coming from some of our Republican colleagues, a little difficult to swallow. So we have our votes. We have -- the United States across the United States from the Republican power -- I don't love this bill so I'm voting against it, but the idea that (unintelligible/mic cutting out) -- so I vote in the negative.

THE CLERK: Mr. Burke in the negative.

Ms. Darling. Ms. Darling.

MS. DARLING: Taylor Darling, affirmative.

THE CLERK: Ms. Darling votes in the affirmative.

Mr. Friend.

MR. FRIEND: Christopher Friend, negative.

THE CLERK: Mr. Friend votes no.

Ms. Frontus.

MS. FRONTUS: Frontus in the affirmative. Thank you.

THE CLERK: Ms. Frontus votes in the affirmative.

Mrs. Gunther.

MRS. GUNTHER: Mrs. Gunther is in the negative.

THE CLERK: Mrs. Gunther votes in the negative.

Mr. Hawley. Mr. Hawley.

MR. HAWLEY: This is Steve Hawley. I'm for fair and equal government. Therefore, I'll be voting no.

THE CLERK: Mr. Hawley votes in the negative.

Mr. Lalor. Mr. Lalor.

Mr. McDonough.

MR. MCDONOUGH: Dave McDonough votes in the negative.

THE CLERK: Mr. McDonough votes no.

Mrs. Arroyo.

MRS. ARROYO: Carmen Arroyo, yes.

THE CLERK: Mrs. Arroyo votes in the affirmative.

Mr. Lalor.

ACTING SPEAKER AUBRY: Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can continue with our debate list, we're going to go to Rules Report No. 352 and it is on page 20, on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10840, Rules Report No. 352, Committee on Rules (Kim, Gottfried). An act to amend the Public Health Law, in relation to amending provisions regarding

health care facilities and professionals during the COVID-19 emergency.

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

MR. KIM: Thank you, Mr. Speaker. This bill prospectively modifies provisions of L2022, Budget Part GGG, Public Health Law Article 30D which temporarily extends the immunity from liability to certain persons and/or certain acts or omissions occurring during the period of State COVID-19 disaster emergency declaration.

ACTING SPEAKER AUBRY: Before we go any further, on a motion by Mr. Kim, the Senate bill is before the House. The Senate bill is advanced.

Mr. -- Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker, and thank you to the sponsor for the explanation of the bill. Ron, would you mind kind of walking us through, again, how we got into this position where we are now having to roll back some of this -- the liability protections I believe it was put into the budget earlier this year?

MR. KIM: Sure. Thank you for that question. On -- during our budget, in the last couple of days the Governor proposed a broad immunity that would provide a cover for protection, liability protection for health care facilities during the period of the emergency COVID-19 and, furthermore, the -- that language also ran retroactively back to the beginning of the emergency on March 7th.

We are here today because language was broad and our initial, you know, reaction during the time of crisis, which is understandable, that we were in panic mode, we didn't know how to prevent, we didn't know how to deal with this COVID and relied on our frontline workers and other professionals to deal with it, but now we know how to prevent, now we know how to arrange for COVID-19. So, we feel that moving forward, we have to roll back some of the language to restore the rights of our residents, nursing home residents, as well as our patients whose rights were taken away without even them knowing about it the last few months.

MR. BYRNE: Thank you. Thank you, Mr. Kim.

And would it be -- I think it was pretty widely reported in the -- in the media, a lot of conversation about these liability protections had been had in previous Committee meetings and hearings. And -- and there was some comments made by some senior members of this -- this House, who I deeply respect, that this -- this broad liability protection was put into the budget and a lot of our members did not even realize it may have been in the budget until it was too late. Would you say that was accurate, too?

MR. KIM: I can't speak for other members, but it is -- this was language that, during a time of heightened emergency, the Governor felt that it was necessary at the moment to deal with this crisis moment. And I, for one, was not aware. As soon as I studied it a little more, I introduced a -- a measure to repeal, but we are here today to recognize that, you know, it was a -- it was a very uncertain

time, but moving forward, it's critical that we restore the rights and -- and, furthermore, we have to do a little bit more now to figure out how to retroactively provide justice for the 6,500 families who lost their loved ones in nursing homes during this pandemic period.

MR. BYRNE: Thank you. Now, would it be safe to say that this proposal that we're about to vote on is negotiated through the Chamber and the Senate, as well as the Executive, because this is not a full repeal of the liability protections, as you note. Looking at the bill, it seems like it's pretty short. It's not a very long or lengthy bill, but the changes that are made, it -- it actually has a few moving parts to it. The one item I've seen is that it eliminates line 11 or, I believe, subsection c which is that broad element that you were talking about, and the care of any other individual who presents at a health care facility or to a health care professional during the period of the COVID-19 emergency declaration. That's being repealed. It seems to me that was the more broad portion that you're talking about and I just want to make sure that's correct, because who else does that apply to who are not, you know, that -- that are not in the hospital setting or dealing with COVID patients; how broad is that? Does that include, for example, dentists, chiropractors, how broad are we talking?

MR. KIM: Yes. Mr. Byrne, it is -- it's -- it's my understanding the -- you know, one way to look at this, that particular language, we are clarifying the original intent of the immunity law, which was always meant for medical COVID care. So, we are now

just clarifying the original intent of the bill by getting rid of the broader language that may have applied to non-COVID care that went back to March.

MR. BYRNE: Okay. And that -- that's -- that's an important clarification, because like many of our colleagues, I've received communications, obviously some physicians are concerned about this. Anything that increases liability on any health care provider, they're going to, you know, be concerned about, and rightfully so, but I've also had constituents who have lost loved ones, and they did not die to COVID, they died from infections or something else, and they thought that it was something that was done that, you know, there should be some liability and they -- they weren't able to act on it. I think there's a legitimate concern there, but I note that your bill also maintains that there's liability protections for -- for health care providers that are still caring for COVID-19 patients; and is that -- that's correct, as well?

MR. KIM: That's correct.

MR. BYRNE: Okay. And I want to note that Section, subsection c that we're striking out, the broader section that we're clarifying here, it says those health care professionals during the period of COVID-19 emergency declaration. Now, some of my colleagues, some of our colleagues have talked about the fact that we're now in a much better place than we were in April, thank God, it's a good thing that the infection rate is lower. We're in a better place than some -- some other states right now. Certainly, we've lost a lot of

people we care about, a lot of fellow New Yorkers, although one of the ways we can probably get rid of this subsection is to roll back the Governor's disaster powers and if this -- this Legislature stood up and ended the emergency declaration from the Governor, that would actually eliminate that subsection c; would you agree with that?

MR. KIM: Right. This -- the way that it's written, it would go until the end of the declaration, so if the declaration was to end, yes, it would -- everything would stop.

MR. BYRNE: Okay. I just -- I wanted to bring that up as another alternative approach to this bill and -- and, by the way, when we talk about rolling back a disaster declaration from the Governor, it does not need to be a Statewide rollback, we don't always have Statewide disaster declarations. We've had floods, we've had fires, other things where the whole State is not under a disaster declaration. So, I wanted to bring that up as another possibility or alternative to this bill.

The other question I have that's been brought up by some folks in the medical community is this line 7, the diagnosis, and it strikes out "prevention or treatment of COVID-19." So, prevention. When we're eliminating the liability protections for the prevention, how does -- how is that going to effect these health care facilities and providers prospectively. I understand it's not retrospectively, but with this -- would this apply to employers, for example, if they were not able to supply enough PPE for their employees and prevent the spread of the coronavirus and someone got infected, does this open up

liability for them for things like that?

MR. KIM: No, this -- this -- the prevention part just addresses the Medicare -- medical care prevention for COVID-19. There is I think a section already in the immunity that addresses the personnel and PPE -- PPE requirements.

MR. BYRNE: Do you know where that section is? I just did not -- I believe you, I just didn't see that.

MR. KIM: Current law, Section 3082.

MR. BYRNE: Okay, okay; so it's referenced. Okay. Now -- so, the reason why I bring that up, Mr. Kim, is because the Governor has passed a lot of directives since this pandemic, this outbreak has begun. And the goalposts continue to move and I understand that this is something that's new that we're all dealing with, that actually is not a criticism of the Governor, whether people believe me or not, but it makes it very hard, I think, for some of these health care facilities to react with the goalposts being moved. They have to now be responsible for -- for greater supplies, and I don't want them to necessarily be caught off guard and all of a sudden be sued because maybe they didn't react to an edict by the Governor quick enough.

But, I do understand the intent behind this bill. I appreciate that this is prospective, that it's not necessarily retroactive, because while I think it's in some ways an example of why we shouldn't be rushing things through in a budget and voting late at night on these Budget Bills, at the same time, you know, these health care workers in the heat of the -- the height of the pandemic, you know,

they are our frontline heroes and their health care system, while I don't believe it was truly overwhelmed, it was absolutely stressed to the max, and I know that for -- for sure for our colleagues from New York City and some of our more urban areas. It was absolutely stressed and I -- I don't think people wanted to be looking over their back. I think they wanted to just do the right thing and take care of their patients, but, at the same time, the language that was put in that budget I think was very broad. So, the elimination of that line 11, 12, 13 I think it seems -- personally, it seems to make sense to me. We could also change that by, you know, reasserting ourselves as a co-equal branch of government and, you know, passing the laws are great, making changes are great, but we could also look at potentially rolling back some of these disaster powers.

So, Mr. Kim, I want to thank you for your time and, Mr. Speaker, that will be all from me for now. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Garbarino.

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

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

Mr. Kim yields, sir.

MR. GARBARINO: Thank you, Mr. Speaker. Thank you, Mr. Kim. Just a couple quick questions here. Under the current law that was passed with the budget, there was liability given

due to the COVID crisis and it was made retroactive, correct?

Liability --

MR. KIM: It's retroactive to March 7th. It was -- the budget was passed on April 2nd and the -- and the -- the immunity went back to March 7th, yes.

MR. GARBARINO: Okay. And it was -- is it blanket immunity?

MR. KIM: It's limited.

MR. GARBARINO: It's limited. What were the -- can you explain the limitations?

MR. KIM: Yeah. So, it was limited to medical care during COVID for arranging for COVID care for direct care of COVID, but there is broader language in -- in the law that related to non-COVID care work during the period of the emergency, that which we are now prospectively striking from this law.

MR. GARBARINO: Okay. So we're changing what the limitation was, but it's not -- the changes are not going back retroactive, it's just from now, once this law is signed, forward.

MR. KIM: Right. Again -- again, we are, I think, in this bill, we are clarifying the original intent which was always for direct medical care for COVID-19, and we are prospectively making sure that it's clear moving forward.

MR. GARBARINO: Okay. And I just want to be clear. With the limitations that were passed in the budget, there was no -- there was still no -- there was still liability if there was

intentional criminal misconduct, gross negligence, reckless misconduct, intentional infliction of harm, those were still -- there's no immunity for that, correct?

MR. KIM: There's no immunity for that, yes.

MR. GARBARINO: There wasn't.

MR. KIM: There's no immunity for that.

MR. GARBARINO: Okay. And we're keeping that, so -- but we're now changing it that -- we're changing the original immunity to say that if it didn't have -- if it didn't have to do with COVID or a prospective COVID case, what was the law almost is now the law again.

MR. KIM: Right. So we're eliminating words like "arranging for" and "prevention." We are just going back to normal standard of liability that we had before as it pertains to health care facilities in the State of New York.

MR. GARBARINO: Okay. All right. That's -- thank you for the clarifications on that, Mr. Kim. I appreciate your answers.

MR. KIM: Thank you.

MR. GARBARINO: Thank you.

ACTING SPEAKER AUBRY: Mr. Salka.

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

ACTING SPEAKER AUBRY: Mr. Kim yields, Mr. Salka.

MR. SALKA: Thank you, sir. And I want to express

to you my appreciation for your concern and going ahead with this legislation. I just got a couple questions here. We're hearing in the news quite a bit that there's going to be a good possibility there's going to be a second wave of this virus that's going to hit us -- (phone ringing) -- excuse me -- there's going to be a second wave that -- that -- that is going to hit with this virus, and that's -- are you assuming, then, that an industry that really took it on the jaw during this -- during this pandemic is now up and running well enough to be able to deal with a second wave?

MR. KIM: I think -- I think we're much better prepared and we know how to be more preventative and -- and care for and direct better resources for the second wave, which is why we're restoring the rights of our residents and patients that we took away during this period of immunity.

MR. SALKA: And I can understand that, and I definitely appreciate that. Just a little perspective from what I hear from my nursing home administrators. They've lost a lot of staff, right, from housekeeping to nursing to dietary and are now dealing with even a worse staffing situation that they had before the pandemic. And it's always been a chronic issue with nursing homes and, in particular, some hospitals in the rural areas, that they had a very, very tough time staffing. So if, in fact, now we have a second wave - and let's hope and pray that we don't - but if, in fact, we do have a second wave, and now these nursing homes and institutions are even more short-staffed than ever, it seems to me that by reinstating the liabilities

on these institutions and the responsibility to be able to perform their jobs under even worse circumstances would be a little counterintuitive.

So, I think that I -- I -- I appreciate your efforts, but I am very concerned that what was a chronic issue, which was short staffing, might be exacerbated by a second wave and put our medical professionals on the front line, those heroes that we praise all the time, is really going to put their -- their liability at risk. But, again, I appreciate your bill and would be willing to work with you from having a medical background, being able to add what knowledge I have on the daily workings of these institutions and I'd be glad to help make it even a better bill. Thank you, sir.

MR. KIM: Let me just clarify that there are still protections for our frontline workers and medical professionals to make sure that if you're directly caring for COVID-19, you still have liability protection under this law. We're not taking that away, because we do not know what's going to happen in terms of COVID-19 second wave. But what I do know is that when we looked at some of the research early on, when we looked at the 15 states that had some version of early immunity -- immunity status, they've had a higher fatality rate and (unintelligible) associations that it could have served as a financial disincentive when you give, especially places like nursing homes a [sic] early corporate immunity and -- and kind of a legal immunity status from -- from them not to invest, not to actually care as much if they know that they don't need to because they can get

away with it. And that's why, I think, there has to be a more well-balanced approach. Now we know what we need to do. Now we know how to -- how to prevent the spread of this infection. So, it's not necessary to give them a large immunity -- a broad immunity status.

MR. SALKA: Thank you, sir, and thank you for your answers and thank you for your time.

ACTING SPEAKER AUBRY: Thank you, Mr. Salka.

Mr. Palmesano.

MR. PALMESANO: Will the sponsor yield for some questions?

MR. KIM: Yes.

ACTING SPEAKER AUBRY: Mr. Kim yields, Mr. Palmesano.

MR. PALMESANO: Thank you, Ron. Ron, I want to take this -- step, just because some people were discussing this bill that says it's bringing us back to where we were pre-budget, so it's not just bringing us back to where we were pre-budget, correct?

MR. KIM: We're not --

MR. PALMESANO: When the order was put in the budget. It's not bringing us back to right there before the COVID, we had the pre-budget --

MR. KIM: Yes. We -- so, we are going back to limit the immunity before the budget, because the initial immunity that was set in law was broad and we are limiting that broad immunity moving

forward.

MR. PALMESANO: Because, yeah, in the budget that's where the immunity was put in place, that broad blanket immunity, right?

MR. KIM: Yes.

MR. PALMESANO: And that broad blanket immunity covered diagnosis and prevention and caring, and that was for all cases, whether they were COVID or whether they were an individual like, for example, say you're in the hospital, someone's in the hospital and they have a heart attack or a stroke and they don't have COVID, but there is care, they thought their care was impacted because it couldn't be treated. In that case, under the order that took place in the budget, there would be no recourse for that individual who had the heart attack or --

MR. KIM: Yes.

MR. PALMESANO: Correct?

MR. KIM: Yes. It's -- it's our contention, again, that the intent of the original bill wasn't to be as broad, because the first paragraph clearly says the intent of the immunity was to just be COVID-19 care. But later on in the -- in that law, you broadened it to non-COVID care. So, we're striking that language to be clear. And, furthermore, you wouldn't retroactive, so you're absolutely right that if you were in a hospital for non-COVID care and something bad happened to you on March 8th, your rights to pursue recourse was retroactively taken away from you. And that's not right, so we need to

figure out how to figure out a solution for that, as well.

MR. PALMESANO: And so, this is all just moving forward from here -- point forward, correct?

MR. KIM: Sure.

MR. PALMESANO: And so, that individual who was non-COVID now would have legal recourse, but now if it's an individual who does have COVID, if they're being treated or if they're being diagnosed or for the care, that immunity would still hold true for those facilities and those workers under this bill?

MR. KIM: Yes, as long as the care and treatment is specific to direct COVID care.

MR. PALMESANO: The issue of prevention came up, I just kind of wanted to -- if you could zone in -- drill down in that a little bit. When you say "prevention," prevention is not a -- is not covered now because it's -- it was removed --

MR. KIM: I'm sorry. I meant treatment and diagnosis, right, we struck the word "prevention" moving forward.

MR. PALMESANO: So just from your example -- what would be -- just to clearly understand, what would be an example of prevention? Is it like what was talked about, is it PPE -- providing PPE, is it something else, or what -- what's the definition -- how do you envision it applied?

MR. KIM: There's specific language that speaks to PPE and personnel that's excluded from prevention, but prevention as in the direct medical -- if you fail to prevent through direct medical

care to prevent the spread of infection, and that can -- that's what we mean by "prevention."

MR. PALMESANO: Okay.

MR. KIM: So, in other words, we know back then we were in full, you know, triage mode. We were scrambling, we didn't know how to prevent. We were just reacting and we were trying to take care of everyone. But now, we're making the argument that we know what the preventative measures are, we know what -- how to prevent, so we should not include that moving forward as -- as part of the immunity.

MR. PALMESANO: Let me just give you an example. Obviously the nursing home issue and the 62-, 6,400 deaths that we lost which, you know, obviously the Governor made a directive that said nursing homes had to take -- mandated they had to take COVID-positive patients, and hopefully this does nothing to address any liability with the State, correct, because that's going to come after hearings and investigations -- future hearings and investigations?

MR. KIM: Yeah, no. That's not -- that doesn't address that, but I think the part of the other language that we're striking, which is "arranging for COVID care," that could potentially apply to that situation where right now -- where before, the hospitals and nursing homes, when they're arranging for, at the direction of a State or Federal mandate or directive to send COVID-positive somewhere, they had full immunity, but moving forward, but because

we are striking that language, they no longer have legal protection to arrange for COVID.

