

**TUESDAY, JANUARY 26, 2021**

**2:33 P.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 Monday, January 25th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, January the 25th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. To colleagues who are in the Chambers and/or in their district offices and/or LOB offices, I want to certainly be grateful that we're all here today. I would like to share what the schedule is for the day, but before I do that, Mr. Speaker, I would like to share the final quote from Dr. King in the month of January, where we've been honoring him all month. Martin Luther King, Jr. was an American Baptist minister and an activist. Today he's sharing with us: *The time is always right to do what's right.*

With that, Mr. Speaker, I would say that members have on their desk the main Calendar and a seven-bill A-Calendar. Mr. Speaker, I now move to advance that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our principal work today will come from that A-Calendar, but before we do that, we would like to take up resolutions on the main Calendar, including the one that's commemorating the Holocaust

Remembrance Day in which Ms. Rozic is here to speak, and others will speak as well, Mr. Speaker. Immediately following Session, there will be a need for a Majority Conference and, as always, we will talk with our colleagues on the other side to see if they have need for a Conference, as well. If we now, Mr. Speaker, if you have any introductions and/or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: No introductions or housekeeping. We will go to the resolutions on page 3.

The Clerk will read.

THE CLERK: Assembly Resolution No. 23, Ms. Rozic.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim January 27th, 2021 as Holocaust Remembrance Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker, and Madam Majority Leader. Tomorrow, January 27th, marks the 76th anniversary of the day that Auschwitz-Birkenau, the largest Nazi death camp where 1.1 million people were killed, was liberated in 1945. In 2005, this date was established as International Holocaust Remembrance Day, a day when we recognize and remember the six million Jews and millions of other minority groups, including the disabled and members of the LGBTQ community, who were murdered in the Holocaust.

Last year after returning from a New York delegation to Poland, I spoke on this day and I mentioned the need to take the rise in anti-Semitism in the United States seriously before it gets worse. I spoke about the need for education initiatives and community action. A year later, it's sad to report that we have little to show for ourselves, aside from a 12 percent increase in anti-Semitic incidents according to the ADL. Assault, harassment, and vandalism against Jews remains at near historic levels.

Last year, I walked through Auschwitz-Birkenau where countless innocent people were murdered for their religion or ethnicity. Let's be clear: Each attack we've experienced is used to inspire the next. This has been the case historically and in current times. Today, there are those who use the same words, images, and conspiracies to further deadly anti-Semitism. They send Jewish legislators, like myself, anti-Semitic postcards scrawled with the numbers 1488, a reference to *Heil Hitler*. They show up at protests in T-shirts that proclaim "Six MWE," Six Million Weren't Enough. The Holocaust, the shirt announces, is unfinished business. It even ends in violence as we saw in Monsey, Jersey City, or Pittsburgh. And just 20 days ago, insurrectionists stormed the U.S. Capitol adorned in Neo-Nazi flags and paraphernalia, a sweatshirt that read, "Camp Auschwitz."

Anti-Semitism thrives in these actions, acronyms, and conspiracy theories, both online and in real life. It existed before the Holocaust, and it didn't end with the liberation of the death camps.

Anti-Semitism is alive and well right here in New York and in the U.S. May the mere mention of Nazi always horrify and embolden us to speak out and denounce anti-Semitism.

So, I invite you to join me in bearing witness, don't look away, don't excuse this behavior. This is a crisis. Include the Jewish community in your activism, teach future generations about the stain in history, and stand side-by-side in action so that we can truly live up to our pledge of "Never Again." Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Eichenstein.

MR. EICHENSTEIN: Thank you, Mr. Speaker. I rise today to voice my support on the resolution before the House declaring January 27th as Holocaust Remembrance Day. On January 27th, 1945, American troops were finally able to liberate the most notorious Nazi concentration camp, Auschwitz-Birkenau. It's heartbreaking to hear or read the testimony of those horrific scenes at these concentration camps. We can never, never forget the arrogant and cowardly slaughter and murder of the Jewish people in Europe. Six million Jewish souls were tortured and brutally murdered for no other reason but for their religion. We must never forget.

I rise today as a grandson of four Holocaust survivors and as a son of Brooklyn, home of the most Holocaust survivors anywhere in this country. My grandparents would occasionally tell us stories about the horrific tragedies, about the unspeakable evil, and about the devastating loss of their friends and families. One of my

grandmothers lost their entire family, both her parents and all of her siblings. But at the same time, they also taught us about courage and endurance. They told us about the miraculous survival against all odds, about their steadfast and unwavering faith, and about their hope for a better and brighter future. They are my greatest inspiration.

Earlier last year, Mr. Speaker, I had the opportunity to visit Yad Vashem with many of my colleagues. What a surreal moment. To see those images, video testimonies, documentary footage, and photos of fathers, mothers, brothers, sisters, grandmothers, grandfathers, aunts and uncles, the terrible evil things that happened to all of them. These were people that look just like me. I've been thinking about this a lot since my visit last year at Yad Vashem. Perhaps that visit might be the most moving experience I have ever had. These were people we lost. It's not a number. As we have mourned and continue to mourn, as we have remembered and continued to remember, let me also acknowledge that my grandparents were welcomed to this great country and were able to start again. And this great country, they were given the opportunity to rebuild their broken lives and for that, we are grateful.

Thank you, again, for recognizing January 27th as Holocaust Remembrance Day, and I want to thank the sponsor for bringing this important resolution to the floor. Let us all mourn and remember, but let us also learn the vital lessons from our precious Holocaust survivors on how to work together in rebuilding and reestablishing ourselves. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Cymbrowitz.

MR. CYMBROWITZ: Each year as we pass this Holocaust Remembrance Day Resolution, we do so with an increasing sense of urgency. In our nation, almost two-thirds of young adults don't know that six million Jews were murdered during the Holocaust; about 25 percent believe the Holocaust was a myth. This level of ignorance is shocking. As the son of Holocaust survivors, I grew up hearing my parents talk about their childhood in Demblin, Poland, which ended on September 1st, 1939 when the Nazis came in, closed their town and put everyone into a ghetto. Eventually everyone in Demblin was put in cattle cars and sent to concentration or slave labor camps, like the one at Czestochowa where my parents were sent. Day after day, they were put to work for the Nazi war effort. My father was forced to build roads year-round and my mother made bullets at the HASAG-Warta ammunition factory, dipping her hands in acid again and again without gloves.

Last January, I was in Czestochowa as part of my trip with my colleagues to commemorate the 75th anniversary of the liberation of Auschwitz. I lit a candle at the monument located at the site of the train station where 40,000 Jews were transported to the Treblinka death camp to face their slaughter by the Nazis. It was only through luck and the grace of God that my family wasn't among them. On a bitterly cold and windy day, I also visited Auschwitz, and with the sponsor of this resolution, we lit six memorial candles for the six

million Jews who perished.

My parent's story, like other survivor stories, remind us of what it means to be targeted by haters who were bent on inflicting cruelty. We are reminded of what it feels like to be regarded as less than human and to be victimized by a mass hysteria that infects a whole society. But the story of Holocaust survivors is also about resilience, strength, and the ability of the human spirit to somehow prevail. We all know about the dangers of forgetting the past and the importance of memory in creating who we are and how we behave. With fewer and fewer survivors left to bear witness, Holocaust Remembrance Day helps us to carry these memories in honor of those who survived and for those who perished. As Elie Wiesel wrote in his memoir, *Night*, quote, "For in the end, it is all about memory, its sources and its magnitude and, of course, its consequences," end of quote.

Thank you to the sponsor of this resolution for ensuring that New York State continues to remember the Holocaust, and to recognize the importance these memories alive -- alive now and for the future. I am proud to be a co-sponsor. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. And I want to thank Speaker Heastie for scheduling this matter, and I want to thank Assemblymember Nily Rozic for preparing this most important resolution. While this marks the 26th year that we commemorate the



Day of Remembrance, this occasion is all the more gripping given the attack on our American Capitol by White Supremacists just 20 days ago, another day of infamy, self-inflicted infamy in our nation's history. Of all the vile, repulsive, and disgusting participants, an image that will remain with me and should remain with me forever is of the man parading about in a Camp Auschwitz shirt, nor will I forget the man who placed a noose and gallows outside our Capitol, or any of the others. While many of those who stormed our home of Democracy, arrested or not yet arrested, are doing their best to remain concealed today, we know all too well that even when hatred retreats, primitive, prejudice, and evil do not surrender, especially when incited by our most disgraceful political demagogues.

On a personal note, my refugee great-grandparents and grandparents who came to the United States left most of their family behind in Europe. Not one soul, not one woman, child, or man in my and in so many other families survived the ritualized slaughter of a civilian population by the Nazi and his ally. So as a representative of the government of the State of New York, and as a individual who personally grieves the murder of that family, this Remembrance Day is truly significant. We, you and I, are all a family of Americans and New Yorkers, and I have no doubt that that is precisely what so enrages the White Supremacists. And so, each and every American of good faith must solemnly swear to stand together so that there are no more Holocausts, so that there are no more lynchings.

Finally, it must never be forgotten that we are Lincoln's Americans and we will not be complacent when confronted by intolerance and hatred, because as our great martyred President said so long ago, *This nation, under God, is a government of the People by the People for the People, and it shall not perish from this Earth.* Thank you for the opportunity to share my thoughts.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Rosenthal.

MR. ROSENTHAL: Thank you to the Speaker and the sponsor for bringing this resolution to the floor. Today, we stand here and we remember the six million Jews who were systematically murdered during the Holocaust. We remember whole communities swallowed up by evil. Those who were fortunate enough to have survived did so with their entire lives destroyed. While the last eyewitnesses to one of the most tragic and gruesome crimes against humanity will soon be gone, we must never cease to ask how such horror was allowed to occur, how morality escaped our legal system. At the Nuremberg trials, a common defense was, *We were just following orders*, or, *The law allowed for it.* The Holocaust did not happen overnight. It happened over years of normalizing hatred. It happened over years of people not speaking out. Today, we must stand united in condemning anti-Semitism as it rears its ugly head.

In 1995 for the 50th anniversary of the liberation of Auschwitz, Rabbi Jonathan Sacks, who unfortunately left us this year, was asked by the BBC to make a film from Auschwitz. He was

reluctant to do so, but agreed on one condition. He said, *I will only do so if I can tell the story the Jewish way.* When asked what's the Jewish way, he replied, *A Jewish story may begin with tears, but it always ends with hope.* I look at my community and the district I have the privilege of representing and I see hope. We honor the memory of those lost by standing up to all forms of hate, whether it's anti-Semitism, racism, or xenophobia. We must stand up to injustice, we must strive to do the right thing no matter how hard or inconvenient. We must never forget, and may God bless their memories.

ACTING SPEAKER AUBRY: Thank you.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to support this Holocaust Remembrance Day. I want to thank the sponsor and thank the Speaker for bringing this forward. I think about the Holocaust a lot, and I think about my grandfather who actually never spoke about the Holocaust. He never spoke about his brothers and sisters and parents dying in camps. It was too unspeakable for him, and I have learned over the years that's not the path we need to take. We need to talk about what's happened. We need to talk about the inhumanity. We need to talk about the cruelty. We need to talk about the anti-Semitism, and we need to talk about the hatred. And what we've seen in our country in the last two weeks, two months, four years is a growth of hatred, the growth of anti-Semitism, the growth of what people deem and I view as evil. People who use

hatred to fuel them, people who use hatred to advance their agenda, people who use hatred of others, of the unknown to do some unspeakable things. And we now need to recommit ourselves to the memory of the six million Jews and ten million people who perished in the Holocaust, but also the millions of people who have perished around this Earth for so many atrocities, because of difference.

Let's stand together united, go through the difference, find what unites us instead of what divides us, and work together for a better future. Holocaust remembrance is making sure that we never forget. Let us never forget the hatred and move forward together in respect and unity. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this resolution on Holocaust Remembrance Day. I stand here today as someone that represents the borough of the largest number of Holocaust survivors in New York City, and possibly in the U.S. As we know, the numbers of living Holocaust survivors are dwindling and their stories of perseverance are getting lost with time. We now are three or four generations removed from that dark time, but we cannot allow the Holocaust to be just another event to be studied in the history books. Unlike studying about a natural disaster, or we teach stories about the Holocaust, about the African slave trade, or the rise of KKK shortly after the Civil War, et cetera, we cannot just talk about it as something that happened, and

now let's move on. These evil things were done by people, not by nature. It was tragic and intended to hurt, oppress and kill, kill six million people.

We must today, in 2021, take those lessons of a time where intolerance of someone that looked different, prayed differently or believed different led to barbarism. We live in unprecedented times where fear is not present in the hearts and minds of many. The Holocaust was an event that did not happen in a vacuum, it occurred, went through legal means. People with evil intentions came to power and built an industrial system of genocide. As someone that has visited Yad Vashem in Jerusalem and literally cried when there, and as someone that has constituents with tattooed right arms, I will always fight against hate and anti-Semitism.

