

TUESDAY, JUNE 8, 2021

12:52 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, June 7th.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Monday,

June the 7th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Colleagues, I want to first of all say that, you know, today is the second Session of the 24th week of the 244th legislative Session. And I'd like to share a quote on this day that comes from none other than Shirley Chisholm, who was an American politician and an educator. She actually was the first Black woman ever elected to Congress, and she's representing -- was representing the New York's 12 Congressional District. By the way, three of our colleagues now represent that district as Assemblymembers; Assemblymember Walker, Assemblymember Richardson and Assemblymember Zinerman. Mrs. Chisholm's quote for us today -- Mrs. Chisholm's quote for us today is that, "We must reject not only the stereotypes that others hold of us, but also the stereotypes that we hold of ourselves." Again, Mr. Speaker, the Honorable Shirley Chisholm's words for us today.

Members do have on their desks a main Calendar as well as an A-Calendar. Mr. Speaker, I would be pleased if you would now advance that A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, sir.

After housekeeping and introductions we're going to start by taking up the ten resolutions that are on page 3 of our main Calendar, of which some of our colleagues would like to speak, I believe. Our major focus of today will be to go through our debate list immediately after we consent the A-Calendar.

That, Mr. Speaker, is the general outline of where we're going to go today. If you have any introductions and/or housekeepings, now would be a great time.

ACTING SPEAKER AUBRY: We have neither, Mrs. Peoples-Stokes, so we will proceed directly to page 3 on the main, Assembly No. 412.

The Clerk will read.

THE CLERK: Assembly Resolution No. 412, Ms. Hyndman.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 13-19, 2021, as Sickle Cell Disease Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 413, Mr. Durso.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 17, 2021, as Sanitation Workers Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Durso on the resolution.

MR. DURSO: Thank you, Mr. Speaker. Thank you for putting forward this resolution today. Today we honor the sanitation workers here in New York State. These men and women are a special group of people that I don't feel get enough credit for all that they do, despite the weather, freezing rain, cold days, extreme heat. They answer the call every day to do their jobs and literally keep our streets clean and safe. In a year where the pandemic shut down so many -- many businesses shut down, people sheltered in place, these brave essential workers cannot Zoom into work every day. They have to go to work physically. They showed up every day to do their jobs and we deserve to give them the recognition. Up until this January when I took office I got to see these workers up close and firsthand. For the past 15 years I was a sanitation worker with the Town of Oyster Bay Sanitation. I proudly represented these sanitation workers and recycling workers as their shop steward for a time, and always did what I could to keep them safe and represent them at contract time. Injuries occur every day in this business, some serious, some not so serious. But to understand the dangers that are associated with this job, let me point out to you to help you understand what it is they go through each day. There's everything from rotator cuff injuries, knee and back issues, torn muscles, torn Achille's tendons. And so these are some that I've seen. Not to mention the occasional heat stroke, finger or two missing, needle sticks from poorly-disposed-of needles

in the garbage. People being hit by cars and, yes, the occasional death. Unfortunately, these are some of the dangers of being a sanitation worker here in New York State, and despite all these our men and women come to work every day to do their job. I'm so proud of my sanitation worker brothers and sisters, proud to bring forward this resolution and proud to honor them. Please remember, it's not a magic trick when you put your garbage out at the curb each day. It just doesn't disappear. Someone comes and picks it up every morning. Just a quick hello and the occasional thank you goes a long way for these workers. And please remember, when you see a sanitation truck, please slow down. There's people working.

Thank you so much.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 414, Mr. Kim.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 15, 2021, as Elder Abuse Awareness 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. 415, Mrs. Gunther.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2021, as Post-Traumatic Stress Injury Awareness Month, and June 27, 2021 as Post-Traumatic Stress Injury Awareness 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. 416, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim July, 2021, as Plastic-Free Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 417, Mr. Magnarelli.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 27-October 3, 2021, as Diaper Need Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 418, Mr. Byrne.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 6-12, 2021, as Physician's [sic] Assistant Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 419, Ms. Miller.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2021, as Cockayne Syndrome Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Miller on the resolution.

Ms. Miller, you need to unmute yourself.

MS. MILLER: Can you hear me?

ACTING SPEAKER AUBRY: Now we can hear you.

MS. MILLER: Okay. Thank you for allowing me to speak on this resolution. Cockayne Syndrome is a neurological disease that causes rapid aging. It's an orphan disease, one of those that really doesn't get enough attention because it's so rare. Not getting attention to a rare disease means that little to no funding goes towards finding a cure. For the families of these children affected with Cockayne Syndrome, it doesn't feel rare. My daughter Melanie died from this disease when she was seven years old. Melanie was an

old soul. She was always smiling, happy and so very brave. She was the light of our lives. But she suffered terribly, especially at the end of her life. She deserved better than what the medical community could give her. Twenty-plus years later, these kids are still suffering at the end of their short lives. I am thankful for this resolution making October, the month that Melanie was born and the month that she died, Cockayne Syndrome Awareness Month because awareness can bring research.

Thank you.

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

THE CLERK: Assembly Resolution No. 420, Mr. Brabenec.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2021, as German-American Heritage Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 421, Ms. Rosenthal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim November 2021, as Pancreatic -- Pancreatic Cancer Awareness Month in the State of New York.

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

We will go to the A-Calendar on consent, page 3, Rules Report No. 515.

The Clerk will read.

THE CLERK: Assembly No. A00289-B, Rules Report No. 515, Gottfried, Paulin, Solages, Weprin, Abinanti, Cook, Gallagher, Galef, Gunther, Jacobson, Reyes. An act to amend the Public Health Law and the Insurance Law, in relation to enhancing coverage and care for medically-fragile children.

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

THE CLERK: Assembly No. A00324-A, Rules Report No. 516, Zebrowski, Englebright, Cruz, Buttenschon, Sayegh, J. Rivera, Colton, Simon, Stirpe, Taylor, Galef, Dickens, Hyndman, Griffin, Glick, Wallace, Weprin, Steck, Fall, Fernandez, Fahy, Hevesi, Rozic, Lavine, Lupardo, Joyner, Quart, Gottfried, Seawright, Dinowitz, Niou, Abinanti, Paulin. An act to amend the Penal Law, in relation to coercion in the third degree.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly -- Senate print 2986-A. 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.

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00350-C, Rules Report No. 517 was previously amended on Third Reading.

Assembly No. A00464, Rules Report No. 518, Rozic, Colton, Englebright, Simon, Griffin, Barron, Woerner, Lupardo, Forrest. An act to amend the Civil Service Law, in relation to enacting the "New York State Teleworking Expansion Act."

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00499-A, Rules Report No. 519, Carroll, Hevesi, L. Rosenthal, Benedetto, Colton, Cymbrowitz, Dinowitz, Gottfried, Weprin. An act to amend the Administrative Code of the City of New York, in relation to enacting the New York City Department of Buildings Community Accountability Act.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00530-B, Rules Report No. 520, L. Rosenthal, Perry, Lupardo, Bichotte Hermelyn,

Vanel, Griffin, Colton, Sillitti, Barron, Otis. An act in relation to directing the Urban Development Corporation to conduct a study regarding the assistance needed to encourage women and minorities to pursue technology careers in science, technology, engineering and mathematics (STEM).

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 531-B. 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. A00743-A, Rules Report No. 521, Wallace. An act to amend the State Finance Law, in relation to certain contracts involving industrial painting and industrial coatings.

ACTING SPEAKER AUBRY: Read the last section.

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

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 743-A. This 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. A00754-A, Rules Report No. 522, Pheffer Amato. An act to amend the General Business Law, in relation to prohibiting the sale of whipped cream chargers to persons under the age of 21.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2819-A. 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. A00760-B, Rules Report No. 523, Seawright, Otis, Quart, Niou, Gottfried, Galef, L. Rosenthal, Epstein, Griffin, Rozic, Nolan, Abinanti, Barnwell, Dinowitz, Thiele, Ashby, Stern, Anderson, Fahy, Barron, Jacobson, Meeks, O'Donnell, Simon, Magnarelli, Rajkumar. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 11 of Article I of the Constitution, in relation to equal protection.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00898-B, Rules Report No. 524, Woerner, Walsh, Fahy, Williams, Reyes, Hunter, Gunther, Jean-Pierre, Simon, Galef, Hyndman, Solages, Davila, Buttenschon, Seawright, Dickens, Glick, McMahon, M. Miller, Niou, Quart, Cusick, Ashby, Brabenec, Walczyk, Byrnes, Smullen, Friend, Montesano, J.M. Giglio, Blankenbush, Manktelow, Hawley, Goodell, Byrne, DiPietro, Morinello, Rozic, Lupardo, Darling, Walker, Hevesi, Cook, Wallace, Weprin, L. Rosenthal, Stirpe, Cruz, Braunstein. An act to amend the Domestic Relations Law and the Family Court Act, in relation to establishing a living allowance for adults with developmental disabilities.

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 Assembly print 898-B. 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.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I am absolutely delighted to see this bill come to the floor now for the third year. The last two times it came to the floor this Body supported it unanimously. This year we have a new Senate sponsor and our hope is that we'll finally have this bill pass the finish line. I want to thank the sponsor, Ms. Woerner, for helping this bill to get to the floor, and I'd like to thank my Chief-of-Staff Samantha Torrey for all the work that she's done since 2018 to try to get this bill passed. This bill will give judges and support magistrates discretion to -- to continue child support payments as a living allowance for adult dependents with developmental disabilities up to the age of 26. Unfortunately, the divorce rate for families who have a child with disabilities is very high. And we know that it takes both parents working together emotionally and financially to make sure that the best outcomes are reached for children as they become adults and move into maturity.

So I'm so grateful that this bill is moving forward. I would appreciate the support of all of my colleagues once again this

year. I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01034-B, Rules Report No. 525, Bronson, Jacobson, Lunsford. An act to amend the Workers' Compensation Law, in relation to attorney's fees.

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

THE CLERK: Assembly No. A01106-B, Rules Report No. 526, Bronson, Otis, Burdick, Sayegh, Jacobson, Galef. An act to amend the Labor Law, in relation to the payment of prevailing wage for work involving the delivery to and hauling of aggregate supply construction materials.

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

THE CLERK: Assembly No. A01121-A, Rules Report No. 527, Buttenschon, Galef, Jackson, Fall. An act to amend the Penal Law, in relation to creating the certain offenses and provisions related to the unlawful dissemination of a personal image; and to amend the Civil Rights Law, in relation to creating a private

right of action for such offenses.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01160-C, Rules Report No. 528, Bronson, Barron, Clark, Cook, Cruz, Cusick, Englebright, Epstein, Fahy, Perry, Seawright, Simon, Woerner, Meeks, Jensen, Jackson, Mitaynes, Lunsford, Ramos, Richardson, Aubry, González-Rojas, Gottfried, Anderson, Wallace, Frontus, Reyes, Braunstein, Dinowitz, McDonald, Hunter, Weprin, Jean-Pierre, Darling, Gunther, Smith, Davila, Hevesi, Colton, Ra, Zinerman. An act to amend the Social Services Law, in relation to establishing an advisory council to effectuate a reduction in child poverty in the State; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

On a motion by Mr. Bronson, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A01171-A, Rules Report No. 529, Bronson, Clark, Lunsford, Meeks, Wallace, Buttenschon, Rozic, Santabarbara, Lupardo, Hunter, Gunther, Steck, Stirpe, Jones, Magnarelli, Fahy, McMahon, Barrett, Woerner, Weprin, Gottfried, Cruz, Carroll, McDonald. An act to amend the Insurance Law, in relation to health insurance coverage of outpatient care provided by a mental health practitioner and a clinical social worker; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01340-A, Rules Report No. 530, Magnarelli, Cook, Steck, Peoples-Stokes, Lupardo. An act to amend the Election Law, in relation to requiring that all printed political campaign mailing pieces, containing or made of recyclable material, include a message about recycling the printed materials.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01396, Rules Report No. 531, Gottfried, Cahill, Darling, Dinowitz, Epstein, Griffin, Stern, Tague, Taylor, Thiele, Zebrowski, Weprin, L. Rosenthal, Cymbrowitz, Hunter, Gunther, Galef, McDonough, Ra, Byrnes, Seawright, Englebright, Jones, Simon, Barrett, Jean-Pierre, Norris, Otis, Lupardo, Morinello, Buttenschon, Wallace, Bronson, Steck, Montesano, Abinanti. An act to amend the Public Health Law, in relation to pharmacy benefit managers; to amend the Insurance Law, in relation to registration and licensing of pharmacy benefit managers; and to repeal certain provisions of the Public Health Law relating thereto.

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

THE CLERK: Assembly No. A01587, Rules Report No. 532, Gottfried, Carroll, Ramos, Paulin, Simon, Seawright, Dickens, Cahill, Abinanti, Barron, J. Rivera, J.D. Rivera. An act to amend the Social Services Law, in relation to school-based health centers for purposes of managed care programs under Medicaid.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2127. 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. A01935, Rules Report No. 533, Perry. An act to amend the Banking Law, in relation to modifying delinquent home loans and single point of contact.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 671. 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. A02111, Rules Report No. 534, Simon, Griffin. An act to amend the Tax Law, in relation to providing taxpayer gifts for gun violence research; and to amend the State Finance Law, in relation to establishing the Gun Violence Research Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2111. 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.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. The passage of this Gun Violence Research Institute bill will ensure that we will be able to study in great depth the public health crisis that exists with regard to gun violence. We need to know so much more about why gun violence occurs, how easy it is to get a weapon, what we can do to

treat our communities and survivors of gun violence. All of these things are things that are improved by research. Just as seat belts were improved by research. Just as Mothers Against Drunk Driving showed the effects of alcohol behind the wheel. We need that kind of focused research on gun violence, and I'm very proud to be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please record my colleagues Mr. Brabenec, Mr. DiPietro, Mr. Fitzpatrick and Mr. Friend in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. To explain my vote. Just as my colleagues that were just mentioned, I will also be voting in the negative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Are there -- Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Actually, Mr. Speaker, I would like for you to put our colleague Carrie Woerner in the negative on this one.

ACTING SPEAKER AUBRY: Certainly.

MRS. PEOPLES-STOKES: Thank you, sir.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02300-C, Rules Report No. 535, Jean-Pierre, Ramos, Otis. An act to amend the Executive Law, in relation to establishing a dedicated telephone line for complainants of housing discrimination.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 3437-C. 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. A02316-A, Rules

Report No. 536, Simon, Forrest. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a demonstration program on Interstate Route 278 in Kings County to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh-in motion systems; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Simon, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2740-B. 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. A02349-A, Rules Report No. 537, Rodriguez, Cahill, Rozic, J. Rivera. An act to amend the Insurance Law, the General Business Law, the Tax Law and the Vehicle and Traffic Law, in relation to enacting the Peer-to-Peer Car Sharing Program Act.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6715. 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. A02591-A, Rules Report No. 538, Carroll, Dickens, Rodriguez, Gottfried, Abinanti, Stirpe, Fahy, Barron, Davila, Niou, L. Rosenthal, Epstein, Anderson, Paulin, Dinowitz, Reyes, Colton, De La Rosa, Galef, Otis, Jackson, Gallagher, Perry, Thiele, González-Rojas, Stern, Zebrowski, Rozic, Quart. An act to amend the State Finance Law, in relation to provisions in State procurement contracts involving the use of low-embodied carbon concrete.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 2591-A. 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.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. On this measure, while there have been some improvements such as the elimination of fly ash in both the product and in generating energy for this, this still allows for the burning of tires in order to power the production and allows for the use of slag in the material itself. And so at the moment, until there's a little bit more adjustment to the bill, at the moment I will be voting in the negative. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Glick in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02619-A, Rules Report No. 539, Barron, Pretlow, Dickens, Aubry, Walker, Williams, Richardson, Solages, Pichardo, Rodriguez, Peoples-Stokes, Cook, J. Rivera, De La Rosa, Perry, Vanel, Hyndman, Cahill, Jean-Pierre, Bichotte Hermelyn, Taylor, Dilan, Darling, Joyner, Benedetto, Epstein, Reyes, Frontus, Simon, Ramos, Fernandez, Cruz, Nolan,

O'Donnell, Zinerman, Jackson, Forrest, Burgos. An act to acknowledge the fundamental injustice, cruelty, brutality and inhumanity of slavery in the City of New York and the State of New York; to establish the New York State Community Commission on Reparations Remedies, to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans and the impact of these forces on living African-Americans and to make determinations regarding compensation; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02670-B, Rules Report No. 540, Hyndman. An act to direct the New York State Department of Health to conduct a study on the incidences of asthma in cities and towns having a population of more than 90,000.

ACTING SPEAKER AUBRY: On a motion by Ms. Hyndman, 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 print 646-B. 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. A03058, Rules Report No. 541, Fahy, McDonald. An act to amend the Vehicle and Traffic Law, in relation to the residential parking permit system in the City of Albany; and to amend Chapter 454 of the Laws of 2010 amending the Vehicle and Traffic Law relating to authorizing a pilot residential parking permit system in the City of Albany, in relation to making such provisions permanent.

ACTING SPEAKER AUBRY: On a motion by Ms. Fahy, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6428. 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. A03184, Rules Report No. 542, Dinowitz, Peoples-Stokes, Paulin, Gottfried, L. Rosenthal, Zebrowski, Weprin, Galef, Cahill, Colton, Abinanti, Hevesi, Cook, Stirpe, Steck, Lupardo, Gunther, Perry, Santabarbara, Jean-Pierre, Joyner, Fahy, Otis, Hunter, Barrett, Seawright, Lavine, Taylor, Ra, Montesano, Smith, Englebright, Simon, Griffin, Benedetto. An act to amend the Public Service Law, in relation to creating the State Office of the Utility Consumer Advocate.

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

THE CLERK: Assembly No. A03491-A, Rules Report No. 543, Galef, Abinanti, Magnarelli, Seawright, J. Rivera, Hyndman, Williams, Cook, Stirpe, Wallace. An act to amend the Real Property Tax Law and the Real Property Law, in relation to the taxation of property owned by a cooperative corporation.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03573, Rules Report No. 544, Cymbrowitz, Stern, Lavine, Hunter, Seawright, Magnarelli, Englebright, Simon, McDonald, Abbate, Dickens, Anderson, Burdick, Taylor, Sillitti, Galef, Jackson. An act to amend the Insurance Law, in relation to certain voidable transfers affecting a Federal home loan bank.

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 Assembly print 3573. 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. A03946, Rules Report No. 545, M. Miller, McDonough. An act to amend the Vehicle and Traffic Law, in relation to authorizing a residential parking system in certain parts of the Hamlet of Oceanside in the Town of Hempstead.

ACTING SPEAKER AUBRY: On a motion by Ms. Miller, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 624. 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.)

ACTING SPEAKER PICHARDO: Mrs.

Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Ms. Weinstein and Mr. Cahill in the negative on Assembly Bill 3946.

ACTING SPEAKER PICHARDO: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04010-B, Rules Report No. 546, Thiele, Byrnes, Griffin, Jacobson, Palmesano. An act to amend the Transportation Law, in relation to requiring the Department of Transportation to annually prepare and submit to the Legislature certain highway pavement and bridge condition reports.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote on bill 4010-B. 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's Office 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. A04044, Rules Report No. 547, Friend. An act to amend the County Law and the Tax Law, in relation to authorizing the County of Tioga to impose an additional surcharge to pay for the costs associated with updating the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such county; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote on Assembly bill 4044. 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's Office at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the negative votes on the floor, please record Assemblyman Fitzpatrick in the negative.

Thank you, sir.

ACTING SPEAKER PICHARDO: So noted, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Ms. Wallace, Ms. McMahon, Mr. Englebright, Ms. Fahy, Mr. Stirpe, Mr. Barnwell and Mr. Santabarbara as a negative on 4044.

ACTING SPEAKER PICHARDO: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04277, Rules Report No. 549, Walker. An act to amend the Executive Law, in relation to the requirements for notaries public and commissioners of deeds relating to certain instruments affecting real property.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A04637, Rules Report No. 550, Englebright, Lavine, Griffin, Colton. An act to amend the Environmental Conservation Law, in relation to limiting the exceptions to certain effluent limitations in Nassau and Suffolk Counties and requiring certain eligible projects for State aid involving Water Pollution Control Revolving Fund agreements to take county-wide or regional wastewater planning into consideration when determining eligibility.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote on A.4637. 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's Office at the numbers previously provided.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04675, Rules Report No. 551, Tague. An act to authorize the County of Columbia to offer an optional 20-year retirement plan to Theodore Blank, a deputy sheriff employed by such County.

ACTING SPEAKER AUBRY: On a motion by Mr. Tague, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4404. 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. A04742-B, Rules Report No. 552, Woerner, Englebright, Otis, McMahon, Lupardo, Abinanti, Jones. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing the "New York State 250th Commemoration Act"; to amend the State Finance Law, in relation to establishing the New York State 250th Commemoration Commission Fund; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 4742-B. 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. A04753, Rules Report No. 553, Walczyk. An act to amend the Highway Law, in relation to extending the Thousand Islands-Seaway Wine Trail.

ACTING SPEAKER AUBRY: On a motion by Mr. Walczyk, 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 print 2241. 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. A04817-A, Rules Report No. 554, Ra. An act authorizing the Family and Children's Association to receive retroactive real property tax-exemption [sic] status.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 329-A. 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. A04982-A, Rules Report No. 555, Hevesi, Epstein, Simon, Abinanti, Seawright, Aubry, Gottfried, Jackson, Mitaynes, Forrest, Quart, González-Rojas, Meeks Mamdani, Perry, Burdick, Dickens, Walker, Barron, Lunsford. An act to amend the Family Court Act, the Social Services Law and the Executive Law, in relation to raising the lower age of juvenile delinquency jurisdiction from age 7 to age 12 and to establish differential response programs for children under the age of 12.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05264-C, Rules Report No. 556, Richardson, De La Rosa, Jackson, Forrest, Simon, González-Rojas, Perry, Barron. An act to amend the Criminal Procedure Law and the Civil Practice Law and Rules, in relation to detaining persons for longer than 24 hours.

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

THE CLERK: Assembly No. A05339, Rules Report No. 557, Paulin, Gottfried, Cahill, Cook, Galef, Gunther, Magnarelli,

Lupardo, Dinowitz, Benedetto, Abinanti, Barron, Meeks, Jensen, Sillitti, Kelles, Lunsford. An act to amend the Public Health Law, in relation to funding Early Intervention services; and to repeal certain provisions of the Public Health Law and the Insurance Law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1, 2022.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5339. 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.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. To explain my vote. This is a great bill. It relates to funding for Early Intervention services which are so critically important to get our young, sometimes infants, to very young children, preschool kids in so that they can receive the best services, whether it's speech, OT, PT, any kind of service that they need. It's at no cost to the parents and the results once they get into school are going to be so much better. This bill changes the way that these Early Intervention services will be funded. And so I also love this bill because it may result in a potential cost savings for municipalities who currently bear much of the cost of

providing these important services.

So for all of those reasons I'll be supporting this bill, as I suspect many of my colleagues will as well. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Mr. Cahill to explain his vote.

MR. CAHILL: Mr. Speaker, I would like to lay the bill aside.

ACTING SPEAKER AUBRY: The bill is laid aside. Roll call is withdrawn.

THE CLERK: Assembly No. A05434, Rules Report No. 558 Reilly, Cusick, Fall, Tannousis. An act to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority to provide financing to the Sandy Ground Historical Museum.

ACTING SPEAKER AUBRY: On a motion by Mr. Reilly, 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 print 5991. 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. A05461-B, Rules Report No. 559, Thiele. An act in relation to authorizing the Flanders, Riverside and Northampton Community Association, Inc. to file an application for a partial exemption from real property taxes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5461-B. 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. A05465-D, Rules Report No. 560, O'Donnell, Bronson, Glick, González-Rojas, Taylor, Simon, Quart, Epstein, Seawright, Lavine, Gottfried, Lupardo, Fernandez, Dinowitz, Hyndman, Burdick, Gallagher, Otis, Hevesi, Reyes, Jackson, Davila, Lunsford, Forrest, Cruz, De La Rosa, Perry, Thiele, Sillitti, Dickens, Zinerman, Englebright, Steck, Mamdani,

Fahy, Kelles. An act to amend the Civil Rights Law, the Vehicle and Traffic Law and the Public Health Law, in relation to enacting the "Gender Recognition Act"; and to repeal subdivision 1 of Section 502 of the Vehicle and Traffic Law relating to driver's licenses.

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

THE CLERK: Assembly No. A05489-B, Rules Report No. 561, Solages, Bichotte Hermelyn, Nolan, Seawright, Sillitti, Dinowitz, Fernandez, Barron, Gottfried, Zinerman, Englebright, Glick, Davila. An act to amend the Public Health Law, in relation to requiring the Department of Health to develop an informational pamphlet for patients undergoing pelvic examinations and to make the informational pamphlet available for use by medical practitioners performing pelvic examinations and to require medical practitioners performing pelvic exams to disseminate such pamphlets.

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

Read the last section.