MR. PALMESANO: All right. So let's just do another example. So, before, if you -- up until now, based on this bill passing, if you contracted COVID in the nursing home, there would be no liability, but now say you're in the hospital, because you're not -- you don't have the COVID now, but say you're in -- in a nursing home and you don't have COVID, but for some reason something happens and you contract it in the nursing home. Now under that circumstance, whether it's, you know, trying to figure out how it happened, now under that circumstance would that individual or that individual's family who contracted COVID in the nursing home now would they have legal recourse moving forward because they don't -- they weren't being cared for or treated for it?

MR. KIM: I mean, there's still a standard that you have to prove that there is willful harm of negligence. But, again, we are going back to the standard -- liability standard of negligence. And for me, for nursing homes, that means going back to protecting the rights of residents, especially in the State of New York where we have a thing called the Bill of Rights for nursing home residents that have clear guidelines of preventative measures, and that should be protected as part of the prevention umbrella moving forward.

MR. PALMESANO: Okay. All right. Ron, thanks for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I have to -- this is a -- I don't view this as an easy vote, because on one hand obviously I came from an area in my district that we had some problems with a number of people losing their lives in a nursing home, and that takes a toll obviously on a family. That's what we saw across the State. A lot of this obviously stems back to the Governor's directive. We know he doesn't want to admit it. Hopefully we get to nursing home investigations and hearings that we can drill down into this a little bit further. We need to do that so this never ever happens again. So on that side of it, but also, I need to think about the health care workers who are working real hard to protect us and protect our communities. We had -- there was a call-out for health care workers around the country who came here to New York to try to help care. So, there's some questions there that's hard -- that makes this a challenging issue, I think.

But whatever happens moving forward, obviously this bill's going to pass, we need to make sure we're doing the things that are necessary, because I was talking to one of my hospital representatives. Just two days ago, the Governor made another Executive Order basically saying by August 31st, each facility would have to have 60 days of PPE on hand, and by September 30th, would have to have 90 days of PPE on hand. And just on the gowns alone that used to sell for about 36 cents, they're now up to \$3. And it's great that we're working to try to help other places. You know, the

Governor goes down to Georgia and we're helping out Georgia and Texas and giving them PPE, but we need to make sure also with a mandate like this, with this liability issue coming forward, that we are providing the PPE to our nursing homes, to our hospitals so they have what they need to take care of them. Our State has a responsibility to provide that. I think we need to make sure that happens moving forward, that if this -- because with more mandates, that creates more possible liability. If there's a mandate that they have to have this much PPE, if they can't secure it -- because some of these hospitals aren't able to secure the PPE they need. Their vendors aren't sending them half of what they order. So, where are they supposed to get it from? So, that's why the State, especially with these mandates that are coming in, if we're looking at removing certain liabilities, we have to at least work with our hospitals, with our nursing homes to make sure we're providing that to them so they can care for the people and the -- good job they do.

So, let's make sure we're doing everything we can to make sure that there's some surety there with the PPE. Let the State, if they're not going to provide it, find vendors, go out and find vendors who are going to provide this for our nursing homes, for our hospitals, because as much as we want to think it, they don't have access to as much as they need, and that 60, 90 days, that's a high -- that's a tough threshold to meet. It's costly. So, we need to make sure we're working with them when -- when we're going to work to -- and their liability is going to increase. I know we're taking it back to where it

was, and it's my understanding this only goes through the duration of the emergency, but -- declaration, but I think we just really have to contemplate that moving forward. We have to make sure, as a Body, that we're pushing to make sure the State of New York is providing the necessary, needed PPE to meet the mandate, because far too often, whether it's health care, whether it's education, whether it's local governments, this Governor likes to mandate stuff, but not provide the funds or the resources to address it. And I think that's a big part of this as we move forward.

So, we need to work together to make sure it happens. And so, hopefully, with this legislation, moving forward, we're doing the right thing and that we're trying to partner with our hospitals and our nursing homes so they can continue to operate and provide the care that they've been providing, the great care they've been providing, the people in our community all around the State. We should be proud of them, our health care workers, our frontline workers, our essential workers, they've been doing a great job for all of us and we should be thanking them each and every day. So, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield?

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

MR. KIM: Yes.

ACTING SPEAKER AUBRY: Mr. Kim yields, sir.

MR. FITZPATRICK: Thank you, Ron. Ron, I had a -- I just had a question on -- I read a published report where you were quoted as mentioning the 6,500 or so deaths in nursing homes. Is my understanding correct that this is prospective, not retroactive?

MR. KIM: Yes.

MR. FITZPATRICK: Okay. So if -- if -- if people are lobbying us to pass this thinking they're going to be able to sue a nursing home or a health care provider, that's -- that's not true. That's -- they can't do that under this bill, correct?

MR. KIM: This does not go back and it's not retroactive. This is moving forward prospectively.

MR. FITZPATRICK: Okay.

MR. KIM: So, you know, they -- we will -- we're looking, you know, after the hearings, other possibilities to find retroactive justice for the 6,500 families who lost their loved ones.

MR. FITZPATRICK: What -- can you repeat that, I'm sorry. You're --

MR. KIM: After their -- after the health care facility, long-term facility hearings in August --

MR. FITZPATRICK: Right.

MR. KIM: -- we are planning to look into other measures to find some sense of justice for the 6,500 families who lost loved ones who are not getting -- getting retroactive justice from this

bill because we're -- we're everything we're doing with this bill is prospective.

MR. FITZPATRICK: Okay. That -- I find that interesting because the way I see it, you know, the 800-pound gorilla in the room here is the question of why were COVID-positive patients forced into those nursing homes, when everyone knew that you cannot socially distance when you feed, bathe or toilet a nursing home resident, that the PPE, you know, was in short supply. They didn't have a long-term supply. They're not set up to handle people like that. So, I hope when these hearings -- when we have these hearings that that 800, you know, pound gorilla in the room is confronted and we get a reason or find out what the reasoning was and the methodology that the Governor used to force those patients back into the nursing homes. But for the time being, going forward, we are still, even though our numbers are good and we've bent the curve, not only flattened it, we reduced it, the rest of the country is going through a tough time right now, but there is still concern that there could be a second wave. So, if we do experience a second wave, and what happens if it's worse than the first wave, or just as bad and we have similar type problems and we don't -- we -- we may have problems with -- with obtaining, you know, PPE and other materials. We may still need these protections because non-COVID patients may have to be shuffled or moved or something. I, you know, we ask -- we ask people to come from other states to come help us. We not only hit them with a tax bill, but now we may be going after them, you know,

legally, as well. I don't think that bodes well for recruiting help if we have a second wave.

MR. KIM: I think it's -- I think having a broader immunity status it actually hurts some of the workers, especially the volunteers, because they may not have recourse if something bad happens at their workplace and they might not be able to sue their employer. I think what's clear, the lesson learned, Mr. Fitzpatrick, is that during the first pandemic we jumped to protect the interest and the bottom lines of some of these nursing home corporations and for-profit businesses over centering the solutions around the most vulnerable populations. You know, it's -- I think the lesson that we learned and we have to do better is working directly with the people who are suffering the most, who are in the most pain, because they're the ones that know what works and what doesn't work.

And part of that solution, for me, is also figuring out how to make our benefit systems a little bit more flexible. Why is it during a COVID crisis when my constituents are begging to transfer some of the Medicaid/Medicare benefits for home care so that they can take their loved ones back home, you'd have to pass like three Federal laws to get to that point. And I think -- I think that's the larger theme here, that during the first wave we went to the businesses, we went to the corporations to protect their bottom lines. We did not do a good job going to the people and saving their lives.

MR. FITZPATRICK: Well, I can -- you know, I -- I appreciate your comments, but I would respectfully disagree and

strongly that, you know, we were looking out only for the bottom line. This -- no one had ever seen a virus like this before. All right? Every day we listen to Dr. Fauci tell us how this was a new virus, even Dr. -- our Health Commissioner, Dr. Zucker, when he gave us the briefing in March. You had the briefing, we had the briefing. We had never seen anything like this before and one thing I do remember, he said a lot of people were going to die here. So, yes, everyone was scrambling. But it wasn't to, you know, to protect the bottom line. I -- I -- I really -- you know, I strongly disagree with a statement like that because, you know, I could come back and say we're, you know, are the proponents of this legislation looking out for the bottom line of trial lawyers because, you know, they're affected by COVID, too, and they want a piece of the action here. You know, I could come back and say something like that. And I think you would object to that.

But the -- the unique nature of this crisis is still with us and will be with us for a few more months and I think it -- we're not -- we're doing a disservice not only to health care workers, but to the hospitals that care all of us by removing this protection from liability until the end of the -- the budget year.

MR. KIM: Well, let me -- I appreciate that, Mr. Fitzpatrick. Let me reframe what I said. I think we need to do a better job in including the families and the residents, because why did we bother passing a Federal statute in 1986 to institute the Bill of Rights for nursing home residents. And why did we strengthen those rights at the State level when we are not going to strengthen and protect those

rights during the time of emergency for other pandemic or COVID-19. So, that's -- that's all I'm trying to say. The nursing home businesses and other types, they've had access to these policies and they drove a lot of these decisions. But moving forward, if there is a second wave, we should be sitting down with the families, with the residents, with the advocates who know how to handle the situations for us better than the -- than the businesses behind nursing homes.

MR. FITZPATRICK: Very good. Thank you, Ron, I appreciate your -- your comments.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill --

MR. FITZPATRICK: Mr. Speaker, on the bill. Do I have any time left?

ACTING SPEAKER AUBRY: On the bill, Mr. Fitzpatrick; and yes, you do.

MR. FITZPATRICK: Okay. I want to thank Mr. Kim for his patience and I -- I respect his -- his advocacy on this and -- and we want -- everybody wants justice. But the unique nature of this crisis forced all of us -- all of us from in -- in the health care profession to government to do things we had never done before. And we were in a -- in a panic mode, if you will, because we were told by the so-called "experts" that this was going to be very bad, and really, it was, for a very brief period of time. And the rest of the country is experiencing what we went through back in March and April.

But if we have a second wave and if there is a -- if

there is a second wave, we -- our facilities and health care workers are going to continue to need that protection. And I believe we should not pass this bill right now. Thank you.

(Pause)

ACTING SPEAKER AUBRY: Mr. Goodell.

Sir. Mr. Goodell?

(Pause)

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. 352. 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 is an interesting bill from my perspective. I -- I understand why the original liability limitations were in there, because the entire health care network was upside down, and by Executive Order we had banned elective surgeries and dental appointments and -- I mean, a wide range of health care was -- was put on hold, and with people who had serious issues, had cancer treatment or whatever, you know. And -- and so, when you're doing that by Executive Order and you're -- you're making these massive changes and our hospitals are just overwhelmed, I understand why we had limited liability. And I also

understand, as Mr. Kim, my colleague, pointed out that now that our numbers are much, much lower, it's time to move on.

And so, I appreciate both the fact that this bill takes us the next step further and say we're not going to have blanket waiver from liability for all health care anymore, but recognizes there's some still limited waiver, and that it's prospective, and that's the right approach. And so I appreciate that.

The concern that I have, which I'll mention is that even in its context, the Governor keeps issuing Executive Orders. And every time he issues a new Executive Order, even for portions of the State that have been in Phase 4 now for a month, every time he issues an Executive Order it changes -- it changes a duty. And all the lawyers will -- will remind you that negligence is based on duty. And so, we need to be very careful in this area, and I hope the Governor exercises great discretion and deference in issuing any further Executive Orders and carefully considers the impact.

But, again, I appreciate my colleague's efforts and I will be supporting this. This is a fast roll call vote, which means that if there are members of the Republican Caucus who don't support it, please call right away. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker. On April 26th, my uncle, Song Kim, died from presumed COVID at a nursing home in Flushing, Queens. He was 78-years-old and was suffering from

dementia for many years. As a U.S. Army Captain and a dentist, he sponsored my family to immigrate to this country from South Korea when I was seven years old, and guided our family navigating a new country. Just like 6,500 other New Yorkers, he died alone, with no one by his side, and didn't receive a proper funeral. When I think about that and try to imagine what he and thousands of other residents went through during this pandemic, I'm overwhelmed with rage, confusion and despair.

Today with this bill moving forward, we're taking a major step in restoring the rights of patients and nursing home residents like my uncle, whose rights to seek recourse for the injuries caused by the negligence of others were taken away from them by the broad, blanket legal immunity passed in this year's budget. Thanks to Speaker Carl Heastie and the endless hours our staff members put in, we're able to rollback and nail the scope of this immunity to make sure we can hold nursing homes and other facilities accountable if they failed to prevent the spread of COVID or arrange proper care for COVID.

This bill strikes out the terms "prevention" and "arranging for the immunity laws" to narrow the focus of immunity to only treatment and diagnosis of COVID-19. This is a good step to hold nursing homes and hospitals accountable, while acknowledging all the -- all the workers who still have the direct protection under this law for when they're treating COVID-19. This bill also clarifies the original intention of the legal immunity, which was always in relation

to COVID-19 cases and not for non-COVID-19 cases.

As we prepare for our upcoming nursing home hearings, I look forward to figuring out how to deliver retroactive justice for so many families who lost their loved ones during this crisis. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. I want to thank the sponsor of the bill for his time and courtesy on the floor, even though I am not in Albany on the floor myself, explaining in detail the -- the intentions of this bill. I appreciate what we're trying to accomplish with this bill, I do plan to vote in favor of it. I do respectfully disagree that the intent of the original language that was inserted in the budget was just for COVID. While we're operating under a disaster declaration and we already had many elective surgeries cancelled, and many other health care options, like dentists' office, things like that were closed, people that needed emergency care that was not related to COVID, they were all operating under very specific guidelines and crisis guidelines.

So, this pandemic affected multiple layers of the health care system, and I do believe that was intentional. I do think rolling this section back, so for non-COVID related illnesses and treatment makes sense. I -- I would just note, again, that we don't necessarily need to do this through a -- a bill. It could be done by just

saying we don't have a disaster declaration anymore, at least in portions of the State. And then if it gets bad again, the Governor could try to bring it back again. You don't have to do it Statewide, because as one of my colleagues from Long Island mentioned, if there is a second wave and it comes back and we need to revisit this and look at it the way we were back in March or April, that's going to have to be something we revisit again.

I would also like to thank my colleague and other colleagues that we work with here, particularly the -- the Chair of the Health Committee, for their comments and support of hearings, specifically in nursing homes for -- for the State of New York. And that's a very broad, I think, topic for, you know, the coronavirus in nursing homes we're going to be talking. I would like to think about the controversial March 25th (buzzer going off/unintelligible) DOH, but, obviously, we could have been talking about the liability issue and I know that the sponsor of the bill wanted to talk about that. I don't necessarily --

ACTING SPEAKER AUBRY: Mr. Byrne --

MR. BYRNE: But we should --

ACTING SPEAKER AUBRY: How do you vote, Mr. Byrne?

MR. BYRNE: Thank you, Mr. Speaker. I just feel we should have had those hearings earlier, but I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

Mr. Salka.

MR. SALKA: Can you hear me now?

ACTING SPEAKER AUBRY: Yes, sir.

MR. SALKA: Well, thank you, Mr. Speaker. And first of all, I want to thank the sponsor for his advocacy for those families that have lost loved ones. I just want to make sure, and I'm going to be voting up on this. This was a tough vote for me because I was a health professional for 32 years and in many situations in busy, urban hospitals that sometimes you didn't have much control over what was going on at all and you really just had to rely on your clinical skills to be able to do your job. But, you know, the Governor has said that -- pretty much disavowed himself of any guilt on this, and I respectfully disagree with the Governor. I want to make sure that the people that were working hard on the front lines and putting themselves at risk are -- end up being the scapegoat in this.

And I'm satisfied at this point that they will have proper protections if there is a second wave, and I think that the positive spin on this, if there could be anything, is now we can look at what some of the - excuse me - the systemic problems are in our nursing homes, in our hospitals. Short staffing has been a chronic issue, and maybe we can do a, what we call in medicine, a root cause analysis and get to the bottom of how we can provide better medical care for the people in our communities.

But, again, I want to thank the sponsor and looking

forward to working with him if he ever needs my advice on anything to do with -- with health care. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following members in the negative: Mr. Fitzpatrick, Mr. Hawley, Mr. Lawrence, Mr. Stec, Mr. Manktelow, Mr. DiPietro, Mr. Walczyk. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Two of our colleagues would like to be counted as a no on this piece, this is Mr. Thiele and Ms. Buttenschon.

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

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

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could ask the House to stand at recess while we take up the Ways and Means Committee meeting, as well as a Rules Committee meeting. We're asking that Committee members understand that much like yesterday, their Zoom will be switched over to those respective

Committee meetings. The remainder of the members should stay in their Zoom link until we return from the recess.

ACTING SPEAKER AUBRY: Certainly.

The House will stand in recess.

(Whereupon, at 7:24 p.m., the House stood in recess.)

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A F T E R T H E R E C E S S

8:09 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: And if members could go back to our debate Calendar, we're going to go first with Calendar No. 210 by Ms. Weinstein. I believe that one's going to be on consent. And then there'll be a debate on Rules Report No. 189 by Ms. Wallace.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05605-C, Calendar No. 210, Weinstein, Dinowitz, Gunther, Englebright, Weprin, Arroyo, Nolan, DenDekker, L. Rosenthal, Gottfried. An act to amend the Civil Rights Law, in relation to establishing the right of publicity and to providing a private right of action for unlawful dissemination or publication of a sexually-explicit depiction of an individual.

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

An explanation has been requested, Ms. Weinstein.

MS. WEINSTEIN: Thank you, Mr. Speaker --

ACTING SPEAKER AUBRY: One minute, Ms. Weinstein. We have -- we may be suffering a left when we should have gone right.

MR. GOODELL: I -- I appreciate the sponsor's desire and willingness to explain this, but we're happy to go ahead with a straight vote if that's okay with the sponsor.

MS. WEINSTEIN: I welcome the opportunity to talk to you at a later date, Mr. Goodell.

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. 210. 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. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. Just quickly to explain my vote. This bill has undergone a lot -- a lot of amendments. And, you know, we've raised a number of points on debate in the past and we -- we have had a few members who voted no on it, but I -- I think the work that's gone into this on both sides in trying to balance the concerns both of obviously individuals and protecting their right of

publicity and their right to privacy. And, you know, the entertainment industry side of it as well has -- has come up with a -- a product that -- that hopefully will protect those privacy rights, protect those publication rights, but also not, you know, frustrate, basically, technological innovation. One of the things that we may be aware of as we go forward in, you know, the entertainment industry, maybe more so than ever with the current concerns we have. You know, holograms and all these different things are becoming things that are utilized. You know, they can have a -- basically almost have a concert where somebody who is deceased looks like they're singing in front of you by -- by utilizing that technology. So I think this -- this product better balances those competing concerns.