I urge us to preserve the memories of those heroes and heroines as we today are the bridge of this living memory of the Holocaust to the future. Let us unite and say no to hate in all its form. I encourage my colleagues in supporting this resolution on Holocaust Remembrance Day. Thank you, Mr. [Sic] Speaker.

ACTING SPEAKER ROZIC: Thank you.

Ms. Pheffer Amato.

MS. PHEFFER AMATO: Good afternoon. Thank you to Speaker Heastie and thank you to Assemblywoman Nily Rozic, the sponsor of this resolution. I speak today in memory of the six million Jews and the 11 million other souls that were murdered in the name of hatred, anti-Semitism and bigotry. The Holocaust seems so

distant, but this happened in many of our relatives and friends lifetimes. And sadly to this day, the roots of Holocaust -- the Holocaust are alive in this country and around the world. We are experiencing an unprecedented increase in anti-Semitic hate crimes. These trends are extremely concerning, and we must speak out, speak out against anti-Semitism, bigotry, and racism.

In our country, we know that love, freedom, Democracy and justice must win over hatred. We educate people about the Holocaust to make sure they know we fought wars against these ideologies and unchecked hatred, and every time we did, our values won. Love and tolerance must bloom in our country so today and every day, we must always remember that love, freedom, and Democracy win, and we must never forget the survivors and the victims of the Holocaust. May their memories and souls always be a blessing. Thank you.

ACTING SPEAKER ROZIC: Thank you.

Ms. Gallagher.

MS. GALLAGHER: Hello. I'm Assemblywoman Gallagher and I am representing the 50th District, which is home to many Holocaust survivors and their descendents and families, and I'm also speaking as a public historian who has had the opportunity to speak to and learn from many survivors of the Holocaust and their -- their family and hear their tales. And I know that it is so vital for us to share our stories and to listen and to remember that to remember the Holocaust is important, but it is not enough. We must also act out

actively against anti-Semitism, and with love. Love is an active verb and we must do everything we can to face the hatred that is revealed to us and to root out the causes of hatred, which is ignorance and lack of communication and exposure.

So, we must absolutely be working together, and I stand here in solidarity with my constituents and with my friends and with my colleagues, and I would like to thank Assemblymember Rozic for bringing this to the floor and for all the co-sponsors and for all of us who work every day to reduce hate. Thank you very much.

**ACTING SPEAKER ROZIC:** Thank you.

Mr. Lawler.

**MR. LAWLER:** Thank you, Madam Speaker, and thank you for sponsoring this resolution. I rise in support of this resolution. My district is wholly contained in Rockland County, which is the eighth largest Jewish population in the country, about 35 percent of my residents practice the Jewish faith. And the Holocaust was obviously an event of pure evil and genocide that was perpetrated upon people of the Jewish faith, many millions of other residents across the globe, and it's something that never should have happened; it should never happen ever again and it's important that we remember this day every year to remind people of how important it is to have respect and understanding and appreciation for people of faith and the role that faith plays in all of our lives, and to never use that as a vehicle to discriminate or hate against anybody. And so, I rise in support of this resolution and I thank the sponsor for putting it

forward.

ACTING SPEAKER ROZIC: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Ms. Speaker. I rise to thank -- first, I thank the Speaker and the sponsor for bringing this resolution forward. It's been over 70 years since the Nazis attempted to eradicate the Jewish people, but no length of time will make us forget the millions of victims lost in the name of racial purity and fascism. Holocaust Remembrance Day is a dark day when communities across the world gather to whisper the names of loved ones lost to the Holocaust, when families huddled -- huddle around the kitchen tables and remember grandparents and family members who never made it out, who perished in the inhumane doings of some of the worst people who ever lived. And today when peoples' thoughts turn to how could this ever have happened, yet we have not solved that question.

This Holocaust Remembrance Memorial Day, I will think of my grandparents, my grandfather, a rabbi in Cologne, and my parents who were chased out of Germany. I am filled with sadness for the loved ones they left behind and their friends and their community that perished in the Holocaust. But I'm also awed by that generation's bravery and inspiration to keep on keeping on. I believe that as victims of one of the worst atrocities in human history, the Jewish people have a special responsibility to fight intolerance and injustice wherever and whenever they arise. And we have seen instances of



anti-Semitism and race-based hate and ignorance increase over the last four years, and they have not gone away.

This Holocaust Remembrance Day, we must remain more resolute in the goal to educate, expose, and fight this kind of hatred wherever it may rise across the world and in our home State. And I thank you for advancing this resolution.

ACTING SPEAKER AUBRY: Thank you.

Ms. Kelles.

MS. KELLES: Yeah, I wanted to thank Assemblymember Rozic for bringing this forward with compassion and intelligence, has spoken for all of us, and for the Speaker for supporting this for this day. I want to add my voice for one of the many people who have personally been affected as a Jew in this Assembly. I think that it's really important for all of us to remember these moments and these days that have created generations of trauma. My grandfather who was in the U.S. Army in World War II was never the same when he came back. The levels of PTSD, when there was no recognition of what PTSD was, was severe and permanent for the rest of his life. And that affect -- affected my mother, my aunt and, later, my generation. These atrocities affect multiple generations, and I think it's so important, there's something about speaking to someone who comes from Jewish descent and knowing without words unspoken that there's an understanding, there's an understanding of what it means and what is the emotional impact of a peoples trying to execute an entire other people because they are simply that, "other,"

based out of fear, misunderstanding, and a desire to maintain a world that is recognizable only to themselves. I think more than anything, this stands for me as a driver of compassion, a driver for unity, a driver for understanding, and for a celebration of diversity and other. There are many, many peoples that have experienced this level of atrocity and I believe that this is an opportunity for all of us to find it in our hearts and in our determination to understand each other and to celebrate each other and to fight for each other's uniqueness and diversity.

My grandfather spent his life feeling that the world hated Jews because of his experience, and I believe that the work that we are doing in the celebration is our ability or our opportunity to show the strength and the endurance of all peoples of the Jewish faith, of the Jewish culture. So, thank you so much for bringing this forward and I appreciate and bring this back to the Jewish peoples of my community to honor their -- their experience of this day. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker, and my colleagues, and thank you Assemblywoman Rozic for advancing this very important resolution. We've heard already today that many of our colleagues have taken their time to visit important places, to go to the State of Israel, to go to the site where the Holocaust took place, including the atrocious death camps, the murder camps, the concentration camps. We've also attended services in our community,

gone to museums and memorials all over this world. Many of us participate in national and international community events and, today, we commemorate an anniversary. Perhaps this is the first day that our entire population had to acknowledge what was known for far too many years before action was taken. But it's commendable that we stand here today bipartisan from across our great State, our great State to commemorate this moment, but our work is not done simply by commemorating this today. It can never be done. Each day, we lose the great benefit of eyewitness accounts of the few remaining survivors, of the few remaining liberators, of the few remaining eyewitnesses. That means it falls to us to make sure our communities are given the benefit of our immutable knowledge, that we be part of the permanent remembrance of not just this great atrocity of all human kind, but the uniquely personal impact this had on each of the tens of millions of people who were individually impacted by this Holocaust. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Zinerman.

MS. ZINERMAN: To Mr. Speaker and Member Rozic, I offer my support for this resolution and stand in solidarity with the Jewish community as they continually deal with racial terror. I am Assemblymember Stefani Zinerman, the daughter of (unintelligible) Zinerman from Alabama, and the daughter of Portland Mizel from Virginia. My entire life, my name preceded me and so did hate toward that name. When I showed up and people saw my skin,

the hate continued. So, I've always had and been in solidarity against hate with the people of Jewish faith, although that is not my faith.

I represent a district that has a significant Jewish community and over the years, we have dealt with mistrust and even violence in our community. But we are a community of faith and, as such, we've worked very hard to overcome these differences and when it matters most, when we are attacked, we come together. So today, I stand united with you as I will every day, and will continue to be united with you against hate.

ACTING SPEAKER AUBRY: Thank you.

Ms. Miller.

MS. MILLER: Thank you. I'd like to thank the sponsor, Assemblymember Rozic, and the New York State Assembly for bringing this resolution to remember every year, that they do this every year. You know, especially in today's climate, we must remember that hate and destruction, we need to let that serve as an example that hate can take over, but it will never win. Anti-Semitism has no place in a civilized culture. Hate has no place in a civilized culture. Let that awful, dark past propel us and remind us to commit to working together, respecting each other, love, respect, community, that's what wins, and let that be its legacy. We will never forget. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Sayegh.

Mr. Sayegh needs to be unmuted.

MR. SAYEGH: Am I unmuted?

ACTING SPEAKER AUBRY: Yes, sir.

MR. SAYEGH: Okay. I rise also to commend the sponsor and the Speaker for presenting this legislation and this resolution. And I rise as not only a member of the Assembly, but as an Arab-American, as an Arab-American legislator, to acknowledge, as all of us do, that hate and division and polarization has no place in our State, our nation and world. And as a student of history and as an educator, I took an active part for many years in making sure that those dark moments in our world history are recognized by our students. That awareness becomes a very powerful tool, awareness and celebrating and commemorating not only the good moments of our civilizations and our history of the world, but also the dark moments. And the Holocaust is one of the darkest moments of world history. The magnitude of death and suffering, totally unnecessary, unjustifiable, and horrible. And I stand as a member of a world community, and a member of world bodies that need year after year to continue to commemorate the good as well as the bad moments in our history.

So, I join the sponsors in -- in -- in demanding that society continue to change its course, to continue to show respect and love and peaceful coexistence, and recognize that people throughout the world here in our nation and outside our borders that continue to suffer because of their religion, because of their ethnicity, sometimes because of the tribe they belong to and the region of the country or the

countryside that they live in, that they can be massacred and tortured. And this is -- this is the necessity that each and every one of us has day after day and year after year, to educate and make aware and stress the importance of unity and harmony and respect for each other's differences. So I thank the sponsor, and I will continue to do my share because this is a matter, not only of urgent matter, but something that concerns every living human being. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I appreciate -- I very much appreciate -- I appreciate the opportunity to speak on this, but the -- can I be heard? I'm assuming I can be heard.

ACTING SPEAKER AUBRY: You can be heard.

MS. GLICK: The FBI has determined that domestic terrorism is the number one threat to the safety of our country. Very recently, there were marches and demonstrations with White Supremacists who chanted, *Jews will not replace us*. The threat is here, the threat is real, and as we remember what happened half a century ago and more, 70 years, I guess, 75 years, we have to be vigilant every year to make certain that people in all communities are safe, but that includes the Jewish community. The hostility that exists, the anti-Semitism that we have seen in our own City is a testament to the fact that a lot of people have forgotten, or never cared.

And so, we bring this resolution to the floor in order

to remember the Holocaust, but also to make it clear to people today that there is a threat among us and that we have to be vigilant and that the one thing that can banish hate is love. And all of the exhortations to love our neighbor, they're meaningless if we don't actually embrace them.

So, I want to commend the sponsor of the resolution and all of us who have signed onto it, and all of the colleagues who have spoken so well on this issue. But we have a great deal of work to do to ensure that youngsters grow up in a world that respects differences and embraces other communities, and I'm reminded of the song in "South Pacific," *You have to be carefully taught*, and that has to do with you have to be taught to hate. And so, what we need to do is to teach kids to respect each other and then there will be a lifetime of support for various communities. Thank you, Mr. Speaker, I withdraw my request.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. Every year when this resolution is brought forth, I join with my colleagues in reflecting on the immense hatred and the immense brutality that brought us this awful part of history. The sheer magnitude of the atrocities are difficult to comprehend, but it's certainly imperative that we ensure what happened remains front and center as an example of what can happen in the world when hate remains unchecked, because it did happen. And it's important that as generations grow up that are

a bit removed from the atrocities that they understand what can happen when the worst of the human spirit takes over.

And when I reflect on the resolution, I also can't help but remember how many people across our State in my lifetime, both as a young person growing up and then in public life, how many people tell the story and remember the victims. It helps us honor their memory, and it also -- I also think we need to stop and honor these heroes who keep their memory and their stories alive. You know, it starts with many of my colleagues, Ms. Rozic who puts forth this resolution, and so many of my colleagues that are involved in honoring the memories of the Holocaust, and also in championing policies that bring us away from that, and hope that not only do we prevent something like that happening, but that we foster a country and a State that is the exact opposite of the Holocaust.

And I also reflect on, you know, in Rockland County, we have a Holocaust Museum, one that goes into our schools and teaches our young people. And there is no greater lesson than that that is presented by a liberator. We lost one of those liberators this year, a man by the name of Bernhard Storch. He was someone who was in a camp and then later joined the Polish Army and fought to free victims of the Holocaust. And he is oftentimes joined in those classrooms -- was joined in those classrooms because, unfortunately, we lost him in November of last year, by a man by the name of Alan Moskin, a U.S. Army service member who was a liberator. And Alan carries on without Bernhard, but these individuals and so many others



across Rockland County that are attached to the museum - and I know all of my colleagues have similar individuals within their districts - they're our heroes. And so, while we reflect with sadness upon the atrocities, I also reflect with hopefulness, because their efforts and the efforts of so many people across our State hopefully will bring us the brighter future. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Griffin.