THE CLERK: This act shall take effect on the 100th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 210-B. 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. A05517-B, Rules Report No. 562, Solages, Gottfried, Hevesi, Jacobson, Wallace, Simon, Fernandez, DeStefano, Nolan, Bichotte Hermelyn, Seawright, Sillitti, Dinowitz, Barron, Galef, Zinerman, Englebright, L. Rosenthal, Davila. An act to amend the Public Health Law, in relation to prohibiting virginity examinations.

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 Assembly print 5517-B. 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. A05549, Rules Report No. 563, Richardson, Hyndman, De La Rosa, Walker, Davila,

Fernandez, Cruz, Dickens, Jackson, Zinerman. An act to amend the Correction Law and the Executive Law, in relation to certificates upon discharge.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05577, Rules Report No. 564, Byrnes. An act granting retroactive membership of the New York State Local Employees' Retirement System to Shawn Coveny.

ACTING SPEAKER AUBRY: On a motion by Ms. Byrnes, 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 print 3594. 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. A05679-A, Rules Report No. 565, Darling, Bichotte Hermelyn. An act to declare racism a public health crisis and to establish a working group to promote racial equity throughout the State.

ACTING SPEAKER AUBRY: On a motion by Ms.

Darling, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A05705-A, Rules Report No. 566, Joyner, Burdick, D. Rosenthal, Dinowitz, Zinerman, Reyes, Simon, De La Rosa. An act to amend the Correction Law and the Executive Law, in relation to work related labor protests not being considered a parole violation.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05752, Rules Report No. 567, Joyner. An act to amend the Criminal Procedure Law, in relation to youthful offender determinations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05823-A, Rules Report No. 568, L. Rosenthal, Gottfried, Lavine, McDonald, Simon, Fahy. An act to amend the Education Law, in relation to mandating the reporting of suspected animal cruelty by veterinarians.

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

THE CLERK: Assembly No. A05891-B, Rules Report No. 569, Joyner, Simon, Dickens, Carroll, Aubry, Barron, O'Donnell, Dinowitz, Forrest, Jackson, Hevesi. An act to amend the Family Court Act and the Criminal Procedure Law, in relation to the custodial interrogation of juveniles by law enforcement.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05965, Rules Report No. 570, Mr. Giglio. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Sergeant David Lockwood Memorial Bridge."

ACTING SPEAKER AUBRY: On a motion by Mr. Giglio, 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 Senate print 1752. 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. A06021, Rules Report No. 571, Hawley, Angelino, Smullen, Byrnes, McDonough, Salka, B. Miller, Montesano. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "SP4 C. Jay Hall Memorial Bridge."

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6150. 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. A06054, Rules Report No. 572, Hunter, Mamdani, Epstein, Galef. An act to amend the Criminal Procedure Law and the Penal Law, in relation to abolishing citizen's arrests; and to repeal certain provisions of the Criminal Procedure Law and the Family Court Act relating thereto.

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

THE CLERK: Assembly No. A06121-B, Rules Report No. 573, Jean-Pierre, Fahy, Palmesano, Steck, Schmitt, B. Miller. An act to amend the Education Law, in relation to requiring members of a board of trustees of public, free association and Indian libraries to complete two hours of trustee education annually.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, the Senate bill is before the House. The Senate bill is

advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4435-B. 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, sir. This bill requires that volunteer members or the trustees of local libraries undergo two hours of training every year. And I am concerned that we keep adding training requirements and other obligations and mandates on volunteers. The volunteers that serve on these hospital boards step forward, they don't get any compensation, they bring their best foot forward and they do the best they can. And while I appreciate the sponsor's desire to ensure that hos -- that the library trustees are well educated, I would point out that oftentimes, a really good board of trustees has people with expertise in different areas. One might be on library -- library book acquisitions, one might be on community service, one might be legal issues, one might be insurance issues, one might be finance issues. And for us as a State Legislature to mandate financial training, two hours every single year for volunteers is an overreach in my opinion and that's why I will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Mr. DiPietro, in the negative along with those who have voted no on the floor. 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. A06184, Rules Report No. 574, Brown. An act in relation to authorizing the Assessor of the Town of Huntington, County of Suffolk, to accept from the League for Animal Protection of Huntington, Inc. an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion by Mr. Brown, 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 Assembly -- on Senate print 1092. 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.

And, Mr. Brown, congratulations; you have joined the family of the (inaudible).

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06187, Rules Report No. 575, M. Miller. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Peter V. Sobol Memorial Bridge."

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4651. 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 in the -- 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 -- Assembly No.

A06213-A, Rules Report No. 576, Lunsford. An act in relation to authorizing the Town of Webster, County of Monroe, to alienate certain lands used as parkland and to dedicate certain other lands as parklands.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5127-A. 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.)

MS. HYNDMAN: Mr. Speaker, please record our colleagues in the negative on this bill: Mr. Englebright, Mr. Cahill, Mrs. Barrett, Mr. Colton, Mr. Dilan, Ms. Simon, Ms. Rosenthal, Ms. Williams, Ms. Niou, and Mr. Carroll.

ACTING SPEAKER AUBRY: So noted.

MS. HYNDMAN: Please add Ms. Walker.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06215-A, Rules

Report No. 577, Niou, Epstein, Otis. An act to amend the State Technology Law, in relation to requiring the Office of Information Technology Services to cooperate with all State agencies in the implementation of language translation technology.

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

THE CLERK: Assembly No. A06221, Rules Report No. 578, Montesano. An act in relation to authorizing the Nassau County Assessor to accept an application from the Town of Oyster Bay for a real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Mr. Montesano, 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 print 4645. 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. A06237-A, Rules

Report No. 579, Ms. Giglio. An act to authorize the Town of Brookhaven, County of Suffolk, to alienate and discontinue the use of certain parklands.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4608-A. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Mr. Englebright, Mr. Cahill, Mrs. Barrett, Mr. Colton, Mr. Dilan, Ms. Simon, Ms. Linda Rosenthal, Mrs. Williams, Mr. Barnwell, and Ms. Fahy in the negative on 6237.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Giglio, please rise and take your applause.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06295-A, Rules Report No. 580, Lupardo, Bronson, Abbate, Buttenschon, Cruz, Epstein, Simon, Taylor, Palmesano, DeStefano, Mikulin, McDonough, Salka, Schmitt, Walczyk, Fahy, Gallahan, Lawler, Wallace. An act to amend the Vehicle and Traffic Law and the Transportation Law, in relation to establishing a commercial driver's license (CDL) Class A young adult training program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6295-A. 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. A06340, Rules Report No. 581, Friend. An act to amend the General Municipal Law, in relation to permitting the Owego Apalachin Central School District to establish an insurance reserve fund.

ACTING SPEAKER AUBRY: On a motion by Mr. Friend, 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 print 5380. 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. A06384-A, Rules Report No. 582, Abbate, Englebright. An act to amend the Retirement and Social Security Law, in relation to including certain employees who were employed in public service but became members of a retirement system at a later date for eligibility for those who participated in the World Trade Center rescue, recovery, or cleanup operations.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 4961-B. 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. A06397, Rules Report No. 583, Gandolfo. An act in relation to authorizing Chabad of Islip Township Inc. to file an application for exemption from real property taxes for certain assessment rolls.

ACTING SPEAKER AUBRY: On a motion by Mr. Gandolfo, 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 print 5402. 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. A06506, Rules Report No. 584, Gunther. An act to amend the Mental Hygiene Law, in

relation to requiring monthly status reports of community investments and the impact on inpatient census.

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 Assembly print 6506. 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. A06553, Rules Report No. 585, McDonald. An act to amend the Tax Law, in relation to authorizing a gift for substance use disorder education and recovery on personal income tax returns; to amend the State Finance Law, in relation to establishing the Substance Use Disorder Education and Recovery Fund; and to amend the Mental Hygiene Law, in relation to providing grants for substance use disorder education and recovery.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, 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 print 4086. 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 number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06668-B, Rules Report No. 586, Thiele. An act authorizing the Town of Southampton, County of Suffolk to alienate certain parcels of land used as parkland.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote this -- on Senate print 5985-B. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could record our colleagues Mr. Englebright, Mr. Cahill, Mrs. Barrett,

Mr. Colton, Mr. Dilan, Ms. Simon, Ms. Linda Rosenthal, Mrs. Williams, Ms. Weinstein, and Mr. Barnwell in the negative on 6668.

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. A06670, Rules Report No. 587, Gunther. An act granting retroactive Tier IV membership in the New York State and Local Employees' Retirement System to David Goodman.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly [sic] print 5691. 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.)

ACTING SPEAKER ROZIC: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record Assemblyman Fitzpatrick in the negative. Thank you, Madam.

ACTING SPEAKER ROZIC: Thank you, Mr.

Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06709-B, Rules Report No. 588, L. Rosenthal, Barron. An act to amend the Social Services Law, in relation to exempting certain income and resources provided to persons enrolled in certain pilot programs with direct cash transfers in determining eligibility for public assistance benefits; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ROZIC: The bill is laid aside.

THE CLERK: Assembly No. A06735, Rules Report No. 589, Tague. An act to authorize the Village of Athens, in the County of Greene, to offer an optional 20-year retirement plan to Police Officer Edward Tercasio, Jr.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote on S-4779. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or the 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. A06740-A, Rules Report No. 590, Conrad. An -- an act to amend Chapter 560 of the Laws of 1998, amending the Not-for-Profit Corporation Law and other laws, relating to combinations of cemetery corporations and funeral entities, and the sale of monuments and memorials, in relation to funeral entities and the operation of any crematory or crematorium.

ACTING SPEAKER ROZIC: On a motion by Mr. Conrad, 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 ROZIC: The Clerk will record the vote on S-6171-B. 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. A06762-B, Rules Report No. 591, Fahy, Anderson, Burdick, Dinowitz, Seawright, Sillitti, Taylor, L. Rosenthal, Carroll, Jacobson, Steck, Thiele, Perry, Darling, Epstein, Otis, Simon, Davila, Meeks, Barron, Hevesi, Paulin, Lavine, J. Rivera, Colton, Dickens, Dilan, Jean-Pierre, Pichardo, Cruz,

Griffin, Gottfried, Solages, Abinanti, Galef, González-Rojas, Kelles.
An act to amend the General Business Law, in relation to the dangers to safety and health and creation of a public nuisance caused by the sale, manufacturing, distribution, importing, and marketing of firearms.

ACTING SPEAKER ROZIC: The bill is laid aside.

THE CLERK: Assembly No. A06866, Rules Report No. 592, Jean-Pierre. An act to amend the Real Property Law and the State Finance Law, in relation to establishing the Anti-discrimination in Housing Fund and allocating moneys from fines thereto.

ACTING SPEAKER ROZIC: On a motion by Ms. Jean-Pierre, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

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

ACTING SPEAKER ROZIC: The Clerk will record the vote on S-945-B. 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. I'll be voting against this bill. The bill has good components. The first component establishes a anti-discrimination in housing fund. I certainly support that concept. Unfortunately, the bill also goes on to

double the fines that would apply to realtors. And I think we have enough fines and penalties that apply to all of our professions and now is not the time to double them. So for that reason, I'll be voting against it, but if this fund were funded in a different way using our General Fund, it would certainly have my support. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Mr. Goodell in the negative.

Mr. Tague.

(Pause)

MR. TAGUE: Can you hear me, Madam Speaker.

ACTING SPEAKER ROZIC: We can.

MR. TAGUE: Oh, okay. Thank you. To explain my vote.

ACTING SPEAKER ROZIC: Go ahead, Mr. Tague.

MR. TAGUE: Madam Speaker, for the same reasons that my esteemed colleague just mentioned, I, too, will be voting in the negative on this bill. Thank you very much.

ACTING SPEAKER ROZIC: Mr. Tague in the negative.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Madam Speaker. I fully support the -- the goal of the legislation, but like my other colleague, and I believe now is not the right time to double fines. A thousand is more than -- more than adequate. Doubling it right now I

do not think is a good idea. But I do support the -- the overall purpose of the bill. Thank you.

ACTING SPEAKER ROZIC: Mr. Fitzpatrick in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. In addition to the no votes on the floor, please record Assemblyman Hawley in the negative. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. In addition to the names I announced earlier, please record Mr. Blankenbush, Mr. Brabenec, Mr. DiPietro, and Mr. Friend in the negative. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Thank you, Mr. Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06885, Rules Report No. 593, Barclay. An act relating to legalizing, validating, ratifying and confirming a transportation contract of the Fulton City School District.

ACTING SPEAKER ROZIC: On a motion by Mr. Barclay, 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 ROZIC: The Clerk will record the vote on S-1867. 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. A06896-A, Rules Report No. 594, Niou, Kim, De La Rosa, Rozic, L. Rosenthal, Weprin, Richardson, Fitzpatrick, Englebright, Frontus, Solages, Reyes, Fernandez, Braunstein, Gottfried, Mitaynes, González-Rojas, Epstein. An act to amend the Executive Law, in relation to requiring the collection of certain demographic information by certain State agencies, boards, departments and commissions.

ACTING SPEAKER ROZIC: The bill is laid aside.

THE CLERK: Assembly No. A06947, Rules Report No. 595, Barrett. An act to amend the Tax Law and the Real Property Tax Law, in relation to a tax credit and tax exemption for the rehabilitation of historic barns.

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

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

ACTING SPEAKER ROZIC: The Clerk will record the vote on S-6042. 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. A06953-A, Rules Report No. 596, Kelles. An act to amend the Tax Law, in relation to authorizing the County of Cortland to impose a tax on real estate transfers; and providing for the repeal of such provisions upon expiration thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote on A-6953-A. 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.

Some of my colleagues will be concerned with this bill because it's an actual increase in local taxes. It's an increase of \$2 per \$1,000 on real estate transfer taxes. That \$2 per \$1,000 applies to the purchase price in Cortland County. I know some of my colleagues are opposed to tax increases, I'll be supporting it because it's a local bill. Thank you.

ACTING SPEAKER ROZIC: Mr. Goodell.

And can we have quiet in the Chamber, please?

MR. GOODELL: Thank you, Madam Speaker.

Please record in the negative the following colleagues: Mr. DiPietro, Mr. Fitzpatrick, Mr. Mikulin, Mr. Norris, in addition to those who have voted no on the floor. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you could record our colleagues Mr. Cahill, Mr. Barnwell, Mr. Stirpe, and Ms. McMahon in the negative on 6953. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you could please add our colleague, Mr. Santabarbara, to that list of noes. Thank you.

ACTING SPEAKER ROZIC: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07025-A, Rules Report No. 597, Durso, B. Miller. An act relating to legalizing, validating, ratifying, and confirming a certain contract of the West Islip Union Free School District.

ACTING SPEAKER ROZIC: On a motion by Mr. Durso, 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 ROZIC: The Clerk will record the vote on S-6188-A. 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. A07031, Rules Report No. 598, Byrnes. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Chief Warrant Officer 4 Christian J. Koch Memorial Highway."

ACTING SPEAKER ROZIC: On a motion by Ms. Byrnes, 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 ROZIC: The Clerk will record

the vote on S-5399. 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. A07088-A, Rules Report No. 599, Kelles. An act to amend the Real Property Tax Law, in relation to establishing a conservation easement agreement exemption in a town having a certain population.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote on A-7088-A. 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. A07183, Rules Report No. 600, Peoples-Stokes. An act to amend Chapter 108 of the Laws of 2016, amending the Vehicle and Traffic Law relating to authorizing a pilot residential parking permit system in the City of Buffalo, in

relation to the effectiveness thereof.

ACTING SPEAKER ROZIC: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced. A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote on S-6410. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. If you could record our colleagues Ms. Weinstein and Mr. Cahill in the negative on A-7183.

ACTING SPEAKER ROZIC: Indeed. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07243, Rules Report No. 601, Richardson, Simon, Galef, Englebright, Jacobson, McMahon. An act to amend the Executive Law, in relation to requiring the Division of Criminal Justice Services and the Division of State Police to publish quarterly reports providing information related to firearms, rifles and shotguns used in the commission of crimes in the State of New York.

MS. ROZIC: On -- on a motion by Ms. Richardson, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A07259, Rules Report No. 602, Tannousis, Cusick, Reilly, Fall. An act to amend Chapter 759 of the Laws of 1973 relating to the transfer of lands to the United States for the establishment of the Gateway National Recreation Area, in relation to the time period in which lands may be conveyed.

ACTING SPEAKER ROZIC: On a motion by Mr. Tannousis, 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 ROZIC: The Clerk will record the vote S-6054. 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.

And congratulations, Mr. Tannousis, on your first bill.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07286, Rules Report

No. 603, Rodriguez. An act to amend the Workers' Compensation Law, in relation to eliminating unconstitutional language relating to the pre-audit of expenditures from the State Insurance Fund by the State Comptroller.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote on A-7286. 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.)

And if we can have some quiet in the Chamber.

Withdraw the roll call.

On a motion by Mr. Rodriguez, 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 ROZIC: The Clerk will record the vote on S-7177. 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. A07292, Rules Report

No. 604, Darling. An act in relation to authorizing the County of Nassau to transfer ownership of certain parkland to the Village of Freeport.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1372. 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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you will please record our colleagues Mr. Englebright, Mr. Cahill, Mrs. Barrett, Mr. Colton, Mr. Dilan, Ms. Simon, Ms. Linda Rosenthal, Mrs. Williams, Ms. Niou, Mr. Carroll, and Ms. Walker in the negative on 7292.

ACTING SPEAKER AUBRY: So, noted. Thank you, ma'am.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07302, Rules Report

No. 605, Simon, Zinerman, Richardson, Epstein, Meeks, Anderson, González-Rojas, Burgos. An act to amend the Education Law and the State Finance Law, in relation to creating a firearm violence research institute.

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

THE CLERK: Assembly No. 6 -- A07362-B, Rules Report No. 606, Thiele. An act to amend Part B of Chapter 173 of the Laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island Power Authority, in relation to the utility debt securitization authority; and in relation to permitting the issuance of securitized restructuring bonds to finance system resiliency costs.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6455-C. 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. A07419-A. Rules Report No. 607, Jackson, González-Rojas, Zinerman, Englebright, Steck, Burdick, Reyes, Septimo, Ashby. An act to amend the Mental Hygiene Law, in relation to operating costs for substance abuse providers receiving Federal aid.

ACTING SPEAKER AUBRY: On a motion by Ms. Jackson, 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 print 5066-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or the 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. A07463, Rules Report No. 608, Steck. An act to authorize and legalize certain acts and proceedings of Albany County relating to the issuance of obligations for the advance refunding of certain serial bonds previously issued by Albany County.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6798. 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. A07509, Rules Report No. 609, Pretlow. An act to amend Chapter 62 of the Laws of 2015 amending the Tax Law relating to the imposition of an occupancy tax in the City of Yonkers, in relation to extending the effectiveness thereof.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6531. 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.

MR. GOODELL: Thank you, Mr. Speaker. In addition to the no votes on the floor, please record Mr. Schmitt in the negative on this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Mr. Englebright, Mr. Barnwell, Mr. Santabarbara, and Mr. Stirpe in the negative on 7509.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07509, Rules Report No. 609, Pretlow. An act to amend Chapter 62 of the Laws of 2015.

(Pause)

I'll read that again.

Assembly No. A07547-A, Rules Report No. 610, Thiele, Griffin, Buttenschon. An act to amend the Environmental Conservation Law, in relation to permitting kelp cultivation in

underwater lands at Gardiner's and Peconic Bays and commercial fishing licenses.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote Senate print 6532-A. 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. A07567-A, Rules Report No. 611, McMahon, Lupardo, Stirpe, Zinerman, Simon. An act to amend the Agriculture and Markets Law, in relation to alternative fuel standards and specifications.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7567. 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. A07578-A, Rules Report No. 612, Paulin. An act to amend the Public Authorities Law, in relation to authorizing the Metropolitan Transportation Authority and its subsidiaries to fingerprint applicants for employment and to obtain criminal histories of such applicants.

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 Assembly print 7578-A. 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. A07594, Rules Report No. 613, Pretlow. An act to amend the Tax Law and Chapter 535 of the Laws of 1987, amending the Tax Law relating to the City of

Yonkers personal income tax surcharge, in relation to extending the expiration date of the personal income tax surcharge.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6797. 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.

MR. GOODELL: Thank you, sir. In addition to my colleagues who are voting no on the floor, please record the following colleagues in the negative: Mr. DiPietro, Mr. Norris, and Mr. Schmitt. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you can record our colleagues Mr. Barnwell, Mr. Santabarbara, Ms. Buttenschon, and Mr. Stirpe in the negative on 7594.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07616, Rules Report No. 614, Angelino. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "SP4 Richard F. Walton, Jr. Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Angelino, 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 print 6799. 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.)

And the bill is passed.

Mr. Angelino, I hear a rumor this is your first bill.
Congratulations.

(Applause)

Good luck, Mr. Angelino.

The Clerk will read.

THE CLERK: Assembly No. A07640, Rules Report

No. 615, Abbate, Cusick, Griffin, Colton. An act to amend the Retirement and Social Security Law, in relation to determination of salary base for members of the City of New York Fire Department Pension Fund.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6405. 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. A07644-A, Rules Report No. 616, Lunsford, Wallace. An act to amend the Real Property Tax Law, in relation to providing a tax exemption on real property owned by members of volunteer fire companies or voluntary ambulance services in a certain county.

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

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6676. 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. A07645, Rules Report No. 617, McMahon. An act to incorporate the East Amherst Fire -- Fire Department Benevolent Association, and providing for its powers and duties.

ACTING SPEAKER AUBRY: On a motion by Ms. McMahon, 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 print 6702. 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. A07649, Rules Report No. 618, Davila, Hevesi. An act to amend the Family Court Act, in relation to expiration dates of orders of protection and the duration of temporary orders of protection in juvenile delinquency cases.

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 Assembly print 7649. 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. A07654, Rules Report No. 619, Lavine. An act to amend Public Authorities Law and the General Municipal Law, in relation to establishing the North Shore Water Authority.

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6707. 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. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. To explain my vote. I just want to thank the sponsor for shifting this bill through, it's been long awaited in the districts for myself and my other colleague from Nassau. This has been a dire situation for the people in the -- in Nassau County, especially in the 15th Assembly District and adjoining districts. It's been a financial hardship on many, many people, so this bill will go a long way to remedy that situation. So I'm thankful for that -- for the Speaker for getting this forward, for the sponsor for getting this through, and I'm proud to be a cosponsor of this bill. So I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. I also want to thank the sponsor, thank my colleagues both here in the Assembly and Senator Gaughran down the hall for their work on this. This is a long time coming to finally set these residents on a path to having public

water. They've been under the thumb of New York American Water for too long, they've paid exorbitant rates for what is an essential natural resource, and this is going to finally put us on the right path, but it definitely took a lot of work to get there, a lot coming together and ironing out differences. So -- so kudos to -- to the sponsor. I am very proud and happy to cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07684, Rules Report No. 620, Gunther. An act to amend the Executive Law, in relation to providing licensed facilities a summary of final substantiated reports of Category 2 conduct of an employee or volunteer.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7108. 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. A07685, Rules Report No. 621, Barrett, McDonald, Jones, Buttenschon, Griffin, Sillitti, Fahy, Abbate, Gottfried, Lavine, Stern, Davila. An act to amend the Education Law, in relation to military enhanced recognition, incentive and tribute ("MERIT") scholarships.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5543-A. 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.)

Mrs. Barrett to explain her vote.

MRS. BARRETT: Thank you, Mr. Speaker. I would like to explain my vote. I would like to thank the Speaker and the Chairs of both Higher Ed and Ways and Means for moving this

significant legislation forward. Since 2006, legislators in this House have been trying to pass bills to expand eligibility for the dependents of more disabled veterans, for Gold Star Families and for those missing in action to allow them to follow their educational dreams. This bill will make a real difference for those military families in my district and in all of yours who've already paid a very steep price.

I'm proud to vote in the affirmative. Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Mrs. Barrett in the affirmative.

Mr. Hawley to explain his vote.

MR. HAWLEY: Well, thank you, Mr. Speaker. And thank you, Mrs. Barrett, for reviving the bill that I've had for 11 years. Our Gold Star Families certainly deserve to be treated and respected and admired and thanked for their loved ones' service to our country, those that have paid the ultimate sacrifice or those that have been permanently and severely disabled while serving our great country. I'm glad to see this bill become a law, as opposed to the Governor just moving money from one part of the budget to another. I commend you for that and thank you as well.

God bless our veterans and God bless this country. Thank you.

ACTING SPEAKER AUBRY: Mr. Hawley in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07716, Rules Report
No --

ACTING SPEAKER AUBRY: One minute, please.
Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If we could switch gears just a little bit. I do hear a little thunder outside. It looks a little dark but it's light here, we're still working. So if we can turn our attention to our debate list and we're going to start with Rules Report No. 89. It's Assembly Bill 3807 and it is carried by Mr. Cymbrowitz. Followed by Rules Report No. 193, Assembly No. 5854 and it's carried by Ms. Joyner. And Rules Report No. 194, Assembly Bill 5915 and it is carried by Ms. Zinerman. Followed by Rules Report No. 239, Assembly Bill 7386. That one is carried by Ms. Williams. Rules Report No. 250, Assembly Bill 7488 is carried by Mr. Jonathan Rivera. And finally on this list, Mr. Speaker, if we could go to Rules Report No. 281. That one is Assembly Bill 229-C, and that one is carried by Ms. Paulin. If we could go in that order, Mr. Speaker, we will add additional ones upon completion.