So I'm going to be casting my vote in the affirmative on -- on this piece of legislation, and I thank the -- I thank the sponsor for -- for her work in trying to balance those concerns with the bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Sir. Mr. Ra in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have one colleague who would like to vote in the negative on this one, Mr. Buchwald.

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. A09542-A, Rules Report No. 189, Wallace. An act to amend the Judiciary Law, in relation to requiring judges who recuse themselves to provide the reason for the recusal.

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

An explanation is requested, Ms. Wallace.

MS. WALLACE: Yes. So this bill simply requires that a judge recusing himself or herself state so on the record.

ACTING SPEAKER AUBRY: Mr. Morinello.

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

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

MS. WALLACE: Yes, I will yield.

ACTING SPEAKER AUBRY: Ms. Wallace yields, Mr. Morinello.

MR. MORINELLO: I'm just curious as to what the ultimate purpose of this bill is. I know what it says, but what is it trying to accomplish?

MS. WALLACE: So, as you know, if some -- if a judge does refuse to recuse himself or herself, the judge is required to state so on the record. This just would just require that the judge

decides that they do need to recuse themselves, they also state so on the record. So, it's really just in interest of transparency. Judges are legally obligated to decide all of the cases to which they are assigned. So, if they're not going to decide a case, I think the public has a right to know why that is.

MR. MORINELLO: Have you consulted with Janet DiFiore, the Chief Judge of the State of New York?

MS. WALLACE: I'm sorry, I didn't hear the whole question.

MR. MORINELLO: Have you consulted with Janet DiFiore, Judge Janet DiFiore?

MS. WALLACE: I know that we've had discussions with, for example, with the Supreme Court Judges and they have signed off on this.

MR. MORINELLO: That wasn't my question. Have you discussed this with Janet --

MS. WALLACE: I have not personally discussed this with Judge Janet DiFiore.

MR. MORINELLO: Have you discussed it with any representatives of the Office of Court Administration?

MS. WALLACE: I know that the -- as I said, the Supreme Court Judges Association has signed off on it. I have not discussed it with the Office of Court Administration. No, I have not.

MR. MORINELLO: So at this point it is my understanding that you are asking and judging a coequal branch of

government for reasoning that psychologically they may feel they are not prepared to handle a case.

MS. WALLACE: Well, we always have rules to, you know, set parameters for other branches of government, right? That's one of the things that we do. And we have a rule -- for example, there's a rule that the judge has to put on the record why they are not recusing themselves, so this is sort of just the flip side of that. And it's not -- you know, there are other states who do require this. At least two other states I'm aware of have this requirement in the law.

MR. MORINELLO: What is your interpretation of embarrassment?

MS. WALLACE: Well, I actually would leave that up to the judge to make that decision in good faith.

MR. MORINELLO: So, how would you anticipate the judge expressing embarrassment?

MS. WALLACE: I'm not sure what you mean, how would I anticipate the judge -- if you're supposed -- if a judge feels --

MR. MORINELLO: Well --

MS. WALLACE: -- that they cannot decide a case because of some personal or embarrassing nature that they don't want to disclose, they don't have to under this legislation. And I -- I, you know, I assume the judge is going to be acting in good faith in making those decisions.

MR. MORINELLO: How do you anticipate that being expressed by the judge?

MS. WALLACE: How do I anticipate it being expressed by the judge? The judge would say, *I am recusing myself but the reasons for that fall within this sort of catchall provision, so I'm not going to be disclosing the specific reasons for it.*

MR. MORINELLO: Okay. So you -- they don't have to say "I'm embarrassed."

MS. WALLACE: They could say it's personal.

MR. MORINELLO: Okay. Who will make the decision for the psychological decision of the judge as to whether it was warranted or not?

MS. WALLACE: Well, the judge makes that decision all the time anyway. The judge makes the decision as to whether they should recuse themselves or not recuse themselves.

MR. MORINELLO: Who do you anticipate will make that determination that it is warranted or not warranted?

MS. WALLACE: The determination that what's warranted, the excuse?

MR. MORINELLO: Well this bill says that they will -- I'm sorry, I've got to shut the phone off, I apologize. This bill says that they have to give a reason for their recusal.

MS. WALLACE: That's right.

MR. MORINELLO: To see if it's reasonable. Who will make the judgment as to whether it is warranted or not?

MS. WALLACE: The judge in the first instance.

MR. MORINELLO: Well if he feels it is warranted,

what is the -- what is the reason for forcing that judge to put something on the record that could cause judge shopping in the future, could cause other issues? I'm just -- I'm just curious as to what your ultimate goal is. A judge has an ethical obligation, and if that judge exercises that ethical obligation, who do you anticipate should be the one to question that ethical obligation?

MS. WALLACE: Well, a judge has an ethical obligation to recuse herself if she feels she cannot decide the case fairly. But honestly, this legislation was inspired by several cases; one on Long Island and two in Western New York where a judge after judge after judge recused themselves and there was no explanation given whatsoever to the public. And when one of the members of the public said, *I would like to know why is it being -- why are you recusing yourself*, the judge said, *I have absolute discretion and I don't need to give you an excuse*. And I do think that that's problematic. The judge has an obligation to decide every case that comes before that judge. They're legally obligated to do that, and if the judge feels that they cannot decide a case they should be accountable to the public and explain that.

MR. MORINELLO: All right. Well, will you be -- is there someone that will track the reasons for a particular judge to recuse themselves on more than one occasion?

MS. WALLACE: Well, it has to be on the record unless we're, like I said, the -- the reason is deeply personal, then they don't have to put it on the record. But actually, that's another reason

why we would want them to disclose themselves because let us say hypothetically a judge would say, *I am recusing myself because I got a campaign contribution from litigant X or -- or attorney that's appearing before me X*. And then the next time the issue comes up, different person, different situation, the judge says, *No, I don't think I need to recuse myself*. Well, it helps the public see and the Appellate Court see is there consistency in that decision-making.

MR. MORINELLO: Well, wouldn't the decision-making be when they render a decision on a case rather than what their -- they feel internally? What if -- what about a situation where a judge just for some reason feels he can't handle it but he is not -- he can't articulate the reason? What do you do in that case?

MS. WALLACE: Well, the judge --

MR. MORINELLO: You force -- let me continue on.

MS. WALLACE: Yeah, I think that -- I'm sorry.

Sorry, go ahead.

MR. MORINELLO: No, do you anticipate the judge being forced to continue on the case?

MS. WALLACE: Well, a judge, you know, that's -- that's their job. Their job is to explain the reasoning for their decision. That's actually what we pay them to do. So, they should be able to come up with an explanation as to why they're recusing themselves or why they're not recusing themselves. And I don't think a judge should stay on a case because they don't want to give a reason because that would just be unethical.

MR. MORINELLO: Well, I don't know why it's unethical if they follow the canons of judicial ethics and they feel in their heart that for some reason -- it could be they don't like the color of the dress or the sport coat of someone. They may have a reason, yet you want to force them to put out -- or, on the other hand, do you anticipate that if they don't want to give a reason, you have a judge stay on a case that he felt he may -- he or she may have or should have recused themselves?

MS. WALLACE: So, I'm -- I'm confused. Are you saying it would be a legitimate reason for the judge to recuse himself because they didn't like the color of the litigant's dress? Is that what you're saying?

MR. MORINELLO: What I'm trying to say is it's in the judge's mind as to why that -- that judge, male or female, does not want to handle a particular case. So what you're doing is forcing that person, the way I interpret this, to act on a case that they maybe thought initially they shouldn't have, but they just can't articulate the reason.

MS. WALLACE: Well I -- I think that that's actually the point of this legislation, right? I mean, the judge should have to explain why and the judge doesn't absolute discretion. The judge has to have a reasonable basis for recusing themselves. The judge can't just willy-nilly say like, *I don't really want to decide this case because it's too hard, so I'm going to recuse myself and let somebody else handle it.*

MR. MORINELLO: Well, you're putting words in my mouth, okay?

MS. WALLACE: Well, I'm just -- yeah.

MR. MORINELLO: What judge -- well you know what then? Maybe the problem is how you elect judges or you assign them or you appoint them. Maybe it's the way the Supreme Court judges are elected.

MS. WALLACE: I couldn't agree more with that point. I -- I do think we have a problem with the way we elect judges. I couldn't agree more with that point.

MR. MORINELLO: We have a big problem. But for you to interpret or to put the Legislature into the mind of a judge who has been duly elected, we have canons of judicial ethics. We have the Appellate Division to oversee. We have many, many safeguards in the system, and yet now you're putting a judge on something that does not have to do with the case itself. Not their decision and something that is not appealable. Or do you anticipate if a judge gives a reason that someone doesn't like that they can appeal that?

MS. WALLACE: So to -- to your point a minute ago, I -- I believe that judges do have to explain the reason for -- what -- what -- can you repeat the question again? I just lost my train of thought, I'm sorry.

MR. MORINELLO: All right. If a judge gives a reason for appealing -- for -- for recusing, okay, and some -- and you -- and you lose a case because somebody decided that it wasn't

legitimate, can you appeal the judge's decision to recuse?

MS. WALLACE: I -- I think probably not.

MR. MORINELLO: Okay. So what purpose does this serve except to put a judge in a position where if they personally feel they shouldn't be handling a case but they can't articulate it, they're going to stay on a case that maybe they shouldn't have.

MS. WALLACE: So, can I just get clarification? When you say they can't articulate it, is it because they're unable to or they're unwilling to?

MR. MORINELLO: They -- no, not unwilling. They just have a feel. There's cases -- they may not like the subject matter, they may not be -- they may not be in a position to be able to say, *You know what? I might have a personal prejudice on this subject matter, and I think it's better that I walk away from this case than be forced to sit on it.* So what I'm saying is, I anticipate -- or do you anticipate judges being forced to stay on cases that maybe they felt they should have recused themselves?

MS. WALLACE: No, absolutely not. They shouldn't -- they should recuse -- it would be unethical for them to stay on a case that they feel that they cannot handle.

MR. MORINELLO: Okay.

MS. WALLACE: So, they should have to -- but that doesn't -- that doesn't mean they shouldn't have to also explain themselves to the public. I mean, judges don't get to choose which cases they want to sit on and what they don't want to sit on. They

have to have a legitimate basis for recusing themselves or they have to decide the case. So --

MR. MORINELLO: Isn't that the judge's --

MS. WALLACE: -- I'm not sure why it's a problem.

MR. MORINELLO: Isn't that the judge's decision, not the Legislature's?

MS. WALLACE: The judge is -- the judge is not -- the judge is not a king. The judge -- the judge is a public servant just like the rest of us --

MR. MORINELLO: One --

MS. WALLACE: -- and we're all accountable to the public. And a judge --

MR. MORINELLO: (Unintelligible). You're putting words in my mouth, and I didn't say that.

MS. WALLACE: I'm sorry. I didn't mean to suggest you did.

MR. MORINELLO: Would -- well, you just said it. Okay?

On the bill.

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

MR. MORINELLO: You know, this Legislature is attempting to take discretion away from every single judge. The only discretion they've left is to whether or not fine somebody who broke the law on a Vehicle and Traffic. And what this particular bill does is,

it's going to force judges that maybe personally feel for whatever reason they shouldn't be on a case to maybe stay on the case. And because you have a couple of problems on Long Island, maybe do it on Long Island. But you shouldn't saddle every judge. This Legislature is trying to saddle a coequal branch of government with legislation that they're claiming is for openness and fairness. But the fairness is the judge making the decision. They are the ones who are sitting there. They are the ones who have the facts in front of them. They have all of the pleadings, they have the informations, depending on whether it's criminal or civil. So to force a judge to sit on a case because they're not able to articulate what they feel they shouldn't be on it is a travesty. It is an insult to every judge, it is nitpicking and I urge all my colleagues to vote no on this particular bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: You knows, perhaps -- as I said, I'm not an attorney before -- perhaps I am missing some nuance here. But when a case is assigned to a judge and the judge recuses, I don't understand why that particular recusal is so charged that a judge can't say, *Well, you know, I -- I know some of the individuals involved. I think I should recuse myself.* There was a similar circumstance in my family and I think that I have some bias. I don't understand how that is somehow stripping the judges of some discretion. If someone can't articulate why they are recusing themselves, well I think that may be a bigger problem if somebody cannot formulate their actual reasoning,

and that may be a very good reason for the public to know that there's a judge that cannot articulate. I suspect there are a thousand reasons why it would seem like a conflict. These folks belong to the same country club and I -- it would be inappropriate. *These people live across the street from me and we've been, you know, having barbecues forever together. I -- I think I might, you know, have a bias.* I -- I don't see that this is some cataclysmic attack on the judiciary.

So, I -- I would hope that everybody would support this measure. It seems like it's part and parcel of transparency.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall --

ACTING SPEAKER AUBRY: The Clerk -- go ahead.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 189. 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 Caucus will be generally opposed to this. However, if there are members that would like to vote in favor of it, please call the Minority Leader's office quickly.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. We ask our colleagues who choose not to vote with us in the affirmative to contact the Majority Leader's office and we will so record your negative vote.

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

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker. I -- I believe this bill is in the interest of the public. It increases transparency. As I said, judges are legally obligated to decide all of the cases that they are assigned. They can't just say, *I don't want to decide that case because I don't like that kind of case*, they have to have a good reason for not deciding it. And I think it's in the interest of the public to know why they think that they cannot be fair and impartial or for some reason cannot decide the case. If it is a highly personal nature, the -- the bill allows them to not have to give a reason in that instance. I also want to note for the record that this bill was inspired not only by events on Long Island, but events in -- in Western New York where we have a State case and a parallel Federal -- Federal case where in each of those cases there have been about six

different judges who have recused themselves one after the other. And it leaves the public wondering what is going on with that case, what is the problem? And third, by requiring the judge to state why they are recusing themselves on the record it helps the public see if the judge is being consistent in cases where the judge decides not to recuse themselves.

So, I think this is a good bill. I think it's in the public interest. As I said, other states already have a similar legislation, and I urge my colleagues to support this bill and I'm voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you please report Mr. Montesano -- record Mr. Montesano as a yes vote on this bill?

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleague Ms. Simotas as a no vote on this bill.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes, 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. If we can now go to Rules Report No. 276 by Mr. Hevesi.

Following that, we'll be going to Calendar No. 469 by Mr. Perry. And

immediately following that we'll go to Rules Report No. 264 by Mr.

Zebrowski.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10673, Rules Report No. 276, Committee on Rules (Hevesi, Barron). An act to amend the Social Services Law, in relation to using Supplemental Nutrition Assistance Program benefits to purchase online groceries and to the State Supplemental Nutrition Assistance Program Outreach Program.

ACTING SPEAKER AUBRY: On a motion by Mr. Hevesi, 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. 276. 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. Hevesi to explain his vote.

MR. HEVESI: Very briefly. And good evening, Mr. Speaker and my colleagues. This bill was designed to help low-income individuals, the disabled and seniors in New York access online benefits for SNAP. We're codifying a Federal program to help everybody get through the COVID pandemic. I think it's a bill worth passing, particularly at this time.

I'd like to thank all of my colleagues for listening and I urge a vote in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Hevesi in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please report Mr. Norris and Mr. Walczyk in the negative on this legislation.

Thank you, sir.

ACTING SPEAKER AUBRY: 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. A09761-A, Calendar No. 469, Perry, Cook, Hyndman, Vanel. An act to amend the Insurance Law, in relation to group policies for motor vehicles engaged in the business of carrying or transporting passengers

for-hire.

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

An explanation is requested, Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker. This bill -- this bill requires motor insurance in New York State to establish group fleet automobile policies to be issued to any person, firm, association, corporation or other entity where the policy insures for-hire vehicles owned by such person, firm, association, corporation or other entity that has been in active existence for at least two years.

ACTING SPEAKER AUBRY: Mr. Garbarino.

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

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

MR. PERRY: With pleasure.

ACTING SPEAKER AUBRY: Mr. Perry yields.

MR. GARBARINO: Thank you, Mr. Perry. Can you explain why this bill is necessary?

MR. PERRY: In -- in my neighborhood, the part of New York City that I reside and in other parts of New York State there exists big industry. We have dollar vans in New York -- in New York City, otherwise called commuter vans. You -- this industry also includes ambulettes, even school buses. The State adopted a new

standard for insurance for commuter vehicles like -- like these because you carry -- that carry eight or more passengers. That raised the -- the cost of insurance swift -- quickly and unexpectedly to a level that made it very difficult for the operators of the -- of these vehicles to -- to afford the payments and to continue to operate. This, I understand, was a result of a very serious accident that occurred with a limousine carrying a lot of passengers had a very deadly crash. A couple of people died, and it was discovered then that they did not have sufficient insurance. In response to that, we passed in the budget a bill that raised the level of insurance from one -- the -- the minimum insurance that they were required to carry to \$1.5 million in every case, and that -- this has caused financial distress, forced a lot of people out of business, and this is an effort to make the insurance affordable, create a situation in the market that insurance companies will find a reason to lower the cost of insurance for the operators of these vehicles.

MR. GARBARINO: So these dollar vans that you said, they currently exist.

MR. PERRY: You may want to say commuter vans. Dollar vans, that's the -- the -- the way we call them in Brooklyn and New York City, but they're generally known as a commuter van.

MR. GARBARINO: Okay, so these commuter vans currently exist. How are they insured now? You're creating a new group fleet policy under this bill, so they must be getting insurance somehow right now.

MR. PERRY: Well, these operators, they are -- they search around and they find individual policies that -- that's affordable to them, and it's a very tight market. I know that not too many insurance companies ensure them because they are perceived to be high risk. There are some that form -- that operate part of the group and usually -- now, these are mostly minority businesses. There are other operators who are -- where the vans are owned by groups of more wealthy business operators. I think Uber does something like this, too, but they can -- the insurance companies will give them fleet coverage, and when they have fleet coverage, the cost of the insurance is significantly lower because -- and the individual drivers will get -- become a part of the fleet. They pay their part of that rate, which is a -- a much greater expense for people who operate in a situation where the individual driver pays his -- his -- his insurance on his own. You have to seek it, secure it and pay it rather than make a contribution to a fee that -- that they get, benefit by being part of a group.

MR. GARBARINO: So there already are group policies that are offered, there are already these -- these buses -- these vans are already insured. Why are we mandating that every insurance company that offers a commercial auto policy, why are we mandating that everyone in this State that we regulate offers this new group fleet policy? This is something that you're creating out of thin air that has no actuarial evidence backing it up as to how you're going to determine the rates. Why are -- if these vans are already able to get insured, if there's, as you just said, some of them are affordable, if

there's already something that can be done and there are group policies, why are we creating this whole new policy and then on top of it, mandating that every insurance company that offers a commercial auto policy in New York State offer this policy?