MS. GRIFFIN: Thank you. I rise today to memorialize Holocaust Remembrance Day which commemorates the six million Jews and 11 million others who perished during the Holocaust. Even today, Jews and others are being targeted with hate speech, symbols, and other frightening imagery based on their race, religion or skin color. I want to thank Assemblymember Rozic for introducing this important resolution. Together, we honor their lives by vowing to confront racism and bigotry so it never is accepted in our communities. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. And thank you to our resolution sponsor, Ms. Rozic, and to the Speaker for bringing this resolution to the floor. I actually, you know, just really wanted to say that I really appreciate all of my colleagues who spoke up on this resolution, in sharing their own stories, their -- their family stories, and the stories of why, you know, this day is so important to them.

And I also wanted to note that, you know, in my district just a couple of weeks ago, on the same day that there was the insurrection on our Capitol, there was a Confederate Flag that was hung on our museum doors, our Jewish heritage museum doors -- commemorating -- our museum commemorating the Holocaust. And so, it was a hate crime, one that shocked our community because the language, things that had happened, brought back a lot of memories, and that wound is still so painful and one that, you know, is important to remember because, you know, at that museum -- you know, I actually read *Night* so I really appreciated folks who quoted from it, but Elie Wiesel, you know, said that, you know, *We must always take sides. You know, Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented, and sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion or political views, that place must - at that moment - become the center of the universe,* and very much so we became that center of the universe. And I think that it's really important that we remember that we must take sides and we must speak up, because silence helps to perpetuate oppression.

And so, I just wanted to say again thank you so much for remembering why it's so important for us to -- to -- to speak up and why it's so important for folks to remember the lives lost and also the lives that survived and -- and -- and the amazing leadership and the

amazing descendents of the survivors. So, I just wanted to say thank you for sharing your stories and for letting me be able to speak.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to explain my vote on this very important resolution. This summer, my office was viciously attacked with anti-Semitic remarks and paint, and a letter that was slidden under the door. And our campaign office was also attacked. This happened just a few weeks after we held a town hall on combating anti-Semitism with area rabbis. And so, I speak today to commend the sponsor, Assemblywoman Nily Rozic, for sponsoring each year this resolution, and I'm proud to support it. We must stand together. And thank you, again.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I join with my colleagues on both sides of the aisle supporting this resolution memorializing Governor Andrew Cuomo to proclaim tomorrow as Holocaust Remembrance Day in recognition of one of the most horrific episodes in human history. It is almost unfathomable to consider that a government would systematically kill millions of its own citizens who did nothing wrong, who were completely innocent; the evil is almost unimaginable. But as we reflect on one of the

darkest nights of human history, we should also reflect on the fact that on that darkest night, there were still stars shining. And those are the people who opposed their own government, who put their own lives on the line, who risked their family and their fortune and everything they had to help their neighbors who were being persecuted, who hid them, sheltered them, fed them, helped them to escape. And I hope and pray that I and all of my colleagues would have the courage to always keep our focus on doing what's right.

Following World War II as the atrocities became known, America, as a world leader, took an extraordinary step of faith and confidence, and the power and the importance of the rule of law. And that was reflected in the Nuremberg trials. And imagine for a moment that the undisputed leader of the world, the United States of America, having lost over 400,000 of its own fighting that brutal war, facing the horrific atrocities, would still proceed with a trial. What a statement about our faith and the power of law. For my district, the Nuremberg trials have a significance that's unique because Robert H. Jackson resigned his position as a Supreme Court Judge, a lifetime position, to take on the challenge of presenting a fair trial. Justice Jackson is from my district and was a friend of our family.

So, as we reflect on the horrific evil that was exhibited by the Holocaust, let us also pledge our undivided commitment to do everything in our power to stand up against evil and focus on what is just and -- and right. Thank you, Mr. Speaker, for the opportunity to speak in support of this resolution.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to thank our colleague, Nily Rozic, and every other colleague who spoke on behalf of this resolution that is before us today. And I want to honor the Speaker for bringing it up every year, because some things you cannot ever forget; this is one of those. Mr. Speaker, I was -- I'm reminded of how I've always thought that we had more in common than we have differences. But nothing made that more vivid to me than being in Israel last year and having the opportunity to visit the Holocaust Museum. The very first thing you see when you get there is this beautiful walkway of trees on both sides, and it's actually called the Avenues of the Righteous Amongst us in Nations. It's a powerful testimony to the righteous people who did do what's right when their country, or when a country that some of the Jews had gotten to were still trying to persecute them, they protected them.

Why did that bring me such an opportunity for my eyes to leak? Because it made me recall abolitionists in America who protected my people during slavery. And so, it brought in full focus this reality that we do have more in common than we have difference. Unfortunately, Mr. Speaker, there are evil people in this world. There still are. But the good amongst us are way more important. And for that reason, much like I will never, ever forget my ancestors who yet remain -- yet remain under the ocean, or those who are yet buried in

this country who have been violated, I will never, ever forget what happened at the Holocaust and I'm honored to have the opportunity to speak on it. With that, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

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

THE CLERK: Assembly Resolution No. 24, Ms. Rosenthal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim January 28th, 2021 as Data Privacy 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. 25, Ms. Fahy.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim January 26th, 2021 as Explore NY Travel & Tourism Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Fahy on the resolution.

MS. FAHY: Thank you. Thank you, Mr. Speaker. Thank you for allowing me to present this resolution. But before I continue, I knew it was inappropriate to speak twice, but I would be remiss if I didn't say thank you, as well, for -- to the sponsor of the

Holocaust Remembrance Resolution, which is so critically important, especially after the horrific domestic terrorism that we saw just a few weeks ago on January 6th, which was a reminder on why we need this time to reflect and remember, and why we must always stay educated.

With that, I'm going to switch gears now to the Explore NY. Today is Explore NY Travel & Tourism Day, and it's probably more important this year than most years because tourism has plummeted over the last ten months because of COVID, as with so many other things. Unemployment in the tourism industry is at almost 50 percent. So, today the Travel & Tourism Resolution Day is early in the year because it is so important that we remind people we are a four-season-a-year State and in better years, in 2019, we had over 225 million visitors come into New York. And that's because we have such an extraordinarily diverse State. We have the largest State Park and we have the largest City. It's a lot to offer and it couldn't be more important. I hope all of us will work this year around tourism and (unintelligible/mic cut out) and I hope people will remember, especially as the vaccines begin to increase in New York, and I know we have work there, but I hope folks will remember to spend it local and come see our beautiful New York. The website is Explore NY at Home and figure out your travel plans as -- as we slowly end tourism.

Thank you again, Mr. Speaker, for allowing me to offer this resolution, and thanks to my colleagues for co-sponsoring it.

**ACTING SPEAKER AUBRY:** Thank you.

On the resolution, all those in favor signify by saying

aye; opposed, no. The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to thank colleagues for their patience as we get through the remainder of our schedule today. Now we're going to go directly to the A-Calendar that you advanced earlier, Mr. Speaker, and start on page 3 with Rules Report No. 9, and we're going to go right through the whole entire --

ACTING SPEAKER AUBRY: Certainly.

The Clerk will read.

THE CLERK: Assembly No. A02001-A, Rules Report No. 9, Zebrowski, Stern, Englebright, Woerner, Thiele, Lupardo, Galef, Griffin, McMahon, Otis, Dickens, Stirpe, Paulin, Simon, Goodell, Tague, Wallace, Perry, McDonald, Lunsford, Ramos, Colton, Dinowitz, Jones, Jacobson. An act to amend the Labor Law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and providing for the repeal of such provisions upon the expiration thereof.

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

Mr. Goodell.

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



the sponsor yield?

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

MR. ZEBROWSKI: Absolutely, Mr. Speaker; I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Mr. Zebrowski. As you know, I'm -- I signed on as a co-sponsor in part because I felt it was horrifically unfair for government to shut down an employer, force an employer to lay off all the employees, and then turn around and impose a higher unemployment charge on that very employer to reflect the unemployment claims that were submitted by the employees. And so, I thought that's just fundamentally unfair.

And so, my question on this bill is that as I understand it, the bill would say if you laid off employees during COVID, it would not affect your experience rating, but as you know and I know, the unemployment charts consist of two components: One is an experience rating and the other is a general charge. So, if we don't include it in the experience rating, wouldn't this bill then raise the general charge to all employers, including those employers who fought so hard to keep all their employees working; what is your thought on that -- on that dilemma?

MR. ZEBROWSKI: Well, I would hope not, Mr. Goodell. The -- if the trust fund has a deficiency, there are a number of ways that it can be replenished. Certainly, the State can help do so.

We'd be hopefully looking for Federal help. In the past, I believe there were Federal loans; in fact, I believe if you go back to the Great Recession, I think we are just now about paying off the loans from the Federal government from that time.

So, one thing is for sure, as I think you stated in your question, however we make the trust fund whole and however we cover the expenses of the State, it should not be borne on the back of businesses who unfortunately had to lay people off during this unprecedented pandemic, either because, as you stated, they were unable to operate, or I would also add to it because they couldn't operate, not just because of perhaps government regulations or government orders, but also because we are in the middle of a pandemic. I would say we have to help out those businesses regardless of what had them unfortunately lay folks off.

MR. GOODELL: As you know, the Business Council recently expressed their great concern that the Unemployment Fund is running about a \$4 billion shortfall from last year, and that's on top of the \$70- to \$80 billion State aid that we received from the Federal government. Would -- do you anticipate that we will try as part of a State government to help all of our employers address that shortfall through a direct appropriation from the State? What are your thoughts on that issue?

MR. ZEBROWSKI: Well, Mr. Goodell, it's really a question for both our Ways and Means Chair, Ways and Means Ranker, members on the Ways and Means Committee, but, quite

frankly, probably all 150 members of this Chamber will be entering into what is likely to be a very difficult budget cycle, and there are so many unanswered questions, but at the end of the day we are going to have to balance many different competing issues to keep our State afloat, keep our residents afloat, keep our businesses afloat and try to rebuild back our State after this pandemic. It's not going to be easy.

So, I -- this piece of legislation merely seeks to fix what would have been a very unfair situation for our businesses. It does not fix the broader financial problems and implications to the State. We will all be engaging in that effort over the next several months.

MR. GOODELL: Thank you very much, sir.

On the bill.

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

MR. GOODELL: I am supporting this legislation for the reasons that my colleague mentioned, and I appreciate his thoughtfulness on this. And I hope that all of us, as we move forward in the budget process, look at the opportunity to provide real relief to all of our employers by helping to address the \$4 billion shortfall that's in the current Unemployment Fund.

I would point out that when the pandemic first hit New York State, I was deeply troubled that our State government shut down New York State all across this great State, all the way from New York City to my county. And it was particularly frustrating to me

because we were laying off tens of thousands of employees and shutting down thousands of businesses at a time where there are very few, if any, reported cases Upstate. And operating with such a heavy hand at the beginning of the pandemic, it's no surprise that we're paying a heavy price as we struggle to come out. And at the time, I wrote to our Governor and said, *Please, please show flexibility, be nuanced, act where you need to; be restrained in shutting down our economy.* And, unfortunately, those words went unheeded, but they have been heard since and our response is much more nuanced and much more specific and focused, and I'm thankful for that. And I look forward to the day when we, as a Legislature, in addition to making this change, actually provide funding to help all of our employers who are facing huge increases in their unemployment insurance charges. Thank you, sir.

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 Senate Bill No. S01197. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

Mr. Zebrowski unmuted. Thank you.

MR. ZEBROWSKI: Thank you, Mr. Speaker, I was muted for a second there. Just to briefly explain my vote, because I just want to state a few things that weren't brought up during the debate. So what this bill seeks to do is to hold our businesses harmless for what had happened during the pandemic because it is, quite frankly, not their fault for this unprecedented health emergency. All our businesses have what's known as an experience rating, and their experience rating is based upon their prior unemployment claims. So what this bill does is it holds them harmless for the period of the pandemic, thereby preventing major increases in what they would have to pay into the Unemployment Insurance Trust Fund.

Certainly, this is not the be all end all to help out our businesses in New York, but we are going to have to take steps in a variety of ways to help our small businesses and businesses across New York State move forward, and this is one piece of the puzzle, preventing major increased cost as we go forward. I did want to point out, because many colleagues and people had a question, this will apply to both payments in lieu of contributions, as -- as well. So, folks that instead of contributing to the Unemployment Trust Fund seek to do payments. So, this should deal with both of those things that I know a lot of our not-for-profits were concerned about.