Thank you.

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

Page 5, Rules Report No. 89, the Clerk will read.

THE CLERK: Assembly No. A03807-A, Rules Report No. 89, Cymbrowitz, Otis, Rodriguez, Simon, Hyndman. An act to amend the Public Housing Law, in relation to an affordable housing five-year capital plan.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

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

One minute first. First, we are on debate. We would appreciate if there was some quiet. Staff should not be in the aisles while we are on debate. Members in their seats.

We're not there yet, Mr. Goodell. We're working on it. Thank you.

One minute, Mr. Goodell. We have a sub -- we have a sub for this.

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

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This legislation requires the Governor to submit to the Legislature on a five-year period a Statewide capital plan to support the development and preservation of

affordable housing. And the legislation goes on to list a number of topics that need to be included in the plan, including aspects relating to senior citizens, the promotion of homeownership, repair of manufactured housing and other items. And in general, I think the legislation is a great idea to have a five-year capital plan focusing on affordable housing. But I would point out to my colleagues that at the beginning of this Session we swore an oath to uphold the New York State Constitution, and the New York State Constitution gives the Governor exclusive authority in setting up the Executive Budget. And so while I think this is a great idea and I would certainly recommend this legislation for the Governor, it is up to the Governor, not the Legislature, to decide what's in the Executive plan under the State Constitution and to follow through with it.

I'd also note that under our constitutional frame of government it's very clear that one Legislature and one Governor cannot find future Governors or future Legislatures, with a few exceptions that don't apply in this case. So because of the constitutional issues I'm compelled to vote against it, but I would certainly recommend that the Governor carefully consider the recommendations as contained in this legislation.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2193-A. 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.

MR. GOODELL: Thank you, sir. Please record Mr. DiPietro as the only other Assemblyman concerned about the Constitution and voting no. 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.

Page 7, Rules Report No. 193, the Clerk will read.

THE CLERK: Assembly No. A05854-A, Rules Report No. 193, Joyner, Cook, Aubry, Lavine, Rodriguez, Simon, Steck, Galef, Gottfried, Griffin. An act to amend the Insurance Law, in relation to the purchase of prescription drugs.

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

And Ms. Joyner, an explanation has been requested.

MS. JOYNER: Yes. This bill would clarify and strengthen provisions in the current law to ensure that consumers have

the option to access every covered medication from a local network participating pharmacy and not be forced into mandatory mail order.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. JOYNER: Yes.

ACTING SPEAKER AUBRY: Ms. Joyner yields, sir.

MR. RA: Thank you very much. So as -- as many of us are aware - and I recall this very well because it was my first year here in the Legislature - back in 2011 there was a lot of push from many of our local pharmacies telling us about this issue, how they had patients that were being, you know, mandated to get drugs by mail order and this bill was passed to allow local pharmacies to fill that and -- and not -- not make it possible for the -- those patients be forced to get these drugs through mail order. And at that time, after that bill was passed, the Governor signed the bill into law but requested, as he often does, a chapter amendment. And at -- at that time what he asked for and was ultimately passed into law was language -- he -- he said that a chapter amendment required that the retail pharmacy must agree in advance to accept the same reimbursement rate and applicable terms and conditions established for mail order pharmacies.

Now, Ms. Joyner, am I correct, what this bill does is

it takes out some of that language, correct?

MS. JOYNER: Yes.

MR. RA: Okay. Now so in doing that, is there a concern that this will now no longer meet, you know, the purposes or -- or the design that the Governor had in asking for that amendment that was passed back in 2012?

MS. JOYNER: Well, in 2011 there was requested language about addressing the reimbursement rate.

(Audio cuts out.)

ACTING SPEAKER AUBRY: Hold on one minute, Ms. Joyner. Ms. Joyner, can you hear us?

Mr. Ra, if you could read lips you're going to get your answer.

MR. RA: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Somebody let Ms. Joyner know that the sound was knocked off so we can go back to her again.

(Pause)

I think Ms. Joyner thinks it's her. Tell her it's us.

MR. RA: It's -- it's -- it's us that has the problem, Ms. Joyner, if you can hear me.

(Pause)

ACTING SPEAKER AUBRY: We are going to recycle the sound system and it will take a moment, so everybody just relax. As if you're not.

(Pause)

Let's try it again, Mr. Ra. Why don't you start from the beginning. Ms. Joyner, you have been asked to yield.

MS. JOYNER: Okay, yes.

ACTING SPEAKER AUBRY: There you go. Let's try it again.

MR. RA: All right. That was -- that was interesting. I guess lightening struck literally here.

So, what we were talking about was the -- the chapter amendment the Governor had asked for and just whether this change in language will allow this system to continue to function as designed. And you were giving what I'm sure was a great explanation and the sound cut out and we couldn't hear it. So if you want to pick up there, and then I just have one other question for you.

MS. JOYNER: Okay, sure. So, this bill includes the chapter amendment of the 2011 language which is about reimbursement rates being the same for local pharmacies and mail orders, and then the 2012 language regarding terms and conditions. It created a loophole that basically interrupted and interfered with patient choice and also negatively impacted the local pharmacies. So that -- that language has been addressed and -- with this bill, and I believe at this point it should be ready to be signed into law.

MR. RA: Okay. Thank you. The -- the other issue that seems to be -- be added by this, there is some language, I guess, regarding collective -- collective bargaining and exemption. Am I

correct that that is designed to deal with any preemption under -- under ERISA that we would have under those types of plans?

MS. JOYNER: Yes. And we didn't want to force any unions to unilaterally change their -- their -- basically, their benefits until the expiration of any CBA.

MR. RA: Thank you very much, Ms. Joyner.

Mr. Speaker, on the bill.

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

Ladies and gentlemen, shh.

MR. RA: I thank my colleague. It's certainly been an -- an interesting year for all of us. I think now that I -- I had one time this year that I had to repeat a debate because the stream wasn't going up, and then -- and then that incident. So, interesting. But I just want to quickly talk a little bit about some of the concerns that have been raised with this bill. Like I said, when this issue first came up my first year I had an opportunity to speak to many of my local pharmacists, and what they were looking to do was allow their patients to choose to get the drugs, their prescription drugs at their local pharmacy instead of in -- in many cases being mandated to get them by mail order. But obviously, when there's a change in the law like that, and -- and I think that was a very broadly-supported bill by individuals, but when there's a change with regard to something that is dealing with the health plan, obviously, there becomes a question of -- of cost. And -- and is -- if you're filling something with one entity or another, do they have to take the same rates and all of that, and certainly that gets into things

like healthcare networks and -- and dealing with the cost side of things because obviously for many of the plans they felt utilizing mail order was a cost savings. And as I said, the Governor asked for some language when he signed this bill and a chapter amendment that required the same reimbursement rate to be accepted as well as applicable terms and conditions for mail order pharmacies, and this does take out some of that language. Now -- now it will read -- rather than in advance, it will just say non-mail order retail agrees to the same reimbursement amount and takes out that language about the terms and conditions. So that does raise some concerns from the provider side in terms of what the rates are going to be and -- and not having the certainty of dealing with -- with the local pharmacies.

Overall, I am going to support the bill. But like I said, it does take away some of that language that the Governor insisted upon. I guess we will see if this is passed in both Houses whether -- whether the Governor feels that this frustrates the purpose -- of that chapter amendment. But -- but I think going forward we need to do what we can both with regard to this bill and -- and so many other pieces of legislation pending before this House to strike that balance with patient choice, controlling costs. You know, we've said it many times on different bills that prescription drugs are one of the big cost drivers and individuals are -- are really concerned about being able to afford their prescription drugs, but also make sure that they have the right consumer experience.

One of the other concerns that has been raised is

whether the local pharmacy, because it doesn't talk about terms and conditions and -- and that piece of it, whether they will have to abide by the same types of things as, you know, mail order pharmacies in terms of having access for the patient to, you know, call a 24/7 hotline and get a consultation and all of that. So like I said, I'm going to be casting my vote in the affirmative, but -- but I do have some concerns that we make sure that we protect patient choice as well as keep these drugs affordable.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.
Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 3566. 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.

Page 7, Rules Report No. 194, the Clerk will read.

THE CLERK: Senate No. S01566-A, Rules Report No. 194, Senator Sanders (A05915-A, Zinerman, Pichardo, Abinanti, Lavine, Durso, Sillitti, Taylor, Nolan, Dickens, Jackson, Gottfried,

Galef, Fernandez). An act to amend the Banking Law, in relation to requiring banks to provide written notification that accepting an alternative loan payment schedule may have a negative impact on credit scores.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So, this bill would require that banks -- State-chartered banks and trust companies provide written disclosure to any customer that's offered an alternative payment schedule, letting them know in writing that acceptance of this alternative payment schedule could negatively impact the borrower's credit score. So I wanted to just point out a couple things about this bill that I think you might want to know. The first is that when it says "written notification to the consumer," you should know that this is three separate written notifications that the consumer gets that the -- that the State-charted bank or trust company must provide. The first -- when -- the first at the time that the loan application is made. The second at the time that the loan is granted. And then a third time at the time that the customer requests an alternative payment schedule. So that's three different notices that have to be made. This is in addition to all of the rules and regulations that are -- that they have to follow through the Federal loan disclosure, which if any of you have been

through, you know, loan paperwork you know how extensive that disclosure can be. You know, these State-chartered banks are small. They're small in number and they're small in size. There are probably just over 2,000 of them spread across our State. They tend to be the smaller community banks. And I just think that when we look to impose another rule or regulation on a State-chartered bank, think about it. Because, you know, it's almost like the death by a thousand cuts for some of these. It -- they're dwindling. There -- I think within the data I looked at showed that there are a couple hundred less than there were the last time I looked. So we have to be careful. We're going to drive these places, you know, into just more and more administrative burden. So that -- that's the primary concerns with this piece of legislation.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1566-A. This is a Party vote. Any member who wishes to be recorded as an exception to their 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 is generally opposed to this legislation. Those who want to be an exception to the Conference position are encouraged to call the Minority Leader's Office so we can properly record your vote.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will generally be in favor of this piece of legislation. However, should there be colleagues that desire to be an exception they should feel free to contact the Majority Leader's Office and their vote will be properly recorded.

(The Clerk recorded the vote.)

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

Ms. Zinerman to explain her vote.

MS. ZINERMAN: Thank you, Mr. Speaker. This is a simple, straightforward consumer protection bill. We just want to make sure that people are fully aware of what might impact their credit if they accept an alternative loan payment. Specifically, we want to make sure that people are not impacted, their credit isn't impacted. We know that people end up paying more for loans in the -- in the future if they have a bad -- bad credit score. Sometimes the insurance premiums will go up, and they could also impact just one building with regard to their property ownership and homeownership. So notifications of simply saying that, *Your credit might be impacted -*

and we could do that through e-mail - is not going to be overly burdensome to these financial institutions when communicating with our consumers in New York State.

So I vote in the affirmative on this bill and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Ms. Zinerman in the affirmative.

ACTING SPEAKER KELLES: Mr. Goodell.

MR. GOODELL: We have no exceptions to report. Thank you, Madam Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 239, the Clerk will read.

THE CLERK: Assembly No. A07386, Rules Report No. 239, Williams, Zebrowski. An act to amend the Executive Law, in relation to providing that there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for the rental of an apartment in an owner-occupied two-unit dwelling, or for the rental of rooms in an owner-occupied dwelling, and that engaging in discriminatory advertising or inquiries will cause the property to no longer be exempt from full coverage by the nondiscrimination provisions of the Human Rights Law.

ACTING SPEAKER KELLES: On a motion by Mrs.

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

An explanation has been requested.

MRS. WILLIAMS: Thank you, Mr. [sic] Speaker. The purpose of this bill is to clarify that the law no longer exempts rental properties from the requirement of nondiscrimination in advertisements and inquiries in an owner-occupied two-unit dwelling.

ACTING SPEAKER KELLES: Mr. Morinello.

MR. MORINELLO: Will the sponsor yield for a couple of questions?

ACTING SPEAKER KELLES: Will the sponsor yield?

MRS. WILLIAMS: Yes.

MR. MORINELLO: Thank you. As I read this, it appears that there are two cut-outs; one being a publication, the summation of information, advertising, circulates or cause to be printed. Am I correct?

MRS. WILLIAMS: Yes.

MR. MORINELLO: Okay. And the hope -- the function and purpose is to avoid any discrimination in rentals. That's how I read it. Am I correct?

MRS. WILLIAMS: Yes.

MR. MORINELLO: But now there's a second -- there's one word in there that is the troubling part. It has nothing to do with trying to avoid discrimination or eliminate discrimination, but the

word is "inquiry." Now, an inquiry is a verbal communication.

Would I not be correct?

MRS. WILLIAMS: Yes, that's correct.

MR. MORINELLO: Okay. So am I to understand that what this bill does is, if there's an owner-occupied two-family home and they just put out a For Rent sign, if someone comes, they do not have the ability to inquire whether or not they have children, whether or not they have families or who is going to be residing there? Am I correct?

MRS. WILLIAMS: (Inaudible)

MR. MORINELLO: I'm sorry, I couldn't hear your reply.

MRS. WILLIAMS: Oh, I'm sorry. I said if it's an owner-occupied two-unit dwelling, then the answer is yes.

MR. MORINELLO: Okay. So, if I have an elderly individual that wants to rent either one room or part of the residence, they cannot inquire if there's children there. That would be a violation under this law, correct?

MRS. WILLIAMS: Are you speaking about a multi-unit dwelling?

MR. MORINELLO: No, I'm talking about a two-family, owner-occupied. Two units. And that's what this addresses, is a two-unit. I'm not talking about a multiple-unit building, I'm not talking about a four-plex. I'm talking about an owner-occupied two-unit rental.

MRS. WILLIAMS: Yes. The answer is yes.

MR. MORINELLO: All right. So basically what this bill does is it eliminates any exemption for an owner, in their own home, if they have even just one other unit to rent, correct?

MRS. WILLIAMS: I mean, basically, the law -- you know, the provision in this is just for the Human Rights Law that's related to advertisement, that the discrimination will now apply to owner-occupied two-unit dwellings. So it's really just bringing the law -- bringing it up to speed with the Human Rights Law.

MR. MORINELLO: All right. So what you've done is you've taken away the ability for an owner-occupied two-family to have any ability to enjoy their premises. Right now this is an exemption, and the question and the focus has nothing to do with advertising. It has nothing to do with disseminating information that would be negative that would be a violation. This is -- the only area of concern is the word "inquiry", which is normally considered a face-to-face questioning.

On the bill.

ACTING SPEAKER KELLES: On the bill.

MR. MORINELLO: Owner-occupied two-family residences have forever been protected from the Federal and State regulations because they have certain rights to enjoy their premises. No one has a right to discriminate. No one argues the fact you cannot put something out in an advertisement. However, to take away the ability for someone who is renting a room, for someone who has one

spouse or party that works nights that wants peace and quiet during the day while they sleep, this bill takes that away from them. The word "inquiry" is the troubling word that I would suggest be taken out of this bill. This -- my -- my concerns are not to try and avoid any nondiscrimination, but just to protect a homeowner in their own home who may have a two-family unit that they need some restrictions.

Thank you very much.

ACTING SPEAKER KELLES: Ms. Giglio.

MS. GIGLIO: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER KELLES: Will the sponsor yield?

MRS. WILLIAMS: Yes, I yield.

MS. GIGLIO: So, if someone comes to your home and they want to rent a room or they want to rent a floor, can you ask them how many people would be occupying that space?

MRS. WILLIAMS: Yes, you can.

MS. GIGLIO: You can.

MRS. WILLIAMS: Yes.

MS. GIGLIO: Okay. Thank you.

ACTING SPEAKER KELLES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER KELLES: This will be a Party vote. The Clerk will record the vote on Senate print 6886. Any

member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference will be generally opposed to this legislation. Those who wish to support it should contact the Minority Leader's Office.

Thank you, sir -- thank you, Madam Speaker.

ACTING SPEAKER KELLES: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker?

ACTING SPEAKER KELLES: Yes.

MRS. PEOPLES-STOKES: We don't have exceptions if that's what you're asking for. You want our next bill, or...

ACTING SPEAKER KELLES: What is the Party position?

MRS. PEOPLES-STOKES: Colleagues, this is a Party vote. The majority of our Conference will be voting in favor of this piece of legislation as we have done in the past. However, should colleagues desire to be an exception they should feel free to contact the Majority Leader's Office and we will so properly record your vote.

(The Clerk recorded the vote.)

ACTING SPEAKER KELLES: Thank you, Mrs.

Peoples-Stokes.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Please record my colleagues Ms. Miller and Mr. Ra in the affirmative on this legislation.

Thank you, Madam Speaker.

ACTING SPEAKER KELLES: So noted, Mr.

Goodell.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We will now go to page 5 [sic], Rules Report No. 250.

The Clerk will read.

THE CLERK: Assembly No. A07488, Rules Report No. 250, J.D. Rivera, Dinowitz, Hevesi, Rodriguez, Meeks, Mamdani, Seawright, Jackson, Galef, Gottfried, Fahy, McMahon, Clark, Salka, Simon. An act to amend the Insurance Law, in relation to prohibiting the exclusion of coverage for losses or damages caused by exposure to lead-based paint.

ACTING SPEAKER KELLES: An explanation has been requested, Mr. Rivera.

MR. J.D. RIVERA: Thank you. This bill would prohibit a lead poisoning exclusion that's currently found in most general liability insurance policies.

ACTING SPEAKER KELLES: Can you repeat that, Mr. Rivera?

MR. J.D. RIVERA: Sure. This bill would prohibit a lead poisoning exclusion that's currently found in most general liability insurance policies.

ACTING SPEAKER KELLES: Mr. Hawley.

MR. HAWLEY: Thank you, Madam Speaker. And just to reiterate what Mr. Rivera, the sponsor, indicated, this bill would prohibit insurance companies from excluding coverage in rental insurance liability policies for losses caused by exposure to lead-based paint. There are obviously very serious concerns with this legislation from a variety of standpoints and viewpoints. It can certainly have a -- a negative effect on consumers and can have a chilling effect on the rental industry overall in our State of New York. To be clear, while I share concerns, and we all do, about the health impacts associated with exposure to lead paint, I do not believe that this Legislature or this legislation would solve the problem and, in fact, could lead to unintended consequences. Requiring insurers to cover all losses associated with exposure to lead paint could have a dramatic impact on the affordability, and just as important, the availability of liability policies for rental policies for property owners. Ultimately, these potentially adverse consequences would not only impact said property owners, but also for consumers who could see an impact on their rental costs as a result. This is particularly concerning as it would disproportionately affect lower-income individuals who are least able

to absorb these additional rental costs. This bill will significantly increase premiums, as I said, and it will reduce availability of habitational coverage for one- to four-family rental properties. Lead exposure exclusions are widely used because the high expected losses associated with such coverage and the difficulty to conclusively identify the source of exposure that would necessitate even higher premiums. If insurers are forced to cover lead exposure claims, many carriers are likely to conclude that the risks are too great and will elect not to offer habitational coverage. Ultimately, the impacts of higher insurance premiums and less availability will be passed down to renters who can least afford it. Abatement and removal of lead paint must be the -- must be a priority for all of us, and the Federal assistance may soon be forthcoming. Senator Kirsten Gillibrand on May 5th, just one month ago, introduced the Home Lead Safety Tax Credit Act of 2021. This would create flexible tax credits worth up to \$4,000 to cover the cost of abating lead hazards in paint, pipes or soil. Furthermore, the Biden Administration has proposed the complete elimination of lead water pipes and lead paint abatement programs may be part of the forthcoming infrastructure package. In light of this, New York should absolutely not rush to adopt such a significant and destabilizing change to the insurance marketplace. Just to reiterate, requiring insurance carriers to provide coverage for these potential damages will do absolutely nothing to address the ongoing issues related to lead-based paint while causing massive insurance marketplace disruption that would disproportionately harm the poorest

neighborhoods in New York. Insurance companies would not need to provide coverage for neighborhoods with lead-based paint risks, and they would almost certainly withdraw from those areas if this legislation passes. The potential cost to providing these coverages would drive up premium costs, as I referred to before, making -- making housing more expensive for people living with these risks. Insurance companies being mandated to cover damages caused by lead-based paint exposure would simply drive up the costs of housing without fixing the issue of lead-based paint in these structures. Although lead-based paint continues to pose a risk for many New Yorkers, this legislation fails to address the issue and would greatly harm those exposed to lead-based paint throughout our State.

For these reasons and many others, I oppose this legislation and I would encourage all of my colleagues to oppose it as well. Thank you, Madam Speaker.

ACTING SPEAKER KELLES: Absolutely.

Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Madam Speaker. My colleague sort of covered the whole negative part -- parts of this bill that I was going to speak about. The one thing I know is that most of my adult life - I can't even tell you the year that I was licensed - I ran an independent insurance company. And in that company, in my company, I have the big -- some of the big boys in the insurance world. But I also have several co-op companies. Co-op companies are smaller. They don't have the assets that the big boys

have. But each of those co-op companies have an niched market that they're good in, and one of them is rental units. Those co-ops are going to have to take a real hard look at whether they want to get out of the market. My opinion is after working with them all my life, all my adult life, is they're going to take a real close look at the loss leader and make -- make a decision of pulling those from their portfolio, especially one to four units. It's -- it's something that I could guarantee this Body that's going to happen. Drastic increase in premiums, as my -- as my friend who is also in the insurance business just spoke about -- I called several of my companies asking them, *Is this going to increase premiums \$100? Is it going to increase premiums \$1,000?* What -- what are -- the only thing they could say -- and each one of them told me this, that this is going to be a drastic change. It's going to be a drastic premium change, not a little. So the bigger companies who are going to probably stay in the market are going increase these premiums to a point where the landlords are now going to have to do what? They're going to have to pass that premium increase down to the renters. And it's going -- it's going to have an effect all across our bigger cities and our inner cities where the older homes that have been turned over to as rental units. The ones that are in the inner cities that are the older established homes where the lead -- lead paint is common in. This legislation isn't going to help remove lead paint. But what it is going to do and the consequences of this is going to hurt every one of your -- your people that you represent in this House. Everyone across the State of New York. And I -- I would assume even -- maybe

even more in New York City. So before we pass this bill, just realize what you're going to be doing to your people in your districts who are renting homes, that may be renting homes that are older. This is not going to be good, and it's not going to take care of the lead paint problem. But it is going to increase premiums, chase insurance companies out and not even issue them. And by the way, if the companies pull out of that market, I could explain it just -- it's going to go to a third market. Now, that market is like if you understand automobile insurance and the assigned risk policies, they're going to go to a homeowners insurance company that's an assigned risk homeowners. Drastic increase in premiums. People are not going to be able to afford it without passing those premiums down to the renters.

So I am, again, totally against this bill. I -- I hope that we don't pass it because in a few years I'll be standing right here telling each one of you that you put it to your people, the renters in your district. You're the ones that did it. So I'm -- I'm totally against this and I hope our people really think about what they're doing with this bill. Thank you.

ACTING SPEAKER KELLES: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER KELLES: The Clerk will record the vote on Assembly print 7488. This is a Party vote. Any member who wishes to be recorded as an exception to their

Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference is generally opposed to this legislation. Those who support it are encouraged to call the Minority Leader's Office and we will properly record your vote.

Thank you.

ACTING SPEAKER KELLES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference will generally be in favor of this piece of legislation. However, should colleagues desire to be an exception they should feel free to contact the Majority Leader's Office and your vote will be properly recorded.

ACTING SPEAKER KELLES: Thank you.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Madam Speaker. As you know, and as all of us know, lead paint has been banned in houses since the 1970's. And with very few exceptions, all houses that are currently on the market have been repainted several times, and as a result, with the exception of those houses that are in bad condition, lead exposure has dropped dramatically. And in fact, from 1988 to 2004 there was an 84 percent reduction in lead exposure being measured in children. So in some respects this is legislation that's

looking for a problem. But it would, as my colleagues who have spent their entire lives in the insurance industry noted, create large problems. The Council of Insurance Brokers, for example, in New York State said, *We expect to see a large increase in non-renewal of policies from (inaudible)*. And other industry experts predict a substantial increase in premiums rates, which of course would be passed on to the renters or would result in landlords simply canceling the policies. And unfortunately, for those landlords that rent low-income houses, they often put them in an LLC, a separate corporation, and this is one more reason we're going to see these houses without adequate insurance coverage, creating other problems throughout the community.

So for those reasons I'll be voting against it and recommend that my colleagues do the same. Thank you, Madam Speaker.

ACTING SPEAKER KELLES: Mr. Goodell in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to explain my vote. Let me first start by commending my colleague for introducing this piece of legislation, and reminding some of my other colleagues that at somewhere around 1925 and 1947 America could have made a decision not to allow lead paint to be -- lead to be used in paint. A lot of other countries did, including Cuba. But for business purposes and expediency, we did allow that. And since then it has been discovered - and we know this

for a fact - that children who are negatively impacted by lead between the ages of 1 or zero and 3 impacts their neurological system, thereby impacting their ability to do well in school, thereby impacting our tax base to pay more for education in school. And so nobody wants to be responsible. Nobody wants to be responsible. The insurance industry, not the business industry, not the landlords, not anyone. Somebody need to be responsible.