MR. PERRY: Okay. The group policies that they offer now cover people that own their own vehicles. This policy -- this -- this new law would allow them to offer through associations, because the associations that will be formed are -- provides a benefit for individual folks who cannot, by their own, afford the new cost of the insurance.

MR. GARBARINO: Okay. So, you want to extend the current group policies for people that already -- that have their own -- that own their own cars to associations to allow them to get these. Why don't we just expand that to just the companies that currently offer it? Why are we making every insurance company that offers a commercial auto policy, everyone in the State, why are we making them who might not have anything to do with auto -- commercial fleet policies now, why are we making them offer this product, something they might not even be in the business with. We could be mandating that a co-op insurance company that does farms in Upstate New York who just by coincidence, because a farmer has a truck that he uses and they do it as a side -- as a side portion, as an addendum to the insurance policy for the farm. That small co-op insurance company now is going to have to offer this policy under this bill.

MR. PERRY: The -- it is quite clear that there's a need for coverage and that there is -- there is no coverage being offered to the operators in this industry. That's the reason for that.

MR. GARBARINO: I understand that.

MR. PERRY: You have -- you have talked about the ideal situation where people with money and buying power can go into the market and they -- they -- they will get the insurance that they can afford to pay.

MR. GARBARINO: I've talked about the situation where you have a small co-op insurance company in Upstate New York that primarily deals with farms and just to help the farmer out, they issue a side policy for the farmer's truck. You're now mandating that that -- that co-op insurance company offer this group fleet policy that we're creating, they have to come with the policy by January 2021, six months from now. There's no basis -- this doesn't exist anywhere in New York State Law as it is, so there's no basis as to what the rates are going to be. You now want them come up with a policy in six months for something they've never done ever in their business and somehow find an affordable option?

MR. PERRY: The law won't compel such a policy writer to grant that policy to anybody. They just -- it requires that they -- they -- they -- they set up the policy and offer it, but they don't --

MR. GARBARINO: They don't have to sell it. Do you know how much it costs for a small insurance company to come up with --

MR. PERRY: The insurance will still -- it doesn't take the away the right of the insurance company to offer the policy to someone who meets their standard.

MR. GARBARINO: No, I understand -- I understand that, but what it's doing, it's mandating that insurance company to come up with a policy, to come up with -- to mandate them to do something that they've never done before, ever, in their line -- in their business.

MR. PERRY: It's insurance, and they're in the industry. You're making it sound as if someone who's selling insurance in the industry isn't equipped to navigate the requirements of an insurer.

MR. GARBARINO: Well, there's insurance companies that just insure farms, there's insurance companies that might just do commercial boat policies -- I mean, there's insurance companies that do this -- life insurance companies, granted, they wouldn't fall under this policy, but there are -- insurance is a big industry, so just because they're in insurance doesn't mean they can sell every single policy for everything. Certain companies are used to --

MR. PERRY: You're making it sound as if the insurance industry, what does the insurance industry do? They provide coverage for liability. Simple as that.

MR. GARBARINO: They do a lot more than that, I mean --

MR. PERRY: Right, but that's basically what the insurance policy is all about. And you are operating in the industry, you're an insurance company selling policies, writing these policies, so I can't imagine that you wouldn't comply with the law.

MR. GARBARINO: The problem is, is you're saying the insurance companies do this. Nobody does this. There's no such group fleet policy doesn't exist anywhere in New York State Insurance Law. You're creating this policy out of thin air telling every insurance company in the State that offers a commercial vehicle policy now, you have to offer this and, by the way, you have to do it by January 2020 -- 2021. I'm just saying this is -- this could put a lot of small insurers out of business if you mandate it. They might say, *We can't do this. We can't afford it. This is not what we have our -- this is not what we base our business plan on* and, now you're saying, by the way, do this in six months.

MR. PERRY: So, what do you think about vehicles driving around transporting passengers with no coverage and have no insurance?

MR. GARBARINO: No, I think they should, and I think it's -- and, as you just said -- well, no, Mr. Perry, as you just said, no, there are already companies that offer that. They don't offer it to, you know, associations so why don't -- instead of mandating this on every insurance company, why don't you just say, okay, the people that already offer these group fleet policies to the owner -- the owners of the vehicles, now you have to also offer them to the associations?

MR. PERRY: Do you think that we have a responsibility to make sure that the vehicles that transport people on our streets have insurance?

MR. GARBARINO: We do -- and we --

MR. PERRY: We do.

MR. GARBARINO: We passed that bill in the budget as you said this year.

MR. PERRY: Well, that's the road I'm going down, and you might want to follow me down that road.

MR. GARBARINO: We're already there. We already passed it last year in the budget.

MR. PERRY: You're -- we are proposing a solution to a problem. Maybe it worked, maybe it will need further fine tuning. But you would prefer that we walk out of here tonight and don't do something to help make sure that these operators will have an opportunity to get insurance rather than being -- being forced to take the chance and drive around without insurance and then somebody is injured in an accident and has no recourse because we didn't do something to stop it.

MR. GARBARINO: We've -- we've already done something. We already mandated that they have insurance. Now you're creating a policy which is going to -- and you say maybe it'll work and maybe it won't. If it doesn't work, it's going to put New York State businesses out of business. We're focusing on creating a policy here that, you know, these vehicles, as of they are right now,

are not very safe vehicles. You know, you have to make sure that what's -- if they're going to be on the roads, if they're going to be insured, they have to be done -- you know, it has to be done correctly, not just we're going to create a policy and hopefully everything falls in the right position.

I do have one more question, because I know we're running out of time, your bill -- you refer to a discount to be offered for multiple vehicles. You go on to say, *That the discount shall be based on actuarial appropriate reductions as provided for in subsection e of this Section.* When I read subsection e, all it says is that the policy would have to be made available January 1st, 2021. There's nothing -- there's nothing that talks about actuarial appropriate reductions in Section E.

MR. PERRY: So, the rates -- the rates have to be approved by the Superintendent, and they would all have to meet actuarial requirements.

MR. GARBARINO: I understand that, but when you reference Section E, all Section E talks about is when the policies are going to be -- when the policies have to be set up.

(Pause)

It's all right, Mr. Perry, I'm just -- I'm going to go on the bill. Thank you. That's fine, that's fine.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GARBARINO: Mr. Speaker, I was speaking to someone who is very knowledgeable about the insurance industry

today and they said, this is like mandating a, because we license bars, *This is like mandating a wine bar in New York City to offer beer.* And you know what they said back to me? *No, this like mandating a wine bar in New York City to offer beer with arsenic in it.* This bill is going to cause major problems and for that reason, I cannot support it and I hope my colleagues do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Calendar No. 469. 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 generally in the negative on this bill. And if there's members of the Conference that would like to vote in the affirmative, please contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Cook.

MRS. COOK: Yes, Mr. Speaker. This is a Party vote in the affirmative. Anyone who wishes to vote different will call

the Majority Leader's office.

ACTING SPEAKER AUBRY: Thank you, Mrs. Cook.

(The Clerk recorded the vote.)

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

MR. REILLY: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. Listening to the debate on dollar vans, as they're known most commonly, it brings me back to my days of working in Brooklyn and East Flatbush with the dollar vans going up Church Avenue. And I remember being a Sergeant in the area responding to many accidents involving these vans. Many of these vans had out-of-State plates and I understand that for the business owners of those vans, for the legitimate ones, which the New York City Council actually authorized a pathway for them to be legalized, they may be taking the brunt of the accidents and violations caused by those illegal drivers. I think the crackdown on those has to be the real pathway to improve rates. I don't think giving this bill consideration is the way to do it so for that -- for those reasons, I will be voting in the negative. Thank you.

ACTING SPEAKER JONES: Thank you, Mr. Reilly.

Mrs. Cook.

MRS. COOK: Yes. May I?

ACTING SPEAKER JONES: Of course.

MRS. COOK: The members who are voting in the negative: Mr. Rodriguez, Ms. Woerner, Ms. Griffin, Ms. Glick and Mr. Cahill in the negative.

ACTING SPEAKER JONES: So noted, Mrs. Cook.
Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10118-A, Rules Report No. 264, Zebrowski, Mosley, Stern, Galef, D'Urso, Griffin, Jaffee, Thiele, Gottfried, Colton, Seawright, Simon, O'Donnell, McMahon, Englebright, Cahill, Bronson, Otis, Buttenschon, McDonald, Fahy, Dickens, Darling, Ortiz, Lifton, Sayegh, Frontus. An act to amend the Financial Services Law, in relation to requiring certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient.

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

Mr. Goodell on the bill.

MR. GOODELL: Thank you sir, on the bill.

ACTING SPEAKER JONES: On the bill.

MR. GOODELL: This bill would require State-chartered banks to provide a great deal of additional financial

information to potential borrowers in the commercial context. So, generally speaking, we're dealing with more sophisticated borrowers. It doesn't apply to residential, but it requires that financial disclosure requirements that are fairly extensive in the commercial context. The concern that's been raised is that this bill and all the detailed reporting requirements that are contained in it apply only to State-chartered banks.

By and large, the State-chartered banks are your smaller community banks that focus on helping the lower-income communities, the rural communities and similar communities to meet their financial needs. These requirements and this law would not apply to any of the nationally-chartered banks, all the bigger banks. It would not apply to Chase, HSBC, Wells Fargo, Citibank or any of those larger banks. And what happens when we pass legislation that imposes a great deal of requirements on a State-chartered bank and only on a State-chartered bank, it raises the cost to those State-chartered banks in providing the essential services that they provide in our smaller communities. And it is causing significant problems for our State-chartered banks, the very banks that we want to promote. And, indeed, in Western New York in just the last few months, three or four State-chartered banks have gone out of business and they've been taken over by nationally-chartered banks. And what's astounding is that the Chairman, the incoming Chairman of the Independent Bankers Association on the national level who is coming from New York State, I think he's the Chairman of Tioga County

Bank, is seriously examining how to change their charter and leave the State of New York and become a nationally-chartered bank, and he is not alone.

If we want a level playing field, that's great. Let's follow the Federal requirements that apply to nationally-chartered banks. Let's not put all of our own locally owned and operated State-chartered banks at a competitive disadvantage and hurt them at the very time we need them most to help our local businesses survive this pandemic. And for that reason, I'll be voting no and urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you, Mr. Goodell.

Mr. Zebrowski.

MR. ZEBROWSKI: Thanks, Mr. Speaker. I've got a lot to say about this bill, but the hour is late and the time is short, so I'm not going to do it. But I do just want to -- my good colleague, Mr. Goodell, I just -- I respectfully disagree. I actually think State-chartered banks are -- it is our intention that they are not covered by -- if you look at page number 3, Section 802-A, it talks about financial institutions and they're defined earlier in the bill on page 2, subsection f as, *Any of the following: A bank, trust company or industrial loan company doing business under the authority of or in accordance with a licensed certificate or charter issued by the United States, this State or any other state.* So, I just wanted to correct the record, Mr. Goodell. It actually applies to non-bank commercial

lenders, and I'll just leave it at that.

ACTING SPEAKER JONES: Thank you, Mr. Zebrowski.

Read the last section.

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

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 264. 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. In addition to myself, please record the following Republicans in the negative: Mr. Norris, Mr. DeStefano, Mr. Fitzpatrick, Mr. Friend, Mr. Montesano, Mr. Walczyk, Mr. Hawley and Mr. Manktelow. Thank you, sir.

ACTING SPEAKER JONES: 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: Thank you, Mr. Speaker. I do realize that it's getting late, it's a little bit past 9:00, but we still do have a little bit more work that we need to do. So, if we can now go to Rules Report No. 302 by Ms. De La Rosa, Rules Report

No. 315 by Ms. Reyes, Rules Report No. 316 by Mr. Englebright, and Rules Report No. 350 by Mr. Dinowitz.

ACTING SPEAKER JONES: The Clerk will read.

THE CLERK: Assembly No. A05965-A, Rules Report No. 302, De La Rosa, Colton, Arroyo, Taylor, Reyes, McDonough, Rozic, Epstein, Seawright, Cruz, Buchwald, Benedetto, Barnwell, DenDekker, Richardson, Lentol, Mosley, DeStefano, Barron, Jacobson, Darling, L. Rosenthal, Englebright, Simotas, Byrne, Brabenec, McMahon, Wallace, Simon, Lupardo, Abinanti, Jaffee, Schmitt. An act to amend the Labor Law, in relation to establishing a registry of workplace fatalities in the construction industry to record information pertaining to all incidents under which an employee performing construction work suffers a work-related fatal injury.

ACTING SPEAKER JONES: On a motion by Ms. De La Rosa, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: Mr. Goodell on the bill.

MR. GOODELL: This bill would add a new section to the Labor Law to require the Department of Labor to create and maintain a registry of workplace fatalities in the construction industry. That concept is great, but we already have multiple entities that do

exactly the same thing. So, for example, we have the Employee Mine Safety Health Administration, they keep track of any construction-related injuries in the mining field. We have the New York Fatality Assessment and Control Evaluation Program which reports on that to the New York State Department of Health. We have the Department of Labor itself which conducts an annual survey of occupational injuries and illnesses. Not to be outdone, we have a Federal agency that also tracks and monitors this, the Federal Occupational Safety and Health Administration, OSHA.

With already three or four, depending on your industry, entities that already track this data, I would suggest we don't need one more. And every time we add reporting requirements, in this case, a second report to the same agency that already does one, we add cost to our businesses. So let's think for a minute that maybe we ought to let our businesses focus on business and not require a fourth or fifth report on the same information burdening our businesses even more. For that reason, I will be voting against this and recommend the same to my colleagues. Thank you, sir.

ACTING SPEAKER JONES: Thank you, Mr. Goodell.

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 Rules Report No. 302. 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: This is a Party vote. The Republican Conference will be generally in the negative. If you would like to vote in favor of this, please contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is a Party vote in the affirmative. Members choosing not to vote with the Majority can contact the offices and let us know that we will record their vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Thank you.

(The Clerk recorded the vote.)

Ms. De La Rosa to explain her vote.

MS. DE LA ROSA: Thank you, Mr. Speaker, to explain my vote. I simply want to say that the construction industry is one of the most dangerous industries for workers. As lawmakers, we rely on accurate information and data on work-related injuries and fatalities in order to come up with remedies for these issues. I would argue that the cost of life is more important than the cost of doing business in New York State, and that the majority of the workers who have died on work sites across this State have left behind their family

members, have left behind devastated communities. This bill simply seeks to take all of the information compiled by all of the different agencies mentioned before to make sure that we have a searchable database in New York State where we can see the instances of fatalities here in New York and so that workers can be protected. I vote in the affirmative.

ACTING SPEAKER JONES: Ms. De La Rosa in the affirmative. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please report the following Republicans voting in favor of this legislation: Mr. Byrne, Mr. DeStefano, Ms. Miller, Mr. Miller, Mr. Reilly, Mr. Norris, Mr. Brabenec, Mr. Schmitt and Mr. Giglio. Thank you, sir. And also Mr. Palumbo.

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

MR. GOODELL: Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08764-A, Rules Report No. 315, Reyes, Epstein, Gottfried, Mosley, Jaffee, D. Rosenthal, L. Rosenthal, D'Urso, Simon, Aubry, Joyner, Blake, O'Donnell, Jean-Pierre, Montesano, Stirpe, DenDekker, Barron, Cook,

Taylor, Cruz, Williams, Abbate, De La Rosa, Niou, Hunter, Woerner, Lavine. An act to amend the Social Services Law, in relation to establishing a Statewide restaurant meals program as part of the Supplemental Nutrition Assistance Program.

ACTING SPEAKER JONES: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

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

MR. GOODELL: This bill would create a Statewide restaurant meals program as part of the Food Stamp Program. So, you could use your food stamps to go to a restaurant. And it's limited to certain households with disabled elderly individuals, homeless individuals and their spouses.

The concern that we have is two-fold. First, we implemented a Statewide -- or a demonstration program on this very issue to see whether it was cost-effective. And we are now being asked to extend this program Statewide without having yet received any of the information or any of the report or any feedback from the demonstration program. And the very reason we have a demonstration program is so that we can see if it makes sense. The second concern that was raised by several of my colleagues was that, in general, restaurant meals are much more expensive. And so, this is using food stamps to buy restaurant meals. And the last concern is while there are some phenomenally good restaurants, I never go to

them enough, of course, but often the restaurant food is not a nutritionally-balanced meal, particularly in my district we like meat and potatoes, and vegetables are less common.

And so, because of the cost, because we don't have the results from the demonstration program and because of concerns over nutrition, the Republicans in the Social Services Committee were Minority in the negative and I would recommend the same on the floor. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker. I just wanted to clarify the comments of my colleague. I think the Minority Conference might be confusing this bill with a bill that we voted on earlier this year that would allow recipients of SNAP benefits to purchase or make purchases online because of the pandemic. This would expand their benefits, their current benefits to be used in participating restaurants to -- and delis to purchase hot meals because many seniors and many homeless individuals do not have access to cooking facilities or may not have the ability to prepare meals on their own. And in the spirit of making sure that they are able to receive a nutritious diet, we want to make sure that not everything that they eat is processed, preserved or frozen. This is an important meal -- an important bill. Four other states already participate in this program and I think New York State should follow suit. I will be voting in the affirmative and I hope that my colleagues would do the same. Thank

you.

ACTING SPEAKER JONES: Thank you, Ms.

Reyes.

Read the last section.

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

ACTING SPEAKER JONES: The Clerk will record the vote on Rules Report No. 315. 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: Thank you, sir. The Republican Conference will generally be in the negative on this particular legislation. Any member would like to vote in the affirmative should contact the Minority Leader's office. Thank you, sir.

ACTING SPEAKER JONES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. Colleagues desiring to vote negative should contact our offices and let us know, we will be happy to cast your negative vote for you.

ACTING SPEAKER JONES: Thank you.

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. I looked it up. A Triple Whopper from Burger King, and not to, you know,

knock any particular fast food restaurant, but since we're talking about using taxpayer dollars and SNAP benefits to a population, we'll talk about the nutritional value, as obesity and poverty often go hand in hand. So, for the good of the group as they're casting votes on this bill, a Triple Whopper has 170 milligrams of cholesterol, 1,160 calories and 75 grams of fat. So, that's what the taxpayers will be paying for. I think in the long-term we should focus, as my colleagues have pointed out, on more nutritious foods. Some of the bills that have been brought forward do have that opportunity. This bill, unfortunately, I think when you look at the availability of restaurants and the most bang for your buck, when you talk about this population, you're actually encouraging some vulnerable populations for poverty and obesity both to eat at more fast food restaurants, the long-term being to their health detriment.