So with that, Mr. Speaker, I ask all my colleagues to vote in the affirmative with me. Thank you.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02355-A, Rules Report No. 10, Stirpe, Colton, Carroll, Wallace, Reyes, Cook, Nolan, Thiele, Zebrowski, Taylor, Gottfried, Griffin, DeStefano, Montesano, Ra, Glick, McDonough, Steck, Jacobson, Cruz, Aubry, Simon, Bronson, Perry, Dinowitz. An act to amend the Labor Law, in relation to the calculation of weekly employment insurance benefits for workers who are partially unemployed; and repealing certain provisions of such law relating thereto.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate Bill No. S01042-A. This is a Party vote. Any member who wishes to be recorded an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. To explain my vote. Last year, there were 28 no votes on this bill and the Republican

Conference I think in general supports the concept of encouraging part-time employment. And we have legislation that we've introduced that would enable a person to work part-time, keep half the income and use the other half to reduce the employer's expense. And that approach provides a continuous financial incentive for an employee to continue working part-time until they finally are making the full amount that they were before.

But this bill takes a different approach, and what this bill does is it says that an employee who works part-time can keep 100 percent of their part-time income until they come up to how much they're making on unemployment, with absolutely no offset to the employer's liability, which means the employer's paying 100 percent of the unemployment cost for an employee who is making a full amount on part-time as they're making on unemployment. And then, it goes one step further and it says if the employee starts earning more than their unemployment benefit, their unemployment benefit is cut dollar for dollar. Think about that. It's the equivalent of 100 percent tax on your earnings.

And so, this bill sets up a -- somewhat of a perverse financial incentive. It says to employees, get a part-time job but make sure you don't make more than you're making on unemployment, because if you get a part-time job and you make less than unemployment, you keep 100 percent of the income. And if you earn more, you lose 100 percent. It just doesn't make sense. So, strongly support the concept, but it needs to be balanced. And we've offered

legislation that makes that balance and, unfortunately, this legislation doesn't accomplish that. Love to work with the sponsor to support that concept, but am constrained to vote against this particular version. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Stirpe to explain his vote.

MR. STIRPE: Thank you. Thank you, Mr. Speaker, to explain my vote. This does, contrary to what the former speaker said, help businesses. All three or four of the states surrounding us, Pennsylvania, Connecticut, New Jersey all have this type of system, and it's been proven that by being in the workforce, out working part-time jobs, you're, you know, a full-time job much sooner than you do if you're just sitting home watching TV. So, it has been, you know, I think it's 15 or 18 percent quicker with people getting off unemployment insurance. And when you do reduce the amount of your unemployment benefit by the amount over 50 percent of your benefit, you are stressing the Unemployment Trust Fund much less. So, there are several ways that it helps businesses.

The other thing is, you know, we're paying special attention to low-wage workers since the majority of the longer-term unemployed working in New York right now come from lower-wage jobs in the hospitality industry, restaurants, hotels, music venues. And I'd also like to add that many of these jobs are not coming back; therefore, many of these workers will have to enter new occupations, and one of the best ways to obtain a new job in a different industry is



to start on a part-time basis to learn the ropes.

So, therefore, I'll be voting in the affirmative and ask all my colleagues to do the same. Thank you, Mr. Speaker.

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

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. Just very briefly for my colleagues, the last time we actually took this bill up was February 24th of 2020, last year just mere weeks before we really started to understand the COVID -- what our last year has really been like. So, I just want to point out for my colleagues that this bill is not just taking effect during and it will sunset at some point at the end of COVID. This is -- this is a permanent change that's proposed for our law. So, for the same reasons that I stated last year I, as Mr. Goodell said earlier, I do support the concept of trying to address this issue. I happen to disagree with the way that this bill does it. I think that, you know, more people receiving unemployment benefits are going to just place further pressure on an already deeply underfunded system with no plan to reimburse those expenses. And for those reasons, I will not be supporting this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you, Mr. Speaker. I'm very excited to support this bill. For years, I was an attorney who

worked with people who were trying to get back into the workforce following workplace injuries and Workers' Compensation and also through unemployment. The way our unemployment system works versus how our Workers' Compensation system works, it disincentives people from getting back into the workforce. Under our current system, if you work even one hour of one day, you get a reduction in benefits of 25 percent. It's an enormous disincentive to get back into the workforce. And today with so many people trying to find any work they can, we need to figure out ways to put real dollars in people's pocket and help put them back to work.

I'm so excited that this change is permanent because I can't tell you how often my clients were confused. My clients didn't understand why the State would penalize them for trying to work, for trying to feed their families. Our Worker's Compensation system works on a reduced earnings basis, as well. That system has a much greater chance of putting someone back into the workforce. So thank you so much to the sponsor of this bill, to everyone who is voting for it and on behalf of all of my previous clients and all of my constituents, thank you for this commonsense change. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Republicans in support of this legislation: Mr. Ra, Mrs.

Miller, Mr. Barclay, Mr. Gandolfo, Mr. DeStefano, Mr. Schmitt, Mr. Byrnes, Mr. Durso, Mr. Miller and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02574, Rules Report No. 11, Walker. An act to amend the Election Law, in relation to the automatic voter registration process.

ACTING SPEAKER AUBRY: Mr. -- Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I would like to go on the bill, please.

ACTING SPEAKER AUBRY: Mr. Norris on the bill.

MR. NORRIS: Last year we had a very nice debate with Ms. Walker. I would like to congratulate her on becoming the Chair of the Election Law Committee and I look forward to working with her in that capacity, but when we debated the bill last time, there were several agencies that I asked to be considered to be incorporated into the statute. And under this Chapter Amendment, only one was added in at all and that was SUNY colleges. But Ag and Markets for our farmers, the Department of Taxation and Finance where people fill out their tax forms, the DEC where people have fishing and hunting oversight, that agency, the Empire State Development Corporation where businesses apply for economic development, our

pistol permit offices where people apply for their pistol permits, the Alcohol and Beverage Control Office where there's oversight of our liquor licenses for businesses, the Real Property Services Office where people go and they fill out and get help for their STAR exemptions, small business centers and economic development centers, and also professional licensing agencies such as where real estate brokers and attorneys and other members may fill out their licenses. None of these agencies were incorporated into this Chapter Amendment, and I just find it very discouraging that these agencies who deal directly with taxpayers are not incorporated into the statute; however, the Governor must be in a three-way agreement with both Houses wanted to make sure the SUNY colleges were in there. I don't see anything in here about private colleges or vocational trade schools where they may also get TAP funding.

I also have a few concerns regarding the original bill in terms of the administrative burden on these agencies to actually implement this process. And though there were two minor changes, which were good in terms of notifications from the Board of Elections, there's still a tremendous cost factor in having this automatic voter registration system put into place. Also, in that last debate that we had, we had a long discussion on the opt-out box. And if right now -- or previously or -- I guess, you would have to affirmatively say "I want to register to vote," and under this provision the opt-out would prevail. Also, a lack of signature requirement, if you put in the automatic voter registration through the agency but no

signature, you're still registered.

I am also concerned regarding the default in terms of criminal liability through the automatic voter registration system. You get a warning right now on the current voter registration card. The first question is, "Are you a U.S. citizen, yes or no?" Right underneath, "If you answer no, you cannot register to vote." It's very clear in that registration. Under the automatic voter registration bill, there's also an additional warning that flashes supposedly on the screen, or the individual who's processing the form has to be notified of that, "If you're not a U.S. citizen or if you are here illegally, you cannot fill out this form." Despite these two warnings, there is in the statute, unless you knowingly and willfully register to vote when you shouldn't have, that's the only standard, otherwise you're not guilty of a crime.

So, again, I just raise these concerns on the record for a second time. I hope that we can work together in a cooperative fashion to examine these issues. And I have concerns that none of these issues were really worked on during the Chapter Amendments and the verification and the safeguards from fraud are still there. And we have to make sure that we have provisions in place, the safeguards and the verification of the signature to ensure that all voters have the opportunity to vote in a proper --

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

MS. WALKER: (Mic not on) -- request that Mr.

Norris answer a couple of questions?

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

MR. NORRIS: Of course, Ms. Walker.

ACTING SPEAKER AUBRY: Mr. Norris yields.

MS. WALKER: Thank you, Mr. Norris. So I would say that your recitation of your concerns, which are properly submitted on the record for the second time are duly-noted; however, Mr. Norris, one of the concerns that you brought up spoke about the -- spoke about additional agencies that you would like to recommend for inclusion in the automatic voter registration bill. Do you acknowledge, sir, that there is a provision that allows for a study to be conducted on the agencies that have been included, as well as a process that can be taken in order to include these additional agencies that you suggest?

MR. NORRIS: Ms. Walker, I will acknowledge that in the bill and now in the -- it was one year. Now it's a two-year provision that the Governor in the Governor's discretion has the ability to say whether or not they want certain agencies incorporated or not. My point is is that Governors will change in time, this will be a permanent statute and that we should incorporate like all the other agencies, the Social Services Department, the New York City Housing Authority, and so on, that are already enumerated in the statute, these also should be included specifically in the statute. So I will acknowledge to you that there is review by the Executive, a one-year

currently, this Chapter Amendment would be to a two-year; however, I believe that they should be specifically in the statute.

MS. WALKER: Thank you, Mr. Norris. Will you yield for one more question, please?

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

MR. NORRIS: Yes.

MS. WALKER: So thank you for that acknowledgement, and I do understand that this bill, as in all legislation, is a living and breathing document and it allows for all of us to have an opportunity to revisit things that we may believe will make our bills and the laws of this State more progressive. I also want to bring your attention to another portion of the bill. Do you acknowledge, sir, with respect to your discussion on the signature, that if your signature was not transmitted at the original time of the application, that if you sign your affidavit ballot envelope, subject to perjury, then the Board of Elections has your signature at that time?

MR. NORRIS: Yes, I'll acknowledge that in the incorporation of the bill that that provision is there; however, I believe that it should be submitted at the appropriate moment of the transmission of the original signature to ensure proper verification going forward so it's there. But I will acknowledge for the record that in the provision, someone could submit an affidavit ballot as part of that transmission.

MS. WALKER: Thank you, Mr. Norris. In the spirit

of collegiality, I want to just note that your concerns and discussions are always respected and expected, and I look forward to collaborating with you on making sure that, you know, people who show up at these agencies are able to be registered to vote and that we are removing adequate barriers to make voting efficient and accessible for all, but I do look forward to continuing in a dialogue with you. Thank you, sir.

MR. NORRIS: Thank you, Ms. Walker, I appreciate the opportunity to answer your questions and, again, just on the bill, I noted my concerns for the record and I encourage my colleagues to vote against this Chapter Amendment as much more work needs to be done on this bill. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Norris.

Mr. Reilly.

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

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

MS. WALKER: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Ms. Walker. After reviewing the bill, I saw that it postpones the enactment for the agencies except the Department of Motor Vehicles. The question I have is with the Executive Budget and if it moves forward, and I know I'm moving a little ahead, if the Executive Budget is included in both



the Senate and the Assembly House and we pass it, there will be a fee instituted for online services with the Department of Motor Vehicles. Is -- would that be seen as an obstacle for registering voters since there would be a fee for that online application?

MS. WALKER: Already -- there's already a fee for many of the encounters that folk have at the Department of Motor Vehicles, and we are not eradicating other forms or opportunities for folk to be registered to vote. So, you know, it's -- it's -- I don't believe that there's any additional burden and/or obstacles; there are still other opportunities. This just makes it easier, more effective, and registers many more individuals to vote.

MR. REILLY: Okay. So -- so we don't think that that -- this would be seen as any violation because it would be a fee just for using online services at DMV. That's not including the, you know, licensing fees and fees for registration for motor vehicles or for boats, but simply just using an electronic device to process that transaction.

MS. WALKER: Well, if it was up to me, Mr. Reilly, there would be no fees for any of those particular transactions, but I just don't believe that this is the jurisdiction of this particular piece of legislation to address fees, but there is an appropriate opportunity for you to address those concerns at any one of the particular and relevant Committee hearings on the budget, sir.

MR. REILLY: No, I appreciate that and I definitely will raise those concerns, but I think this is specifically a question to

access for voter registration that I wanted to make sure is -- is highlighted because if we try and have the most nonrestrictive voter registration, I think having that as an online fee and the ability to register may be some concerns and some may raise an issue with it, so I figured I'd just highlight that.

MS. WALKER: Thank you.

MR. REILLY: So, thank you for -- thank you for your time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

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

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

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LAWLER: Thank you. If the objectives of this bill is to make it easier for New Yorkers to register to vote, shouldn't we proactively identify all of the agencies in the laws -- in the law as opposed to allowing for a study in prolonging that?

MS. WALKER: Well, it would be my expectation and hope that we are able to get to a point where every agency, City, State, town, village or otherwise where we have automatic voter registration, but I also recognize that this bill, just like many other bills, takes time to get across the finish line to where it is that we all

expect it to be, and so I join in with you in working to get more agencies to be included.

MR. LAWLER: I appreciate that. When looking at the agencies, can you explain why you believe, based on the current law and the Chapter Amendment, why some agencies are more meritorious when it comes to inclusion in automatic voter registration, say SUNY versus pistol permit offices or small business centers or the Department of Tax and Finance or DEC?