I think it's time and I really do commend my colleague and I'm looking forward to voting yes on this piece of legislation.

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

Mr. Jonathan Rivera to explain his vote.

MR. J.D. RIVERA: Thank you. I want to thank all my colleagues that are supportive of this -- of this item, and just want to say a few points on it. Number one, this exemption years ago didn't even exist. In my lifetime this exemption didn't exist. So the idea that insurance policies and premiums are going to suddenly skyrocket is ironic considering that when we took away the ability to -- to pursue this, premiums didn't suddenly go down. So the idea that we're suddenly going to start paying so much more is -- is odd when you think about, well, we're already paying so much because we paid for this coverage before it was taken away. I also know that at the end of the day the cost of lead poisoning is not going to be reflected in premiums and our insurance policies, it's going to be reflected in how

much our school systems have to prepare programs for children that are suffering from lead poisoning. It has to do with every other effort that we have to pursue as government to take care of this dilemma that is absolutely avoidable and can come to an end in our lifetime.

So thank you very much and I vote in the affirmative.

ACTING SPEAKER KELLES: Mr. Rivera in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: No, actually, I'm not here to explain my vote, I'm here to, Madam Speaker, record our colleague Mr. Schmitt in the affirmative on this bill. Thank you so much.

ACTING SPEAKER KELLES: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you would record our colleague Mr. Cymbrowitz as a negative on this one. Thank you.

ACTING SPEAKER KELLES: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We will now move to page 11, Rules Report No. 281.

The Clerk will read.

THE CLERK: Assembly No. A00229-C, Rules Report No. 281, Paulin, Hunter, Jacobson. An act to amend the Municipal Home Rule Law, in relation to the division of a county into

districts for the apportionment of members of its local legislative Body.

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

MS. PAULIN: Be happy to. This bill updates the standards for redistricting found in Municipal Home Rule Law 10 -- Section 10 which applies to non-chartered counties and municipalities, and then adds the identical provisions to Section 34 which applies to chartered counties.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. PAULIN: I would be very happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Paulin. And I would be remiss -- I would be remiss if I didn't say that I, in general, support the guidelines that you've recommended in terms of being fair and equitable and concise boundaries and not benefitting one party or the other or helping or hurting any incumbent. And I certainly hope to the extent that you or any of us have an influence on that, that we recommend that the Independent Redistricting Commission that's looking at our districts follow these same guidelines. Is that your understanding that they should be?

MS. PAULIN: My understanding is that fair redistricting leads to fair lines which is for the benefit of all people.

MR. GOODELL: That would be sweet. It would be unusual, but it would be great. Aren't there Federal guidelines that apply not only to the State government but every local government in terms of redistricting to ensure one person, one vote and to prevent any racial or other inappropriate bias?

MS. PAULIN: I'm sorry. I didn't hear the very first part of your question. You said aren't there --

MR. GOODELL: Federal --

MS. PAULIN: Oh, Federal.

MR. GOODELL: -- guidelines that apply irrespective of whether you're a local government or a charter government or even the State itself, right?

MS. PAULIN: So there were court cases, you know, that had -- that really defined that. You know, one person, one vote clearly is the first and most important, which is what we also identify here. And then the Federal cases have also indicated that racial disparities and that that should be taken into consideration almost as a second which is, again, what we have in this bill. And then if you go through the court cases, you know, communities of interest which, again, you know, is a lower priority but an important one so we identify here. So we tried to take what we have seen as a combination of what we had in the law before, updating that to reflect Federal court cases, and to list that in that same order so that it's very clear when counties do their redistricting this time.

MR. GOODELL: Is there anything in the list that's

contained in this statutory language that is not covered by existing Federal requirements?

MS. PAULIN: I think that there's no such thing as Federal requirements. You know, we have State requirements that we've had in the law for (inaudible). But the -- the Federal statute -- there's no Federal statute. There's -- there's certainly the New York State Constitution. The only guidance that counties would have are court cases which, you know, some of them might not be as sophisticated as others in interpreting those, so I think that what we've tried to do here is to lay it out very concretely so that it's very clear and consistent with those Federal cases to make it easier for counties. And, you know, the Municipal Rule Law Section 10 already does that, but it does it with -- for non-chartered counties. And, you know, what we've seen is we have counties in this State that have violated the law because of the impracticality of some of the standards that we have in the current law. So at least for those non-chartered counties, we have to update our provisions so that they're not out of compliance because they can't practically be in compliance. And that's the one that has to do with 110 percent keeping municipal lines. And I can identify some of the counties, primarily in the Upstate area that, you know, have violated the law because it's not practical. In the -- in the new bill we actually add the words -- we make the standard a little less severe so we can abide by the one person, one vote rule a little more substantially and we give some flexibility to those counties that have none or had none in the -- in the current law.

MR. GOODELL: You mentioned that you thought there were some counties that violated the law. I assume that's -- your opinion is based upon court cases that so ruled?

MS. PAULIN: What it -- what it is it's based on is that the law is very clear and it says it has to be 110 percent and then there are counties that have split municipalities. So it's my interpretation based on looking at, you know, what -- where they've split, knowing they've split those municipalities -- or towns into -- into smaller units than abiding by that 110 percent. So it's my interpretation. I don't think anyone's challenged them that I know of.

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

On the bill, sir.

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

MR. GOODELL: So, maybe I'm showing my age but ten years ago I went through a reapportionment process for the State Legislature, and back then our Governor was taking the high road and saying all the things that you had hoped that a governor would say. He said, you know, during the reapportionment there ought to be compact districts. They ought to be fair, they ought to be equitable. They ought to make geographic and political sense. And he was quite eloquent, to be honest. And then we came out with a plan that we adopted, and one of my colleague's district is one town wide and runs for seven counties. It starts in Central New York and runs all the way

down almost to New York City. You need a gyrocopter to travel that district. And I had an intern, so I gave her a fun little task. I said, *Come up with pictures that accurately reflect the reapportionment plan that we were adopting.* And so over by Syracuse -- and it used to be Sam Roberts' district -- it was great. It looks just like a scorpion. You know, you've got this big block and then you've got this little line that comes up and around and picks up some Downtown Syracuse to make sure it's a Democratic district. And then we had a district over in Buffalo, you know, that went for about three miles through an abandoned industrial area just to pick up another Republican's district and tie it into Downtown Buffalo. And the pictures that came out were great. We had one looked like CatDog. You know, another one looked like a muskrat. I mentioned the scorpion. And so I took all these pictures and I wrote a letter to the Governor and I said, *Governor, you obviously don't know how redistricting is done. Here is a redistricting guide for the Assembly.* And I had all of those hilarious cartoons and maps and I laid it out to him. And I delivered it to one of the Governor's staff persons since she read the cover letter and she thought I was serious and she said, *Are you sure you want to send this to the Governor?*

So I really do appreciate all of these great lofty goals that we want to impose on other governments that are already in the middle of a redistricting process. But ironically, most of those governments do a heck of a lot better job than we do in coming up with appropriate districts. And that's why there was considerable

opposition in my Conference. Not because we don't like these goals, but because we think the local governments are already doing them. And it's just a little hypocritical for us, as the State Legislature, that routinely ignores and violates these standards, to mandate how other governments ought to operate.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.2289-C. 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.)

Ms. Paulin to explain her vote.

MS. PAULIN: Thank you, Mr. Speaker. When I came to the Legislature (inaudible) a very long time ago, this was the very, very first bill that I had the idea of. I wouldn't say I introduced it right away because it was complicated to figure out, but it was the very, very first bill idea that I had and it's taken me 20 years. It came out of a lawsuit where I was president of the League of Women Voters back in '92 I believe, and we sued because they split my town of Scarsdale into three parts when they did redistricting. And so we went to court, we lost. It went all the way up to the Court of Appeals. And when I came to the Legislature I said, *I'm going to fix that.*

And so I am very, very proud today that this bill is passing this House which will make fair redistricting throughout the State for all -- all counties and all of the people. It's a good government bill and I am very proud to finally get it done. Thank you. With that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. And I thank the sponsor for this bill. I do think it's a good government bill and I do think the intention is right. As my colleague from Western New York pointed out, though, it's another one of these bills where we pass and we mandate down onto others what they should be doing while we ourselves never do that. And I -- I certainly hope as we move forward with redistricting -- and on Government Operations this morning we had a -- a bill that would basically give the Legislature authority to -- to draw the lines again if the Independent Redistricting Commission does not produce maps in a vote within ten days. So obviously, the intention seems to be for the Legislature to draw the maps once again. But I certainly hope that the Legislature uses these standards outlined by the sponsor in drawing the maps moving forward. And -- because we know that's exactly what's going to happen. So it will be very interesting to see how these maps turn out, and hopefully this bill is applied to us in the future.

Thank you.

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

MR. ABINANTI: Thank you, Mr. Speaker. I'm very pleased to support this legislation, although it's come about 30 years late. It was my election to the Westchester County Board of Legislators in 1991 that caused this lawsuit in the Court of Appeals, and then it caused Assemblywoman Paulin to -- to bring this legislation. But as they say, better late than never.

So I'm very pleased to support this legislation. Hopefully it will benefit others in the future and make things fairer in the local elections.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Schmitt in the negative.

ACTING SPEAKER AUBRY: So noted, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you would record our colleague Mr. Steck in the negative on this one.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page -- Mrs. Peoples-Stokes. Excuse me.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. And let me thank our colleagues for thus far all the due diligence we've been putting in today on the floor. There's a little bit more to go. I'm going to give off a list of those, Mr. Speaker. If we can start with Assembly Bill 613 by Ms. Rosenthal. It's Rules Report No. 409. And then we're going to go to Assembly Bill 2666 by Mr. Lavine. It's Rules Report No. 423. Followed by Assembly Bill 6522 by Mr. Stern. That one is Rules Report No. 454. Followed by Assembly Bill 6762 by Ms. Fahy. That one is Rules Report No. 591. And then we're going to go to Assembly Bill 6198 by Ms. Paulin. That one is Calendar No. 370. And then backwards to Rules Report No. 601. That's Assembly Bill 7243 by Ms. Richardson. Followed by Assembly Bill 7957 by Ms. Richardson. That one is Rules Report No. 652. And lastly, but certainly not least, Mr. Speaker, we're going to go to Rules Report No. 605. It is Assembly Bill 7302. That one is by Ms. Simon. In that order, Mr. Speaker, and thank you very much.

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

On the main Calendar, page 16, Rules Report No. 409, the Clerk will read.

THE CLERK: Senate No. S00014-A, Rules Report No. 409, Senator Hoylman (A00613-A, L. Rosenthal, Dinowitz, Stern, Simon, Griffin, Paulin, Otis, Jacobson, Seawright, Burdick, Sillitti, Galef, Zebrowski, Jean-Pierre, Thiele, Carroll, Perry, Epstein,

Richardson, Zinerman). An act to amend the Penal Law, in relation to enacting the Jose Webster Untraceable Firearms Act.

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

MS. ROSENTHAL: This bill would amend the Penal Law to enact the Jose Webster Untraceable Firearms Act to prohibit the possession and the sale of ghost guns in New York State.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. GOODELL: Thank you, Ms. Rosenthal. I just wanted to walk through a bill a little bit so we all understand what the bill does or doesn't do. As I understand it, it requires that all guns manufactured after 1968 be serialized; that is to have a serial number, correct?

MS. ROSENTHAL: Excuse me. Wait one second. Yes.

MR. GOODELL: And in looking at the actual language of the bill on page 1, it defines serialized as being -- bearing a visible identification number or symbol in accordance with the

requirements impose on licensed importers and licensed manufacturers under Title 18 of the U.S. Code, correct?

MS. ROSENTHAL: Correct.

MR. GOODELL: So, this law by its very nature only applies to guns that have to be serialized under Federal law, correct?

MS. ROSENTHAL: Sorry, this would apply to what? Say it again.

MR. GOODELL: This bill by its very language only applies to guns that have to have a serial number under Federal law, correct?

MS. ROSENTHAL: Well, we are making it under State Law.

MR. GOODELL: But it -- it only applies to those guns that have to be -- have a serial number under Federal law, right? I mean, that's the opening statement and the definition of serialized, correct?

MS. ROSENTHAL: This bill would require all ghost guns in New York State to be serialized.

MR. GOODELL: And are there any guns in New York State without a serial number that were manufactured after 1968 that aren't already required to have a serial number under Federal law?

MS. ROSENTHAL: This bill is really about ghost guns, the ones that are unserialized right now.

MR. GOODELL: Right. And my question is, are there any ghost guns in New York State manufactured after 1968 that

aren't required to have a serial number under Federal law? I mean, can you legally have a ghost gun in New York State under current law?

MS. ROSENTHAL: No. Under -- in New York State, yes you can.

MR. GOODELL: Consistent with Federal law?

MS. ROSENTHAL: Federal law -- Federal law is being changed about that.

MR. GOODELL: Okay. And I see that one of the remedies if you have a gun that is not -- doesn't have a serial number is that you can turn it in, right? Turn it in to the police.

MS. ROSENTHAL: Correct.

MR. GOODELL: And you have a certain time frame, six months, I think, to do so?

MS. ROSENTHAL: Yes.

MR. GOODELL: And if you turn it into the police, are you compensated for the fair market value of that gun?

MS. ROSENTHAL: I don't believe so, no.

MR. GOODELL: So how is that consistent with the due process clause of the Constitution that requires government to pay fair compensation if they confiscate private property?

MS. ROSENTHAL: It is illegal to have a ghost gun in the first place, so you're not going to be compensated for having something that's illegal.

MR. GOODELL: I see. I thought that was the case. I thought it was illegal to have a ghost gun in the first place, and that

certainly would address the Constitutional due process issue. I note that the New York State Constitution in talking about our statutory authority specifically precludes us from incorporating other laws by reference. And I'm referring to Article III, Section 16 that says no act shall be passed which shall provide that any existing law shall be made or deemed to be made part of such act except by inserting it. But this bill is based entirely on what Federal law says, correct?

MS. ROSENTHAL: No, it's not.

MR. GOODELL: But under the definition of serialized is *as defined by the Federal code*.

MS. ROSENTHAL: Yes.

MR. GOODELL: Isn't that an unconstitutional cross-reference or an incorporation by reference?

MS. ROSENTHAL: No.

MR. GOODELL: And why not?

MS. ROSENTHAL: Because we -- we in the State are allowed to make laws like this.

MR. GOODELL: I -- I certainly agree we're allowed to make laws, but we have to do it in accordance with the New York State Constitution, wouldn't you agree?

MS. ROSENTHAL: This one does -- is according to the New York State Constitution. It is allowed.

MR. GOODELL: Okay. I guess we'll just have to agree to disagree.

As you know, those that are engaged in the sport of

competitive shooting often buy parts that they then assemble their gun with. And they take great care and it's very, very highly technical in putting those guns together to obtain a gun that's not only custom made, but extraordinarily accurate. Some of those changes would require getting an unfinished frame or receiver.

MS. ROSENTHAL: Mm-hmm.

MR. GOODELL: Is that -- does this bill then bar all of those competitive sports shooters from being able to get an unfinished frame or receiver -- or unfinished frame or receiver that they might actually have to do more milling or drilling or -- or shaping in order to get it into a final product?

MS. ROSENTHAL: Well, there is a companion bill that we will be discussing later on the floor. However, if somebody puts together a gun where the receiver is unserialized, that will be illegal and they have to get it serialized by a gunsmith.

MR. GOODELL: And this bill itself, though, talks about a finished frame or receiver or an unfinished frame or receiver. I'm referring to page 2, lines 32 and 33, correct?

MS. ROSENTHAL: Yes.

MR. GOODELL: And so what is the public policy for prohibiting sportsmen that engage in competitive shooting from being able to purchase and finish to their exacting standards an unfinished frame or receiver? Especially if the gun that they start with is serialized. Is there any reason why they shouldn't be able to do that if their gun is serialized?

MS. ROSENTHAL: I mean, if their -- if their gun is serialized and -- and it is registered, then they're allowed to have it as long as they go through a background check and -- and get a permit.

MR. GOODELL: Thank you, Ms. Rosenthal. I appreciate your clarification on this bill.

On the bill, sir.

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

MR. GOODELL: As -- as is clear from the language of this bill, this bill just piggybacks on existing Federal law. So existing Federal law as set forth in Title 18 of the U.S. Code requires all guns to be serialized if they were manufactured after 1968. And of course it doesn't apply to earlier guns or antique guns. And since we already have it already covered under Federal law, I really see very little reason to duplicate Federal law, especially by referencing Federal law by incorporation, which is an unconstitutional way under our State Constitution to even draft legislation. And then we put on there an obligation for people to turn in their guns without compensation. And certainly the government has the power to confiscate private property, but when they do so they need to pay a fair market value. And last, this legislation, in my opinion, fails to reflect the fact that we have a number of very competitive, highly-skilled sportsmen that work with unfinished frames and unfinished receivers and they actually mill them and drill them and shape them to be an extraordinary customized gun which they use in competitive target shooting. That's not excluded

under this bill and it certainly should.

And for those reasons I would recommend against this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell, thank you.

Read the last section.

One more minute, I'm sorry.

Mr. Smullen.

MR. SMULLEN: Yes, thank you, Mr. Speaker. Would the sponsor from the 67th Assembly District allow me to ask a few questions, please?

ACTING SPEAKER AUBRY: Will you yield?

MS. ROSENTHAL: Yes.

MR. SMULLEN: Thank you very much. I think my -- my colleague has -- has covered a lot of the questions here, but I just -- I have a bit of a -- want to make sure that I heard everything correctly. Are historical firearms exempted from the provisions of this law?

MS. ROSENTHAL: If -- if a person is unaware that the -- they are -- have a requirement to serialize them, then -- I think actually -- say it again. The historical -- say it again, I'm sorry.

MR. SMULLEN: Are historical firearms exempted from the provisions of this law?

MS. ROSENTHAL: Yes. Yes, they are.

MR. SMULLEN: And does that include all the

attachments and everything that goes along with, like, military history collectors that I'm very familiar with.

MS. ROSENTHAL: Yes.

MR. SMULLEN: Okay. So if you had an -- an antique rifle, the bayonet with it would be exempted from having to be serialized, thus ruining its, you know, historical value to -- to collection.

MS. ROSENTHAL: This bill is not about -- is about guns that are currently used, not ones that are in possession to display for historical purposes.

MR. SMULLEN: And -- and you mentioned -- and this applies to all rifles, pistols, shotguns, whatever -- whatever class of firearms there are. There's no other exceptions other than historical firearms.

MS. ROSENTHAL: Correct.

MR. SMULLEN: And when -- when that happens, if there are different pieces or parts or different components of a firearm, an upper receiver or a lower receiver, I think we're going to discuss this in subsequent legislation but I think it's important to clarify here. Serialization by a gunsmith would then make it okay to possess the various parts of current firearms that are legally possessed by citizens?

MS. ROSENTHAL: Well, this pertains to guns that are assembled by the owner and are not serialized. This doesn't pertain -- this doesn't touch on illegal guns or -- yeah.

MR. SMULLEN: I think it does. I think it -- it

touches on the various components of firearms. If -- if you look at the various classes of rifles, pistols and shotguns, they're made of very, very different pieces and parts. And is your intention is what this bill is saying is that every piece and every part has to have a serial number if it's sold separately from a gun manufacturer?

MS. ROSENTHAL: No, I'm saying that once it's assembled it has to be serialized.

MR. SMULLEN: One it's assembled.

MS. ROSENTHAL: Correct.

MR. SMULLEN: And does that include just one serial number for the assembled firearm?

MS. ROSENTHAL: Yes. I mean, whatever -- whatever is according to law, yes.

MR. SMULLEN: According to current Federal law. Is that what you're saying?

MS. ROSENTHAL: Yes.

MR. SMULLEN: So but aren't firearms already required to be serialized under Federal law?

(Pause)

The bill mentions Federal law several times.

MS. ROSENTHAL: We are not -- we are not -- the Federal law doesn't -- doesn't address ghost guns, which is why there's now a regulation that the government -- the Federal government is putting forth about ghost gun serialization.

MR. SMULLEN: So why do you mention Federal

law in your sponsor's memo then?

MS. ROSENTHAL: Federal law, yes, requires the serialization. Serialization -- we're addressing guns that are assembled by someone who purchases a kit. We're not talking about guns that you buy finished.

MR. SMULLEN: Right. In that context, then, it's -- it's -- that's already covered under Federal law where it requires that a firearm has to be serialized under Federal law. So I guess -- isn't it already required?

MS. ROSENTHAL: There -- there -- on one that's already assembled. We're talking about unserialized parts that a person is putting together.

MR. SMULLEN: And does this law address which part needs to be serialized to make it a firearm?

MS. ROSENTHAL: Yes, it talks about either the frame on a handgun or a receiver on a long gun.

MR. SMULLEN: So are -- but are we going to talk in more detail about that in the next bill? Is that your intention, that these two bills are --

MS. ROSENTHAL: Yes, the next bill delves into the frame or receiver part of this package.

MR. SMULLEN: So -- so these two bills are actually linked but they're separate pieces of legislation.

MS. ROSENTHAL: Yes, correct.

MR. SMULLEN: Okay. Last question, what does

voluntarily surrender mean to a citizen?

MS. ROSENTHAL: Well, I think it -- it means the same to anybody. You -- you have six months in which to relinquish your illegal gun, self-assembled, unserialized, unregistered gun to law enforcement.

MR. SMULLEN: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: This is a very confusing law in many ways. I -- I understand the intention behind it, but it's in direction contravention to many aspects of our existing State laws and existing Federal laws which are already very strict. New York already has some of the toughest gun control laws in the United States, and this -- this law in particular is designed to confuse and to make an already chaotic situation for law-abiding citizens even more chaotic. I'll talk a little bit more on the next bill that we're talking about, but all these bills are indeed linked. Since the SAFE Act in the 2012-'13 era moving forward, all these bills are linked together and the intention is to restrict law-abiding citizens' right to keep and bear arms and I think that's simply wrong.

I think this bill is unnecessary and I urge all my colleagues, in a bipartisan manner, to make sure that as you vote and as you think about these things, what do your constituents really think and know and feel about these -- about these laws? Because when you put it all together it's -- it's a violation of the -- the Second Amendment

rights of our citizens in New York State. Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Salka.

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

ACTING SPEAKER AUBRY: Sponsor, will you yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Thank you, Mr. Speaker. Let's talk a little bit about numbers. Do -- and ultimately what this whole package of gun control bills is about is to decrease gun violence, which every gun owner, every self-respecting citizen wants to make sure that we minimize the amount of gun violence that plagues our communities, in particular our communities of color. And of course the root of the problem is much more complicated than just gun control. But do you have any idea -- and we keep very close records, FBI keeps close records, justice keeps close records, do you have any idea how many guns, ghost guns which we're talking about, are actually used in crimes?

MS. ROSENTHAL: Let me just get that information for you.

(Pause)

In April 2020 the Rockefeller Institute of

Government reported that New York State recovered 220 ghost guns. In 2019 there were 72. In 2018 there were 38, which shows that we've seen a 479 percent increase in the proliferation of ghost guns. And this is a trend that is also being seen in other states because the people who send away for kits and assemble their own guns are mainly individuals who could not pass a background check to legally obtain a gun.

MR. SALKA: So -- so those were the number of guns that were recovered, not necessarily the number of guns that were used in an actual crime.

MS. ROSENTHAL: Well, yes. And there's that's -- that's the crux of the issue, is that guns that are not serialized are also untraceable and are also -- you can't -- you can't see who they belong to. And, you know, in further to your earlier question, in 20 -- in March, New York State Police arrested an Ulster County man for robbery with a ghost gun. In June of this month, Schenectady Police found a man in possession of a ghost gun and a stolen gun. So this is an issue that is rising to the fore, especially during this past year of lockdown the requests for ghost gun kits have been off the charts.

MR. SALKA: Okay. All right. Thank you for answering those questions.

MS. ROSENTHAL: Sure.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for just a couple of questions?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Thank you, Madam. Just -- just a couple of quick questions. You just stated that the requests for ghost gun kits or -- or gun kits have gone up in the past year or so because of the pandemic, is that correct?

MS. ROSENTHAL: I said during the pandemic, I didn't say because of the pandemic.

MR. MANKTELOW: Okay, I -- I apologize. During the pandemic. Isn't that about the same time when bail reform came into play, defunding our police officers? Isn't that all about the same time?

MS. ROSENTHAL: Sir, you are conflating two separate issues.

MR. MANKTELOW: Pardon me?

MS. ROSENTHAL: You are conflating two separate issues. And please do that on someone else's bill because that has nothing to do with the earlier laws we passed.

MR. MANKTELOW: Well, with all due respect, ma'am, this is part of this bill because I am a law-abiding citizen and I have this right to put a gun together. What is your ultimate goal with -- with your bill?

MS. ROSENTHAL: Well, law enforcement has

conveyed that they need all guns to be traceable and serialized. When people build ghost guns from kits at home, they create a firearm that cannot be traced if they do not bring it to a gunsmith to be serialized. So this is a tool that law enforcement wants to help in their enforcement.