So, I'll be casting my vote along with my colleagues in the Minority in the negative and I would encourage my colleagues in the Majority rather than just running the Party line and voting yes on this one, think about the long-term health impact. You know, there's been a lot of talk this year about pandemics and mortality rates. The mortality rate of obesity hasn't been brought up that much. The mortality rate of poverty hasn't been brought up nearly enough as we spiral into economic decline. So, think about those things when you cast your vote. And thank you, Mr. Speaker, for the time. I vote no.

ACTING SPEAKER JONES: Thank you, Mr. Walczyk.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I do think that given that there are so many people who don't have the availability to cook warm foods on their own and/or get to the market to get those healthy foods, that this may be a good idea, but I think it's needs to have some major oversight. This is a country, after all, that is based on Capitalism. People are going to go for the dollar as quickly as they can and, to be honest, food stamps are dollars.

And I think it's important that whoever it is that's providing these meals for people are providing them in a way that, one, they're healthy and, two, they're not filled with a ton of processed items and, three, that they are current up-to-date food, not food that has been stored past the deadline and now you want to fix it up and sell it to somebody who comes with food stamps. I think all of these things need to be paid a lot of attention to. There needs to be some oversight. It needs to be -- it needs to be clear about who has the ability to collect food stamps and what it is they're selling, because if we don't do that, many of the things that my colleague on the other side of the aisle just mentioned will further eviscerate the problems, the health problems that people who are of low income already have.

And so, I think that this -- while I'm in support of the concept of it, I think it's going call for some major oversight to make sure that people are not abused in the desire for businesses to get access to those food stamps. With that, Mr. Speaker, I vote in the

affirmative.

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

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Mr. Speaker. I just want to, again, to clarify some of the sentiments of my colleagues, this was something that was discussed in Committee before this bill was voted on. And the idea that individuals would be going to fast food restaurants with their SNAP benefits is erroneous because in order for a restaurant to be able to participate and receive an EBT machine so they can charge for SNAP benefits, they have to enroll in the program. And the Office of Temporary and Disability Assistance can promulgate the rules as to which restaurants qualify.

And I also want to point out that your average TV dinner, your average can of soup has over 500 milligrams of sodium. And if we want to talk about the nutritional content of meals, we do not tell individuals, *You cannot buy a can of soup, you cannot buy a TV dinner*. And, unfortunately, for many of them, that is all they purchase with their SNAP benefits because they have nowhere to prepare fresh meals. And I think we need to consider every individual in our State and their circumstances so we can better serve and make sure that everybody has a nutritious meal every day.

So with that, I thank my colleagues for their thoughtful comments. As a nurse, I am also concerned about the nutritional content of the meals that people will be purchasing with

their SNAP benefits, but I believe that this is something that can be corrected through the regulating agency. Thank you.

ACTING SPEAKER JONES: Ms. Reyes in the affirmative.

Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker. I'd just like to clarify some points. First, I want to thank the sponsor. This is an outstanding bill and I think there may be a tiny bit of misunderstanding about the oversight of this bill. Right now, this program will have to be within Federal law guidelines, and then also subject to regulation by the Office of Temporary Disability Assistance to establish concessionary prices and I'm assuming that OTDA will be mindful of the nutritional requirements. If they are not, however, I guarantee that the sponsor who is doing her due diligence will be on top of it, and as the Chair of the Committee which had original jurisdiction of this bill, we will look at this, as well, to make sure this is done right. So, I don't believe you're going to have any nutritional problems. I certainly don't see OTDA allowing people to buy fast food with this. But if that happens, we will stay on top of it and make sure they don't. This is an outstanding bill. Ms. Reyes, thank you for all your work and I vote in the affirmative.

ACTING SPEAKER JONES: Mr. Hevesi in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you. I, too, would like to

add my thanks to the sponsor of this bill. And to those who are concerned about how it could be misused, I would want to just echo what Mr. Hevesi said and what Ms. Reyes said. This is a -- this is a heavily-regulated program that has a lot of oversight; it has Federal oversight, as well as State oversight. So, I think we can be certain that there will be plenty of people looking over this program to make certain that it is not -- is not abused.

On a more personal note, what I would just offer as something for people to -- to reflect upon is that many of our seniors in our rural communities depend on Meals on Wheels to bring them a warm meal, sometimes it's their only meal each day. But Meals on Wheels doesn't deliver every day, they don't come on the weekends, and -- and many of those seniors are beyond the point where they can cook for themselves. And so, they save up a bit of their meal from Friday and they try and make it last through Saturday and Sunday. And that's -- that's one of the gaps that this -- that this bill would fill is that for those people who really depend on having their meals brought to them, that this would be another way for them to get a warm meal on the weekends when they are unable to prepare it for themselves and Meals on Wheels can't provide it for them. So, this is just an alternative that fills a gap and, as I said, I'm confident that between the regulations at the Federal level and the regulatory agency at the State level that it will be well-regarded -- or well overseen. Thanks so much and with that, I vote in the affirmative.

ACTING SPEAKER JONES: Ms. Woerner in the

affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans voting in favor of this legislation: Mr. Montesano, Ms. Miller, Mr. Brabenec, Ms. Byrnes, Mr. DeStefano, Mr. Ashby and Mr. Fitzpatrick. Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08829-A, Rules Report No. 316, Englebright, Epstein, Colton, Ortiz, Jaffee, Dickens, DeStefano, L. Rosenthal, Otis, Zebrowski. An act to amend the Environmental Conservation Law, in relation to prohibiting certain uses of trichloroethylene.

ACTING SPEAKER JONES: On a motion by Mr. Englebright, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested.

Mr. Englebright.

MR. ENGLEBRIGHT: Can you hear me? So this bill would -- you can hear me, yes?

ACTING SPEAKER JONES: Yes.

MR. ENGLEBRIGHT: Thank you for confirming. This bill would prohibit the use for most industrial purposes of a toxic

and carcinogenic vapor degreaser and solvent called trichloroethylene. And this would take effect on December 1, 2021 if it becomes law.

ACTING SPEAKER JONES: Mr. Ra.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER JONES: The sponsor yields.

MR. RA: Thank you, Mr. Englebright. Just a few quick questions. You know, as I'm sure you're aware, this is a chemical that is also being looked at at the Federal level, and a few years ago, you know, they had the Toxic Substances Control Act and this was one of the first chemicals that's going through a review process. And my understanding was that earlier this year there was basically a rule-making that -- that -- that went out and the next step would be coming forward with mitigation plans. So, I'm just wondering if you can just clarify the approach of -- of this bill versus allowing for that Federal action to take place. My understanding is it is evaluating the chemical and the -- and the same uses that -- that this bill is banning its use for.

MR. ENGLEBRIGHT: Sure. On March of 2016, the Environmental Protection Agency produced a facts sheet indicating that TCE, as this trichloroethylene is referred to has the potential to cause fatal heart defects and attack the central nervous system and

kidneys and immune system of people of all ages, and they were preparing in December of 2016 to ban almost all the uses. And, of course, there was an Administration change in Washington and what followed from that was an effort on the part of the chemical industry to weaken regulations generally on chemicals, and this was one of the chemicals that has been treated to that weakening process.

They have indicated that rather than rely upon the earlier studies which date back for many, many years now, that they're going to conduct another review. And what we have done is look at the impact of this chemical on the drinking water supplies of New York, the danger that this chemical poses to the health and well-being of workers and citizens and any of the tens of thousands of people who rely upon the drinking water supply. We have looked at the reality that the largest insult in the history of Long Island's drinking water, the Grumman Plume, is contaminated primarily by trichloroethylene. An estimated cost to New York of that particular environmental insult is \$585 million, that's on top of about \$300 million other dollars already committed by the U.S. Navy and others. And we decided that we didn't think it was appropriate to hope that the Environmental Protection Agency would find its way back to where it was poised to go in late 2016 and further expose our citizens to uncertainties. So, we put forward this bill with every intention of making sure that we don't have any other Grumman Plumes and that we protect the health and well-being of the people of New York.

MR. RA: Thank you, Mr. Englebright. I, you know,

I know that you are obviously very active and have been very active in addressing that particular situation and, certainly, looking at any number of harmful substances in -- in our State, but in terms of -- I know you said, you know, we've been looking at this. Has the DEC been involved in that process or are you referring to, you know, yourself and your staff and, you know, other environmental, I guess, you know, groups and things of that nature?

MR. ENGLEBRIGHT: Certainly a lot of environmental groups and a lot of science has taken place. We've seen, for example, lawsuits brought by workers at the Brookhaven National Laboratory who have been severely compromised by their exposure to trichloroethylene. I -- I can't tell you with certainty what the DEC has done. I know they're very much aware of this, though, because they are overseeing, especially from Region 1, they are overseeing the cleanup at the Grumman site which you may -- as you correctly pointed out I have been involved with for a number of years and was working closely with our former colleague, now Supervisor Joe Saladino who rightly pointed out that this was a hazard not only to human health directly, but that this plume, which is now more than four miles long was migrating through the soils towards the Great South Bay.

So, to his credit, the Governor researched this; in fact, Mr. Saladino and I had conversation with Governor Cuomo at one of those meetings that he called to meet with the delegation at the Governor's Mansion and he followed up I think quite courageously to

take on this Grumman Plume, and the DEC stepped into the breach at the insistence of the Governor and we are now poised to halt the progress toward tide water of this huge Grumman Plume. So, yes, you're quite correct. I have been involved. I know the DEC has gotten up to speed in recent years. I can't be sure how far back in time their research has been active on it. I think they were probably depending on the Federal government.

MR. RA: Sure. Okay. Well -- well, thank you, thank you for that. And I certainly, and many of our colleagues will recall Joe -- Supervisor Saladino did mention that issue many times on the floor and I think all of us on Long Island are benefitting from his advocacy and attention to the issue, as well as yours and the Governor's.

So just one last question in terms of the, you know, net effect of -- of this bill. Would the State Law then reflect what had been proposed in 2016 by the Federal level? Is this more expansive in any way? Less expansive? Or would it essentially put into State Law the restrictions on the use of this that would have been -- that would have taken effect at the Federal level had that been allowed to proceed?

MR. ENGLEBRIGHT: That is -- is a very relevant question, and thank you for asking it. It is not as broad as what the EPA was prepared to go forward with. It does not, specifically, for example, deal with spot cleaning within, for example, dry cleaners. It doesn't speak to that and, instead, is primarily targeted towards most

industrial and commercial uses that are on a larger scale. It doesn't mean that those cannot be dealt with; the Department will assess that in the regulatory process.

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

Thank you, Mr. Speaker.

MR. ENGLEBRIGHT: You're welcome.

(Pause)

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. 316. 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 generally voting no, but those who would like to support this legislation are encouraged to call the Minority Leader's office. Thank you, sir.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This will be a Party vote in the affirmative. Colleagues who

would desire to vote no should contact the offices and we will promptly record it.

ACTING SPEAKER AUBRY: Thank you, ma'am.

So noted.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Our Long Island delegation is voting yes and they consist of Mr. Palumbo, Mr. Garbarino, Mr. Fitzpatrick, Mr. Mikulin, Mr. DeStefano, Mr. LiPetri, Ms. Miller, Mr. Montesano. And joining them is Mr. Ashby, Mr. Salka 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. A10833, Rules Report No. 350, Committee on Rules (Dinowitz, Jacobson, Carroll, Buchwald, Otis, Simon, Griffin). An act to amend the Election Law, in relation to absentee voting; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Mr. Dinowitz.

MR. DINOWITZ: Thank you. What this bill does is

it will allow people to vote by absentee ballot in November and also for next year's elections, just as it allows -- we allow people to vote in the June 23rd Primary by absentee ballot. It does this by expanding the list of reasons you can give to vote by absentee ballot, mainly by expanding the definition of the word "illness" in -- in the statute. And it does this, and I'll just quote, it's very short. It says that, "For the purposes of this paragraph, illness shall include, but not be limited to instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public."

So, in a nutshell, people are scared to go out and vote, and for those people, we want them to participate in the election and they can do so by applying for an absentee ballot and by voting absentee. And this will take effect and will last through the end of next year.

ACTING SPEAKER AUBRY: Mr. Norris.

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

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

MR. DINOWITZ: Of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. NORRIS: Thank you, Mr. Speaker. Mr. Dinowitz, does this just include COVID and coronavirus, or is there

an expansion to like the flu and other types of diseases.

MR. DINOWITZ: I mean, obviously, it's meant to apply to the current situation with COVID, but the wording is a little more general than that, so it doesn't specifically mention COVID. It talks about contracting or spreading a disease.

MR. NORRIS: But it would definitely include COVID and coronavirus?

MR. DINOWITZ: Yes, definitely.

MR. NORRIS: Okay. My question is do you find this to be Constitutional, that we have the authority to do this to expand the temporary illness provision?

MR. DINOWITZ: Yes, I think that in emergency situations like this, we do have the authority to act. We are acting and we, I think, ultimately we want to make sure that in our Democracy that everybody has the opportunity to participate regardless of their political persuasion. We want to make sure people are not scared to vote.

MR. NORRIS: Okay. And I do want to just be sure for the record, that there's nothing in this bill that requires the Board of Elections to mail out absentee ballot applications. We're not saying that; is that correct?

MR. DINOWITZ: That's not addressed in the bill. For the recent primary, the Governor did issue an Executive Order that required every eligible voter to be sent an absentee ballot application. Whether that happens for November, I can't say, but that's not what

this bill does.

MR. NORRIS: Right, but -- and your bill and this legislation going forward with the Governor, there's nothing in here saying, you know, we're going to be mailing everyone an absentee ballot, we're not mandating that as a State Legislature.

MR. DINOWITZ: Well, even the Governor didn't mandate in his Executive Order that everybody be sent an absentee ballot. What the Governor did was to mandate that they be sent an application, then it was up to individual people to decide whether or not they wanted to fill it out, but what I read to you was exactly the change that's in the statute, I read it in full.

MR. NORRIS: Mr. Dinowitz, and if I misspoke, I meant the absentee ballot application and not the ballots. So --

MR. DINOWITZ: Okay.

MR. NORRIS: -- if I did misspeak, I apologize to you. And there's nothing in this bill that requires that we pay the postage or anything like that for absentee ballots, this is just allowing a voter to apply for an absentee ballot this year and next year if they believe that because of coronavirus or another communicable disease that they would like to get one; is that as simple as this bill is?

MR. DINOWITZ: Yes. I mean, I personally think that we should provide the postage. I think I've had legislation to that effect prior to this year, in fact, but the bill simply is what I just read before.

MR. NORRIS: Thank you, Mr. Dinowitz.

And on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: I concur with Mr. Dinowitz on this.

You know, right now if an individual, under the current situation that we're facing during this pandemic, we would like every eligible voter to have the opportunity to request an absentee ballot and to vote, then, by absentee ballot. And the reason for my questions earlier was because the Governor did, through his expansive Executive powers, put the mandate on the State Board of Elections to send out at the cost of the -- of the County Board of Elections and City Board of Elections for the absentee ballot applications to be sent out. So I think that was very important just to point out for the record that we're not saying that here. All we're saying is if an individual wants to request an absentee ballot application, they can certainly do so if the Governor signs this bill into law. And as I previously asked in the debate during our last Zoom session, that this language be included within the statutory provisions going forward in the General Election so there was no confusion when these things are litigated by the courts in the General Election. I am very appreciative of Mr. Dinowitz for bringing forth this bill. I think it's a good bill and I will be happy to support it. So, thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Mallio -- Malliotakis.

MS. MALLIOTAKIS: Thank you. I just have a quick question for Mr. Dinowitz, please.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: Sure.

MS. MALLIOTAKIS: Does this address at all the time period for which an individual must apply for that appli -- the -- the ballot itself? So, for example, in the Primary Election it was seven days, they had to do it seven days before the election. Does this discuss that or change that in anyway?

MR. DINOWITZ: This bill does not address that. The reasons -- (unintelligible/mic cutting out) --

ACTING SPEAKER AUBRY: Mr. Dinowitz, could you repeat that answer? We lost you for a moment.

MR. DINOWITZ: Yeah, I -- can you hear me now? I think my connection is a little unstable.

ACTING SPEAKER AUBRY: Yes, sir. We can hear you.

MR. DINOWITZ: Okay. No, this bill just deals with what I had mentioned, the timetable is in statute. There may be other bills addressing that, but this bill just addresses that which I previously read.

MS. MALLIOTAKIS: Okay. Well, you know, I just want to, you know, for my colleagues that during the Primary Election there were a lot of individuals who contacted me saying that they did not receive the ballot, in some cases until after the election. And I think that's very problematic. And it's my understanding that the U.S. Postal Service has recommended at least a 15-day window to allow

enough turnaround time for that ballot to be sent to the individual so that way that person can postmark it actually by Election Day. And, you know, there's been a lot of talk today about, you know, voter suppression and it seems like certainly somebody not getting a ballot in time to be able to cast their vote in the General Election is a form of voter suppression. So, I think that, you know, this is something that definitely needs to be addressed. And I don't know whether we're going to do it this Session, but, you know, I don't -- I think we should be learning from the mistakes of the Primary Election and ensuring that we follow the recommendation of the U.S. Postal Service to ensure that everyone gets their ballot in time and that their vote can be counted. So, I'll be voting in the negative for those reasons, but I really would like the rest of the Chamber to consider that.

MR. DINOWITZ: If I could just sort of respond.

MS. MALLIOTAKIS: Yes.

MR. DINOWITZ: You do point out a valid problem, and I think that problem needs to be addressed. This bill is fairly narrow in scope. It just deals with the reasons you can apply for the absentee ballot. I will point out, though, that in the General Election, the Boards should have the ability to mail the ballots out more quickly, or earlier in the process, because we'll know exactly who was on the ballot at a much earlier stage as compared to the primary when, you know, things are settled in court at a very late date. So, hopefully that will help improve things.

MS. MALLIOTAKIS: No, I agree with that, but the

issue is if someone can apply for an absentee -- someone can apply for the ballot seven days prior to the election, it doesn't leave enough turnaround time. So unless they apply for it, you know, the Board of Elections can't send it. And if you have such a short, you know, window there, I'm just concerned that people won't be receiving their ballot in time for -- for Election Day to ensure that they're being counted.

MR. DINOWITZ: Okay.