MS. WALKER: I don't believe that the agencies are weighted with respect to whether they're meritorious or not. It's just a matter of these are the particular agencies that are included in this particular legislation. Of course, you know, you are always available in your capacity as a member to include in whatever bill that you bring forward to include any bills that you see fit.

MR. LAWLER: Okay. On the issue of SUNY, then, what was the determination to include SUNY here? Why did you choose SUNY as part of this bill?

MS. WALKER: Well, we believe that SUNY collects the requisite information that would be available and necessary in order to accomplish automatic voter registration and, you know, it is our expectation that we are encouraging more people to engage in the electoral process earlier, as early as possible. And, quite frankly, it would be my hope that we also include high schools since we can now pre-register 16- and 17-year-olds to vote. So, again, I look forward to doing everything it is that's possible in order to make

sure that voting and registering to vote is as accessible to as many people as possible.

MR. LAWLER: Okay. Thank you, and on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Thank you, Mr. Speaker. I think the idea of automatic voter registration is laudable in trying to ensure that our residents have the ability to vote in our elections, those who are legally authorized to do so, and eligible. I think what is interesting about the original bill, and here the Chapter Amendment, obviously, is which agencies are deemed meritorious, and I use that word because it seems that there is a deliberate method behind why certain agencies are chosen and why certain agencies are excluded. And I think oftentimes it has to do with, you know, which political persuasion may utilize certain departments as opposed to some other departments based on -- on issues and policies.

And so, I think it's important if we are going to pass legislation that ensures automatic voter registration that we do that for all New Yorkers, and that we don't discriminate against New Yorkers based on the agencies they may use or not use, and that we pass legislation that makes the process fair and equal for everyone. And so that -- I will be voting no on this piece of legislation as I think it does not do what it is intended and, in fact, I think it deliberately goes against the process of ensuring equal and fair elections.

ACTING SPEAKER AUBRY: Mr. Lawler, thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print No. A02574. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally voting no for the reasons that were articulated earlier, but if we have members who would like to support this amendment, please call the Minority Leader's Office right away. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority generally always supports opportunities for people to get access to being able to register to vote; however, if there are colleagues that would desire to be an exception, please feel free to contact the Majority Leader's Office and we will make sure that the Speaker is apprised of it. Thank you.

ACTING SPEAKER AUBRY: Thank you, ma'am.  
(The Clerk recorded the vote.)

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I'd like to commend the sponsor of this bill for putting this bill together,

because I know it's taken many years. We should always make voting easier and simpler, and this is one more step in that direction. So, I would like to congratulate the sponsor for this bill and urge my colleagues to vote for it, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I appreciate my colleague's desire to expand the number of registrations across New York State; I think it's a very laudable goal. And I appreciate that this Chapter Amendment extends the effective date of automatic voter registration for another year, which I think is also positive, because it gives us another year to address some of the issues that have been raised. And if we truly want to register more people in New York State, then we should make automatic voter registration available not just in those agencies that cater to people who are seeking benefits from government, but also to those agencies that serve the taxpayers.

So it seems that if we're serious about encouraging everyone to register to vote, we want to make sure that opportunity applies if you pay your property taxes or your New York State income taxes, or you seek a license so that you can practice in New York State or run a business in New York State. So, not just those who are seeking money from New York State should be -- have the opportunity to have automatic voter registration, but also those who are footing the bill and paying taxes. So over the next year I am

hopeful that all of my colleagues on both sides of the aisle that want to maximize the number of people who are registered to vote will join me and my colleagues in expanding that opportunity to include all those agencies and entities that typically deal with those who are not seeking money from New York State but are paying money to New York State through their taxes.

So, again, I appreciate the overall concept, look forward to working with my colleagues hopefully to expand voter registration and ensure that everyone has that opportunity. In the meantime, I cannot support this particular version. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I see we have a hand up here, I'm not sure if it's --

ACTING SPEAKER AUBRY: I'm sorry, Ms. Wallace.

Ms. Wallace needs to be unmuted, I believe.

MS. WALLACE: Yes, thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I do support this legislation and I want to thank the sponsor for putting it forward. I just, like my colleagues, I also support opportunities to expand access to the ballot and I believe this is a step in the right direction. I only rise to speak to say I do have a concern that -- that there might be people who inadvertently get registered to vote, and I want to make

sure that they don't get penalized for doing so. I know that the bill does try to address that. I also have a bill that would require the DMV to work with the Board of Elections to make sure that provisions are made so that people don't accidentally register to vote when they don't mean to, for example, if they're not a citizen they don't inadvertently check the wrong box or fail to uncheck the box.

And so, I would just sort of suggest that we encourage our agencies to work together with the Board of Elections to make sure that that does not happen, but I will be voting in the affirmative because I think this is the step in the right direction. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

And now Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have a few exceptions, if you can please duly-note them: Mr. Santabarbara, Ms. Woerner, Mr. Jones, Ms. Griffin, Mr. Stern, Ms. Buttenschon and Mr. Cusick.

ACTING SPEAKER AUBRY: So noted.

Ms. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker. I want to commend the sponsor for introducing this bill. She has been a tremendous leader in expanding access to voting in our State and (unintelligible/mic cutting out) and to be active voters in the Democratic process. So I support this bill. I think it's certainly a right



step in the direction that we need to go to make sure that we are lifting up every voice in this State. So thank you so much.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03011, Rules Report No. 12, Budget Bill. Amends the 2020-2021 Aid to Localities Budget.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk -- on a motion by Ms. Weinstein, 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 Senate Bill No. S02511. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers 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. A03207, Rules Report No. 13, Bronson, Heastie, Peoples-Stokes, Lavine, Stirpe, Dinowitz, Cymbrowitz, Richardson, Jean-Pierre, Reyes, Epstein, Cruz, Gottfried, Weinstein, Nolan, Abbate, Cook, Glick, Aubry, Cahill, Englebright, Galef, Perry, Pretlow, J. Rivera, Cusick, Benedetto, Lupardo, Hevesi, L. Rosenthal, Zebrowski, Thiele, Weprin, Quart, Fahy, Kim, Otis, Solages, Steck, Davila, Pichardo, Barron, Bichotte Hermelyn, Joyner, Seawright, Walker, Hyndman, Barnwell, Carroll, De La Rosa, Dickens, Niou, Pheffer Amato, Vanel, Wallace, D. Rosenthal, Taylor, Darling, Fall, Fernandez, Frontus, Griffin, Jacobson, McMahon, Sayegh, Anderson, Burdick, Burgos, Clark, Gallagher, Gonzalez-Rojas, Jackson, Kelles, Lunsford, Mamdani, Meeks, Mitaynes, J. D. Rivera, Septimo, Sillitti, Souffrant Forrest, Zinerman, O'Donnell, Rodriguez. An act establishing the "COVID-19 Emergency Protect Our Small Businesses Act of 2021"; in relation to eviction proceedings; and to provide for the expiration of certain provisions upon the expiration thereof (Part A); and in relation to foreclosure proceedings; and providing for the expiration of certain provisions upon the expiration thereof (Subpart A); in relation to tax sales; and providing for the expiration of certain provisions upon the expiration thereof (Subpart B); to establish hardship declarations for owners of commercial real property; and providing for the expiration of such provisions upon the expiration thereof (Subpart C) (Part B).

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, 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 --

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Will the sponsor yield for a question?

ACTING SPEAKER AUBRY: Mr. Bronson, will you yield, sir?

MR. BRONSON: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Bronson yields.

MRS. PEOPLES-STOKES: Mr. Bronson, first of all, I want to thank you for introducing this piece of legislation. As you duly-note, I am a sponsor of it and I'm excited about its passage, but just for clarity purposes, if you could talk a little bit about -- I know that there's no specificity on who has access to this, it's just business in general across the State, small business, but I also do know that when there were small business opportunities at the Federal level, they all seemed to go to businesses that either had the capacity to hire consultants to get them through the process and/or had a better access than a lot of Minority-owned businesses and/or women-owned businesses. And so I'm wondering your thoughts on that and how this as a process can be more beneficial to not just some of the businesses, but all of the businesses.

MR. BRONSON: Sure, that's a very good question,

Madam Leader. What we're trying to do here is to give a pause to small businesses who are suffering under the mandates to close or to reduce their hours, operational mandates, things of that nature which has then reduced the revenues coming into the small businesses, to no fault of their own but because of the pandemic. We have tried to safeguard all of these small businesses by having a requirement, number one, that there would be a 60 day moratorium on all evictions and tax and mortgage foreclosures and then beyond that, up until May 1st if there is a showing of hardship and the tenant gives a hardship declaration, then there would be a stay on proceedings until May 1st, 2021.

This is where we're trying to capture all small businesses because a notice by a landlord has to be -- whenever there's a notice, there has to be the hardship declaration attached to that notice; second, if there's any proceeding that is filed in court but has not been implemented yet, then the court has to give that notice to every small business. And then lastly, if a landlord were to file a petition, they have to declare that they've provided the notice to the small business tenant and the tenant has not signed that notice, and then the court, after that, is obligated to confirm that that tenant received the hardship declaration and has had time to reasonably decide whether or not they wanted to sign it.

So in that way, we believe any small business that would be captured under the definition of "small business" within the legislation, that we're getting that notice out to them.

MRS. PEOPLES-STOKES: Thank you, Mr. Bronson. For the record, you know, now more than ever, people actually watch our proceedings. And so if you could, describe what that small business is that -- who is eligible for this legislation that we are about to consider.

MR. BRONSON: Yes. So for the purposes of eviction, the small business is a commercial tenant that is a resident of the State, independently owned and operated, not dominant in its field and employs 50 or fewer persons, that's the key right there is we're defining "small business" as 50 or fewer. Now, if the small business is a landlord and is renting to commercial tenants, there it's 15 employees or less and they can't have more than ten units that they're operating. And those -- those folks would be protected against mortgage foreclosures and tax lien sale foreclosures.

MRS. PEOPLES-STOKES: Thank you, Mr. Bronson.

MR. BRONSON: Thank you, Madam Leader.

ACTING SPEAKER HYNDMAN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HYNDMAN: The Clerk will record the vote on Rules Report No. 13. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference has a great deal of support for small businesses, and you may recall just last week I think we offered an amendment to a bill that would accomplish exactly the same. Unfortunately, that amendment was turned down at that time and we're glad to see that it's being reconsidered. And the Republican Conference has introduced legislation that provides specific financial relief for small businesses, relief that would help them through this crisis. And we welcome bipartisan support on that small business relief package.

Unfortunately, even though we have a lot of support for this bill within our Conference, I will be voting no because this bill fails to reflect the other concerns that we raised on the residential moratorium eviction. So, there's no requirement of a good faith effort on the part of the small business seeking this benefit. There's no requirement that the small business has sought any financial aid that's available from the State or Federal government to offset these liabilities. There's no requirement that the small business be making partial payments toward this. There's no income verification, it's an unverified statement of hardship; there's no due process for that statement to be reviewed. And there's Constitutional issues about impairing the validity of an existing contract. And so for those reasons, I'll be compelled to vote no, but I do recognize there's

tremendous support on both sides of the aisle to help our small businesses, and I look forward to working with the sponsor and my Democratic colleagues on a package that actually provides financial relief, not just kicks the can down the road, but provides financial relief for all of our small businesses and other employers. So I look forward to that bipartisan cooperation as we move forward. Thank you very much, Madam [sic] Speaker.

ACTING SPEAKER AUBRY: Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. I rise to explain my vote. I'd like to thank the sponsor of this legislation, Assemblymember Braunstein [sic], for his foresight and understanding that in this moment, our small businesses are struggling, and when our small businesses struggle, our communities struggle because small businesses are the economic engine of the State of New York and we need to support them in this moment. I have met with small businesses across my district in the first week-and-a-half that I was in office. I listened to small business owners and leaders who are really, really struggling and hurting in this moment, who can't afford to pay their -- their -- their staff wages, who can't afford to pay their rent, who have been totally disrupted by this COVID-19 pandemic. The industries of personal care, that includes my local barbershop and everyone's local barbershops here across the State, and hairdressers. The restaurant business has been negatively impacted and hurt throughout this process.

So, I think that this bill really provides them the

security that they need to ensure that they're not facing an eviction and/or foreclosure in this moment. This is not something they should worry about. This is -- they should be focused on making sure that they can, you know, resuscitate their businesses as they're struggling in this moment, and this is just one less worry for them. However, I do think that we need to support additional legislation to provide financial, you know, resources for them so that they can truly, truly recover. That's why I'm going to also -- I am going to vote in the affirmative on this bill, but I also will encourage my colleagues to support legislation that will provide financial support for these businesses in this moment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I want to thank the sponsor for bringing this forward. I know not just in my district, across the State small businesses are struggling every single day. I see it all the time with businesses -- favorite businesses of mine just closing, all these small businesses that we're losing. I think this is an important first step, but I want to support the other two speakers, Mr. Goodell and Mr. Anderson's point of, like, really needing financial relief. We need to save our storefronts. We need to save our small businesses. And that means for a lot, we need rent relief, we need support, we need to do as much as we can in this budget and in this time to assist them. We



could lose upwards of 70 percent of all of our small businesses unless we act.