MR. MANKTELOW: What law enforcement agencies reached out to you to tell you that?

MS. ROSENTHAL: Various.

MR. MANKTELOW: Can you just give me one?

MS. ROSENTHAL: No.

MR. MANKTELOW: No? Okay, no problem. So I -- I'm a law-abiding citizen, as I said --

MS. ROSENTHAL: Law enforcement across the State.

MR. MANKTELOW: Excuse me?

MS. ROSENTHAL: Law enforcement across the State.

MR. MANKTELOW: Okay. So, I'm a -- I'm a law-abiding citizen. If I put a gun together I would absolutely go and have it serialized. What will this bill do to an individual who would not do that?

MS. ROSENTHAL: It depends. If that person knows or should know that this gun needs to be serialized, then there are various penalties. If, for example, you go into your attic or basement and you're not a lawmaker so you don't know or you just

don't know about this law when it gets signed -- this bill when it gets signed into law then, you know, you get a pass.

MR. MANKTELOW: So do you -- do you believe that somebody that wants to commit a crime and cannot get a -- a firearm legally, do you feel this bill will help lower those numbers of gun-related issues?

MS. ROSENTHAL: Yeah, absolutely.

MR. MANKTELOW: How do you -- how do you plan on telling the person that's going to commit the crime who doesn't follow these laws anyway, how are you going to get that message to them?

MS. ROSENTHAL: Well, I mean, they're already would be -- there -- there are many ways, as you know, of informing the public about newly-enacted laws. There are newspaper articles, there's a lot of social media. There's newsletters. There are many ways that we ensure that the public is aware of bills that we -- that we pass into law.

MR. MANKTELOW: Okay. And I said -- as I said earlier, madam, that as a law-abiding citizen I will abide by those laws.

MS. ROSENTHAL: That's good.

MR. MANKTELOW: But an individual that doesn't really care will not do anything. We'll continue to move in the direction they want to go.

MS. ROSENTHAL: I suppose, then, they'll have

additional penalties to contend with.

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

MS. ROSENTHAL: I said I imagine they'll have different penalties to contend with, then. Additional penalties.

MR. MANKTELOW: But if -- if we know -- if we don't know that they have these guns, how are we going to go after them?

MS. ROSENTHAL: I suggest you ask law enforcement. They have a very robust system of going after people who use guns, people who -- yes, we do have a robust system. I'm going to turn off my video because my -- my Internet is -- my video is -- is lagging behind my voice. So, you know, law enforcement's job is to find firearms, whether they're -- and when they're used to try to trace them back to the perpetrator. And so law enforcement will have tasked to them finding these guns.

MR. MANKTELOW: Okay. One of my colleagues just a week or so ago spoke on -- he was a former police officer, and the defunding of their department does not allow their Crime Unit to go out and look for those guns now. Again, what we're putting a task on a police officer or a police department or the State Police or whoever without any direction, and we're in the mindset of -- of this country and this -- partially in this State of defunding these police officers, and I just don't see how this is going to make a difference.

So I thank you for your time. I -- I -- thank you.

MS. ROSENTHAL: I'll explain it to you, but this has

nothing to do with funding or defunding police.

MR. MANKTELOW: But -- but Madam -- Assemblymember Rosenthal, you just said we're going to have the police officers go out and do this job. How are they going to do that without funding and without having enough police officers in place?

MS. ROSENTHAL: That's already -- that's already their job. It's already their job.

MR. MANKTELOW: Okay. I -- I thank you for your time, Madam.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: As I stated, Mr. Speaker, this bill is great for law-abiding citizens because a law-abiding citizen like many, many gun owners will absolutely do the right thing. This bill does not address anybody that does the wrong thing. And we can see that throughout our country. We look at Chicago where there are no guns allowed in Chicago, and absolutely one of the worst murder rates in our country. We're not addressing the issue. Again, we're blaming the gun. It's not the gun, it's the social disfunction over people that want to shoot people. And I'm sorry, I cannot support this bill. It's going to take again another one of my Second Amendment rights away from me because it's going to be so difficult.

So I will urge my colleagues on this floor to really consider this. This is about -- you know, we talk about our Second Amendment rights here on this floor, and lots of times we get laughed

at, we get, you know, people say not so nice things to us. Just think about this. If this country didn't have guns when we became a country, we would not be a country today. Really think about that. And this morning on the news 100,000 individuals came across the border in Mexico. How many of those individuals are terrorists? How many of those individuals want to hurt America? I hope none of them, but the possibility is there. We need to be able to defend ourselves. We need -- we need to be able to defend this country. So again, I just ask, please consider that this doesn't fix the problem. We're just trying to -- this will take -- legal gun owners, it will take some of their guns away.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Okay. Can you hear me?

ACTING SPEAKER AUBRY: Yes, we can.

MR. DIPIETRO: Okay, thank you. Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Ms. Rosenthal, will you yield? You need to turn up your sound or somebody needs to accelerate your sound, please.

MR. DIPIETRO: I am all the way up.

ACTING SPEAKER AUBRY: Okay. We'll see what we can do.

MR. DIPIETRO: Yes. I am all the way up. Can you hear me?

ACTING SPEAKER AUBRY: Yes.

Ms. Rosenthal, will you yield?

MS. ROSENTHAL: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MR. DIPIETRO: Thank you, Mrs. Rosenthal. I'm happy to hear that --

MS. ROSENTHAL: Ms. -- Ms. Rosenthal.

MR. DIPIETRO: Sorry, Ms. Rosenthal. I'm happy to hear that historical firearms are exempt in this bill. That would cause a lot of problems. A couple things that you mentioned. You mentioned that most people that get these guns can't pass a NICS check. Do you have any facts that can back up that statement?

MS. ROSENTHAL: What I said was a -- was a fact. That is why they are not obtaining a gun through normal means, normal legal means. They are constructing guns that can't be traced to them because they could not pass a background check.

MR. DIPIETRO: But do you have facts that people that have been, say, arrested with those could not pass a background check?

MS. ROSENTHAL: I can get that for you.

MR. DIPIETRO: I would love it. I would love it. Because I did some research myself on that.

Another question. We always talk about assault rifles, ARs. The term AR, just off chance, do you know what AR

stands for?

MS. ROSENTHAL: Assault rifle.

MR. DIPIETRO: Incorrect. But that's okay.

Ninety-nine percent of people who hear the term AR, that's exactly -- they say assault rifle or automatic rifle. The fact is it stands for ArmaLite Rifle, which is the name of the company back in the '40s -- or late '30s or '40s that actually produced the rifle. So it's -- it's representative of the company ArmaLite that makes the rifle. But that's 99 percent of the people think it stands for assault rifle or automatic rifle, so... I appreciate that.

On the bill, sir.

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

MR. DIPIETRO: This is just another blatant attack on our Second Amendment rights, sir. I feel that it's a death of a thousand cuts as we keep going after the Second Amendment. Yet I look at places like Chicago and New York City where we've cut and defunded police, we've taken away the rights of our officers, of those who try to protect us, and especially in New York State we are continually giving the rights back to the -- not the victims, but to the people who will assault us and cause us harm instead of locking them up, where I feel they should be. New York City has an incredible amount of -- of violence right now and we're not attacking the cause. Because you're not allowed pistols in New York City, these weapons in Western New York. I can't tell you how many murders are not done

with legal guns yet we're trying to tell people that it's the legal gun owner, again, who's always to blame when it's not. It's bad people do bad things.

Also, on this bill I talked to a number of gun groups over the last couple of months with this bill. No one's been contacted. There was no groups that were able to weigh in on the process, on the bill itself. Even the sponsor herself couldn't answer some of the questions. And I think it's not her fault. I think there's a basic misunderstanding between people who are legitimate gun owners like myself and people who just blame the gun for everything. Until you get down to the real millions and millions and millions of gun owners are totally legal and have never done a thing. But when you get to bad people, that's where we should be concentrating our efforts at. And again, as I said, most people, 99 percent of the people think an AR stands for an automatic rifle and it doesn't. It's actually the name of the company that produced the rifle and designed it. And that's -- I think that goes right back to the basic ignorance of firearms. And trust me, as I go around the State and have been since I was elected and actually before I was elected as an advocate for the Second Amendment, I have debated thousands of people on this issue and on firearms and it's just -- it's sad because a lot of people just don't understand what the real issue is. We have -- most people, I can tell you when -- when it's said that these people cannot pass NICS checks or background checks, that's a blatant lie because I know people who have these. A, you've got a lot of sportsmen who are very

competitive, who actually will manufacture their own processes to make their firearm a little bit better. And you also just have those who are so -- especially in New York who are so sick and tired of the government. They don't want to be traced on anything. They can pass a NICS check. They would prefer not to do something through the government because once they do, the government has the ability to come and track them. And we've seen that over and over and over again. So, voluntary surrender, I just don't understand where that even comes -- comes into play on this because if you can't trace back these parts to the different gun owners who -- who use them, that's ridiculous. The -- what else did we have here? When we look at the number of murders in New York State, New York City especially, we have found out that ghost guns are not the problem. Name me how many murders were committed with ghost guns because I don't think there's hardly any. Illegal guns, yes. And that's probably where we need to start, and that's getting illegal guns out of the hands of people and finding out how they're getting illegal guns. But not at the expense of the legal gun owner. We always talk about rights in New York State. But yet when it comes to the Second Amendment rights, all of a sudden our counterparts turn a blind and deaf eye -- a deaf ear to any of our rights when it comes to the Second Amendment. And that's very disturbing also because it's very hypocritical.

We've got -- I just want to say that this is a bad bill. I don't think it holds any merit. If you wanted to get rid of these types of firearms there are other ways you could have done it. And to me,

this bill is just another blatant attack on our Second Amendment rights. I will not be supporting it. There's -- it's like Swiss cheese. It's full of holes and there's nothing behind it. And I will be urging all of my colleagues on both sides of the aisle to rethink the entire process about legal gun owners and the Second Amendment and what it actually stands for in our country. Like I said, the number one problem is ignorance, and it's just -- people are not educated enough to realize that it starts with -- when I just asked people what does AR -- an AR-15, what does that stand for. And again, that's a very basic question but people don't understand it and can't answer that question. I'm glad to at least be able to tell people that when they hear the term AR it stands for ArmaLite. It's the company, it's not an assault rifle. And also most everything on -- on an AR-15 that we buy has nothing to do with assault rifles or a legal definition of a military-grade style weapon.

So I wish -- I wish my colleagues would vote this down and put a message and go back to the drawing board. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate 14-A. 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 is generally opposed to this legislation. Those who would like to vote in favor of it should contact the Minority Leader's Office and we'll make sure your vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, so noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Majority Conference will generally be in support of this item; however, should colleagues desire to be an exception they should feel free to contact the Majority Leader's Office and we will properly record your vote.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker. I rise to explain my vote. Jose Webster is not here to tell you about the night he was murdered, so I will. Jose was a 16-year-old living in the Bronx with his mother when he was shot 15 times while he walked his girlfriend home. It didn't matter that it wasn't even 9:00 p.m. and that the walk was one he had taken several times before. He was shot by two men who were each armed with a gun. I would love to say that Jose was an anomaly, that children are safe from gun violence, but we

know that is not true. Even in a global pandemic, there were 19,379 gun violence deaths in this country. This year, nine freshmen at Marjory Stoneman Douglas who were murdered in school would have joined their classmates today to graduate from high school. Instead, their -- their families are mourning their death once again.

In New York State, we have a duty and a responsibility to ensure that all guns are serialized and traceable, that people cannot harbor assembled guns that they will use to commit crimes and that law enforcement cannot trace. This is not about who's crossing the border and this is not about the Second Amendment. This is about keeping New Yorkers safe from gun violence. I have conferred deeply with a lot of groups and I would like to thank New Yorkers Against Gun Violence, Everytown for Gun Safety, Brady United, Giffords, and Moms Demand Action for Gun Sense in America, as well as United Neighborhood Houses for investing their time, energy, and intellect in trying to rid us of the scourge of gun violence. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. DiPietro to explain his vote.

MR. DIPIETRO: Thank you, sir. On the -- to explain my vote.

ACTING SPEAKER AUBRY: Yes, sir.

MR. DIPIETRO: I would just like to say that all the groups that I have spoken with from the NRA to a number of local

gun groups, to the new group in Rochester that's coming to New York State from around the country that they are all opposed to this, and I would just like to reference that the -- the groups that were just mentioned, every single one of them is an anti-gun group. New Yorkers Against Gun Violence is an extremely leftist liberal anti-gun group. I've had them in my office, I've spoken with them. They would never -- they would never support any pro-gun initiative.

So I'd just like to say that again, when there's only 30 to 70 to whatever there were, ghost guns in New York State or around the country, those are not the problem. There's other issues, and I would just like our members to vote no against this. As I reiterated earlier, this is a horrible bill and it is a definite, definite, definite attack on our Second Amendment rights. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. By the definition provided in the bill, a *ghost gun* is identified as an unserialized firearm. It is already illegal to possess an unregistered firearm under the Penal Law as a Class E felony. As a ghost gun has no serial number, it would not be able to be registered, thus anyone in possession of a ghost gun under this bill's own definition would already be in violation of a Class E felony offense. It is unclear what this bill accomplishes that the current law does not. I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the

negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you would please record our colleagues Mr. Santabarbara and Mrs. Barrett in the negative on this one.

ACTING SPEAKER AUBRY: Certainly. Thank you, ma'am.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the affirmative votes on the floor, please record Mr. Ra and Mr. Smith in the affirmative. 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.

Page 17, Rules Report No. 423, the Clerk will read.

THE CLERK: Senate No. S00013-A, Rules Report No. 423, Senator Kaplan (Lavine, Stern, Steck, Griffin, Paulin, Simon, Ramos, Dinowitz, Benedetto, Hevesi, Cymbrowitz, Galef, Nolan, Jacobson, Seawright, Burdick, Thiele, Sillitti, Gottfried, Englebright, Zebrowski, L. Rosenthal, Carroll, Jean-Pierre, Otis, Epstein, Perry, Fahy, Abinanti, Zinerman, Richardson--A02666A). An act to amend the Penal Law, in relation to enacting the "Scott J. Beigel Unfinished Receiver Act" in relation to unfinished frames or receivers.

ACTING SPEAKER AUBRY: Mr. -- explanation is

requested, Mr. Lavine.

MR. LAVINE: Certainly. Thank you. Thank you very much. So traditional firearms are made by licensed companies and they are then purchased from licensed gun dealers. All guns manufactured in the United States of America and every firearm that's imported is -- are legally required, they are legally required to have to serial numbers affixed to them. In contrast, a ghost gun is manufactured in parts and can be assembled at the home of an unlicensed buyer. There is no need to pass a background check to obtain the components of a ghost gun. They are sold online in do-it-yourself kits. The key selling point for many purchasers is that ghost guns don't have serial numbers, the critical piece of information that law enforcement agencies use to trace the gun from the manufacturer to the dealer to the original purchasers. Ghost guns are untraceable and because of how they are sold as parts that need to be assembled, under current rules the Bureau of Alcohol, Tobacco, Firearms and Explosives does not, I repeat, does not treat them as it would traditional firearms. These are easy to assemble and they are cheap. An AR-15 build kit can cost as little as \$345. Interestingly enough, the top five instructional videos on YouTube for building a ghost gun have drawn more for three million viewers.

Many ghost guns -- well, let me say this: Back in February of this year when we had our budget hearing with the State Senate, it was on February the 10th, the director -- the Superintendent, rather, of the New York State Division of Police, Kevin Bruen, said

that if this was years ago, he wouldn't be concerned about ghost guns. But he's very concerned today about ghost guns. As of yesterday afternoon, 256 mass shootings had occurred in our country this year, leaving 291 dead and 1,055 wounded, including a ten-year-old on a -- in his home in Far Rockaway in Queens. We can see the writing on the wall. The writing is there, and the writing is not pleasant. But the writing presents a clear and a present and an imminent danger to everyone in our nation, and that's why this bill has been introduced.

The specifics of the bill are that it's called the Scott J. Beigel Unfinished Receiver Act. It adds a new subdivision to the Penal Law defining an unfinished frame or receiver. It makes it illegal, it makes it a misdemeanor to have one of these things unless someone's a licensed gunsmith, and it also makes it illegal to sell them. So anyone who sells up to nine of them is going to be convicted of an E felony, punishable by up to four years in jail, and anyone who sells ten or more is going to be convicted of a Class D felony, punishable by up to seven years in jail.

So I think that, in sum and substance, describes our present plight, and it is a tragedy that is occurring in the United States of America, and it describes the portions and sections of this particular bill. Any questions?

ACTING SPEAKER AUBRY: Mr. Gallahan.

MR. GALLAHAN: Thank you, Mr. Speaker. Will Mr. Lavine yield?

MR. LAVINE: Of course.

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

MR. LAVINE: Of course.

MR. GALLAHAN: Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine yields, sir.

MR. GALLAHAN: Thank you, sir. Reading this, I'm confused.

MR. LAVINE: Well, let me do what I can to ease your --

MR. GALLAHAN: It's about -- yeah, it's about as clear as mud. I have some questions that you can hopefully clarify for me.

MR. LAVINE: I think so.

MR. GALLAHAN: If I want to buy currently on the black market or wherever, a ghost receiver, how do I go about doing that?

MR. LAVINE: You can do it online.

MR. GALLAHAN: So I can have a ghost receiver mailed to me ordering online?

MR. LAVINE: It's easy to assemble. They come in kits, then sometimes they come with --

MR. GALLAHAN: I understand that, I understand that. I just want to know --

MR. LAVINE: I'm sorry, sir. I'm sorry. May I finish

answer the question -- answering the question?

They are cheap, they come in kits, they come with jigs that you can use to assist you to draw the -- to drill the holes in the right positions. It's very easy --

MR. GALLAHAN: I understand all that.

MR. LAVINE: The company --

MR. GALLAHAN: I understand all that.

MR. LAVINE: The companies advertise -- the companies advertise online you can do this in 15 minutes --

MR. GALLAHAN: I understand all that --

MR. LAVINE: -- do you think it's a good idea?

MR. GALLAHAN: I under -- I understand that completely. I don't know, I personally, being a law-abiding citizen, I don't know where to get a ghost receiver. But I do know where I can get a receiver, obtain a receiver, put a firearm together myself, a receiver that's got a serial number on it through an FFL. Do you know what FFL is?

MR. LAVINE: I'm -- I'm sorry. Can you speak up? You're talking about a Federal Firearms License?

MR. GALLAHAN: Yes, sir. So you can --

MR. LAVINE: Yes, I am.

MR. GALLAHAN: So you can receive -- you buy a lower -- you buy a lower from a Federal firearms dealer. The lower -- the lower is -- is not finished. The reason it's not finished is because the -- the shooter, and I'm going to talk about a shooter that is

competition shooting. He's got a 6.5 millimeter Creedmoor and he's shooting 1,000 yards in a competition. He needs that gun as accurate as he can get it. So he orders the lower through his FFL. It's not finished. The lower is not finished. He's going to finish the lower or she's going to finish the lower herself. But the lower has actually got a serial number on it. Is that considered, under this bill, part of a ghost gun kit?

MR. LAVINE: You know that's -- that's a question that eventually is going to have to be, I suppose, answered by a -- by a judge. And I don't want to prejudge what a -- what a judge is going to do. I think the important thrust of what we are trying to accomplish here, in addition to saving lives, is to make sure that firearms are serialized. And I think you'd agree with me that that's a good idea, wouldn't you?

MR. GALLAHAN: All my firearms are serialized, every one of them, every firearm I own.

MR. LAVINE: Well, I'm not talking about all your -- your firearms, because I don't know that I have to worry about you. But there are plenty of people we have to worry about.

MR. GALLAHAN: So I -- I --

MR. LAVINE: You and I --

MR. GALLAHAN: I have a few more questions --

MR. LAVINE: You and I -- you and I share that opinion.

MR. GALLAHAN: A few more questions I have.

The next question I have is, so I obtain that lower and I order my trigger kit, and I dust up my trigger kit to make sure it's got a one -- one-and-a-half pound pull on it. And I have to assemble that into the assembly that I ordered which, by the way, has a serial number on it. So I have to modify that. So that -- that -- that lower comes and I have to modify it to get my trigger kit into that lower. And then I have to put a firing pin in it. And you can own a multitude of different firing pins, with coating on them so that they don't deteriorate as quickly as a standard firing pin, because in competition you're shooting tens of thousands of rounds. So when I order these component parts, are these component parts going to be considered illegal to put into my receiver that I have to modify to put these component parts into?

MR. LAVINE: Well, that might depend on your -- on the particular intent of any particular individual. But I would tend to think that the thrust, as I have discussed with you just moments ago, of this bill is to make sure that firearms are serialized. And you agree with me on that, do you not? I'm sure you do.

MR. GALLAHAN: My next question would be, I go from a 6.5 Creedmoor to a .22 Long Rifle competition with the same frame and I could change -- interchange that lower with the same frame to shoot the .22 which I'm going to buy and put into that lower. Are those parts also going to be considered illegal?

MR. LAVINE: I think if you read the bill you'll come to your own conclusion, which might actually give you some measure of -- of comfort.

MR. GALLAHAN: I read the bill. The bill to me is clear as mud, so it didn't do me any good. It -- it certainly makes it difficult for a shooter to gain a competitive edge if he can't get his components legally. That's -- that is a huge industry that's out there. There's tens of thousands of shooters across this country. There's thousands and thousands of them right here in New York with gun ranges -- ranging from Buffalo to -- to Westchester. So it -- it didn't really make any -- any sense to me. This -- this -- it would prevent competitive shooters from modifying their firearms the way I look at it. And -- and I'm -- I'm also wondering, have you -- have you spoke to any members or any officials from S.C.O.P.E. about -- about this?

MR. LAVINE: You know, I am not sure because I've spoken to many people about this particular bill and many are -- and have been members of the National Rifle Association, and almost everyone I've spoken with favors this particular bill. But let me return just for a moment to your observation that you had read the bill and it's as clear as mud and then you were concerned around replacing firing pins and use a -- going from a .22 Long from some other firearm. I'd simply suggest, my friend, that you read the bill again. And you may want to rest easy because I don't think the bill interferes with your Second Amendment right or anyone else's Second Amendment right.

MR. GALLAHAN: I -- I think the bill is -- is overly vague and -- and I -- I don't think it's a good bill at all. Have you -- you did -- you say -- you mentioned you had spoke with -- with the NRA. Can -- do you know -- do you know who you spoke with?

MR. LAVINE: I have spoken to many -- many members of the NRA who are certainly not in favor of the NRA's positions, and I'm sure you have as well, have you not?

MR. GALLAHAN: I -- I am a -- I'm actually on the Board of Directors for S.C.O.P.E. and every single person that I've spoken to from S.C.O.P.E. is against this legislation.

MR. LAVINE: So --

MR. GALLAHAN: I'm a life member of the NRA and many members that I talk to on a regular basis, the e-mails that I'm getting in my district office, I have not had one in favor of this legislation. I'm also a member of the New York State Pistol and Rifle Association. I'm wondering if you have -- may have talked to those folks?

MR. LAVINE: Well, that's the -- the NRA's wholly-owned New York State subsidiary.

MR. GALLAHAN: Yeah --

MR. LAVINE: What's the difference?

MR. GALLAHAN: Have you spoken with them?

MR. LAVINE: What's the difference? I have -- I am sure I have spoken --

MR. GALLAHAN: There's a big difference. They're located right here in New York State --

MR. LAVINE: Yeah -- yes. Yes.

MR. GALLAHAN: They represent people from New York State, that's why they call it the New York State Pistol and Rifle

Association.

MR. LAVINE: But your philosophy, which is the philosophy that advances the NRA's no compromise position is the philosophy that is killing thousands of New Yorkers and thousands of -- excuse me, thousands of Americans. Is this your answer -- is this your answer to this crisis that we face? More guns? How long is it going to take us to learn the lesson that there are too many guns? Too many guns. And when you have too many guns, too many are going to fall into the hands of people who should never be near a gun in the first place. Never near a firearm. So what's your answer to this dilemma? More guns?

MR. GALLAHAN: What's -- what's your answer to more guns? How do you -- how -- what's your answer to just stopping more guns? What's your answer to that?

MR. LAVINE: I don't -- I don't under --

MR. GALLAHAN: This bill? This bill? This bill?

MR. LAVINE: This bill will make it much more difficult for people to assemble these do-it-yourself firearms at home. The idea is that -- obviously, you agree with this, we want to make sure that firearms are serialized. You know, a previous speaker had spoken and -- and I didn't hear you or anyone else take issue with him with respect to people hating the government. And the -- that they -- they don't want the government to know how many guns they've got. You know, I could use the old Groucho Marx line here, *I rest my case*. There's a crisis in this country. What is your solution?

MR. GALLAHAN: I don't believe that there is a crisis --

MR. LAVINE: You have none. You have none.

MR. GALLAHAN: -- in this country. The crisis in this country is not guns. The crisis in this country is education. And -- and plain and simple, if in New York State, for example, if we had mandatory firearms training education in every school, you would see this -- this crisis that you're referring to diminish greatly. It would diminish greatly. Education is -- is the -- is the answer to most of the problems that we face and if we could educate our young children and our -- and our middle-aged folks that are out there with guns before they -- before they go out and -- and come to the range, when they come to the range they have to be educated. They have to go through training. Training and education is paramount in solving this problem. Thank you for answering the questions.