MS. MALLIOTAKIS: Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. One of the great aspects of our Republican Conference is we have a broad tent and broad perspective and many bills as reflected by the fact that even when we take Party votes, we often have exceptions, and we welcome that diversity. The New York State Constitution in Article 2, Section 2 says that you can vote by absentee ballot, quote, "If you are unable to appear personally at the polling place because of illness." Unable to appear because of illness, that's Constitutional language. And what this bill says is that you can be perfectly healthy, but we'll consider you ill if you're worried about becoming sick. Well, unless you live in a complete bubble, whenever you leave your house there's a risk that you might get sick.

And so, this is an exception that swallows up the entire rule and the entire purpose. Now this bill doesn't require that

the individuals seeking this exception in order to vote by absentee ballot have a medical basis. There's no requirement that they be an individual who might be at high risk, such as someone who might be elderly or have other compromising conditions. This is not limited to COVID or a pandemic. It's not even limited to this year, it goes on until 2022.

Now, there are people who are legitimately concerned about going out in public because of COVID, and if this bill was limited to people who are deemed at high risk during a pandemic, it would have my support. But this covers anyone who is worried about becoming sick with any disease regardless of their age or physical condition. And it continues to 2022. Because it's too broad, I and several of my colleagues will not be supporting it while recognizing that several of my Republican colleagues will also be supporting it. So, we'll call for a Party vote and those who do support it should make sure they call the Minority Leader's office and let them know. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Blake.

MR. BLAKE: Yes.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: Ezekiel Cousins is a late friend of mine who earlier this year I received a text from him when he was a proud rising employee CWA member and continued to convey his

fear of having to go to work because of what was happening with coronavirus. And the last text I remember receiving from him was one where he indicated that he was afraid, that so many of his fellow colleagues had to keep going in. And less than three weeks later, Zeke, in his mid-40's, was gone.

I think about how on Primary Day this year while knocking on doors, I came across a woman named Miss Georgina who had indicated to me that she had requested her absentee ballot and had been waiting and waiting and waiting, but she was genuinely afraid to go outside. And if we had not been there to be able to take her to the polls, she would have not voted on that day. I think about the countless people here in the Bronx which if colleagues have not seen this week a story came out that the Bronx unemployment rate right now is at Great Depression levels. And when you're wondering about why the Bronx and Queens have had such pain when it comes to coronavirus is because individuals have over and over again had to make a decision, Mr. Speaker and colleagues, going back to mid-March to literally put their lives on the line every single day for their families.

So, respectfully, when I hear the notion of this is too broad or this is too much time, we are watching by the day where other states are now passing what's happening here in New York with coronavirus. We're watching literally by the day where we have no understanding of how long this pandemic will go. And if we're actually saying that you should have the ability to ensure your safety,

we can't continue to say on one side we recognize the legacy of Congressman John Lewis and Reverend C.T. Vivian and all those that came before and say that our ancestors were willing to lose their lives and bled for us to march and to have the right to vote, but then when it comes to people having the right to vote now by absentee, we all of a sudden have an issue with that.

Furthermore, when you think about what's happening elsewhere broader than what's here in New York, I just want to make sure we have context. In the State of Georgia earlier this year, there actually was a story earlier today that communicated this, they had record turnout in their Primary where they went from a space where they had six percent turnout previously to more than half of the individuals that turned out to vote this time voted by absentee. No one should be wondering if they are going to be healthy and survive to vote. And what I would say to the notion that in our Constitution it gives the ability for this effort any wise -- otherwise, the reality is there have been many barriers put in place before now that have to be addressed.

Now, I want to be very clear. Do we need to make sure that everyone should have the ability to vote absentee by mail? Absolutely. But we also have to make sure that when we have a scenario and a true tracking system also in place so that if you choose to vote by mail you actually can know that your ballot will arrive to you on time. We should understand that the same level of responsibility you would have if you were purchasing a package to

come in the mail, that same responsibility would happen when it comes to your ballot arriving in the mail.

We should absolutely ensure, Speaker and colleagues, that we don't have any scenarios where the envelope does not clearly explain to someone when changes occur. One of the major challenges that did occur this year is that while the Executive Order allowed for a postmark on the 23rd, the envelope instruction still said the 22nd. Now, that does not mean while we recognize that there have to be improvements on the process that for any reason we should be in a scenario where we're not making it easier for someone to vote. And I would say to every single one of us that have the honor of being a legislator, you have a colleague, a friend, a relative who has become sick, if not lost their life because of the pandemic we are dealing with right now. And how could we not go back to our respective communities and say we're going to give you a chance to make it safer for you.

Lastly, when we talk about the rationale of going to 2022, it gives us the additional timing, but also I want us to all appreciate, colleagues, that we have a scenario next year where we will have multiple elections happening across our City where you have to prepare for potentially longer lines because the reality of rent choice voting, you won't have a scenario where persons will be showing up in a runoff election in the City. So, you have to equally prepare that higher turnout potentially will be happening going into those primaries and thereafter and other efforts that may be happening

in respective General Elections. Let's make it easier for people to have the right to vote and let's make it easier for people to be safe.

I close with where I started. In no way did I ever think that I would be in a scenario in 2020 that I would be looking at text messages of friends of mine in their mid-40's going from, *I can't wait for us to go out and have a beer again*, to saying, *I'm afraid to go back to work*, to not hearing from them ever again. This pandemic has changed everything. And if one of the things that it has changed is that we can finally have a fair process and easier process for people to be able to vote by mail through absentee, then maybe that's one of the few areas where something good has happened here. Too many people have lost their lives to give us a chance to vote. Let's actually help someone save their life with their vote. With that, I yield back the rest of my time and I'll definitely be voting in the affirmative on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: I was trying to start up my video again, but I guess you blocked me, but that's okay. I just wanted to address a few of the points that were raised. You know, it was, I guess it was back in April that Governor DeSantis of Florida was almost gloating how well Florida was doing in this pandemic. And, unfortunately, the worst has happened there. Now, they could not have known in April what was going to be happening in July. We don't know what's going to be happening next year. Hopefully,

hopefully we'll have the vaccine, hopefully we'll have other treatments and things will be much better, or maybe not. I prefer to take my medical advice from Dr. Fauci not from Dr. Trump. And Dr. Fauci is not so optimistic that things are going to be great next year. So, we have to be prepared.

So, I don't think this bill is overly broad. I think we're being smart by including both this year's and next year's elections. And while New York is doing much better now, and certainly New York City and Downstate was the center of this pandemic, the virus can spread anywhere. I hope it doesn't spread in any other place in New York, but four of our colleagues, I think it's four contracted the virus, and they weren't all from New York City, and we all prayed for their returning to good health during that time. But Upstate is just as subject to this virus as Downstate is, and we want to make sure that Democracy will continue.

Mr. Goodell did read from the Constitution. I assume he read word for word; frankly, it said the word "illness." It didn't say whose illness, it talked about illness. Illness is a very general term meaning the individual voter's illness, it could mean anybody else's illness. But I think voters have the right to be able to go vote without being scared to go out of their house. And there are many people, particularly elderly people, who didn't want to go out and who may not want to go out. It's our job and I think we have the power to do it, we can act in emergencies. It's our job to make sure that our Democracy continues. And one way it can continue is giving people

the option during this crisis of voting by mail, and that's what the absentee ballot is for. And I believe we're going to have an enormous turnout this November, and we should do everything we can to give people throughout the State, regardless of political party, regardless of who they support, the ability to cast their ballots. So, I urge everybody to vote yes on this.

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. 350. 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 generally voting in the negative on this bill, although we have several excellent members that want to vote in the affirmative, and we will give you a list as soon as we have compiled it based on their calls in the Minority Leader's office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. Asking colleagues if they desire to vote in the negative to please contact the Majority Leader's office and we will be happy to record your negative vote.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted, ma'am, thank you.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to very, very quickly to explain my vote. As has been mentioned, the Constitution does say that one may vote by absentee ballot if they are unable to appear in person because of illness or physical disability. The Court of Appeals has said that the right to vote by absentee ballot is purely a statutory right, and we have clarified in other circumstances what it means by "illness" or "physical disability." In other words, it means not only the person is sick or disabled, but they might be caring for someone who is sick or disabled.

I think under these circumstances, it is entirely appropriate for this Legislature to clarify that we understand illness in the Constitution it -- to mean that in the midst of a pandemic, the likelihood of acquiring a deadly disease is an illness. The Constitution, as was mentioned earlier by the sponsor, does not say because of one's illness, it says because of illness. And I believe that the rampant spread of a deadly disease and the knowledge that requiring people to appear in person is certain to further spread that deadly disease qualifies as illness as envisioned under the New York State Constitution. So, thank you. I want to thank the sponsor and I

vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please report these fine Republicans voting in the affirmative: Mr. Ashby, Mr. Miller, Mr. Morinello, Mr. Norris, Mr. Byrne, Mr. DeStefano, Mr. Mikulin, Mr. Salka, Ms. Miller, Mr. Ra, Mr. Garbarino, Mr. Palumbo, Mr. Reilly, Mr. Palmesano and Mr. Barclay. The remaining fine Republicans will be voting no. 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please advance the A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Now if we could go to Rules Report No. 359 and take up on debate a bill by Mr. McDonald. And immediately following that we will complete the remainder -- we'll repeat the remainder of the A-Calendar that was just advanced on consent.

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

MRS. PEOPLES-STOKES: And just for full disclosure, Mr. Speaker, immediately following the completion of the A-Calendar we're going to go back to our main Calendar and finish our work on consent beginning with Rules Report No. 298 which is on page 9, and we're going to go all the way to Rules Report No. 355, which is on page 21, on consent.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08610-B, Rules Report No. 359, McDonald, Fahy, D'Urso, Englebright, Griffin, Jaffee, Rozic, Jacobson, DeStefano, Seawright, Mosley, Thiele, Galef, Cruz, Blake, Steck. An act to amend the Election Law, in relation to requiring municipalities with the highest population in each county to have at least one polling place designated for early voting.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill relates to the location of early polling sites. Under current law, the location of the early voting polling sites is determined by the Board of Elections which means it's

a bipartisan decision; one Republican, one Democrat. They both have to agree. This bill would require that at least one of those polling sites be in the municipality with the highest population density, which at first blush seems pretty straightforward. Until you get outside of major municipalities and when you get out in the countryside you realize the major municipality may be only a few hundred or a few thousand votes than the next door municipality and they don't have a good location for early voting. And that's exactly the situation in my county. And so in my county, the voting sites are typically at churches or at schools within the largest municipality. And with COVID-19 the schools don't want an early voting site where people are coming in and out for weeks on time -- a couple of weeks, nor do the churches. And so in my county, they went to a shopping mall which is just outside the border of the largest city, on the public transportation system, with lots of parking and a great ability to social distance while complying with early voting. We don't have something like that that's readily available within the city. We have large facilities with no parking. We have other facilities that have parking that aren't well-suited. This is a uniquely local decision which under current law is vested with the wisdom of the bipartisan Board of Elections and we should allow them to exercise their local discretion, recognizing that not every county is the same, but every county has the same objective of maximizing the ease and ability of early voting.

So I'd recommend that rather than a one-size-fits-all edict from Albany that we allow the local boards of elections on a

bipartisan basis to continue making that decision. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: I can just explain it.

(Pause)

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. 359. 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. The Republican Conference will be generally voting in the negative, and those who would like to support this bill please contact the Minority's Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative. We're asking colleagues who desire to vote in the negative to contact the Majority Leader's office and we'll be happy to record their negative vote.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker and colleagues. Briefly to explain my vote. I certainly understand the intentions behind the bill from the sponsor. Unfortunately I don't think it's the right approach, it's a one-size-fits-all approach. Just to give you a perfect example, I come -- one of the counties I represent, Steuben County, is 1,400 square miles. There's mainly three -- I would say three population centers in that -- in that district. Each one is about 20 to 30 minutes from the next spot. Right now, the early voting site is loaded -- located in the town of Bath, which is central to the County. It's -- the City of Corning is on the eastern side of -- of the county. Now, the population is close. Bath still has the highest population at the moment, but that can change because it's very close. And to think that now we'd have to put the center in Corning if we -- by this, if Corning had a little higher population, which it could after the Census. Now, Corning's 40 miles from Cornell but further from those other areas. So this is an approach that's really -- this is a -- a solution that's really finding a problem. There's no need for it. Let our local county boards of elections make the determination. They know their areas best. They know -- they're going to try to do what's best to make it accessible to the voters that they serve. But for this to be in a situation like this for a county -- I know there's other counties

big -- bigger than my county, but 1,400 square miles and to say that that early voting would have to be on the far eastern side of the county and the people from the far west would have to drive 40, 45 minutes to get there versus what they're doing right now just driving halfway, 20 minutes, 25 minutes, 25 miles to the central county seat.

So for that reason I'm going to be voting in the negative on this bill. I don't think it's needed. I think it causes a problem that we don't need to create. Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. On the bill briefly. Thank you, first of all, for your support and that of my colleagues. This bill emanates from last year's first trial run of early voting where in Rensselaer County, the City of Troy - over 50,000 people - 45 percent of the population of the county somehow wasn't suitable to be used for an early voting site. Instead, two rural areas were included. The intent of this bill is to make sure that everybody has the opportunity to vote early. That's the intention, plain and simple. My colleagues raised very good points. May I remind them that there's nothing to prevent their Board of Elections to make a decision to locate an additional spot someplace else in the county. You do have that option. There's minimums, but there's nothing major. So I want to thank those who considered this legislation. I will say the nice part this year, Rensselaer County did review what they

had done and decided to locate something in the City of Troy. But I do think that where the majority people are in the cities where sometimes access is not as simple as those who live in the suburbs or the -- the rural areas, that this option should be there. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To briefly explain my vote and talk about the largest county in New York State which is St. Lawrence County. Right up at the tippy top of New York in the front yard of America. The population center, you know, many think of the county seat as Canton, but of the sort of urban or metropolitan areas in St. Lawrence County it's actually the smallest. And that's where the Board of Elections is located. It's the county seat. Sixty-three hundred people live in -- in Canton. Right down the road, you know, 15 miles down the road, is the Village of Potsdam with 9,400. You know, 30 minutes away is Gouverneur with 7,000 people. Ogdensburg is the only city in -- well, the only city on the St. Lawrence River, also the only city in -- in St. Lawrence County. They have a little over 10,000 people in Ogdensburg. And actually Messina, also a village located on the St. Lawrence River, 12,800 people. So you can see why in the -- in the largest county east of the Mississippi and the largest county in New York State, a -- a policy like this that's one-size-fits-all for New York State really makes no sense whatsoever.

So I'll be casting my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in the affirmative: Ms. Miller and Mr. DeStefano.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Member Woerner and Member Buttenschon in the negative on this piece of legislation.

Thank you.

ACTING SPEAKER AUBRY: So noted. 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. A08762, Rules Report No. 360, Sayegh, Simotas, Gottfried, D'Urso, Simon, Montesano, Ashby. An act directing the Commissioner of Health -- of Health to study the effectiveness and accuracy of devices used to estimate blood alcohol content by law enforcement agencies.

MRS. PEOPLES-STOKES: If we could -- Mr.

Speaker, if we could start our work on the A-Calendar on page 3 with a resolution, 978, and then follow that with Rules Report No. 360 by Mr. Sayegh.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 978, Rules at the request of Ms. Weinstein. Establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2020-21 State fiscal year for grants in aid for school-based health centers, as required by a plan setting forth an itemized list of grantees with the amount to be received by each, or the methodology for allocating such appropriation. Such plan shall be subject to the approval of the Speaker of the Assembly and the Director of the Budget, and thereafter shall be included in a resolution calling for the expenditure of such monies, which resolution must be approved by a majority vote of all members elected to the Assembly upon a roll call vote.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act -- this act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Resolution No. 978. 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 --

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Walczyk in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Thank you.

Mrs. --

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Yes, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Again, just for clarity, we want to start at the very beginning of the Calendar and just move forward. We've already done the one debate that was on it. The remainder of the items that are on here are going to go by consent. So if you could start with Rules Report No. 356 by Mr. Barron.

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

(The Clerk announced the results.)

The resolution is adopted.

THE CLERK: Assembly No. A02177, Rules Report No. 356, Barron, Vanel, Cahill, Ortiz, Bichotte, Hyndman, Taylor, Colton, De La Rosa, D'Urso, Blake, Williams, Weprin. An act to amend the Correction Law, in relation to establishing a commission on improving education in State prisons.

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. 356. 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. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. While I'm a strong supporter of abolishing prisons as they exist, as they are now, and re-imagining how this State and our society approaches crime with a heavy emphasis on prevention, I also understand that right now they do exist as they are now. And it's mainly for profit and punishment. As a matter of fact, the hand sanitizers, I want to criticize the Governor for having the prisoners make the hand sanitizers in this State for slave labors. So slavery in the prison system is what was put into the 13th Amendment. Slavery would still be abolished except as a punishment for crime. This bill simply says let's put a commission together and do much better at the education program in the prison system so that when they do come out they'll be able to have meaningful employment and avoid the recidivism rate. Right now the education system, we need more of it and a greater quality of it, so that not only do they get their degrees but they also come out with skills. So this bill simply does that. It says let's put a commission together and let's make sure that we have quality education, more education in prisons, focused on rehabilitation and not on punishment.

I vote in the affirmative and I encourage my

colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Fitzpatrick, Mr. Walczyk and Mr. Brabenec in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Also -- excuse me. Also Mr. DiPietro.

ACTING SPEAKER AUBRY: So noted, Mr. Goodell.

MR. GOODELL: 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. A06692, Rules Report No. 357, Ramos, Arroyo, Rodriguez, Pichardo, Reyes. An act to amend the Civil Service Law, in relation to the creation of an annual report on the race and ethnic data of individuals who have taken a Civil Service examination.

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. 357. 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. A06747-A, Rules Report No. 358, Schimminger, Zebrowski, Stirpe, Goodell. An act to amend the State Administrative Procedure Act, in relation to improving evaluations of the potential impact of rules on jobs and employment opportunities.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 358. 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. A08762, Rules Report No. 360, Sayegh, Simotas, Gottfried, D'Urso, Simon, Montesano, Ashby. An act directing the Commissioner of Health to study the effectiveness and accuracy of devices used to estimate blood alcohol content.

ACTING SPEAKER AUBRY: Read the last section.

On the bill, Mr. Sayegh. Hold on.

(Pause)

Let's start it again. 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. 360. 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. Sayegh to explain his vote.