We also see that a lot of our small businesses, especially businesses owned by owners of color are not getting the Federal relief, they're not getting the PPP loans, they're not getting the assistance they need. They need the State to step in and help them and that's exactly what our job is today. We forced them to close, we need to help pick up the pieces for them. I support this bill as an important step, but I applaud our efforts to do more to save our storefronts now. I vote in favor of this bill and thank the sponsor.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Gallagher.

MS. GALLAGHER: Hi. I am also voting in the affirmative, and I'd like to thank my colleagues who spoke before. I feel very similarly to them. I am in a district where there have been over 100 small business closures in the last year ranging from businesses that opened the year before to businesses that have been in the community for 50 years. And I have been urged time and again desperately for some kind of relief from these business owners. And I even heard the story of one business owner who is defaulting on his own apartment's rent in order to pay the rent for his store and to pay his employees enough so that they can pay their rent. So the choices that people are having to make in this community are completely unreasonable and I think that in a pandemic, we need to all work

together and really make sure that we're giving everyone room to thrive and to survive, and that's just not what's happening with all of the bills coming up time and again every single month for these businesses that cannot operate. So, please, please see this as a first step and not a final step. I'm looking forward to more legislation to helping small business owners, and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote. Echoing many sentiments of my colleagues today, we need to do more for our small businesses. They have been hit the hardest during this pandemic, forced to close many of them with fear of not being able to open up again once this pandemic is over. So this is certainly a good first step, but real rent relief, real revenue relief is something that we need to look forward to and certainly work towards if we really want to help our small businesses get out of the hole that they're in right now. So thank you, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. I'm very torn on this bill because I think, obviously, we all recognize the need

to help small businesses during this -- this crisis and give them as much support as we can. So many of our friends and neighbors have been struggling, some of the decisions being made by our State government have restricted business significantly and the ability for small business owners to operate. Restaurants and bars have been shut down, it's been difficult for them to pay their rent, to operate, to employ their staffs. So it's -- it is a laudable bill in what it is trying to accomplish.

I think Mr. Goodell outlined a lot of the problems with the bill, and a large concern that I have is a lot of commercial real estate owners are, in fact, themselves small businesses. And this bill, while extending through May 1st the ability not to evict somebody for -- for no payment, these commercial real estate folks, many of whom are small business owners themselves, are going to be unduly hurt by that. And I think there really needs to be effort made, as Mr. Goodell outlined, in this legislation to -- to ensure that people are doing their very best in a good faith effort to pay their rent and to uphold the contract that they have engaged in with the commercial landlord.

So, I'm going to vote no on this because I just think this bill does not address many of the concerns and -- and unduly puts pressure on a lot of commercial landlords, and -- and I think we need to take that into account and ensure that there is a good faith effort. So I vote no.

ACTING SPEAKER AUBRY: Mr. Lawler in the

negative.

Ms. Giglio.

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

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

You're explaining your vote, we are voting.

MS. GIGLIO: Yes. As a small business owner and speaking to several small business owners, they're having a hard time paying their rent and keeping up, but they are making partial payments and they are doing their best. As our population gets vaccinated and as people feel that they are comfortable enough to go out and our businesses can start to be revitalized, I think it's important that we protect our main streets and keep the stores occupied. I -- I believe that all the colleagues and all the comments that have been made today are all valid, and I would hope that the sponsor of the bill would recognize some of them and that we would also keep into consideration that commercial revenue is -- their real property taxes that they pay is based on commercial revenue. And if the money is not coming in, you can be sure that they'll be lining up to grieve their taxes. And that is going to put a significant impact on our local assessors and the amount of money that we take in to the municipalities.

So with all that into consideration, a relief package for the commercial business owners should also be a consideration in order to protect the tax rolls and the tax warrants for the individual townships. That's all, thank you. And I will be voting in the

affirmative, but I hope that the sponsor would hear and validate all of the comments that are made today and try and incorporate that into an amendment. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio in the affirmative.

Mr. Durso.

Need to be unmuted, Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. I just wanted a quick chance to thank the sponsor on this bill. I feel that anything we can do help our small businesses at this time is helpful and greatly appreciated. As somebody that lives in a town that has been stuck in a yellow zone since November, some of our small businesses have really been suffering and they're not sure when they're coming out of that zone. So, anything that we can do now and in the future to help some of our small businesses bridge the gap, I'd love to work with both sides to get those things done. And on that note, I'll be voting in the affirmative and I thank you.

ACTING SPEAKER AUBRY: Mr. Durso in the affirmative.

Mr. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker, to explain my vote. First I want to correct the record. I misstated and said in the area of foreclosure it was only 15 or less employees; it's 50 or less employees. So, just so that the record is clear there. You know, it's interesting that I hear comments about, you know, the need to have

some financial assistance for these small businesses when our Federal Administration failed to do what they needed to do through the PPP Program and other programs when we needed them. And here we are in 2021, so I hope under the new Administration that that approach changes from the Federal government. In addition, the concern about folks taking advantage of this, they have to sign a hardship declaration that specifically says they're signing under penalty of law and they could be charged with a misdemeanor if they falsify that record.

I want to thank the Program and Counsel staff and the Speaker for bringing this bill forward and allowing me to take the lead on this bill. You know, small businesses in New York employ millions of individuals and, in fact, they employ roughly one-half, one-half of all the private sector employees in this State. They are the backbone of our State's economy and we have to make sure we help these small businesses while they are trying to endure this pandemic with closures and additional operational regulations and things of that nature.

This is an emergency measure to create a pause, a relief to small businesses so they can get back on their feet. This measure will give them a shot at survival, an opportunity to get back on their feet instead of being closed down. Without this legislation, millions of New Yorkers that work for these small businesses will no longer have a job. We need to help small businesses so they can continue to employ our family members, so that they can provide for their family members. That's what this bill is about.

So, it may not go far enough, it may not do all that you want - and we have a lot of work to do - but no one should be voting against this bill. No one should be voting against small businesses and no one should be voting against the workers. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to Mr. Simpson, Mr. Lawler, and Ms. Walsh, the following Republicans are voting no on this legislation: Mr. DiPietro, Mr. Friend, Mr. Byrne, Mr. Walczyk, Mr. Tague and Mr. Smith. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We have some Majority colleagues who would like to be exceptions, as well. They are Mr. Jones, Ms. Woerner, and Ms. Buttenschon.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Also please record Mr. McDonough in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03350, Rules Report No. 14, Joyner. An act to amend the Labor Law, in relation to actions for non-payment of wages.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill provides that a general contractor would be directly liable in the event a subcontractor fails to pay all the wages, benefits, premiums or any other payments due to an employee of the subcontractor. And while the intent is laudable, there are several very practical concerns regarding this legislation. First, it requires the general contractor to pay those employees of the subcontractor that may have been working on the job site, but the general contractor may not even know who are the employees of the subcontractor at the job site. And some employees of the subcontractor may not even be working on the site, may be working off site on fabrication. Some of the subcontractor employees may be working on multiple jobs. And so, it's impossible for a general to know what the liability might be. The contractor has no employee assignment information, that's all within the hands and the knowledge of the sub, not the general. And while the subcontractor may keep



detailed records of their employees by job site, that information is not necessarily available to the general contractor; yet, under this bill well after the job was finished, the general could be facing liability.

So the first obvious problem is the general contractor doesn't even know the identity of the subcontractor employees. Second, the general contractor doesn't know what those subcontractor employees wages or benefits are. They're not employees of the general, they're employees of the sub. And the sub doesn't normally tell the general what they're paying their employees, that's often confidential information. And it can be complex information because the sub may be paying its employees different rates -- the same employee different rates for different work. So a sub might be paying an employee one rate if they're doing drywall work, a different rate if they're doing plumbing or electrical work. And there's no way for the general contractor to know what those wage rates are.

Likewise, the general contractor doesn't know what the benefits are that are being paid by a sub to the sub's employees. So the subcontractor might have an agreement, a private agreement on what the subcontractor is paying for a 401k or retirement or health benefits; yet, this bill makes a general contractor potentially liable.

Third, the general contractor, under this bill, would be liable for presumably tax withholding and FICA, but the general contractor doesn't have any of the tax information to even know what that withholding should be. So the general contractor doesn't know what the subcontractor's employees are -- are seeking in terms of an

exemption, how many dependents they have, or what that liability might be. That information's not even available to the general contractor.

Fourth, the general contractor doesn't know how much, if anything, has been paid by the sub to these employees for this particular job. So maybe the subcontractor's employees receive partial payment, maybe they've been paid in full. None of that information is available to the general contractor; yet, under this bill the general contractor should -- could find itself being sued months or years later by an employee who claims that they worked for a subcontractor and weren't paid and the general contractor has no information available to refute or defend it.

Fifth, there are situations where the owner acts as a general contractor, and you see this in municipal contracts where the municipality itself acts as a general contractor and pursuant to the Wicks Law has at least four subcontractors, right, HVAC, electrical, whatever. And so what happens. You get a certified claim, the municipality pays the claim in full, has no knowledge of any problems and then after the fact gets a claim from an employee that they didn't know was working on the job, or worked solely for a subcontractor, claiming they weren't paid in full. There's no way for the municipality to defend it, the municipality could end up paying double.

Is there anything under this bill that a general contractor can do to protect itself? And the answer is no, because the general contractor could go back to the sub and say, *I want a certified*

*statement that you paid all your subs in full, could get that certified statement, could go, You know, that's not enough. I want a release from all your employees.* Is that enough? The answer is no because this bill says that even a release signed by the employee of the subcontractor does not relieve the general contractor, the release is invalid.

And then we look at the impact. If a general contractor is responsible for the wages of a subcontractor, under Federal law that means the general contractor has to do the immigration review, has to do the I-9, has to make sure that none of the subcontractor's employees are here without work authorization or are here illegally. Because this imposes a huge, new obligation on general contractors with liability they can't control, it directly impacts the ability of a general contractor to get a bond. And the general contractors that have the most difficult time getting a bond are generally the smaller contractors, those with less experience and less financial resources; MWBEs are often at a serious disadvantage. So, this hurts the very contractors we want to help.

And it's important for us to remember even though we talk about the terms "general contractor" and "subcontractors," there should be no mistake on the floor of this Legislature that oftentimes the general contractor is smaller and has less financial reserves or financial strength than the sub. So if you hire a general contractor to let's say renovate your house or redo your kitchen or add an addition, that general contractor might have four or five employees,

might be a very small general contractor who subs out the electrical work to a large subcontractor, or the plumbing to a large subcontractor who does a lot of plumbing for a lot of different people. This bill doesn't take that into account. It says the general contractor is now the guarantee -- the guarantor of all the wages of a subcontractor, regardless of the size of the subcontractor, regardless of the fact that the general has no employment contract, doesn't know the wage rates, doesn't know the benefit cost, has no way of contacting or verifying it with the employee, has none of the information needed.

For hundreds of years, New York State has recognized that in contractual relationships we have what's called privity of contract, and that means you can't bring a breach of contract action against somebody who is not a party to the contract, but that's exactly what this legislation reverses. It reverses hundreds of years of Common Law experience and it says that an employee who has no contractual relationship with the general, who never discussed with the general what the wage rates ought to be, never had any conversation of any kind about what the benefits might be, can nevertheless sue the general for breach of contract, even though the general contractor paid the subcontractor in full.

Now, if we want to encourage general contractors to do everything they can to make sure that the employees of subcontractors are paid properly; yet, we still want to be fair to general contractors, then let's provide a safe harbor. Let's provide a provision that says that if the general contractor makes reasonable,

diligent efforts, if the general contractor gets a certification by the subcontractor that the employees were paid, if the general contractor has no reason or no reason to believe that the subcontractor's employees are paid, if the general contractor operates in good faith the general contractor should not be liable. But there is no safe harbor in this legislation. It makes general contractors absolutely liable for the payment of wages to subcontractors even though the general contractor does everything exactly right and pays the bill on time in full. And that is grossly unfair and, accordingly, I will be opposing this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker.

On the bill.

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

MS. GIGLIO: So as a construction company, management company, as a private construction management company and a union member, I have had the opportunity to speak to both sides of the aisle on this bill when it comes to private construction companies versus union construction companies. And there are many problems with the bill. One of them is the time limit to where somebody can say that they didn't get paid. So is it two years? Is it two months? Is it six months? When a general contractor is holding a retainer and not paying the subcontractor in full because they want to make sure that all the suppliers and the -- that all of the people that are working on the job are paid, it's very hard to do if

there's no time limit on the bill to where you can report the wage theft.