Mr. Speaker, on the bill.

MR. LAVINE: Well --

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: Thank you. I -- I think that this bill is -- is way too vague. It will make a criminal -- the way I read it, it'll make a criminal out of me, just trying to put together what I -- what I currently have and maintain what I currently have in order to competitively shoot. I -- I don't understand how this is -- on a lower that I buy from an FFL that's got a serial number on it but is not finished makes me a criminal. And there's -- there's too many

loopholes that I see in this bill and I certainly can't support it and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the Assemblyman from the 13th Assembly District from Nassau County yield for a few questions, please?

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

MR. LAVINE: The Assemblymember from the 13th Assembly District in Nassau County who grew up hunting and shooting in the Upper Peninsula of Michigan, sir, will be happy to answer your questions.

MR. SMULLEN: Well, I'm -- I'm sure those laws in Michigan are a bit different than we have in New York State and --

MR. LAVINE: Well, every state -- every state --

MR. SMULLEN: And that -- that light of a -- that time has lapsed since your childhood, I'm sure.

MR. LAVINE: As you know, the firearms laws in every state are -- are different.

MR. SMULLEN: Indeed. Well, thank you very much for allowing me to ask a few questions. I want to specifically dig into some of the technical details of the bill, because this is actually quite a technical bill, if you will.

MR. LAVINE: Yes, it is.

MR. SMULLEN: Now, you just mentioned growing up in Michigan, but where did you get your expertise in firearms nomenclature in order to craft this bill?

MR. LAVINE: Well, let me share this with you, my friends. I -- I was hunting many times as a younger person, but now that the statute of limitations has run, never legally. As a matter of fact -- well, I'll save those stories for another time.

MR. SMULLEN: Well, thank you. I'd certainly invite you to the Adirondacks on a hunting trip if you'd like to take up the pastimes of your youth --

MR. LAVINE: No, I've been at bear camps, I get it.

MR. SMULLEN: It'd be very -- it'd be very beneficial.

MR. LAVINE: I get it.

MR. SMULLEN: And the reason I say that is is that I -- I have some -- some real concerns about this is, in your mind what is a receiver under this bill?

MR. LAVINE: If you read the bill --

MR. SMULLEN: I -- I've read it ten times. I -- I want you to say in public what a receiver is, sir.

MR. LAVINE: Then I think what you want to do is you want to read lines 5 to 12 of the bill and I think that you'll be able to readily understand what a receiver is. I suspect you know what a receiver is; am I correct?

MR. SMULLEN: I am, in fact I -- I do have a little

bit of experience with -- with weapons and weapons systems because
--

MR. LAVINE: Well, we're -- we're talking -- talking about firearms here. Very often when I use that word *weapons* in a discussion with a -- a gun -- gun advocates, I'm corrected. So I want to make sure that -- are you talking about firearms or weapons or both?

MR. SMULLEN: Under New York State law I'm speaking of firearms.

MR. LAVINE: Good.

MR. SMULLEN: How -- now, how do you also net this -- nest this under Federal law, because you actually do mention Federal law in your bill.

MR. LAVINE: You know, that's an interesting point. And it's not as if we have not done that before any number of times in legislation in the State of New York. And I'd direct your attention, although I haven't had a chance to fully research this, but just, my friend, off the top of my head, when we define drug offenses, we also refer to Federal... schedules of -- of controlled substances. That's correct, isn't it?

MR. SMULLEN: So if we're going to follow Federal law in terms of how we describe offenses and how we are going to look at these -- these actual -- these firearms, why don't we just follow the existing Federal and State law? Wouldn't that suffice in this case?

MR. LAVINE: Well, you know very well that the

ATF, now it's the Bureau of Alcohol, Tobacco, Firearms and Explosives, does not view these ghost -- ghost gun kits as being illegal, and they're not illegal in New York State --

MR. SMULLEN: Right.

MR. LAVINE: Are they? I mean, I heard from one of your colleagues that they were illegal and then I heard from another of your colleagues that they weren't illegal. So perhaps I'm confused.

MR. SMULLEN: Well, certainly firearms without serial numbers are not legal in New York State. That's -- that's a fact. That's what -- what actually exists today. Now, you'd mentioned 256 mass shootings. How many of those were by -- were done with ghost guns?

MR. LAVINE: You know, it's interesting that you asked that question, and I do have to say that I believe you asked that question earlier. So I don't really have at my disposal the answer to that -- to that question --

MR. SMULLEN: Thank you.

MR. LAVINE: But in terms of --

MR. SMULLEN: -- that's fine.

MR. LAVINE: But I -- I think you're driving at how many times have people been killed with ghost guns?

MR. SMULLEN: No, not -- not at all.

MR. LAVINE: Yes.

MR. SMULLEN: You mentioned a statistic -- a national statistic, but you failed to back it up with empirical evidence

as to what --

MR. LAVINE: Well --

MR. SMULLEN: -- ghost guns were used at the national level. So we're talking about New York here --

MR. LAVINE: Then let me give you some --

MR. SMULLEN: I'd like to continue to question you on the serialization of --

ACTING SPEAKER AUBRY: Gentlemen, gentlemen. You ask a question, you let it answer. You ask a question. This constant talking over each other is not part of what we do in this House, okay? No matter how contentious the issue. Thank you.

MR. SMULLEN: There's certainly nothing contentious going on here, Mr. Speaker, I just have limited time because our debate is limited to 15 minutes. May I have 30?

ACTING SPEAKER AUBRY: Well, you still can't break the rules because the time is 15 minutes, all right? Thank you. Proceed.

MR. SMULLEN: I'm offering him the opportunity to -- to answer if he would choose.

MR. LAVINE: What is the question?

MR. SMULLEN: Let me move on then if that's okay.

MR. LAVINE: Oh. I can -- I think that I can give you the information that you want in terms of shootings with ghost guns. But bear with me. And it's a fairly exhaustive schedule. And if at some point you get a little bit bored with what I'm saying, just give

me a sign. So let's go back to June 7th, 2013. John Zawahri carried out a shooting spree --

MR. SMULLEN: Mr. Speaker.

MR. LAVINE: -- killed four people including his --

MR. SMULLEN: May I ask that the -- the sponsor again yield so I can question him as opposed to using my time up inefficiently?

ACTING SPEAKER AUBRY: You're asking for...

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

ACTING SPEAKER AUBRY: Okay. On the bill. Maybe that's the best way to proceed.

MR. SMULLEN: I do appreciate it. I've got lot of questions and I do have limited time --

ACTING SPEAKER AUBRY: Right, go ahead.

MR. SMULLEN: -- because of the current rules of the House. I've got a lot of concerns about this bill and specifically, the technical aspects of it, which I don't think are -- are factored into. This bill is going to very definitely hurt competition shooters in New York State. These are law-abiding citizens who have a hobby and a sport that they're very passionate about. And what they do is they have a lot of pieces and parts to various firearms which are legally registered, which they own and which they use in a safe manner on shooting ranges and for hunting and for the various other legal purposes in New York State. This -- this bill specifically is going hurt them because it has to do with the serialization of parts, whether

they're frames or they're receivers or they're barrels or they're various attachments that go on to this. I think the intention behind this bill is to require the serialization of almost every part in a weapon, a firearm, in a system that -- that works together in functions as designed. And -- and I think that's a bad thing because what it does is it punishes law-abiding citizens for the crimes of those people who are already evading the law that they commit with ghost guns. And I'm -- I'm against unserialized firearms in New York State, but I think it's already adequately covered under New York State law.

Technology is an ever-evolving and an ever-changing sort of endeavor; in fact, there are 3D printers now that allow people to print various things at home which, again, wouldn't be -- wouldn't be serialized. But what this is doing is this is essentially switching all of the responsibility on to the gunsmiths in New York State and the Federal Firearms Licensees that sell firearms in New York State. And I -- I don't think that that's a -- a very good proposition when in reality we're trying to target criminals, people that commit crimes with guns, people that would go ahead and unscrupulously buy a ghost gun and then use it to commit a crime. Those are the people that we should be after that, not the law-abiding citizens. Because as I explained in our previous bill and -- and I will continue to do so in the bills that are coming up, is this -- this strategy of a death by a thousand cuts causes chaos in the legal gun owning community in New York State, which it's their right to do so under the Second Amendment, that the right keep and bear arms shall not be infringed.

So indeed this, to me, is an infringement and it must be recognized as such. For the last ten years, New Your State has continued to legislate to restrict gun owners' rights, to exercise their Constitutional liberty under the Constitution. It's nothing more than that. And it's a -- it's a -- it's a concerted effort to do so and I think it's fundamentally wrong to the beliefs that we have in the Constitution. If we want to go after criminals, which I think we should, then let's do so. But let's don't do it at the expense of law-abiding gun owners and specifically in this bill, competition shooters who will have the -- the chance that their activities are criminalized for no other reason than they -- the goalpost has been moved to them in their rights under the Second Amendment under the Constitution.

Mr. Speaker, thank you very much and I do appreciate the -- the exchange back and forth with the sponsor, but want to make sure that I have opportunity to express my First Amendment rights on behalf of the citizens of my district. Thank you.

ACTING SPEAKER THIELE: Read the last section.

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

ACTING SPEAKER THIELE: The Clerk will record the vote on Senate Bill 13-A. 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, Mr. Speaker. The Republican Conference is generally opposed to this legislation. Those who would like to support it should contact the Minority Leader's Office and we'll record your vote accordingly. Thank you, sir.

ACTING SPEAKER THIELE: Ms. Hyndman.

MS. HYNDMAN: This is a Party vote. Majority members will be record in the affirmative. If there are any exceptions, we ask Majority members to contact the Majority Leader's Office at the number previously provided and their names will be announced accordingly.

(The Clerk recorded the vote.)

ACTING SPEAKER THIELE: Mr. Lavine to explain his vote.

MR. LAVINE: Thank you. This bill is named for Scott Beigel. Scott Beigel was and is an American hero. He died at Marjory Stoneman Douglas High School in Parkland, Florida, shielding his students from -- from a murderer. He gave his life doing that. It is fitting that this legislation is named in his memory and that it is named in his honor, because once enacted, this legislation will also save lives. Now is the time for Americans of good faith to be inspired by Scott's life. By the way, Scott's parents are very dear friends. Now is the time for us to be inspired by their son's life. Let us unite to protect our families, our communities, and the soul of our nation from the clear, present, and imminent danger presented by far too easy access to firearms, including far too easy access to home manufactured

weapons. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To explain my vote. So we -- over the last couple of years we've done a lot of work in -- in this Chamber. I understand the intent of it, but we're now seeing the result of what we feared. We took discretion away from judges, Mr. Speaker. We released felons early. We eliminated cash bail, we closed prisons, we put District Attorneys at a disadvantage, we put our thumbs on the scale of justice for criminals. We have a lack of support for law enforcement and we have unemployment that is caused by government lockdown which has resulted in what you know, the New York City Mayor's race right now, the top issue in that race is, *What are you going to do about the crime wave?* And this is the solution. I don't know how this sells back to New York City residents. Good luck. We're going to put serials on -- on the lower receivers, that's the solution.

I got -- I got a different solution, Mr. Speaker. I'm going to vote no on this piece of legislation, but I would say give discretion back to judges, put the felons back in prison, stop closing prisons, put cash bail back in place, let District Attorneys and law enforcement officers do their jobs with your support. That sells a lot better because it actually works and was working in the State. So with that, Mr. Speaker, I vote no on this bill that is going to do absolutely

nothing to address the problem that exists in New York City right now.

ACTING SPEAKER AUBRY: Mr. Walczyk votes no.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the floor vote, please add Mr. DeStefano and Mr. Smith in support of this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please record our colleague, Mr. Santabarbara, in the negative.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 454, the Clerk will read.

THE CLERK: Assembly No. A06522, Rules Report No. 454, Stern, Griffin, Simon, Epstein. An act to amend to the Penal Law, in relation to redefining the term "disguised gun" to include any rifle, pistol, shotgun or machine-gun resembling a toy gun and prohibiting the possession, manufacture or design thereof.

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

MR. STERN: Yes, thank you, Mr. Speaker. In a very disturbing trend all across our country, it's getting tougher these days to tell the real guns from toys. Real guns that are intentionally disguised as toys put all of us at risk, especially our law enforcement when faced with a difficult and potentially deadly choice to make. So this legislation, Mr. Speaker, would prohibit the design, manufacture and possession of disguised guns in New York State.

ACTING SPEAKER AUBRY: Mr. Reilly.

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

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

MR. STERN: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Stern yields.

MR. REILLY: Thank you, Mr. Stern. So just for clarification purposes, on line 7 and 8 of the bill, it says, *Include but not be limited to any rifle, pistol, shotgun, or machine gun displaying a color finish other than the original manufactured color.* The reason why I read that is I was looking for a clarification because I didn't see it in the bill, law enforcement during training exercises use red barrel firearms. What that indicates is to let the -- the officers who are being trained know that that is a non-operable firearm. Is there anything that will clarify and ensure that those firearms used in training exercises would not be illegal under this legislation?

MR. STERN: Sure. Well, first of all, I'm very proud

of the fact that this legislation has the support of local law enforcement, as well as the New York State PBA. And the reason why is, and it goes to your question, when you read the new language in the totality, it is -- there has to be an intent that with these changes used as examples, there has to be an intent that the gun presents as a toy gun. So going to your example, in the case where there is an inoperable gun that's utilized by law enforcement certainly not intended to present as a toy gun, I don't believe would come under this legislation.

MR. REILLY: Thank you, Mr. Stern. Touching on that again, if you have a -- I know that in the legislation for hunting there was -- if it's painted camouflage there -- there's an exemption.

MR. STERN: Yeah.

MR. REILLY: If there's -- is there anything in here about exemptions for the sport shooter where maybe there's a firearm that is a rifle that may be painted with like an American flag or decoration like that.

MR. STERN: Well, again, the -- the language of the bill states pretty clearly that there has to be, number one, an intent, and that due to the alteration, whether it's color or design, that it's intended to present as a toy gun. Of course the reason for that and what we're seeing all across the country in alarming numbers these days is that criminals are taking their guns and they are making them appear as toy guns, and whether they're actually using them for criminal activity or when faced with an officer by design, because it presents as a toy gun,

automatically it's going to -- the intent there is to get the police officer in a confrontation to pause. And you know very well, we know, that if you are not going to get shot first, then you are that much more likely to take the first shot and that's what this legislation seeks to prevent.

MR. REILLY: Mr. Stern, one last question. The -- possessing a firearm like this, would it -- would it be a Class D felony?

MR. STERN: Possession at 2 -- Penal Law 265 speaks to the definition -- criminal possession is -- is dealt with under 265.02. This would be a third degree criminal possession of -- of a weapon. Sub 6 of 265.02 goes to possession of a disguised gun, that is a Class D felony.

MR. REILLY: D as in David. Thank you. Thank you, Mr. Stern.

Ms. -- Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill, sir.

MR. REILLY: So I -- I like the intent of the bill. As a former New York City Police Officer, I've dealt first hand with firearms that were disguised to look like toy guns. And for officers' safety, I can tell you that explanation that Mr. Stern gave us where it's -- that hesitation can cost an officer or a civilian that's not involved in the incident their lives in a split second. I was fortunate enough that I never fired my weapon in the line of duty except for training, but I came very close. And I relive those nights in my dreams because it's not an easy decision when you have that last chance to whether you're

going to protect your own life and the civilians around you or if you're going to shoot someone and be second-guessed because it might be a toy. There were many incidents where I was involved in investigating robberies on the street that were done with fake firearms to look like toys and but for the grace of God, nothing happened when I was involved in it.

So having clarified that training firearms used by law enforcement to show that they're inoperable, I think that's a good thing that we defined here on debate. I think that sets the precedent of the record that we need in regards to this legislation because as I've spoken about several times on the floor, many times we put language in legislation that does not transition to the street the way it was intended. So I thank the sponsor for clarifying that and I thank all the efforts to ensure that we protect law enforcement when they're trying to combat the illegal firearms. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Salka.

MR. SALKA: Thank you, Madam Speaker. Would the sponsor yield for a question or two?

Thank you, sir.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SALKA: You look through different magazines that sell firearms, you know, list firearms, describe firearms, do testing on firearms. A lot of manufacturers offer from the manufacturer different colored guns; some women shooters like to have blue or pink guns. Would this, in fact, prohibit the sale of those guns in New York

and if it would, will the guns that are in circulation at this point be grandfathered in?

MR. STERN: So the answer to the first question is it certainly could; yet, I go back to the definition in this legislation that this kind of alteration, whether it be color or in substance or by design, if it is intended that it result in looking like a toy gun, that would come under this bill. The effective date right now is I believe next November, if enacted now. There is no grandfathering clause. This is a -- a possession, or at least in part, a possession offense. And so -- and that's the idea is if there is a firearm that has intentionally been altered to make it look like a toy gun, then possession of it, of course, manufacturer and design and sale comes under this legislation as well. But the intent is that these types of firearms that because of the potential situation that we've been discussing today can be inherently dangerous particularly to our law enforcement, would come under this legislation.

MR. SALKA: So most guns that are sold are either black or a metallic color, okay, different -- aluminum or steel, stainless steel, whatever, but again, those guns that are manufactured by -- by that -- by that particular manufacturer of a color that isn't black or isn't silver or stainless steel, those will, in fact, be illegal in New York State.

MR. STERN: That could be if under the facts and circumstances that manufacturer by design intentionally manufactured or designed that firearm to look like a toy gun.

MR. SALKA: So I'm just a little concerned that the intention. A -- a gun manufacturer isn't going to intentionally disguise a gun to look like a toy, at least in that respect that, you know, from the utility standpoint. I just am a little worried and a little nervous about the fact that there's a gun of a very popular color, like I said, they have pink, they have different colors, that those are, in fact, going to be -- not allowed to be sold in New York State. So that's going to eliminate the market for any color -- colored weapon that's not standard color, if there's -- even be classified as a standard color of black or silver or stainless steel.

MR. STERN: The -- the intent of this legislation is that a gun should look like a gun --

MR. SALKA: And they do.

MR. STERN: And that's -- that's what particularly important and again, I'll -- I'll refer to our local law enforcement, New York State PBA as well --

MR. SALKA: Sure.

MR. STERN: -- that they believe by supporting legislative initiative, that by having this law in New York State that we would be taking inherently dangerous firearms off the streets and putting them at a disadvantage.

MR. SALKA: Okay. Thank you, sir.

ACTING SPEAKER HUNTER: Mr. Goodell.

MR. GOODELL: Would the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. STERN: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. GOODELL: Thank you, Mr. Stern. As you know, guns are protected by the Second Amendment to the U.S. Constitution, but toys are not. And toys have no Constitutionally-protected status in the United States. Why not ban toys that look like guns instead of banning guns that look like toys?

MR. STERN: Well, that is, in fact, already the case. There is Federal law that speaks to that. There is State law and -- and additional State law that's being proposed to go to that. This is the inverse of that argument. But that is an important case to make as well. That's not this one, but -- but I would agree, the Federal law would agree, New York State law would agree that that is -- that is -- that's an important issue and also inherently dangerous as well.

MR. GOODELL: And so are you saying New York State currently bans toys that look like guns?

MR. STERN: There is a -- there is -- there's intent, I believe that there is proposed legislation to do -- to do that as well.

MR. GOODELL: But not existing legislation.

MR. STERN: Correct.

MR. GOODELL: And you and I would both agree if you ban toys that look like guns, there's no Constitutional Second Amendment rights issues, right?

MR. STERN: To ban the toys that are made to look

like guns, is that a Second Amendment violation? I would guess not.

MR. GOODELL: I would -- I would agree with you. The Attorney General -- New York State Attorney General did a detailed study called *Target on Trafficking, a New York Crime Gun Analysis*. And they indicated that there were 52,915 guns recovered between 2010 and 2015. How many of those 52,915 guns look like toys?

MR. STERN: That I -- that I don't have statistics on. But what I can tell you is that rarely now if you do a search not just about this issue in New York State, but all across the country, you will come up with -- with dozens of new stories that show these guns that were intended to look like toys, and they're pretty creative, there are the Nerf Super Soakers and -- and the others that normally shoot the -- the foam rockets that now encase these guns. Guns that are painted up to look like the Nintendo toy guns that you use in video games. And that's what this legislation goes to because those guns I would characterize as first strike weapons on our streets. They are intentionally made to look like toys with the idea that if faced in a dangerous confrontation with law enforcement, then the cop on the street is going to hesitate not wanting to take a shot, and not wanting to risk the fact that it's a toy and then put him or herself in an inherently dangerous situation.

MR. GOODELL: I -- I appreciate that long answer, but my question was really very specific. Rather than a half a dozen articles from around the entire nation giving examples, do we have any

data in New York State on how many crime guns have been recovered that look like toys?

MR. STERN: I am not aware of that.

MR. GOODELL: I see. And -- and I didn't see anything in the Attorney General's report, by the way, but I -- to be honest with you, I -- I didn't read it really carefully, I just looked at the highlights.

MR. STERN: I'm not aware of those numbers, but I am aware of the conversations I've had with local law enforcement and -- and New York State PBA that are very concerned about this issue.

MR. GOODELL: And just so I understand, we're not banning toys that look like guns, which we all agree would be Constitutional, we don't have any data that any guns that looked like toys were actually involved in crimes, although there are anecdotal stories from across the nation, of course. Am I right when I read this bill that my Second Amendment rights would depend on whether or not I spray paint my gun a different color?

MR. STERN: I suppose I would answer it with -- with a question and I guess the question is whether or not reasonable regulation to ensure the safety of our public and our law enforcement that's concerned about this potentially dangerous issue by definition impedes on one's Second Amendment rights. Here, this legislation doesn't go to anyone's right to bear arms in any way. It is a reasonable regulation on what that arm -- what that firearm appears like so that in

a confrontation with law enforcement, our cops are not put at a dangerous disadvantage.

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

On the bill, sir -- ma'am.

ACTING SPEAKER HUNTER: On the bill.

MR. GOODELL: Thank you, Madam Speaker. As I mentioned, the New York State Attorney General did a comprehensive study of guns recovered at crime scenes, and they found that 52,915 guns were recovered at crime scenes over a five year period from 2010 to '15. Of that, 86 percent of them originated outside of New York State. Only 6 percent, by the way, were actually purchased by the person that had the gun. None of them were identified as appearing to be toys.

Not everyone agrees with the Second Amendment to the United States Constitution that gives us the right to bear arms. Currently, the Supreme Court agrees with that. And this bill takes a unique approach and says if I spray paint a gun, I lose my Second Amendment rights. Now, think about that. Did our framers of our Constitution say you have a right to bear arms unless your gun is a different color? Now, we can certainly pass legislation to make it clear that toy guns cannot look like real guns, right? We can do that. We could probably even ban toy guns. But what we can't do is say your Constitutional rights depend on the color of your gun, and that's what this bill does. And, therefore, I cannot support it. Thank you,

Madam Speaker. And again, thank you to my colleague for -- for your answers.

ACTING SPEAKER HUNTER: Ms. Byrnes.

MS. BYRNES: Thank you, Madam Speaker. Would the sponsor yield, please?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STERN: Sure.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. BYRNES: Thank you kindly, sir. I just want to go back because I thought I understood the -- an argument and then I was confused by some of the responses to questions. Going back to the concept of alteration, because you had indicated one of the primary elements of it becoming a "toy," quote/unquote, or looking like a toy is that it had to have been altered. But, yet, then there was discussion that coming from a manufacturer that might be considered altered. I would think that altered would be a post-manufacturing change like was talked about; maybe you spray paint a gun yourself to be a color. But my question is when a gun comes from a manufacturer in a specific pre-designed, pre-tested, pre-approved color, is that an alteration? I -- I don't understand the concept of it being altered when that's how it was made to begin with and designed.

MR. STERN: This legislation goes to not just possession but -- but design and manufacture. When I refer to alteration, what I'm saying here is a color that is different than what is

traditionally utilized to make a gun. And we all know what -- what that means. And so this goes to, if you use the term *alteration*, taking what had been manufactured as a firearm and coloring it, designing it, altering it in some way to look like a toy. But to be clear, if you were going to create a firearm from scratch and the original design that you create is in a color or design that by definition is going to make it look like a toy gun, then that would be covered under this bill.

MS. BYRNES: There's an aside on that, sir. You do indicate that camouflage or I believe that camouflage patterns on hunting rifles or shotguns is not a violation of the provision. What about camouflage patterns on handguns? They're also prevalent on handguns as well. Would that also be an exception to this rule?

MR. STERN: Yes. The -- the idea on the camouflage was to protect our hunting community. And so -- so what it -- it discusses camouflage, yes, but -- but that goes to a specific utilization by our -- by our friends that -- that are hunters. In your example, if it is simply a handgun that is camouflaged but not utilized for hunting, then that would not have the same exemption.

MS. BYRNES: All right. If the camo on the guns -- rifles or shotguns is pink, because we do have pink camo and it's very popular among women hunters and will that -- the camo, does it only have to be green or brown or beige in traditional or -- I mean, like at this point every -- almost all the ladies I know wear pink camo. I mean, that is a fashion statement. It's a style.