MR. SAYEGH: Thank you very much, Mr. Speaker. This is a truly very important bill that has impacted our State and nation for over 60 years. And it's a bill that has impacted and has become part of the cornerstone of the criminal justice system. And it really has to do with the device that most of us know as a breathalyzer. Many individuals that are stopped for traffic violations because of potential DWI or DUI, Driving Under the Influence, are often given criminal charges in many cases because the machinery does not work. And too often, law enforcement has relied on the

machinery on this device to determine and sometimes destroy individuals' lives. Where driver licenses are taken away, livelihoods are destroyed, and very often many are innocent. And in the opposite direction, it's unfortunate that these faulty devices have resulted in so many individuals that need to be held criminally liable that are let off and are put back on the streets and cause damage and injury and suffering to many other individuals and fatalities. This legislation authorizes the Commissioner of Health to conduct a study to look at the devices that have not been studied for over 60 years, and to determine how they can be improved. To look at the data, look at the machinery and make a report to the Governor and the Legislature to decide on how to implement those recommendations. I believe this is crucial. This impacts New Yorkers tremendously and -- and this is an opportunity for us to take the lead and resolve something that has impacted us in many ways for many, many years too long.

Thank you very much.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09959, Rules Report No. 361, Abinanti. An act to amend the Tax Law, in relation to authorizing the Town of Mount Pleasant to adopt a local law to impose a hotel/motel occupancy tax for hotels not located in a village;

and providing for the repeal of such provisions upon expiration thereof.

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

Read the last -- 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. 361. 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. I will be voting for this bill, but I do note that it is a new hotel and motel occupancy tax for the Town of Mount Pleasant, presumably a very pleasant place to visit. So I just want to make sure our members were aware of what this bill did. I will be supporting it, though, because I think they can use all the help they can get.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

MRS. PEOPLES-STOKES: Mr. Speaker, this will be a Party vote in the affirmative. Hopefully we do have a few people that would like to come off as nos and we can give them now or if you

like we can wait till later.

ACTING SPEAKER AUBRY: You can certainly --

MRS. PEOPLES-STOKES: Okay. We have Mrs. Barrett, Mr. Ramos, Mr. -- Ms. Buttenschon, Mr. Burke, Mr. Stirpe, Ms. Wallace, Ms. McMahon and Mr. Stern.

ACTING SPEAKER AUBRY: Mr. Goodell.

MRS. PEOPLES-STOKES: And Mr. Barnwell.

ACTING SPEAKER AUBRY: Thank you, ma'am.

So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record in the negative Mr. Palumbo and Mr. Garbarino.

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. A10782, Rules Report No. 362, Committee on Rules (Barrett, Buttenschon, Cusick, Wallace, D'Urso). An act to amend the Executive Law, in relation to costs associated with the establishment of New York State veterans' cemeteries.

ACTING SPEAKER AUBRY: On a motion by Mrs. Barrett, 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. 362. 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.

(Pause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10799, Rules Report No. 363, Committee on Rules (Hevesi). An act to amend the Public Health Law, in relation to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

Main Calendar, page 9, Rules Report No. 298.

THE CLERK: Assembly No. A03330-A, Rules Report No. 298, Abinanti, Galef. An act relating to establishing the Real Property Tax Exemption Task Force, and providing for its powers and duties; and repealing such provisions of law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr.

Abinanti, 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. 298. 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. A05070, Rules Report No. 299, Barclay, Norris, Morinello, Hawley. An act to amend the Insurance Law, in relation to flood insurance notice in communities bordering Lake Ontario.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a -- the Clerk will record the vote on Rules Report No. 299. 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. A05612, Rules Report No. 300, Weinstein, Dinowitz, Jaffee, Zebrowski, Lavine, L. Rosenthal, M.G. Miller, Aubry, Lifton, Paulin, Colton, Fahy, Pichardo, Richardson, Hyndman, Abinanti, Weprin, Joyner, Santabarbara, Ortiz, Taylor, Griffin, Mosley, De La Rosa, Carroll, Sayegh, Frontus, Jacobson, LiPetri, Burke, Steck, Simon, Dilan, Eichenstein, DenDekker, Fall, Jean-Pierre, Seawright, Dickens, Darling, Solages, Wallace, Niou. An act to amend the Estates, Powers and Trusts Law, in relation to payment and distribution of damages in wrongful death actions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05623-B, Rules Report No. 301, Weinstein, Cusick, Cymbrowitz, Jaffee, Hyndman, Paulin, Colton, Abinanti, Seawright, Santabarbara, Zebrowski, Taylor, Carroll, Dinowitz, Weprin, Jacobson, Gottfried, Simon, Griffin. An act to amend the Insurance Law, in relation to unfair claim settlement practices.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06079-A, Rules Report No. 303, Brabenec, McDonough, Salka. An act to amend the Tax Law, in relation to allowing for the establishment of an occupancy tax in the City of Port Jervis; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Home Rule message is at the desk. On a motion by Mr. Brabenec, 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. 303. 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 Mr. Garbarino and Mr. Palumbo in the negative.

Thank you.

ACTING SPEAKER AUBRY: Certainly. Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If you would please record our colleagues Mr. Cusick, Mrs. Barrett, Ms. Wallace, Ms. Griffin, Mr. Ramos, Mr. Burke, Ms. McMahon, Mr. Buchwald, Ms. Buttenschon, Mr. Stirpe and Mr. Barnwell in the negative.

ACTING SPEAKER AUBRY: Thank you, ma'am. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06334-A, Rules Report No. 304, Walczyk, DeStefano, Manktelow, Blankenbush, McDonough, Montesano, Lawrence, B. Miller, Ashby. An act to amend the Highway Law, in relation to extending the Thousand Island-Seaway Wine Trail.

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. 304. This is a fast roll call. You know what to do if you don't agree.

(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. A07513-A, Rules Report No. 305, Perry. An act to amend the Banking Law, in relation to modifying delinquent home loans and single point of contact.

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

THE CLERK: Assembly No. A07546, Rules Report No. 306, Burke. An act to amend the General Municipal Law, in relation to permitting the Orchard Park Central School District to establish an insurance reserve fund.

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. 306. This is a fast roll call. The protocol has been established.

(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. A07662-B, Rules Report No. 307, Englebright, Simon, Epstein, Cook, Mosley, Steck, D'Urso, Aubry, Jaffee, Ortiz, Lifton, Niou, Seawright, Fahy, Thiele, Abinanti, Gottfried, Galef, De La Rosa, Barron, L. Rosenthal, Weprin, Griffin, Woerner, Simotas. An act to amend the Environmental Conservation Law and the State Finance Law, in relation to restricting hotels from making available to hotel guests small plastic bottle hospitality personal care products.

ACTING SPEAKER AUBRY: The bill is -- on a motion by Mr. Englebright, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A07765-A, Rules Report No. 308, Magnarelli. An act to amend the Tax Law, in relation to use of electronic signatures on certain records collected by tax return preparers; and to repeal certain provisions of the Tax Law relating thereto.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 308. This is a fast roll. You know what to do.

(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. A07805-C, Rules Report No. 309, Cusick, Paulin, Abinanti, Buchwald, Galef, Cruz, D'Urso, Blake, Jaffee, Colton, Lentol, Thiele, McDonald, Sayegh, Ortiz, Carroll, Dickens, Englebright, Jean-Pierre, Jacobson, Epstein, Simon, Cook, Seawright, Buttenschon, Mosley, Griffin, Abbate, Barron. An act to amend the General Municipal Law, in relation to municipal sustainable energy loan programs.

ACTING SPEAKER AUBRY: On a motion by Mr. Cusick, 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. 309. This is a fast roll call.

(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. A08114, Rules Report No. 310, Barrett, Wallace, D'Urso. An act to amend the Executive Law, in relation to directing the Division of Veterans' Services to provide information to veterans who experience post-traumatic stress disorder and traumatic brain injury.

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. 310. This is a fast roll call.

(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. A08124-A, Rules Report No. 311, Englebright, D'Urso, Lavine. An act to amend the Environmental Conservation Law, in relation to limiting the exceptions to certain effluent limitations in Nassau and Suffolk Counties and requiring certain eligible projects for State aid involving water pollution control revolving fund agreements to take countywide

or regional wastewater planning into consideration when determining eligibility.

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. 311. This is a fast roll call. You know what to do.

(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. A08244, Rules Report No. 312, Quart, Rodriguez. An act to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority to provide financing to the Young Men's and Young Women's Hebrew Association (dba 92nd Street Y).

ACTING SPEAKER AUBRY: On a motion by Mr. Quart, 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. 312. This is a fast roll call.

(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. A08483-A, Rules Report No. 313, Tague. An act to authorize certain police officers to receive certain service credit under Section 384-d of the Retirement and Social Security Law.

ACTING SPEAKER AUBRY: On a motion by Mr. Tague, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is -- on Rules Report No. 313. This a fast roll call.

(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. A08533-B, Rules Report No. 314, Joyner, O'Donnell, Lentol, Williams, Reyes, Seawright, Simon, Hevesi, Fernandez, Dinowitz, Burke, Mosley, Dickens, L. Rosenthal, Arroyo, Fall, Smith, McDonough, Montesano, Ortiz, Colton, Thiele, Jaffee, Gunther, Cruz, Cook, Magnarelli, Walker, Carroll, De La Rosa, Blake, Griffin, D'Urso, Bronson, DenDekker, Benedetto, Sayegh, Jacobson, Stirpe, Manktelow, Gottfried, Barron, Otis, Taylor, Simotas, D. Rosenthal, Niou, Glick,

Woerner, Lavine, Abinanti, M.G. Miller, Aubry, Buttenschon. An act to amend the Public Health Law, in relation to drug assistance demonstration and emergency prescriptions.

ACTING SPEAKER AUBRY: On a motion by Ms. Joyner, 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: This -- the Clerk will record the vote on Rules Report No. 314. This is a fast roll call.

(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. A08900-B, Rules Report No. 317, Hawley. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "SP4 C. Jay Hall Memorial Highway."

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. 317. This is a fast roll call.

(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. A8903-A, Rules Report No. 318, Jean-Pierre, Englebright, Buchwald, Cruz, Williams, Reyes, Thiele, Ortiz, Blake, Jaffee, Jacobson, McDonough, Mosley, Stirpe, Taylor, Barron, Gottfried, Lavine. An act to amend the Real Property Law, in relation to the power to revoke or suspend the license of a real estate broker or salesman.

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. 318. This is a fast roll call.

(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. A09117, Rules Report No. 319, Cusick, Bichotte, Cook, Magnarelli, Zebrowski, Dickens, D'Urso, Morinello, Kolb, Taylor, Pichardo, Wright, Davila, McDonough, Simon, Blake, Sayegh, Jaffee, Cymbrowitz, Stirpe, Walczyk, B. Miller. An act to amend the Finance Law and the General Municipal Law, in relation to payment in construction contracts.

ACTING SPEAKER AUBRY: On a motion by Mr. Cusick, 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. 319. This is a fast roll call.

(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. A09155, Rules Report No. 320, Jacobson. An act to amend the Tax Law, in relation to authorizing the Town of Newburgh to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Jacobson, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 320. This is a fast roll call.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would record our colleagues Mrs. Barrett, Ms. Wallace, Ms. Griffin, Mr. Ramos, Mr. Burke, Ms. McMahon, Ms. Buttenschon, Mr. Stirpe, Ms. Solages and Mr. Stern in the negative.

Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Palumbo and Mr. Garbarino in the negative.

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. A09610-A, Rules Report No. 321, Blake, Epstein, D'Urso. An act to amend the Insurance Law, in relation to charitable bail organizations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly -- Assembly No. A09639, Rules Report No. 322, Hawley, Gottfried. An act to amend the Highway Law, in relation to designating a portion of the State highway system in Orleans County as the "Charles W. Howard Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Hawley, 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. 322. This is a fast roll call.

(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. A10106, Rules Report No. 324, Lupardo. An act to amend the General Municipal Law, in relation to permitting the Binghamton City School District to establish an insurance reserve fund.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote -- record the vote on Rules Report No. 324. This is a fast roll call.

(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. A10111-A, Rules Report No. 325, Smullen. An act authorizing the Village of Herkimer, County of Herkimer, to alienate and convey certain parcels of land used as parkland.

ACTING SPEAKER AUBRY: On a motion by Mr. Smullen, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 325. This is a fast roll call.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Ms. Rozic, Mr. Dinowitz, Ms. Glick, Ms. Fahy and Ms. Rosenthal in the negative on this piece of legislation. And Mr. Cahill.

ACTING SPEAKER MCDONALD: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: And Mr. Epstein as well.

ACTING SPEAKER MCDONALD: So noted.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10249, Rules Report No. 326, Pheffer Amato. An act to amend Part B of Chapter 104 of the Laws of 2005 enacting the September 11th Worker Protection Task Force Act, in relation to requiring appointment of members, convening of meetings and extending the effectiveness of the provisions of such act.

ACTING SPEAKER MCDONALD: On a motion by the Senate bill is -- on a motion by Pheffer Amato, 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 MCDONALD: The Clerk will record the vote on Rules Report No. 326. This is a fast roll call.

(The Clerk recorded the vote.)

Ms. Pheffer Amato to explain her vote.

MS. PHEFFER AMATO: Thank you, Mr. Speaker, for allowing me to explain my vote. On September 11, 2001, thousands of first responders ran into the burning World Trade Center buildings to save lives. Many lives were lost that day, but those who survived have had to endure numerous hardships, both physical and mental. The somber fact is that in the years following 9/11, at least

10,000 first responders and people around the World Trade Center have been diagnosed with cancer, and more than 2,000 have died. Last year we started on a path towards making things right for our 9/11 first responders. We began to reform the NYCERS Board by increasing the number of physicians who can take on cases. And we finally provided unlimited sick leave to public employees battling lives -- for their lives as a result of the 9/11 illnesses. Now with this bill reinstating the 9/11 Worker Protection Task Force, we're taking on another major step in that direction. The reinstatement of this task force will allow us to identify more people that we can help and more lives that we can potentially save.

I'm grateful to my colleagues for their support on this legislation and I look forward to seeing the great work that this task force can produce. Thank you to all the brave men and women who sacrificed so much to save people's lives. We will never forget your sacrifice. We will never forget. Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10340-B, Rules Report No. 327, Jacobson. An act to amend the Election Law, in relation to requiring electors to vote for the presidential and vice presidential candidate who received the highest number of votes in the State; and providing for the repeal of such provisions upon expiration

thereof.

ACTING SPEAKER MCDONALD: On a motion by Member Jacobson, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A10494-A, Rules Report No. 328, Committee on Rules (Gottfried, Reyes, Galef). An act permitting any uninsured individual to receive free coronavirus disease 2019 (COVID-19) testing.

ACTING SPEAKER MCDONALD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will record the vote on Rules Report No. 328. This is a fast roll call.

(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. A10532-A, Rules Report No. 329, Committee on Rules (Bichotte). An act to amend the Banking Law, in relation to mortgage repayment forbearance.

ACTING SPEAKER MCDONALD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The bill is laid aside.

THE CLERK: Assembly No. A10536, Rules Report No. 330, Committee on Rules (Eichenstein, Bichotte). An act to authorize Rickly Dear, the widow of Noach Dear, to file a new service retirement application and option election form with the New York State and Local Employees' Retirement System on behalf of her deceased husband.

ACTING SPEAKER MCDONALD: On a motion by Member Eichenstein, 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 MCDONALD: The Clerk will record the vote on Rules Report No. 330. This is a fast roll call.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please have our colleague Deborah Glick's vote placed in the negative on this one.

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. A10573-A, Rules Report No. 331, Committee on Rules (McDonough, Mikulin). An act

authorizing the Town of Hempstead to transfer and convey certain State land to Levittown School District.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonough, 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. 331. This is a fast roll call. Home Rule message is at the desk. This is a fast roll call.

(The Clerk recorded the vote.)

Are there any other votes?

MRS. PEOPLES-STOKES: Mr. Speaker, please record our colleague Mr. Barnwell in the negative on this piece of legislation.

ACTING SPEAKER AUBRY: So noted. Thank you.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10588, Rules Report No. 332, Committee on Rules (Gunther). An act to amend the Tax Law, in relation to authorizing the Town of Wallkill to adopt a hotel or motel tax of up to 5 percent; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 332. This is a fast roll. You know what to do.

(The Clerk recorded the vote.)

Mr. Goodell.

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

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We are going to need to record our colleagues Mr. Stern, Mr. Barnwell, Mrs. Barrett, Ms. Wallace, Ms. Griffin, Mr. Ramos, Mr. Burke, Ms. McMahon, Mr. Buchwald, Ms. Buttenschon, Mr. Stirpe, Ms. Solages, Mr. Miller and Mr. Cusick in the negative.

ACTING SPEAKER AUBRY: So noted. Thank you, ma'am.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10589, Rules Report No. 333, Committee on Rules (M.L. Miller). An act to --

ACTING SPEAKER AUBRY: On a motion by Ms. Miller, 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. 333. This is a fast roll call.

(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. A10625-A, Rules Report No. 334, Committee on Rules (Garbarino). An act in relation to authorizing the Town of Brookhaven to accept an application for a real property tax exemption from the Village of Patchogue.

ACTING SPEAKER AUBRY: On a motion by Mr. Garbarino, 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. 334. This is a fast roll call.

(The Clerk recorded the vote.)

Ms. Hunter to explain her vote.

MS. HUNTER: Yes, thank you, Mr. Speaker. I'd just like to take the opportunity at this late hour to extend best -- best wishes to Mr. Garbarino. While this may be our last opportunity to be together, I would like to just wish him Godspeed and God bless on his future endeavors. I've had an opportunity to work with him very closely in the Insurance Committee for this past five years, and whatever he does I'm sure he will be very quick-witted with his humor. So, God bless, Mr. Garbarino.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Just quickly, if -- if my colleagues will indulge me. I apologize, I know we want to get done here. Just quickly, if -- if this ends up being my colleague Mr. Garbarino's last bill. Many around here assume that we knew each other for years and grew up together because we spend far too much time together. But we actually didn't meet until Andrew was running for the Assembly for the first time. I met him the first time through our former colleague Joe Saladino, who had taken to calling him the Ed Ra of Suffolk County at the time. Probably because he was, you know, young and dynamic and good-looking. But -- but we've had some great times together. We've -- we've shared some, you know, personal times of difficulty with each other. We've -- we've shared some personal and professional times of triumph together. He made me miss a flight back home from SOMOS one year because he couldn't tell the difference between whether the flight left local time or New

York time. But we really have had a great time and we've gotten to be like brothers. And, you know, if -- if the way to improve things in Washington is to send better quality people there, we're going to be on the right track if -- if Andrew's elected to the U.S. Congress in the fall.

So, I wish him well. I'll -- I'll miss him. And -- and I thank all my colleagues for -- for supporting this bill. Thank you, Mr. Speaker.

(Applause)

Mr. Hevesi.

(Pause)

Mr. Hevesi?