Unions cannot lien jobs based on not getting paid their benefits. So if you get an out-of-State contractor to come into town and they hire out of the hole and they put people on the job, if the benefits are not paid, the only thing that they can do is call the union contractor -- the general contractor who may be a union company and say, *The employees haven't been paid and the benefits haven't been paid, and hold back some money so that we can cover these wages and these benefits.* Individuals can lien jobs for not getting paid, but unions cannot.

The bill is counterproductive when you're seeking performance for MWBEs. I am a WBE and I know how difficult it is to bond projects. The bonding cost will go up, the insurance cost will go up for general contractors, and -- and MWBEs may be excluded from the process and all the general contractor has to do is say, *I tried and they couldn't get bonding.* So, it's counterproductive in the efforts of the State to include more Minority-Women Business Enterprises in the construction industry, and with the high percentage of goals on each project that the State is hoping to achieve.

I will be voting affirmative in the bill, and will hope that the sponsor will hear all of the -- it's a laudable bill, it is, but that the sponsor will work with the Committee to come up with an amendment that would address all of these concerns to protect not only the general contractors, the subcontractors, but also bringing the MWBEs into the process. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A03350. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally in the negative, but if our members or any member would like to vote in the affirmative, please so indicate on the floor if you're here on the floor, or call the Minority Leader's Office and advise them. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority members will be recorded in the affirmative. Should any colleagues decide to be an exception, please contact the Majority Leader's Office and we will duly note it.

(The Clerk recorded the vote.)

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

MR. LAWLER: Thank you, Mr. Speaker. This bill

is laudable, and wage theft is absolutely wrong and anybody who engages it -- in it should be held fully accountable for doing so. I think as Mr. Goodell outlined, there's several serious concerns with the provisions of this bill, and I think that there most definitely needs to be a safe -- safe harbor provision to ensure that if the contractor does, in fact, make every effort to ensure that employees are paid their wages through the subcontractor and has assurances, and that subcontractor does not uphold their end of the bargain that that contractor should not be held liable. The subcontractor should be held liable and all remedies should be taken to ensure that those employees do, in fact, receive their wages.

I am hopeful, as we've seen with so many bills so far this year, that we will get a Chapter Amendment on this bill to actually ensure that that does occur and that there is a safe harbor provision. I will be voting no on this bill, but I certainly will vote yes if we do end up getting a Chapter Amendment in the future.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. I'd just like to explain my vote.

ACTING SPEAKER AUBRY: Please, sir.

MR. MANKTELOW: As I -- as I read through this again today and looking at it, and thinking about contractors and subcontractors and, you know, depending on what the job is and,



again, somebody should be held accountable for doing wrong. And if the subcontractor does not pay his or her employee for doing the job that they did, they should be held accountable. And especially if this is a government job where we're talking prevailing wage. If we're using prevailing wage and I'm taking State money and paying a subcontractor to do the job with State funds, taxpayer funds, and that subcontractor decides not to pay those employees, then as far as I'm concerned he's stealing from New York State, he's stealing from the New York State taxpayers.

So, we should do everything we possibly can on this floor to either do an amendment, as was just talked about, or making changes where we go after that subcontractor. Why on earth are we going to give the subcontractor a pass because he withheld money and we're going to go after the contractor. It's just absolutely ludicrous that we are hurting the person that's making sure the job gets done and is being done right. I think we, as legislators, have a responsibility to make sure that if -- if we are using funds, and especially State funds, that that subcontractor is held accountable.

Again, as we've seen over the last couple of years, we probably will see an amendment to this because I know that these contractors aren't going to do the jobs, that there's no way that they can constantly do this, all the paperwork, all the rhetoric and everything else is involved and now, by the way, they're held responsible for the subcontractor's employees?

So I just want to say I will not be supporting this

piece of legislation, this bill, and I hope that -- and I urge other colleagues not to for just some of the reasons we've talked about today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Ms. Joyner to explain her vote.

MS. JOYNER: Okay. Thank you, Mr. Speaker, to explain my vote. Okay. Thank you very much for this opportunity to speak. As we all know, wage theft is a rampant problem with -- especially within the construction industry, because many construction workers are hired through informal agreements, particularly with subcontractors.

The reason for this bill is because many subcontractors are hiding their assets, changing their corporate identity, filing for bankruptcy or disappearing, and then the employee is left with little to no recourse. This bill will help level the playing field for workers in the construction industry by ensuring that contractors are held liable for wage claims. In 2016, DOL recovered \$6 million in wages illegally withheld from employees.

To -- to address some of the issues that were previously raised, there is a six-year statute of limitation under Section 198 of the Labor Law. The argument about the MWBE is a red herring. If you are a good actor paying your employees wages and not cheating workers, there will be no obstacles to obtaining bonds and, in fact, I would say this bill (unintelligible/mic cut out) -- better. It will

encourage general contractors to thoroughly vet their partners and will reward businesses, owners, contractors, and subcontractors who play by the rules.

There was also an argument about there's little to no protection for general contractors. In my opinion, there's plenty of remedies right now that would help. General contractors can establish a system to properly vet subcontractors, subcontractors that most employees are unable to do because of the bargaining position. They can demand practices, financial data, payroll and wage claim history and, in addition to that, they can also use strong indemnification contract provisions to protect themselves. In addition to that, they can also require subcontractors to obtain bonds and under this bill, general contractors still have the ability to access court and recover any wages from the subcontractor.

Today with this passage of -- of this legislation, construction workers will have wage accountability and a much needed remedy that will make it a far -- make it far more likely exploited workers will be able to collect wages. And in closing, New York will join other states who have adopted this measure and I am in strong support of this bill and I urge my colleagues to also vote yes on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome.

Ms. Joyner in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the

following Republican members in support of this legislation: Mr. Barclay, Mr. Smith, Mr. Brabenec, Mr. Durso, Mr. DeStefano, Mr. Morinello, Mr. Montesano, Ms. Miller, Mr. Schmitt, Mr. Gandolfo, Mr. Byrne, Mr. Miller and Mr. Ra. 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. A03356, Rules Report No. 15, Bichotte Hermelyn. An act to amend the Election Law, in relation to reducing the numbers of signatures for designating petitions; and providing for the repeal of such provisions upon expiration thereof.

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

Mr. Jensen.

Mr. Jensen needs to be unmuted or --

MR. JENSEN: Thank you, Mr. Speaker. Will the sponsor yield for a question or two?

ACTING SPEAKER AUBRY: Ms. Bichotte, will you yield -- Ms. Bichotte Hermelyn, will you yield?

MS. BICHOTTE HERMELYN: Yes, yes I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. JENSEN: Thank you very much to the sponsor for yielding. In this legislation, there are a specific number of political offices and petition signature number requirements that are mentioned; however, in my community and my county, Monroe County, the vast number of our political offices up for election this year do not require a uniform number of petition signatures, offices such as our 29 county legislators, town offices. Their petition requirements for all parties are based on a percentage of votes received for that specific party's Gubernatorial candidate in the last election, in that specific political subdivision. My question is how are the signature requirements adjusted for these offices in this legislation?

MS. BICHOTTE HERMELYN: Okay. So, thank you for the question. So the purpose of this bill is to reduce the number of signatures. It amends the subdivision 2 of Section 6136 of the Election Law and it's to reduce the designated petition needed -- the signatures needed on the designating petition by 70 percent. That was something that was done in 2020 due to the COVID-19 pandemic. It was necessary to reduce the number of signatures required for the designating petitions. So the Governor via Executive Order had reduced the number of signatures by 70 percent, and now that Order has expired. So due to the ongoing public health crisis, currently the Legislature temporarily is, you know, we, we are trying to reduce the number of required signatures by 70 percent, similar to 2020, to allow candidates to organize their campaigns, petitions,

collect voter signatures while respecting the public health guidelines.

MR. JENSEN: I understand that and respect that and I certainly, in safety, limiting the amount of person-to-person interaction at the door is certainly advisable, but in the legislation we mention the specific offices of -- in New York City, counties or boroughs in the City, municipal courts in New York City, City Council in New York City, voters offices in cities and counties based on population, Congressional District, State Senate Districts, Assembly Districts and County Legislative Districts. And I want to raise your attention to two points: In the legislation it specifically mentions county legislative districts going from 500 signatures to 150, terrific. But in my community, many of our county legislators -- it's not 500 for anybody. It is all based on that former vote. So by dropping that number to 150, as it is written in the legislation, some candidates for office will actually have to get more signatures than if we didn't take up this legislation.

Additionally, none of those offices are towns. New York State has 932 towns and they're not mentioned at all in this piece of legislation. So I guess my question is what's the remedy to that oversight?

MS. BICHOTTE HERMELYN: Well, I don't know if it's bad oversight. Again, this is signatures. You're saying that your town and county there's a different way of doing the voting instead of signatures and by party. This is basically a 70 percent reduction across the board. So, the numbers that you see in this bill, if you do

the calculation of the original signatures required by the Election Law statute, you will see that we reduce it by 70 percent. That will give you the numbers, as you mentioned, like if it's, you know, 1,200 -- I'm sorry, if it's 4,000, it will go down to 1,200. If it's 7,500, it will go down to 2,250. And, as you mentioned, for us, if it's 500, it will go down by 150; again, reduction by 70 percent. This is a catchall provision in paragraph J of the bill -- hang on. If you look at J, it says, *For the office to be filled by all voters of any political subdivision except as herein otherwise provided continue within another political subdivision, not to exceed the number of signatures required for the larger subdivision.* So as you can see, this was something that we looked at across the board.

MR. JENSEN: Okay, so just -- and thank you for that explanation. I appreciate it and I can certainly understand the need for a catchall, because certainly, you know, your office isn't going to have encyclopedic knowledge of every elected office across New York State. So I just want to confirm a point of information. So, for the 21st Legislative District, Monroe County Legislature, the Democrat - and this was in 2019 so I would assume would be the same numbers - the Democratic candidate would have to get 313 signatures before the reduction and the Republican candidate would have to get 48; it's a very heavily Democratic area. So would the -- both the Democrat, Republican, and Conservative and Working Families candidates have their numbers reduced by 70 percent, or would that --

MS. BICHOTTE HERMELYN: I believe so. I can -- I'll ask, but I believe so because I do remember last year that was the case.

MR. JENSEN: Okay. And last year it was probably, there was more of a, with it being an even election year, probably more of the set numbers for the Legislature, Senators and Assembly. So now we have more jurisdictional offices in this off-year election. And I just want to confirm, so in the Town of Parma, the Democratic candidate needs 96 signatures, whereas the Republican candidate would need 167. Like I said before, the towns are not mentioned in this legislation, so would they be caught under the catchall provision that you previously referred to?

MS. BICHOTTE HERMELYN: Catchall provision, but there is a cap. You know, you will have to use a 1.5 percent of enrolled voters, capped by the number of enrolled voters.

MR. JENSEN: Okay.

MS. BICHOTTE HERMELYN: But there is a cap.

MR. JENSEN: Okay. Thank you very much, Ms. Bichotte Hermelyn and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Mamdani.

MR. MAMDANI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MAMDANI: I will be voting yes on this bill and I'm very much in support of the 70 percent reduction in signatures



required for designating petitions. I rise today to speak of my unease regarding two aspects of this proposed legislation. First, though this is a clear improvement upon the current law, I am uncomfortable with any law that requires person-to-person contact amidst the continuing reality of this pandemic. How can we in good conscience circulate health advisories encouraging people to stay home when we simultaneously mandate that the canvassing takes place across our State. It was only last year that at least four employees of the Board of Elections died from COVID, and we are legislators representing a State that is according to *The New York Times* has seen at least 42,090 of our neighbors die due to this disease, the most of any state in the country.

With that in mind, I ask that this be just one step in what we, as a legislative Body, do in the midst of this pandemic and beyond. This is why today I added my name as a co-sponsor to my colleague, Assemblyman Carroll's bill, 00623, that authorizes and directs the State Board of Elections to create an online petitioning system for designating petitions. This would not replace the existing system, but supplement it. In doing so, we would follow the example of both the State of Massachusetts and the City of Denver, Colorado who have permitted electronic signatures to be accepted for such reasons in light of this pandemic. Additionally, there is Arizona which has had such a system in place even prior to this pandemic.

Second, in addition to reducing the number of signatures required, this bill also alters the date of the petitioning

period and cuts two weeks from it. Prior to this bill, the dates were set as beginning on February 23rd and carrying through until the filing period of March 29th to April 1st. This bill seeks to remove two weeks on either side, having it begin instead on March 2nd and carrying through until the filing period of March 22nd to March 25th. While I understand that the currently set period overlaps with Passover, I have yet to hear a compelling reason as to why we must cut a week at the beginning of the period, nor why we cannot maintain the same length of the period at a non-overlapping time. I do not understand how such logic fits within the motivation of making this a less onerous process for campaigns. Thank you very much and, Mr. Speaker, it's Mr. Mamdani. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I, too, will support this legislation, although I have concerns very similar to those expressed by those who spoke before me. First, I do agree that it is a good idea to reduce the statutorily required numbers of signatures needed for a candidate to get on the ballot; however, the 70 percent reduction plays out very differently outside of New York City than it does in New York City. This bill reduces the number of signatures needed for someone running on an Assembly District to 150. An Assembly District in general has about 135,000 people; yet, it also reduces county legislator to 150. The county legislators in Westchester County represent approximately 55,000 people. So,

therefore, the county legislative candidate running this year in a much smaller area will have to get the same number of signatures as if they were running in an Assembly District.