MR. STERN: So I'm sorry to my colleague but -- I --

I understand the point, but I -- I don't know if I heard the question.

MS. BYRNES: Well, when it comes to you allow camo on hunting rifles and shotguns, does that also include pink camo?

MR. STERN: I -- I -- look, the -- the bill doesn't go to specific color arrangement, but -- and -- but I'm going to take a guess that pink camo is probably not the best to -- to use on a shotgun or a rifle for hunting purposes, you know, out -- out in the forest. But the -- the bill does not go to specific color. Again, the intent here --

MS. BYRNES: All right, but you talk --

MR. STERN: Again, the intent here --

MS. BYRNES: Talk about colors --

MR. STERN: The intent here -- the intent is to make -- if it is the intent is that the -- the intent to make it look like a toy. And so this is a facts and circumstances consideration.

MS. BYRNES: There are many women that shoot both hunting shotguns, handguns, where this isn't to make it look like a toy. It is a stylistic, for whatever reason, it's not -- pink is not my color, but it is a very stylistic thing on the part of women who make up almost 50 percent of the shooters and handgun purchasers. And so while color is irrelevant on a shotgun, but pink camo -- but if pink camo on a color becomes relevant when it's on a handgun, don't you think that that's a -- an inconsistency, sir, that is problematic to a whole segment of our society who just prefers things to be in one color rather than another? I mean, how are you to dictate what's the

right color that a girl should wear with her gun?

MR. STERN: I am not, and that's why this is a facts and circumstances and intent-based test. The question is -- is the firearm manufactured, designed, or altered in a way to present as a toy gun with the idea that out on our streets whether they are available to young children to pick up because it is attractive to them, or to be used as an offensive first strike weapon in a confrontation with our law enforcement, where every second counts in making a split-second decision which can result in life or death in a moment. That is what this legislation goes to. Nobody is picking a color. Nobody is intending to -- to decide what is an appropriate color or not. The idea here is that a firearm that is intentionally designed or altered to look like a toy is an inherently dangerous firearm to have out on our streets.

MS. BYRNES: And since they can be different colors right now manufactured, isn't that very arbitrary and capricious in order to even try to indicate that colors can make a difference when you're not even defining what the color is, leaving it totally up to the courts so that somebody would have to be arrested and then have to defend themselves in a court of law before this could be defined. That does seem very arbitrary, sir.

MR. STERN: I don't know if I would suggest that, that it's arbitrary for our policy to be that a gun -- a real firearm should look like a real firearm.

MS. BYRNES: Have you seen a pink gun, or a blue one or other colors?

MR. STERN: I have.

MS. BYRNES: They look like --

MR. STERN: I've seen them -- I've seen them many times and I can also tell you that whether they are a different color, they are a different pattern, whether they are packaged in plastic, whether they are made to look like children's toys, it is a real concern, particularly on the part of our law enforcement that they not be put in a disadvantage, that they not be placed in an inherently dangerous situation, to have to make a split-second decision and decide whether or not they're taking a shot at someone who is just wielding around a toy, or a real firearm and allowing them to get the first shot of them.

MS. BYRNES: Thank you, sir.

On the bill.

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

MS. BYRNES: I absolutely understand where the sponsor is coming from. I'm very devoted to our law enforcement. I share concerns about trying to keep them and anybody else, any law-abiding citizens as safe as humanly possible throughout this State and our entire country. But I do believe this bill is too -- is just -- it's vague. You are potentially taking firearms, legally manufactured, legally sold, that look like firearms, that are known to be firearms and potentially arbitrarily making them into and sound like something that is -- is and should be illegal. I just am a little bit offended that this could potentially be interpreted in a way that would hinder legal and valid ladies or guys who choose for whatever stylistic or preference

reasons to have and own a gun other than strict gunmetal gray or black. I think that we've lived in a world right now where we always talk about diversity, the importance of diversity and the importances of having all different aspects of our lives in every way celebrated and cared about. Well, the fact that the gun community may have other preferences for what their firearms should look like that don't look like toys, I think that that's very harmful to the Second Amendment rights and I will be opposing this legislation. Thank you very much, and I do thank the sponsor. I understand and agree with the intent, I just think it's too vague. Thank you, sir [sic].

ACTING SPEAKER HUNTER: Thank you.

Mr. Angelino.

MR. ANGELINO: Thank you, Madam Speaker.

Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STERN: Yes, sir.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. ANGELINO: Thank you, sir. I've had my light on and off and every time I'm listening to the conversation, my question gets answered but then a new one comes up. Earlier you said they should look like a traditional firearm color. What's a traditional firearm color to you?

MR. STERN: I can tell you, I don't necessarily believe that it matters what is traditional to me, but I will share with

you in my conversations with local law enforcement and those professionals at the State level, they will say what comes to mind is probably what comes to mind for most of us, whether it's black or metallic, et cetera, I'm sure that we all have an idea as to what traditional firearm is probably manufactured originally to look like.

MR. ANGELINO: The -- and the reason I ask is we think of gunmetal gray, black, but the first handgun I ever purchased was nickel, which looks like chrome but don't call it chrome, it was nickel. But it was very shiny and glossy and that was manufactured by Colt in 1960. Have you ever seen a tan colored handgun?

MR. STERN: I have.

MR. ANGELINO: Yeah, those are very popular, after Desert Storm and our incursions in the Mid East.

MR. STERN: Yes.

MR. ANGELINO: Those turn out to be a very popular color, they were -- they camouflage. So there's tan. And one of the more popular traditional handgun colors is known as blue and I'm sorry to the stenographer, I'll use the quote marks "blue" because it's that grayish blue color, so that's a traditional color, but you can also buy blue, pink, we've heard about that. So in your -- in the wording it says, *Altering or concealing the original color*. So that means those pinks and lime green, those are going to be illegal?

MR. STERN: You'd have to -- you'd have to read -- first of all, read the legislation in its totality, okay. And so it starts off by saying with the intent to make it look like a toy.

MR. ANGELINO: Okay.

MR. STERN: So to go to your question whether we talk about tan or blue or pink or any other, and the legislation doesn't go to any particular color or lack thereof. It is a facts and circumstances based test with the intent to make it look like a toy.

MR. ANGELINO: Okay. So existing guns out there that somebody had already purchased, the lady Glock that is pink, not my cup of tea, but they're out there, that's not intended to be disguised. I'm aware that pink handguns exist, so that's not a problem?

MR. STERN: I'm not going to say yes or no.

MR. ANGELINO: Okay.

MR. STERN: I think, again, I would go back to my -- my-- my statement earlier which is it's going to be based on facts and circumstances and whether the intent was to make the firearm look like a toy gun.

MR. ANGELINO: Thank you, sir.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill, sir.

MR. ANGELINO: Ma'am, I -- I want the officers to be as safe as possible and I totally get the hesitation and I think the intent of this a few years ago was a disguised handgun and that was fine. That was back when the Federal law said any toy gun has to have an orange tip. And I have encountered guns on the street that were real and had the muzzle painted orange, and that is definitely disguised to look like a toy and to give that officer hesitation. And it

was terrifying to see that handgun and realize that the officer got it before it was in anybody's hands because it would have been tragic for both sides.

But I'm just concerned that we enact this and we tell law enforcement officers all over the State that now we have a crime of concealing a firearm and it's going to cause them to hesitate further. They're going to be looking at and spending time in their brain, even if it's only, you know, a nanosecond of hesitation. While there's a law against that, so that's got to be a toy disguised, or it has to be a real gun disguised as a toy or a -- there's just confusion out there. I -- I get it, but when the sponsor was ask -- answering questions, there is no specific color. It's left up to charges to be -- charges to be brought and a judge to decide. And, you know, it's the situation, it's the totality, and if I were explaining my vote I'd probably vote yes on this only because I -- the intent is to help law enforcement, but I think it's -- it's a little more confusing and I'm not exactly sure what I'm going to do. Hopefully there's more debate so I can listen.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Madam Speaker.

Could I ask the sponsor for yield for a couple questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STERN: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MANKTELOW: Thank you, Mr. Stern. Just a question. A lot of our museums around the State -- I'm sorry. A lot of our museums around the State, they have replicas, replica guns. How does this fall -- fall to them?

MR. STERN: I'm sorry, I didn't hear the beginning.

MR. MANKTELOW: Replica guns. Around the State, we have many museums and we use replica guns, firearms in different ways. How is this going to play into this?

MR. STERN: If it's a replica gun, then I'm assuming that by definition it's not a real gun, and this legislation only goes to -- to actual real firearms that are made to look like toy guns.

MR. MANKTELOW: Okay. So just -- I just wanted clarification. So a replica gun that really looks like a real firearm, that's okay?

MR. STERN: That's not covered under this bill.

MR. MANKTELOW: All right. Thank you, sir.

MR. STERN: Yup.

MR. MANKTELOW: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Smullen.

MR. SMULLEN: Thank you, Madam Speaker.

Would the gentleman from the 10th Assembly District from Suffolk County yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. STERN: I will.

MR. SMULLEN: Thank you very much. A lot of the debate here has brought up some -- some fairly specific questions that I've got having to do with the actual language in the bill. As some of my colleagues point out, it's not the intent behind the legislation, it's actually the language which then gets implemented. And I did notice in the -- in the bill that you specifically call out rifles, pistols, shotguns and machine guns; why did you do that? Pursuant to our previous debate, the question under Federal law, are they firearms that you're trying to legislate here, you're trying to legislate toy firearms.

MR. STERN: We are -- this bill goes to real firearms that are disguised to look like toys.

MR. SMULLEN: Okay. So for instance, and we're talking about language here, you specifically say *machine guns*. Don't you have to have a Federal Firearms License to own a machine gun?

MR. STERN: I mean by definition, machine guns are -- are -- are prohibited.

MR. SMULLEN: For a certain class of ownership that is specifically vetted and has background done for that particular thing, because they're -- a lot of them are historical firearms. So we were talking a bit earlier about the difference in the various camouflage colors and whatnot. Do you know why Blaze Orange is used by hunters in the woods?

MR. STERN: I'm sorry, the --

MR. SMULLEN: Do you know why Blaze Orange is used by hunters in the woods? So other hunters can see them, but the animals cannot --

MR. STERN: Of course.

MR. SMULLEN: -- because of color blindness.

MR. STERN: Yes.

MR. SMULLEN: It's actually -- it's -- people, hunters with Blaze Orange stick out in the woods. The same thing why pink camouflage is perfectly acceptable in hunting applications. You know, a pink camouflage pattern, the deer can't see it but other people can see it because it sticks out from the -- the natural colors of the forest.

MR. STERN: Yes.

MR. SMULLEN: And I did notice that you, in the bill, and this is a good part of the bill, that it says hunting camouflage is specifically carved out in this. So if you have -- if you're a turkey hunter and you have your -- your weapon that's a -- shotgun has different patterns on it, that's perfectly legal under this bill, is that correct?

MR. STERN: That is correct.

MR. SMULLEN: Okay. I do appreciate that. So one of the things that's mentioned is Article 11 under the Environmental Conservation Law in your bill. Does -- does this bill, is there going to be further legislation that's actually going to alter Article 11 of the Environmental Conservation Law having to do with camouflage?

MR. STERN: No, no.

MR. SMULLEN: So this is -- this is specifically toy guns for you're couching it, my words, but towards police applications on the street of escalation of force situations where the -- the police officer has to make a split-second decision at what level of force to use in a -- in a, you know, some sort of time compressed situation.

MR. STERN: That is correct. And while the -- certainly the attempt to make that clear is here in the statute, I appreciate your clarification on the floor here because that is certainly the intent.

MR. SMULLEN: I'm sorry, I couldn't hear you. I have trouble hearing.

MR. STERN: I'm agreeing with you.

MR. SMULLEN: Thank you. Now the application of this law, this will be across New York State if -- if we pass it and it's signed by the Governor, is that correct?

MR. STERN: That is correct.

MR. SMULLEN: Isn't this already the law in New York City? Is this not already the law in New York City?

MR. STERN: The intent here is to have Statewide applicability.

MR. SMULLEN: So if we're looking at the -- the amount of population in New York State, some, say, 20 million people, in New York City where the bulk of these situations would occur, are already covered under New York City law.

MR. STERN: I don't know if I would make the assumption that this is where the bulk of either these cases have occurred or will occur in the future, but certainly the goal here is to have Statewide applicability.

MR. SMULLEN: And why do we need Statewide application for that if the bulk of the situations where it's already happening in the City, it's already the law, why do we need it in Hamilton County, New York?

MR. STERN: Well, look. If it was -- if it was only a City issue, I probably would have only heard from NYPD. If it was only a Long Island issue, I might have only heard from my friends in the Nassau or Suffolk County Police Departments. The fact is I have heard from law enforcement from all over the State. As I had mentioned earlier, New York State PBA has not only weighed in on this issue, was not only very helpful in understanding this issue and developing this as an initiative, but also came out in written support of this initiative. And so I'm going to say -- I'm going to suggest, anyway, that the New York State PBA coming out in -- in written support of this initiative believes that this is a Statewide issue.

MR. SMULLEN: It -- it -- it very well could be. So how many instances of this happened in New York State?

MR. STERN: I don't have those statistics.

MR. SMULLEN: So without evidence, it's none to your knowledge.

MR. STERN: I'm going to suggest that if this is an

issue that is that important, that is deemed to be that urgent to our local law enforcement, then this -- that this is an important policy initiative for our State.

MR. SMULLEN: And how many incidents of swatting have happened in New York -- you know what swatting is, where someone gets the police to engage them because they have a, you know, they want to end their own life. How many incidents of swatting have happened in New York State?

MR. STERN: I don't know.

MR. SMULLEN: I don't either. I mean, this is an escalation of force scenario that we're trying to do the reverse of swatting but without any -- I can't see any evidence that it's -- that it's happening. How many instances of where sometimes children, they have toy guns that are in -- thrust into these situations where they've had a toy gun, an actual toy gun and then have been -- the force has been escalated against them where they've either been shot or killed?

MR. STERN: I don't have the statistics, but we know that that has been a major problem not just locally in New York State, but all across the country. We're very concerned about that. And this is the inverse of that and, by the way, if the next question is, you know, has -- has there been an instance of a case where there's been a real gun disguised as a toy that's been an attractive, you know, to a young child, I can cite an instance just a couple of blocks from our Capitol just a couple of months ago that was all over the Albany press. Thank God nobody was killed, but it happened just a few blocks away.

MR. SMULLEN: Certainly. And I really appreciate your answers.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill, sir.

MR. SMULLEN: I do appreciate the sponsor's intent behind it and the desire of the law enforcement community to have us legislate what should be, you know, I think already common sense and in the law. What I don't get is the -- the actual language of the law and its application to many areas of Upstate New York that have different policing arrangements than some of the dense urban areas. So I would be glad to work with the sponsor to try to iron out the language, to amend it. Certainly I believe it will probably pass here as part of this package of gun control bills, but I would be happy to work with the sponsor to -- to iron out all of the specifics, including the Environmental Conservation Law, the Article 11 application so we can get this right for the entire State. So -- because what I see here is we're taking a -- we have a problem and we're flipping it on the entire State without regard for the concerns of some of the various communities in those parts of the State.

So for that reason, I won't be supporting this bill but would be glad to work with the sponsor to correct what I see are the deficiencies. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. DiPietro.

MR. DIPIETRO: Thank you, Madam Speaker.

Would the sponsor yield, please?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. STERN: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DIPIETRO: Thank you, sir. The one part I'm trying to wrap my head around is I understand the intent. Who -- so two things: Who makes the determination that it looks like a toy gun if there's an incident?

MR. STERN: I would suggest that initially that determination would be made by law enforcement, whether it's found to be in someone's possession, whether it's being used in the commission of -- of a crime. That's going to be the -- the arresting officer is going to make that initial determination.

MR. DIPIETRO: Right, in the incident itself, but then it'll go to the court. Will the judge -- then the judge will have to decide if that was sound judgment or not?

MR. STERN: I assume that would be the case.

MR. DIPIETRO: Okay, because -- all right. Then next question. So the main point I'm seeing is to make sure you don't alter a gun to make it look like a toy, but I haven't heard what does -- what are some of the things -- what does a toy gun look like? What are we trying to stop exactly these regular guns to look like, because I have a toy pistol, a Luger that's actually a cigarette lighter. I've got a number of those little, like, things and they look sort of real, but what

does a toy gun look like versus a regular one, that's my...

MR. STERN: To my colleague, it's a good question and I -- you know, this is one of those instances where I wish that we could use visuals in the -- in the Chamber because I have plenty of pictures that were provided to me by my local law enforcement and by New York State PBA as to some pretty compelling examples of what it is we're trying to get to, but I'll tell ya, you could go online and you could easily find dozens and dozens of examples of what it is we're trying to get at. For example, if you are familiar with, you know, the Super Soaker, you know, and some of the Nerf, you know, toy guns that shoot the, you know, the foam darts. These are the kinds of things that are being utilized to dress up and disguise real firearms, special kinds of paint jobs that make real firearms look like the kind of guns you use when you're playing a Nintendo video game. They -- they actually call it the *Glocktendo*, which is one of these disguised guns that's made to look like a toy.

So -- so I don't have an example to be able to show you given our rules, but in the back of the room I have plenty of examples and you can go online and, again, there would be dozens of examples of what is such a serious concern to our public and, most importantly, to our law enforcement.

MR. DIPIETRO: Okay. No, I understand that and I've seen some of those. The only issue I had with that and I've seen some that actually are bizarre looking, but a bunch of them actually look like real -- real handguns that you can get from the manufacturer

because of the new technologies. I happen to -- I don't know if you've ever had a -- actually had a custom firearm built. My dad went from Remington Arms before they moved and you can get the stock in any color, say. So the barrel, you can -- there's a lot of different ways you can do it. What -- is it the total gun or is it -- what is probably the most prevalent part that is actually altered from your experience with putting the bill together? Is it the stock, is it the barrel, is it the -- what -- what is it?

MR. STERN: I -- I -- I've seen all kinds and it really depends on how they're designed, who designs them and how they might be altered after the actual manufacturer, now they're out there on the streets. But again, these -- these photographs will show you literally all of -- all of the above. I don't know if I would name one part of the firearm that's more prevalent than the others, it depends on where and how and who, but what I can tell you is that if you spend time researching this issue, if you spend time speaking with our law enforcement professionals and they show you the examples, it's really the entire spectrum, but I can see it because they look like guns, they're made to look like guns and that's the concern is that with the intention to make it look like a toy, it becomes inherently dangerous to our public and, most particularly, to our local law enforcement who are in that -- that the potentially dangerous confrontation.

MR. DIPIETRO: Okay. No, I appreciate that because I have concerns also, but I also -- I have some reservations on it. So I appreciate your comments, sir.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Yes. There's a lot in this bill, but I think a lot of it's vague. I have had guns manufactured, customized. You can get your stock, per se, in any color. You'd start with a yellow, you can get a bright yellowish, okay, that looks really vibrant yellow all the way down to an orange. These are -- these are custom made right from Remington or any other manufacturer. Like the barrels can -- you can have blue, you can have gold, you can have silver. There's a lot of different things that can make -- you can have this -- the camo, the lime green now that's very prevalent, the Blaze Orange is really super common right now. Pink is very common. My wife has a pink .22, a Ruger .22; they're -- they're very common. Now, some of the -- and some of the things that you put on these, maybe not on a normal gun, but say a thumbhole or different devices that you put on for handicapped individuals. That might -- those things might make it look like a toy gun, especially when you get it custom made because some of those are custom made for our handicapped that enjoy the sport of -- of shooting. So there's a lot to it.

I have a problem just because the arbitrary part of who makes the decision that it looks like a toy gun and then that goes to the judge where we don't know what these people -- I know there are some that look bizarre and I've seen them online, but I think most of them are just modified through the manufacturer or the individual.

The language is -- is -- it's very vague. I agree with my other Assembly people who have been mentioning that, that it's capricious, it really puts the onus on eventually the judge, but what I think happens here is this gives a very false hope to our brave and dedicated officers on the street to make it sound as if when we pass this that all of a sudden, these toy guns, they're going to have a little bit more leeway and that they're going to magically disappear when they are not. And I think this just -- there's just too many, too many open-ended questions with this legislation for my liking. Again, I would have rather seen something a little bit more definitive, especially one that says what does a toy gun look like, what are we actually legislating against because while there are some out there that have been modified and look like a Nerf gun, the fact is there is no set definition. So it could be an officer could say that something with -- that's been modified for a disabled person and has been painted, that could look like a toy gun to him but could be a fully functioning firearm for the person that loves it and is using it.

So for those reasons, unfortunately I can't support this as much as I want to support our men and women in blue and that defend us. There's -- I don't want to give them the false hope that this legislation is going to clear up a problem which is -- is -- it's very tough, it's very tough to -- tough to wrap my head around it with the language that the bill presents. I understand the intent of the sponsor and I understand the intent of our officers but at this point, I don't see this bill actually doing what it's supposed to do. There's -- it doesn't

answer too many questions. So with that, I'll be urging my colleagues to vote in the negative, and I thank you. And I thank the sponsor of the bill for his -- for his answers. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6522. 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: Thank you, sir. The Republican Conference is generally opposed to this. Those members who support it should contact the Minority Leader's Office so we can properly recorded your vote. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be in favor of this piece of legislation. Of course we would advise our colleagues who like to be an exception to please contact the Majority Leader's Office and we'll have your vote properly recorded.

ACTING SPEAKER AUBRY: Thank you so much, ma'am.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As we've heard extensively, there's two general trains of thought that have been articulated extensively. One deals with the Second Amendment and that is fairly straightforward. Your Second Amendment rights don't depend on what color your gun is. I mean, there's nothing in the U.S. Constitution that suggests that if you paint your gun, you lose your Second Amendment rights. And we've heard extensively that there are many people that buy different colored guns and sometimes put stickers on them or whatever for whatever stylistic reasons they -- they so desire. And just because you buy a different color gun or put a sticker on it, you shouldn't lose your Second Amendment rights.

On the other hand, we've heard a lot of legitimate concerns raised by those in law enforcement that it's very difficult sometimes to tell the difference between a toy gun and a real gun, and that there are some criminals that will make their real gun look like a toy gun. I'm not sure how effective that is if you're holding up a liquor store if your gun looks like a toy gun, but I suppose if you're more interested in a drive-by shooting or something like that, it might be easier to disguise what appears to be a toy gun. And obviously, we all have a great desire to make sure that we protect our law enforcement as much as possible.

The problem with the legislation, however, is that, by and large, experience has shown us that criminals generally don't follow the law. There's something inherently about that concept. And

so we pass a law that says you can't have a gun that looks like a toy, well, the law-abiding people will -- will stop and the criminals will continue because that's -- they tend to ignore the law. So maybe our real focus shouldn't be to try to shortchange our Second Amendment rights, but try to deal with toy guns that look like real guns and back our officers on the street so they can be safe. For that reason, I'm leaning towards voting no, but I'm certainly appreciative of the counterarguments. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the maybe no.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To explain my vote. So when they wrote the Bill of Rights in 1791 and added those to our United States Constitution, I'm really glad that the First Amendment they wrote in a way that the press and the citizenry would have the right to redress of their government and that we would guarantee that they have the right to criticize us. And I'm also glad that they wrote the Second Amendment which stands up to spray paint. So I'll be voting no and I would encourage my colleagues to do something very real about the crime wave in New York City. Something very real would look like standing behind law enforcement, empowering District Attorneys, giving judges discretion back that this Body took away from them, and stop playing around with legislation that says like, oh, a stamp of a few numbers on a -- on a receiver or spray paint on a gun is what's going to make the huge

difference for the New York City crime wave here. We've wasted too much time. Bring us something real. And I vote no, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. To explain my vote. As I mentioned during the debate earlier, I know firsthand what the dangers are on the streets in New York City, across the State, and across the nation of what law enforcement is dealing with. There is a real danger out there with guns being disguised, but let's not lose the real danger here. The real danger is that we're not empowering our criminal justice system to hold those who have illegal firearms because of things that we passed here like bail reform. We need to look back and correct that, and that will help us cure gun violence in New York City and all our urban centers across New York State. For the protection of police officers, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Reilly in the affirmative.

Mr. Stern to explain his vote.

MR. STERN: Thank you, Mr. Speaker. First, let me thank my colleagues for -- for this discussion, many of whom I know well are -- are from a law enforcement and military, and I appreciate all of their comments. The question that was asked earlier, you know, *Who did you speak to about a prior bill to make this determination?* I can tell you who I spoke with. I spoke with my local law enforcement. I spoke with law enforcement throughout all of New York State. As I mentioned, there are written memorandums of support from law

enforcement all throughout New York State in favor of this legislation. They asked me to imagine the situation that this legislation goes to, a dangerous confrontation with someone who has disguised a real firearm to look like a toy gun. They asked me to imagine that in that moment of hesitation where that split-second decision needs to be made, kill or be killed, that they can't afford to second-guess themselves. They shared with me that those were experiences that they know of, that they've had, and they believe that this is an important initiative throughout New York State that, again, our local law enforcement is looking to make policy throughout. I thank them for their assistance in bringing this forward. This is legislation that will save lives, Mr. Speaker. I will be supporting it. I ask all of my colleagues to join me in doing the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Stern in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. In addition to my colleagues on the floor that have voted in favor of this, please record Mr. DeStefano, Mr. Mikulin, Ms. Miller, Mr. Montesano, Mr. Ra, and Mr. Smith in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you very much, so noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could please record our colleagues Ms. Lupardo, Mr.