MR. HEVESI: Yes, thank you, Mr. Speaker. I just wanted to send my regards to my friend Mr. Garbarino. I -- I will not know how to vote on the Health Committee without you. You will be missed. But a fun fact for all of my colleagues: You should know that with Mr. Garbarino going to Congress, if that should happen, he will be in one move increasing the IQ levels of both the Assembly and the Congress.

(Laughter)

So, thank you very much, Mr. Garbarino. It's been a pleasure, my friend. Take care.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10626-A, Rules Report No. 335, Committee on Rules (Bronson). An act to amend the Labor Law, in relation to the payment of prevailing wage for work involving the delivery to and hauling of aggregate supply construction materials.

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

THE CLERK: Assembly No. A10667-A, Rules Report No. 336, Committee on Rules (Joyner, Otis). An act to amend the Mental Hygiene Law, in relation to establishing the New York State Council on Mental Health Emergency and Crisis Response.

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. 336. This is a fast roll call.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I just wanted to note for my colleagues that Ms. Joyner made some modifications to this bill and improved it over time and I wanted to express my appreciation to her.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10702, Rules Report No. 337, Committee on Rules (Joyner). An act to amend the Judiciary Law, in relation to expanding the functions of the Chief Administrator of the Courts to include the compilation of certain data with respect to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation by specific jurisdiction and submit an annual report of his or her findings.

ACTING SPEAKER AUBRY: On a motion by Ms. Joyner, 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. 337. This is a fast roll call.

(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. A10703-A, Rules Report No. 338, Committee on Rules (Solages). An act to amend the Highway Law, in relation to designating a portion of the State

highway system in Nassau County as the "Firefighter/EMT Michael J. Field Memorial Bridge."

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules -- on Rules Report No. 338. This is a fast roll call.

(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. A10713-A, Rules Report No. 339, Committee on Rules (Friend). An act to amend the County Law and the Tax Law, in relation to authorizing the County of Tioga to impose an additional surcharge to pay for the costs associated with updating the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such county; 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. This is a -- on Rules Report No. 339. Brain freeze. This is a fast roll call.

(The Clerk recorded the vote.)

Mr. Zebrowski.

MR. ZEBROWSKI: Mr. Speaker, the following members will be recorded in the negative on this bill: Mrs. Barrett, Mr. Burke, Ms. McMahon, Ms. Griffin, Ms. Buttenschon, Ms. Wallace, Ms. Solages, Ms. Ramos -- Mr. Ramos, Mr. Stern, Mr. Barnwell, Ms. Rosenthal and Mr. Dinowitz.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10729-A, Rules Report No. 340, Committee on Rules (Bichotte). An act to amend the Public Buildings Law and the Agriculture and Markets Law, in relation to prohibiting the State of New York from selling or displaying symbols of hate.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte, 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. 340. This is a fast roll call.

(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. A10733-A, Rules Report No. 341, Committee on Rules (Bichotte). An act to amend the Election Law, in relation to allowing certain party designations and nominations to be made via video teleconference upon notice to the members of the respective committee; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte, 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. 341. This is a fast roll call.

(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. A10779, Rules Report No. 342, Committee on Rules (Barnwell, Griffin, D'Urso, Dickens, Gottfried, Colton). An act to establish a commission to be known as

the "New York Seawall Study Commission"; 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. 342. This is a fast roll call.

(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. A10802, Rules Report No. 343, Committee on Rules (M.L. Miller). An act to authorize the County of Nassau to discontinue use of certain lands as parkland located in the County's Bay Park and to authorize the City of Long Beach to convey to the County of Nassau an easement through land located in the City's Veteran's Memorial Park.

ACTING SPEAKER AUBRY: On a motion by Ms. Miller, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Rules Report No. 343. This is a fast roll call.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Ms. Rozic, Ms. Glick, Ms. Weinstein, Mr. Barron, Ms. Rosenthal, Mr. Cahill and Mr. Dinowitz in the negative on this piece of legislation.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10804, Rules Report No. 344, Committee on Rules (Bichotte, Eichenstein). An act to authorize Jolie Louise Baynes, the daughter of Johnny Baynes, to file a new service retirement application and option election form with the New York State and Local Employees' Retirement System on behalf of her deceased father.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte, 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. 344. This is a fast roll call.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you

record our colleague Member Glick a no on this particular bill. Thank you.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10808-A, Rules Report No. 345, Committee on Rules (Bichotte, Simon). An act to amend the Election Law, in relation to the receipt by the Board of Elections of certain absentee ballots received by a board of elections that do not bear or display a dated postmark.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte, 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. 345. This is a fast roll call.

(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. A10829, Rules Report No. 346, Committee on Rules (Eichenstein). An act in relation to

authorizing Bais Malka HASC LLC to file an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: On a motion by Mr. Eichenstein, 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. 346. This is a fast roll call.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleague Mrs. Galef in the negative on this one.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10830, Rules Report No. 347, Committee on Rules (Lavine, Lupardo, Rozic, Paulin, Simon). An act to amend the Election Law, in relation to providing voters an opportunity to cure deficiencies regarding absentee ballots.

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

THE CLERK: Assembly No. A10832, Rules Report

No. 349, Committee on Rules (Abbate). An act to amend the Labor Law, in relation to requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease; and to amend the Education Law, in relation to certain protocols for responding to a declared public health emergency involving a communicable disease.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, 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. 349. This is a fast roll call.

(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. A10339, Rules Report No. 353, L. Rosenthal. An act to amend the Criminal Procedure Law, in relation to vacating certain records for misdemeanor marijuana convictions.

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

THE CLERK: Assembly No. A05923, Rules Report

No. 354, Lavine, Weprin, D'Urso. An act to amend the Vehicle and Traffic Law, in relation to allowing the Hebrew Academy of Nassau County to provide driver education courses in middle school or elementary school locations.

ACTING SPEAKER AUBRY: On a motion by Mr. Lavine, 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. 354. This is a fast roll call.

(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. A08326, Rules Report No. 355, Cusick, Reilly. An act to amend the Vehicle and Traffic Law, in relation to allowing the Yeshiva of Staten Island to provide driver education courses in alternate locations.

ACTING SPEAKER AUBRY: On a motion by Mr. Cusick, 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. 355. This is a fast roll call.

(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 are going to need to go back -- to go back to one bill. That's one is 347, it's on page 19 and it's by Mr. Lavine.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10830, Rules Report No. 347, Committee on Rules (Lavine, Lupardo, Rozic, Paulin, Simon). An act to amend the Election Law, in relation to providing voters an opportunity to cure deficiencies regarding absentee ballots.

ACTING SPEAKER AUBRY: We are re-subbing this bill, so -- an explanation has been requested, Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. Most of us Americans believe that not only is the right to vote sacred, but it is as well one of the most important instruments of our freedom and our Democracy. That's part of the soul of every American of good faith. This bill, which the *New York Times* editorial the day before yesterday called "smart and vital", will provide voters a chance to oppose challenges to their absentee ballots by providing a mechanism requiring that the voter must be notified of the challenge and then given the opportunity to cure any deficiency. It requires boards of

election to notify voters of clerical errors that could otherwise invalidate their ballot, and then give them seven days to respond. In a Democracy, our opinions matter and our votes which reflect our civic values have to be counted. We believe in the quality of votes and in the equality of voters.

Thank you.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I know it's a late hour, but will the sponsor yield please for a few questions?

ACTING SPEAKER AUBRY: Mr. Lavine, you have been asked to yield.

MR. LAVINE: I yield. Which -- which I do. (Unintelligible). So, Mr. Norris, before -- before -- and -- and of course it's late. But before we engage in this -- in this give-and-take, this dialogue, I wanted to say what a pleasure it's been to work with you as the Ranking Member on the Elections Committee. And I think that it's only fitting that we take a moment because we're going to be losing five -- five members, and I want to thank those five members -- and I know you'd join with me -- for their service to the people of the State of New York and we wish them all the best in the days to come. And they are Michael Blake, David Buchwald, Joe Lentol, Barbara Lifton and Tony D'Urso. So, best wishes to -- to each of them.

And, what have you got to say for yourself?

MR. NORRIS: All my members I hope will be returning, so but, Chuck, I do want to also thank them for their service

to this august Body and to the Committee. We've had a lot of work to do over the last two years, and it's been a pleasure certainly working with you as well.

MR. LAVINE: Thank you.

MR. NORRIS: I -- I would --- I would just like to ask you, has there been some current events that have brought forth this proposed legislation?

MR. LAVINE: Well, there is, as you know, and as -- as everyone is aware, an emphasis nationally on voting by mail. And in New York State that's absentee voting. There have been some particular issues, and the issues that have concerned me are as follows: Let's talk about the volume of absentee ballots that go to our boards of election. In New York, more than 1.7 [sic] mail ballots were requested for the June primary. Contrast that with 115,000 submitted during the 2016 Presidential primary. So, we are inundated with absentee ballots. Now, even before COVID-19, our State, unfortunately, had one of the highest absentee ballot rejection rates in the country. And voters simply aren't given the opportunity to be able to address these problems. And those problems could be a missing signature, a smudge on an envelope, an envelope not properly dated. And most recently there was an article in the Albany press, or the local press in Albany, that as many one out of five absentee ballots were disqualified. And finally -- not finally, but another factor. There's something called the New Reformers in Queens County, and they have published findings to the effect that at least 22,000 out of

almost 90,000 absentee ballots received in Queens, or about 25 percent, were rejected for issues such as an envelope being unsealed or being sealed with tape or missing a signature on a ballot envelope. We believe that the right to vote is sacred. We do believe that. But that doesn't simply mean the right to fill out a ballot. That means the right to have your vote counted. This bill will help to ensure that people get their votes -- get their votes counted.

MR. NORRIS: Okay. So my -- so my -- what -- what are the -- what are the four reasons specifically that you would send a notice to the voters for them to be -- have the opportunity to be heard?

MR. LAVINE: I don't know that it's simply four reasons. It's anytime -- anytime their -- their absentee ballot is -- is challenged.

MR. NORRIS: (Unintelligible)

MR. LAVINE: Almost 20 other states have this -- have a similar system. We're far behind.

MR. NORRIS: Is there -- is there --

MR. LAVINE: I'm sorry, it's 16 other states.

MR. NORRIS: I mean, I think the Primary was June 23rd. Is there still voting going on -- counting going on right now for certain seats throughout the State?

MR. LAVINE: I believe that some of the boards of election are still -- still counting ballots. Don't hold me to that. I don't -- I -- you know, I don't know. That's just a guess on my part.

MR. NORRIS: Well, the media reports certainly reflect that, that they're still counting the ballots. You know, I -- I want to just point out, at least three of the four reasons that you point out in the bill, the absentee ballot is unsigned, there's no required witness to a mark or the envelope is being returned in -- an affirmation envelope in a return envelope. All of these items, Chuck, are addressed in the instructions to the voter when they receive their actual ballot. They're right on the -- on the envelope. After marking the ballot, fold it and enclosed it in the envelope and seal it, sign and fill out the statement below. Signature of the -- of the mark required only if voter does not sign their own name. Three of the four reasons that you cite in the proposed legislation is already addressed in the instructions right on the absentee ballot envelope. The signature, obviously, is not. That's something that can be -- can be discussed. And, you know, I have great concern in the delay of the counting of the absentee ballots that are occurring, particularly the general election. You know, I just supported -- I'm sure you saw -- that I believe that people should get an absentee ballot application, an absentee under the COVID situation. But there will be thousands and thousands of ballots that will be returning back to the board of elections. And we have already on the envelope itself provided for proper instructions for the voters to complete these tasks when completing, which I agree, the sacred opportunity to cast your vote because I think all of us should be doing that. But I also think that we've already provided the instructions on the ballot for them to do

that. And I'm concerned that by providing these additional notices after the instructions have been already provided to the voter, would delay the results. Potentially delay the transfer of power to, you know, certain mayors or elected officials as you -- as you move forward. So I -- I just believe that we are already providing them the opportunity for the instructions and for them to follow the instructions, and this would just delay the results even more. And -- and also, if I could just add, this will also place, again, a tremendous burden on the board of elections already. I mean, they are already being inundated with absentee ballot applications. They're being inundated with absentee ballots. And, again, that's -- that's fine. But they -- they do not need to be tasked with providing this additional notice after proper instructions have already been given on the absentee ballot.

So those are the concerns that I raise. I believe it's going to be overly burdensome on our Board of Elections, and I believe that there are already instructions for our voters to follow on the absentee ballot envelope to conclude.

So with that, Chuck, I want to thank you very much for your courtesies always and working together as the Chair of the Election Law Committee. And I would encourage my colleagues in this Body to reject this bill and to vote in the negative. Thank you very much, Mr. Speaker.

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. 347. 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 generally in the negative on this legislation. If there are those who feel otherwise, please make sure they contact the Minority Leader's office so we can properly record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is a Party vote in the affirmative for this really good legislation. If there are colleagues that would like to vote no on it, we will be happy to take notice of it and record you as a negative.

ACTING SPEAKER AUBRY: Previously notified.
(The Clerk recorded the vote.)

Mr. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Mr. Speaker -- excuse me -- to explain my vote. I -- I want to thank the sponsor for introducing this bill. I -- I had an experience with absentee balloting where my wife and I both got our absentee ballots, we filled them out. As I was walking them to the mailbox I realized that I had not signed them. And, you know, I'm an elected official who deals with these

kinds of issues all the time, and I had forgot to sign them. And because of that, I had to open up the envelope and then I didn't have the envelope to send it back. Needless to say, my wife and I decided just to go vote in person. But we've seen in Queens and Brooklyn and New York City that thousands and thousands of voters had mistakenly sent in their ballots without signing them, and given my own experience I understand how people could make that mistake. I -- I made that mistake myself. So I think it's -- it's smart and reasonable to give the Board of Elections the opportunity to notify people when there's a -- a defect in their ballot and giving them the opportunity to fix it. Given this experience we've all had with this past election, I think it's the right thing to do and I will be voting in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Braunstein in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thanks. I practiced law for many, many years. I was very privileged to be able to argue pretty esoteric matters before the United States Court of Appeals for the Second Circuit. And I don't think I'm easily intimidated. But I do have to tell you that when I requested an absentee ballot, I was pretty intimidated by the -- by the format. And finally, let's prepare for the days to come. A -- a vote doesn't matter -- doesn't count -- doesn't count in the least unless it's actually counted. And finally, and as Jack Kennedy used to say, *A mistake isn't an error until you refuse to correct it.*

Thank you for voting for this bill. I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative. Mr. Braunstein in the affirmative.

Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker. You know, first and foremost -- and thanks to the sponsor of -- of the legislation. I absolutely will be voting in the affirmative on this bill. And given that what we have seen across New York State, the urgent necessity of giving people the chance to remedy their absentee ballots is something that is of dire timely need. The amount of ballots -- literally not tens, not hundreds, but thousands that were invalidated purely for simple remedies was disheartening and disgusting, to say the least, in many ways. And when we also keep in mind the amount of people who received their ballots incredibly late who might have been rushing out of their concern to turn it back in. I also think, Mr. Speaker and colleagues, we have to make sure we also work out a way to provide a cure for affidavit ballots. The amount of ballots that are not being validated despite being purely and having substantial compliance in Section 9209, it is also of greater concern. I think that's something we have to make sure we find a way to incorporate as well. But when we think about the urgency of why we have to pass this legislation, too many people are not having their votes counted, simply for things that can be remedied. It should never be this hard to vote.

So I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker, to explain my vote. I want to thank the sponsor for this bill. I'm proud to cosponsor this bill. My district, they are still counting the ballots. Tomorrow should be the last day. We had over 19,000 absentee ballots that came in to my district, but there were boxes and boxes and boxes of ballots that were invalidated for very simple reasons that could clearly be cured. That's why this legislation is important. We cannot run the risk of disenfranchising voters before minutia in the completion of their absentee ballots.

So I'm very proud to vote in -- in the affirmative on this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I do think it's important for everyone who may not be used to voting in an absentee fashion be given every opportunity to make certain that they've done it right, and if there's been some sort of slip up it shouldn't invalidate their -- their ballot.

And I just want to wish all of my colleagues who may be enjoying this end of Session for the last time the very best to everyone. It's been a -- a joy to serve with each and every one of you.

Thank you, Mr. Speaker. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there -- Mr. Epstein.

MR. EPSTEIN: Sorry, Mr. Speaker, to prolong your evening. I apologize. I just wanted to really support this legislation. I think we need to go even further on this. We need to ensure that everyone who wants to vote has an opportunity to vote and to get all those mistakes. And the same thing that one of my colleagues raised about not signing an absentee, I made the same mistake and I had to go vote on Election Day. You know, there are so many mistakes that people can make along the way. We want to make sure every vote counts, and encourage us in this Body to do as much as we can to ensure that every New Yorker has the right to vote.

I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: 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, there's one other item before us. It is Rules Report No. 295 and it's by Ms. Wright.

ACTING SPEAKER AUBRY: The Clerk will read,

page 9, Rules Report No. 295.

THE CLERK: Assembly No. A10581-B, Rules Report No. 295, Committee on Rules (Wright). An act to amend the Family Court Act, in relation to the placement of a former foster care youth during a certain state of emergency.

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

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So, very quickly. The -- this bill basically allows because of COVID a foster care youth who has left foster care to come back in without having to petition the family court first. And now that we've reached this stage where our court system is reopened, I don't think that this bill is necessary. We've had to change a lot of things because of COVID. I just don't think that this is one that we need to change. I think that the regular petitioning process to get back into foster care if necessary is available through the court system.

So with all due respect to the sponsor, I don't think that this bill is necessary. Thank you.

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 Rules Report No. 295. 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, Mr. Speaker. The Republican Conference is generally in the negative on this, and that those -- the members who would like to vote in the affirmative, please contact the Minority Leader's office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you for the notification, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is going to vote positive on this one. We'd like everybody be voting with us this evening, this -- this morning. If not, if you would like to vote in the negative you can always still call the office and we will take your vote and record it accurately.

Thank you, Mr. Speaker.

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

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping and/or resolutions to take up?

ACTING SPEAKER AUBRY: We certainly do have some housekeeping, Mrs. Peoples-Stokes, to my surprise.

On a motion by Ms. Weinstein, page 48, Calendar No. 248, Bill No. A.6909 D-print, the Assembly amendments are received and adopted.

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

On the resolutions, all those in favor signify by saying aye; the resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 985-988 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that Assembly stand adjourned until Friday, July the 24th, tomorrow being a legislative day, that we will reconvene at the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands adjourned until the call of the Speaker.

(Whereupon, at 12:41 a.m., the House stood
adjourned until the call of the Speaker.)