Secondly, this legislation has a rather strange impact on towns and villages. My Assembly District has 49,000 Democrats, so it would need 150 signatures. My Assembly District is composed of two towns. One town has 37,000 Democrats. If you multiply the formula of 1.5 percent, this town would require 550 signatures. If you say that the man -- the maximum is the next subdivision, for whatever reason in Westchester County, the County Board of Elections has always applied the Senate number. So, therefore, this town with 37,000 Democrats would need to get 300 signatures. If you apply the 150 maximum from the Assembly, then they would need to get 150,000, even though the district is about two-thirds -- I'm sorry, 150 signatures, even though it's two-thirds of the Assembly District.

Now, that's the Assembly District requiring 150. But the other town in my district has 11,000 Democrats. If you were to multiply out the formula of 1.5, you would need 180; if you use the cap of the Senate, it would be 300. If we can convince the Board of Elections that the proper cap is the Assembly District, then it would be 150, but when you add the two together, that's still either 300 or 600 signatures where this legislation says in an Assembly District you only need 150. So this legislation, while it does help in certain circumstances, creates chaos in other parts of the State.

I guess the point I'm coming to is I agree with the

previous speaker that while it's okay to reduce the number of signatures, we need to add some alternative ways of achieving ballot status, ballot access this year. And I have a whole series of them I would ask that we consider in a future piece of legislation. I have been asked by some party leaders in Westchester County to allow the party, for one year, to anoint candidates, just like the Democratic State Committee does. Any candidate that gets more than 25 percent of the vote should automatically be put on the ballot. Secondly, we can find another way of showing interest. There could be a monetary threshold. If you get \$10 from 50 people in your district, maybe that's enough of a showing to be on the ballot. I have one candidate who regularly collects 3- to 4,000 signatures himself. He's the Town Supervisor. He called and said, *Please, I do not want to ask people for signatures. Let everybody on the ballot.* Or maybe let somebody put up a \$250 refundable deposit; if they get ten percent of the vote, they get their money back. And he's going to have a primary by someone who is going to have difficulty achieving ballot status if she had to get the signatures. But his view is we should not be reaching out to people at this time. I received letters - I have an active community - I'm sorry, e-mails from people saying, *I'm elderly, I'm a county committee person, I do not want to go out. I don't go out for any other reason, I really don't want to go out to get signatures.*

Lastly, Mr. -- Mr. Speaker, I would suggest that we could use a remote petitioning process, similar to what we have done with Notary Publics. We could allow people to sign a petition being

witnessed either on Zoom or Face Time or some other mechanism, have them put the petition in their mailbox, have someone pick up the petition and then sign on as a witness having watched the person sign remotely.

So what I'm suggesting, Mr. Speaker, is that while I think this bill is a good bill, it does help in certain circumstances, we, as an Assembly, should be going further, not asking people to go out and ask others for signatures. But rather, we should be finding other ways to get on the ballot in this pandemic year.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jacobson.

MR. JACOBSON: Thank you. On the bill. This bill goes a long way to dealing with the situation we have. And it's quite similar to what happened last year where the requirements were reduced to 30 percent. Now, there's been some -- a lot of words thrown out here in misunderstanding. It's not based -- none of the signature requirements are based on a Gubernatorial vote, they're based on the enrollment by party in the various districts.

Now, it's been said that we should do it a different way. Well, it's important. Getting signatures are important. There is contact, and I don't mean physical contact, but the fact that you're engaging with the public, it shows some minimum of support. Also, if we went to where there was just an endorsement, even at 50 percent of the party then we're saying, *Well, those that got endorsed don't have to*

*go out and the others do.* That would not be fair. If we have a monetary amount, it would be wrong. It could be considered a poll tax. Everybody should be treated equally. I don't want us to be like New Hampshire where we pay \$100 and all of a sudden you end up with 20 -- 50 people on the ballot, because you have so many, it really ends up no choice. There has to be some reason.

And concerning the different offices that are in the bill, what this bill does is that because previously, the offices that are listed, there are the maximum that were necessary. For example, it says five percent of the enrollment or to a maximum of different amounts so that in my county, for example, which has about 330,000 people, we would need 2,000 signatures, which is less than the five percent. Now with this bill, we're going to need 600. And the various amounts that are listed are there showing the maximum, not the minimum. It's the maximum. So what has happened with this bill is that the maximum is being reduced. And the requirements are the same as what we had last year when each one of us ran for election. So I don't think that we should ask people to do more, and I think it's fair that it's in the same amount.

Many of the small offices, whether it's members of a county committee or town council will be reduced a very small amount. People will be very inventive. If you have 200 people in a district, you need three signatures. I mean, you probably -- a lot of people will have that in their own household. So, there's a lot of things here that I believe are -- is a little -- are a little overblown,

though I know that people are saying it with well-intentioned motives. So, I think -- I would like to congratulate the sponsor of this bill. I'm very happy that we did this bill -- we're doing this bill early enough so that's those that are running for office this year can prepare early, so that the Board of Elections, that the boards know what is going to happen, and that we're able to proceed in a better way. So, I will be voting in the affirmative, I thank the sponsor for this bill, and I urge my colleagues to support it. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Burdick.

MR. BURDICK: Yes, thank you, Mr. Speaker. On the bill. I will vote in the affirmative, but I share the concerns raised by previous speakers. It's a step in the right direction but I, too, am concerned about the disproportionate impacts on some towns, as Mr. Abinanti had explained. There has got to be an alternative way for ballot access. Like Mr. Abinanti, I've had party leaders imploring us to avoid person-to-person contact in the middle of a raging pandemic. If we can have notarization performed remotely, why can't we have petitioning carried out remotely? Online petitioning, remote petitioning, all of these are examples of what ought to be able to be done at this time. And there's so many ways in which this can be done, and people are looking to us to bring our system into the 21st Century and while I commend the writers of this legislation for the steps forward, I would just ask that we go ahead and try to improve further on the system that's being developed. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: On the bill.

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

MS. BICHOTTE HERMELYN: Thank you, Mr.

Speaker, on the bill. First, I'd like to say that this bill, again, would reduce the number of signatures for designating petitions by 70 percent for the upcoming election cycle. Again, it would allow the candidates to organize their campaigns, to get petitions, to collect voter signatures while respecting the public health guidelines. This bill does shorten the period to circulate petitions by two weeks, one week at the beginning and one week at the end, March 2nd to March 27th. It changes the dates of filing the petitions to coincide with the last week of the petition period. And, again, we did this to take into account of Passover.

As we all know, this past year has been one filled with much tragedy and death, especially in our most vulnerable and low-income communities, we cannot allow us as a society to create a situation where people are put in danger needlessly. We must minimize the interactions between people as much as possible, especially (unintelligible). And Democracy is this Republic's core foundation, and free and fair elections and robust campaigning define us.

We are in the midst of the second year of this deadly pandemic and as last year, we lowered the threshold to get on the



ballot and still maintain a strong and safe way to have candidates who so desire to get on the ballot, and we must do the same again this year. This legislation will keep New Yorkers safe during the pandemic. In March, the Executive reduced the number of petition signatures to 30 percent of the statutory threshold; however, that Executive Order will expire in a matter of weeks. Unfortunately, we have witnessed a delayed vaccine distribution due to a shortage of vaccines received from Federal government under the prior Administration. Due to the delay in the vaccine, we do not expect to reach herd immunity until the summer, at best, which will be after the Primary. This puts us in a precarious situation. We are also in the second wave of the virus and with a new strain of coronavirus, the future is unpredictable. So, we must protect each other. We must follow sound, medical advice.

Again, the numbers for City Council candidates would need 270 signatures rather than 900, according to New York State Election Law statute; for Congress, candidates would need 375 signatures rather than 1,250; for State Senate, candidates would need 300 signatures rather than 1,000; and for Assembly candidates, would only need 150 signatures rather than 500. I ask my colleagues to join me in supporting this bill for the health and well-being of our State, fellow government officials and aspiring officials and organizers. Democracy is so fragile, and as we have seen lately, so sacred, that we must do everything in our power to keep it strong and vibrant, and also maintaining health precautions. I believe we can be both protective of our Democracy while maintaining proper health

precautions. It is our hope that this pandemic ends speedily in our time.

Thank you, 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 Senate Bill No. S02733. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I just want to applaud the sponsor of this bill today. This is a really important piece of legislation. We've seen so many New Yorkers perish over the past year, and reducing the signature requirements is an important step. We want to put as few people at risk as possible, but ensure the integrity of our election system. Time after time again, we've seen people who are making choices because of obligations that they have. Here we're saying you can run, be a part of the election system, but do it safely. This is an important step and I hope we continue down this path to think about health and safety for all our New Yorkers. I applaud the sponsor and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the

affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for an opportunity to explain my vote. I have a recent -- been receiving a lot of communications about this process that we go through to get ballot access, and there were a number of recommended changes that were made. I think we've come up with the best solution today. Although to be quite honest, I think if we were in the same situation today that we were in last year, we might want to consider some of these other recommendations that are being made, but thank God we're not. Unfortunately, we did not have the best information at this time last year coming from our Federal government and so, state-by-state, we had to figure out how to manage with this horrific virus. And have we completely figured it out yet? No, we haven't. But what we do know is that there will be elections coming up and that the people do need to have access to get someone on the ballot. Candidates need to have access and voters need to understand who it is that would like to have their vote. There's nothing like the opportunity to engage with a voter, asking them for their support just by a signature. Is that more difficult to get? Yes, it is, but it's also more difficult to go to the supermarket and we've figured out how to do that.

And so I think we'll have the opportunity to figure out how to get this number of signatures, much like we did last year. But in all honesty, Mr. Speaker, if I had my druthers, I would say it would

not be 70 percent, it would be 60. But because we're all here today and everybody's joining in on the 70, I'm going to go with it and I think that we'll -- anyone who is a candidate will be able to meet the mark. They will figure out ways, they will buy (unintelligible) -- maybe they'll need to buy signs. We need to get something else to get the voter engaged and here's your opportunity to do that. With that, Mr. Speaker, I look forward to voting in the affirmative on this legislation.

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

Mr. Smith to explain his vote.

MR. SMITH: Thank you, Mr. Speaker. I rise to support this legislation. I think it's important during this tough time that we do take these actions to edit the process by which we do get candidates on the ballot. I think it's a smart measure. Going forward, though, I would like to echo some of the thoughts of some of our other colleagues, that I think the petition process, while I thoroughly enjoy the process of speaking with thousands of constituents over the course of any given year on election year or not an election year, I do think it's something that I hope in the future we can evaluate. The fact that we do have a process by which political parties in the State of New York which are kind of a quasi-governmental structure with elected committee members, that we actually have conventions where parties are nominating their candidates. I think it's important going forward if we look to see if that's something that could be taken into account in

the process by which a political party nominates a candidate, and we still have a function where for Primary challenges that there still is some way that anyone can get on the ballot, but that it might reduce the need for the petition process to some extent; other states do it differently.

So with that, I gladly support the bill. I support the sponsor. I think it's important during this tough time. And I really hope that, you know, there have been a number of private conversations, but I hope that in the future we can consider some thoughts in years going forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Smith in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following Assemblymembers in the negative: Mr. Friend, Mr. Brabenec, and Mr. DiPietro. Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have a bit of

housekeeping and some fine resolutions. We will take care of the housekeeping first.

On a motion by Ms. Paulin, page 6, Calendar No. 36, Bill No. A00585, amendments are received and adopted.

We have fine resolutions. We will take them up with one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 26 and 27 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Could you call on Ms. Hunter for an announcement?

ACTING SPEAKER AUBRY: Ms. Hunter for the purposes of an announcement.

MS. HUNTER: Yes, Mr. Speaker. After the conclusion of Session, there will be a need for a Majority Conference.

ACTING SPEAKER AUBRY: Majority Conference immediately following Session, or thereabouts.

Mrs. Peoples-Stokes.

Mr. Goodell, no?

MR. GOODELL: No other announcements. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the

Majority Conference is going to be immediately following Session, so if you can please stay online in the Zoom, we will be proceeding shortly.

With that, I move that the Assembly stand adjourned until January 27th, tomorrow being a legislative day, and that we will reconvene at 2:00 p.m. on February the 1st, Monday, that being a Session day.

ACTING SPEAKER AUBRY: Staying on Zoom, the Assembly stands adjourned.

(Whereupon, at 5:54 p.m., the Assembly stood adjourned until Wednesday, January 27th, Wednesday being a Session day, and to reconvene on Monday, February 1st at 2:00 p.m., Monday being a Session day.)