Mamdani, and Ms. Mitaynes in the negative on this one. Thank you.

ACTING SPEAKER AUBRY: So noted, Mrs.

Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 591 on the A-Calendar,
the Clerk will read.

THE CLERK: Assembly No. A06762-B, Rules
Report No. 591, Fahy, Anderson, Burdick, Dinowitz, Seawright,
Sillitti, Taylor, L. Rosenthal, Carroll, Jacobson, Steck, Thiele, Perry,
Darling, Epstein, Otis, Simon, Davila, Meeks, Barron, Hevesi, Paulin,
Lavine, J. Rivera, Colton, Dickens, Dilan, Jean-Pierre, Pichardo, Cruz,
Griffin, Gottfried, Solages, Abinanti, Galef, González-Rojas, Kelles.
An act to amend the General Business Law, in relation to the dangers
to safety and health and creating of a public nuisance caused by the
sale, manufacturing, distribution, importing and marketing of firearms.

ACTING SPEAKER AUBRY: On a motion by Ms.
Fahy, the Senate bill is before the House. The Senate bill is advanced.
And, Ms. Fahy, an explanation has been requested.

MS. FAHY: Yes, thank you, Mr. Speaker. This bill
is intended to help address and hold accountable some bad actors, if
you will, and help stem -- ideally help stem the flow of, particularly,
illegal guns into -- into this State. We have seen some horrific rise in
gun violence, especially over the last year, right here even in my home

city of Albany and, yet, throughout the State, throughout this country. And many of these guns are being brought into New York from out-of-state and used in violent crimes, otherwise known as the Iron Pipeline that we've all heard about for decades. A couple of these guns have been used just in the last -- guns from out-of-state have been used just in the last couple of months here, again, in -- in my hometown here in -- in Albany.

The Attorney General in a previous report has stated over 74 percent of firearms are often recovered in violent shootings were -- are being illegally trafficked into New York. And even where the gun industry members or actors are selling firearms to -- to straw purchasers or with sloppy practices, they have been completely shielded from lawsuits by victims of gun violence because of this Federal protection, a law that was passed in 2005, Federal Protection of Lawful Commerce in Arms, otherwise known as PLCAA.

So this bill allows courts to apply the same public nuisance law that covers virtually every other industry and, in this case, apply to manufacturers and dealers. That doesn't mean that every victim of gun violence will get a settlement or be able to bring suit, but it does mean that gun industries -- where the gun industry has created or helped create an untenable risk of harm through sloppy business practices or -- or otherwise, that they -- victims can begin to hold them accountable. Thank you.

ACTING SPEAKER AUBRY: Mr. Miller.

MR. MILLER: Thank you, Mr. Speaker. Will the

sponsor yield for questions?

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

MS. FAHY: Yes.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. MILLER: Thank you. Ms. Fahy, I have some questions here on the bill. I just want to go over this one more time with you. If someone legally purchases a firearm from a Federally Legal Licensed manufacture through a licensed dealer to an individual who uses the firearm in a crime, how is it -- that -- all the liability goes back to the manufacturer on this, or could go back to the manufacturer.

MS. FAHY: It -- it really, in this case, it does depend on the facts of the case and it depends on what it -- how that was sold and whether -- what type of practice. So in other words, one of the goals of this legislation is to make sure that there's video surveillance of gun sales, recording of all sales, training of retailers to prevent any type of straw purchases which continues to be a problem in certain instances, as well as better recordkeeping and regular monitoring of shipments and sales. So there's a very high threshold here and, again, it would depend on -- on more of the facts of the case. But no, just the fact that a gun was used in a -- in a homicide does not immediately -- would not make it subject to this provision to -- this public nuisance provision.

MR. MILLER: But aren't all those factors to get the

firearm along the way already being followed by the manufacturers and the dealers?

MS. FAHY: No. And -- and, quite frankly, a number of the gun violence advocates really believe that in not all -- not in all cases. And while we have made great strides here in this State in particular, we know that this Iron Pipeline is coming primarily from a few states up into -- into New York, and this would allow, just as if -- if there was pollution, serious pollution in -- in Iowa that went down the Mississippi and -- and caused some serious harm in Louisiana, it's a -- kind of a similar -- a similar threshold here where there were sloppy practices, where there was a recklessness on behalf of the dealer, there then could be -- the facts could allow for -- for enforcement to bring a -- a nuisance suit, a public nuisance suit. But it does not guarantee a favorable judgment by any -- by any means. It would have to show -- this is, again, civil liability. It would have to show recklessness and unknowing -- unknowing of -- of an illegal sale.

MR. MILLER: Okay. How many other states have a similar bill that you know of?

MS. FAHY: No other state at this point. This would be a first in the country and, again, some of this is to go at what was immunity, essentially, such strong immunity, a rather unprecedented immunity that was passed in 2005, again, by Federal -- Federal statute, the PLCAA, which is, again, the Protection of Lawful Commerce and Arms Act. So no other state has been able to -- to find this narrow

window, if you will, even though it did contain in that law -- did contain a predicate exemption, or exception, if you will, and we believe that this bill by using the public nuisance law, that we can create a predicate statute to help reinstate some of the liability that has been lost since 2005 in this State, let alone nationally. And I should add the Biden Admin -- the President himself, President Biden, has repeatedly and very recently talked about trying to make these changes at the Federal level, but there has been considerable paralysis in Congress on this issue.

MR. MILLER: Okay. Back to the dealer, or, okay -- this goes back to the manufacturers now, and you said the dealers will be held accountable if this law is passed, also. So -- so there's a -- a fast button hit when a crime's committed that of course you have the person who committed the crime and everybody who was associated with any part of that crime and anything that was ever used in the crime right back to the manufacturer, correct? Is that what this bill is telling me? This, in a nutshell.

MS. FAHY: This -- again -- this would -- again, this would be for the courts to decide and it would need -- we would -- there would need to be a demonstration of untenable risk of harm that was created through the business practices, through reckless types of business practices that did lead to the -- the downstream, if you will, or problems through the sale of guns. So whether it's the manufacturers or the dealers, this is a -- the facts would have to speak for the case and, quite frankly, you know, this is a rather high threshold. This is a

narrow window, but we do think there is an effort to go after what are really very few bad actors in terms of selling guns that end up as part of this Iron Pipeline and end up on our streets and -- and, as we know, have been proliferating in recent years.

MR. MILLER: Okay. Can you give me an example how this would go back to a manufacturer?

MS. FAHY: For instance, if the straw -- the straw sales that I mentioned, or if -- oh, there was a -- there was a case prior to PLCAA being passed in the early 2000s where the gun industry was held accountable and that was -- sorry. It was as a result of a sniper, a very serious sniper shooting and both shooters had been prohibited from buying guns; yet, in this case, the manufacturer, in this case it was Bushmaster, chose to sell these assault weapons through a what was considered a knowingly corrupt dealer who had repeatedly violated the law in the past, yet sold over 200 guns and kept no record of sale and the guns are presumed to have been sold off the books, if you will. So in that case, the -- the sniper's gun had been unaccounted for. Again, they weren't just sloppy practices, it was a -- it was a reckless practice and in this case, Bushmaster did settle out of court for \$2.5 million to the -- to the victims. In -- fast forward though, since PLCAA has passed in 2005, given the current standard and given the current immunity that they have had at a national level, Bushmaster under -- had this been brought to court since 2005, they probably would not have been held liable, the manufacturer nor the dealer for those types of reckless practices.

MR. MILLER: Thank you, Mr. [Sic] Fahy.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MILLER: I've read through this bill, we've talked about it through the community where I live in and the district that I live in. I have Remington Arms, as we're talking about the Bushmaster here, I have Remington Arms in my backyard. They're the oldest, continuous manufacturer in the United States, I believe they're 206 years old, and they're also one of the leading sporting arm manufacturers in the world. So I'm just very concerned at how this all goes back to the manufacturer. You know, a lot of the -- a lot of the responses, I'm sure they made a lot of sense to me, but then they -- but then they didn't. You know, it's like me walking into a cell phone store, picking up a cell phone which I can text on very well, and most of us can text on -- while we're driving and we're breaking the law, but there's nothing there that says to -- to the cell phone manufacturer that you can't text, and say I'm texting, I get the cell phone, I'm all excited, I'm texting on the cell phone, I lose control of my car and I run through a bus stop and I injure and kill a group of people.

I believe we're going down a slippery slope with this, not just with the gun manufacturers, what this bill is all about, but this can go anywhere, okay. We can look at the cell phone, we can look at the car manufacturer, but this just doesn't make any sense. You know, it all goes back into what point in our society that we take out all personal responsibility and just look to go back on -- on a

manufacturer.

Again, thank you, Mr. Speaker, and I want to thank -- thank the sponsor for allowing me to ask questions, and I will urge all of my -- all of my Assembly people there to vote no on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Will the sponsor yield for my questions?

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

MS. FAHY: Sure.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. ANGELINO: Thank you. This -- this bill has some pretty broad words in there. The ones I'm keying in on are manufacturing and marketing. And I heard you say "sloppy" a couple of times and I agree with you. Probably the point of sale either in New York or another state is probably sloppy, and that's where the problems are occurring. Can you give me some examples? Maybe the worst two or three examples of sloppy manufacturer or sloppy marketing?

MS. FAHY: That probably wasn't the best choice of words. In many cases what we are looking for is recklessness. And that is where, again, there is a straw purchase or where there is not tight security in the gun dealer's shop such that if it were broken into

there would be no way to trace it. There's not video cameras to trace where guns may be stolen or sales out the back door that aren't part of the tracing. Some of the things that we are looking for is better physical security measures to prevent theft or -- or secure storage that are video surveillance and recording of sales. Better training of retail clerks, which we talked a lot about in this Body about, that are trained to make sure that those who shouldn't be buying guns are -- could be better identified, as well as those who are attempting a straw purchase. And -- or those who may be in crisis as well as a better recordkeeping, monitoring inventory, the -- the data, you know, trying to get tracing, the data tracing as well as refusing to work with distributors and retailers. It is -- one of the better examples is the -- the drugs, what we saw with the opioid crisis and where there was -- ultimately, there were manufacturers who were held accountable for some reckless practices.

MR. ANGELINO: That's where I started my question. I agree that there are sloppy sales and -- at the point of -- point of sale, where the potential purchasers, straw purchaser or whatever, video cameras, those are all good ideas. Probably expensive, but that's all point of sale. I'm looking at the broad words that go into marketing and manufacture. I don't get how marketing your product somehow is a problem in the pipeline of iron.

MS. FAHY: Just -- just as we saw with the opioid crisis and the drug manufacturers, they had to demonstrate -- there was quite a threshold, and if you can recall, just a few years ago many of

us were skeptical that they would be ever be held accountable. But there -- there was a demonstration that their marketing led to reckless and endangerment and ultimately in many cases to -- to thousands of opioid deaths.

MR. ANGELINO: But no --

MS. FAHY: So, again, it's a threshold. And the facts would have to -- you know, we -- we don't deny that there's a very high threshold here, and the facts would have to be presented. It's the courts that would have to determine this and show that there was an untenable risk of harm or knowingly and recklessly have sold those guns. So again, there is a -- there's a pretty high threshold here. And part of that, by the way, I should add, is because we know that it's -- it's a few bad actors here. But as in so many industries, it's a few bad actors. And the vast majority of -- of guns coming up this Iron Pipeline is -- the Brady -- the Brady Center for Gun Violence has -- has estimated that roughly 5 percent of gun dealers, 5 percent are supplying over 90 percent of the illegal guns in New York. So, you know, this is not a targeting of Remington or -- or any other particular manufacturer or dealer, for that matter. This is trying to make sure that we are going after those with reckless practices.

MR. ANGELINO: But we're going after that small percentage by enacting a law that impacts everyone. And that -- that -- a lot of people think that's an infringement.

MS. FAHY: That's -- it -- I -- I'm afraid I wouldn't necessarily agree with that because the -- those who are... what's the

line I was going to -- I'll -- I'll use a line that the Senate sponsor has used many times and I think it's an appropriate one: Responsible gun companies, just like responsible drug companies, in this case the pharmaceutical companies, didn't need special protection from lawsuits. But the irresponsible ones, you know, do not deserve it. And I think that's, again, part of what we are seeking here. This has become a public nuisance in many ways, to put it mildly. And the other part of this is that since 2005, because the gun industry has had such unprecedented protections from any civil liability, they have -- really had no incentive to increase safety measures on -- on guns and -- or with their dealers and to -- to watch that supply chain and to go after that supply chain. And we've seen this in environmental legislation, we've now seen it with pharmaceuticals. We've even seen this with COVID manufacturers having to watch, you know, where they're -- where they're buying -- you know, who is manufacturing overseas. So we have seen this in other industries, and this is the only industry, as best we know, that has had such complete immunity from watching that supply chain.

MR. ANGELINO: Do you think that immunity is because this is one of the few industries that's enumerated in our Constitution?

MS. FAHY: That's -- I'm sorry, that's what?

MR. ANGELINO: This is of the few industries that's enumerated in our Constitution.

MS. FAHY: It is -- this is -- yeah, this is not -- this is

not a Second Amendment issue. I -- I've passed legislation here to -- that has helped expand hunting and -- and here in -- in Albany County where I live. This is -- I'm fully respectful of legitimate gun owners and they -- their ability to own and -- own and purchase guns and hunting paraphernalia. It is -- this is not about going after individual users and it is not about -- this is not a Second Amendment proposal.

MR. ANGELINO: Thank you, Madam.

MS. FAHY: Thank you.

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

ACTING SPEAKER AUBRY: Mr. Angelino, on the bill.

MR. ANGELINO: Thank you, sir. I can't help but notice that these are -- all these gun safety bills or infringement bills are coming up at the same time that crime is running rampant in all the urban areas of New York State, from Buffalo, Rochester, Syracuse, Albany right down the Hudson River to New York City. It should come as no surprise that all this is happening after a few years of undermining the New York State criminal justice system, the last couple of years going right after law enforcement officers, making their job already tough even harder to do. This Body always reacts in a way that never limits criminals from possessing and using illegal firearms, but always infringes upon lawful gun owners and their right to possess firearms. And when we enact and pass these bills, what we end up doing is making the lawful people inadvertent criminals and they don't even know it.

I urge my colleagues to vote no on this and that's what I'll be doing and I ask them to do likewise. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor from the 109th Assembly District in Albany care to answer a few questions?

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

MS. FAHY: Yes.

MR. SMULLEN: Thank you very much. I -- I really appreciate the opportunity to really get to the heart of this issue. How did you arrive at the term in quotation, "gun industry members", unquote, *Person, firm, corporations, company, partnership, society or joint stock* -- where did -- where did that come from?

MS. FAHY: I think that was a way to capture those who may be subject to -- to the provisions of this bill. And it was trying to capture as many of -- you know, it -- it was trying to capture as much of the industry as possible, again, to make sure that we -- there is the ability to go after the bad actors that we discussed earlier.

MR. SMULLEN: So this includes everyone in the industry, both upstream, the manufacturers, all the way down to the distributors, the sales, the repair. Anybody who touches a gun is subject to this law.

MS. FAHY: Again, the courts would have to decide, you know --

MR. SMULLEN: What is your intent?

MS. FAHY: -- decide the -- the case. But keep in mind that PLCAA, the Federal law that was passed in 2005, gave broad, broad immunity to the entire industry. Hence, we are trying to go back at that and define the entire industry and again make sure that those who need to be held accountable here can be held accountable. Again, for the knowledge or recklessness of -- you know, there is that threshold of liability that would have to be demonstrated here.

MR. SMULLEN: So, if the -- the Federal law that you've described has been the law of the land for about 18 years now, is that about right?

MS. FAHY: I'd say 16, but close enough.

MR. SMULLEN: Well, in -- in --

MS. FAHY: 2005.

MR. SMULLEN: If it's -- if it's such a bad law why hasn't it been overturned or challenged in court?

MS. FAHY: It -- it has been challenged. And as you know, there has been a good deal of paralysis as we spoke earlier, a good deal of paralysis in Congress. You have just a couple of months ago heard President Biden speak quite forcefully, actually, that his goal is to begin to overturn this type of immunity, again, because it's so unprecedented. So there is the goal to overturn it, but it was a -- it was a very far-reaching and broad law that was adopted in 2005. And

so this is one of a number of efforts that have been under way to try to more narrowly hold those who should be held accountable accountable. You know, as -- as you have seen tonight, since I first came here in 2013 we have -- I'm also the sponsor of the bump stock legislation. Every -- we are looking at numerous avenues to try to close as many loopholes as possible and -- and as long as I can remember, we have talked about an Iron Pipeline. So, we may have some of the strictest gun laws in the country; however, we still have a fierce Iron Pipeline that has been in place, if you will, for decades. So while we may have done I think yeoman's work in terms of closing down loopholes and -- and we -- we don't have as many of the bad actors that you heard me refer to earlier, but we know that there are distributors and dealers in other states that are not -- have not been as vigilant.

MR. SMULLEN: So it's your intent to circumvent Federal law in this case with a State law.

MS. FAHY: Yeah, it's -- it's certainly not to -- I wouldn't call it circumvent. At that time when the law was passed, again under PLCAA in 2005, it did contain a narrow predicate exception. And it said that the states can pass a predicate statute to reinstate some liability. That's exactly what this proposal does, to take the nuisance law and -- and walk that narrow path, if you will, to go after what in -- what we really think are very few bad actors. This is not a -- this is not a broad-based bill. Again, if the Brady -- they've been -- no doubt what side of the fence they're on, Brady -- the -- the

Brady Coalition and the Brady Center for -- against -- the Brady Center for Gun Violence Prevention, they're the ones that have estimated it is about 5 percent of gun dealers who are supplying about 90 percent of the illegal guns coming into New York. So -- and that's, you know, that's from a --a, you know, a recognized biased group, if you will.

MR. SMULLEN: So how is this a public nuisance? Can you explain why your bill rests itself on -- on public nuisance over some sort of criminality?

MS. FAHY: It's -- it is -- because this is using -- it's civil liability, and that is the common approach that we've seen to -- with other industries such as -- as I mentioned earlier, such as with the pharmaceutical industry and -- and others. It is the -- the public nuisance law that has been applied.

MR. SMULLEN: But -- but the ultimate goal is to stop criminals from using guns to kill people.

MS. FAHY: That's one of the goals, and -- and the more we can stop the supply -- it's a multi-pronged approach that you've heard, again, so much of tonight as well as over the last few years. I did the bump stock bill a few years ago. It is to -- to try to tighten up as many avenues as possible.

MR. SMULLEN: So in this case how does this prevent criminals from actually committing crimes? Because it's actually -- it's a person that commits a crime, not a gun. It's the person using a gun that commits a crime.

MS. FAHY: Well, first of all, if we can stop -- if we can stop the flow there's not as easy an access of -- you just heard in the last debate about a community gun that was found here in the City -- in the City of Albany. The less guns that are on the streets, the -- the less opportunity for what are often crimes of passion. So the -- and -- and we know that this country, more than any other country in the world, has a proliferation of -- of guns and we have the highest numbers of gun violence. By the way, I should add that this may help with the guns in the home if -- if we had more safety protections. Again, I mentioned that this may incentivize other safety -- other safety measures and that may protect people in their own home. We've -- we've all heard of incidences and all had incidences in our communities where children have had access to guns and un -- unknowingly or unintentionally created great harm to themselves or others.

MR. SMULLEN: So --

MS. FAHY: So again, this is just to stem the flow of and stop the reckless practices that have led to the proliferation of illegal guns into our communities.

MR. SMULLEN: But this -- but this isn't a criminal statute. It doesn't stop people who are -- are actually committing crimes from doing those crimes. It's -- it's an attempt using this -- the supply function to reduce the number that they have available. What is your goal? Is it to have zero guns in America?

MS. FAHY: No. I've actually -- first of all, that is

exactly -- your earlier statement is exactly the intent. It is to -- to try to limit the supply, again, especially of the illegal guns and to go after bad actors, bad practices or reckless practices. In terms of -- so -- so it is -- it is to go after the supply. That said, again, this is part of -- this is one measure to address a problem that has fueled the crisis, in my view. Especially since 2005 when -- when this industry -- you know, no other industry that I can point to has had such immunity. And again, we -- we actually thought the -- the pharmaceutical company would have more immunity and even they have been held accountable for some of the reckless practices that did help fuel the opioid crisis that we're still grappling with. Even though it was not direct, it was a more indirect, but then in many cases they knowingly dealt with a sloppy supply chain - there I go with sloppy - a reckless supply chain. And it is, again, the same case here. So, yes, it is to address the supply, but this is not a standalone. We have many other measures that we are adopting here tonight and many other measures that we have adopted over the last few years. And while we've seen a massive spike in crime and in gun violence this last year, generally, there is -- and there's been great data on this -- generally we have one of the safer states for gun violence because often the tougher the gun laws -- there's an inverse relationship. The tougher the gun laws, the less the gun violence. And so we do know through demonstrated data over the last few decades that it does help to stem gun violence when we have stronger gun protections.

MR. SMULLEN: All right. I guess that's -- that's

certainly debatable. But just to summarize, in order to prevent criminals from committing crimes with guns that are primarily illegal, and we -- we went through the numbers in -- in the previous parts of our bills and our debate tonight -- we're going to go -- we're going to go after legal members of the entire gun industry to try to target some bad actors in a -- in a small number to -- to do that. So we're going to trample on the rights of many in order to reduce the number of guns when, in fact, it may not even work at all sort of thing.

So, I really appreciate your -- your time in -- in answering questions here tonight.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So, what -- what the sponsor has in mind is an indirect approach to a direct problem. The problem is criminals committing crimes with guns. But we're going to go after the supply chain in an indirect fashion that may or may not have any correlation to results. And I just -- I just say again, this is an example of a death by a thousand cuts strategy on legitimate law-abiding gun owners who follow the -- the rule of law, who are responsible members of their community and who own guns for various purposes to include hunting, personal protection, collecting, and we're going to make it harder and harder on them. In fact, we're going to make it harder on even the people that manufacture and distribute those guns legally in New York State. Probably so much so that they're going to choose to go elsewhere where they're more welcome. And that's --

that's a real shame because many of those people have been making those firearms legally for -- for good purposes to support the Second Amendment in my district. And they don't take it kindly or lightly that -- that their rights which are actually enshrined in not only the Constitution but in specific Federal law, are now juxtaposed against an ideology of gun control that has no bearing whatsoever on the vast majority of the areas of New York State.

For that reason and for many others I'll be opposing this legislation and urge all of my colleagues to think this through on a bipartisan level. If -- if this was a law being passed to target you, what would you think about it if it were some other issue? Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

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

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

MS. FAHY: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. TAGUE: Thank you. And thank you, Ms. -- Ms. Fahy. Just -- I'd like you to clarify for me again, because I'm having trouble wrapping myself around this. In what scenario would a gun shop owner or a manufacturer be responsible?

MS. FAHY: Keep in mind that this bill does not

guarantee a favorable judgment. It just -- just because somebody has been harmed by a gun. This is a civil liability. This is opening up the door for civil liability cases under the nuisance law -- public nuisance law. Civil cases are extremely fact-based, so any suit brought under this would have to demonstrate a preponderance of evidence that the gun industry, or, you know, in this case a particular actor created an untenable risk of harm that led to the violation of a public nuisance set forth in this bill. So, I -- I gave a couple of examples earlier and I'm happy to -- to reiterate those again. For instance, where a dealer or gun store had lax physical security measures that may -- that did not prevent thefts, such as secure storage places or alarms -- serious alarm systems, video surveillance of and a recording of the sales, the training of retailers and employees to identify straw purchasers or those in crisis or in danger, if you will, and ensuring recordkeeping of all transactions as well as monitoring inventory and shipments, and as well as tracing data. So, it is -- it is intended to help make sure that there is a -- a vigilance within the industry to -- to monitor themselves and to make sure that manufacturers or dealers are dealing with legitimate storeowners or other distributors.

MR. TAGUE: Okay. Let me ask you this question. Do you know how many people were killed in the United States last year by illegal guns and how many people were killed in the United States last year in automobile accidents?

MS. FAHY: Um, I -- I had -- by illegal guns, I don't have the number in front of me, but it is -- it's in the tens of thousands.

And yes, automobiles are -- are still -- it's still a higher number of those killed in automobiles.

MR. TAGUE: Well, listen, with all due respect, I appreciate you answering my questions. I have a lot of respect for you. I completely disagree with you on this bill, but we've worked together on other -- on other things and I do disagree with you that this isn't an attack on the Second Amendment. But again, I appreciate your time, the respect and the answers.

On the bill, Mr. Speaker.

MS. FAHY: Thank you.

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

MR. TAGUE: You know, this really brings to question lawsuits across the country. This will set a precedence regardless of what -- how it's in the bill or not, whenever there's an incident we'll now be suing manufacturers -- gun manufacturers and gun shop owners. This is -- this is the exact problem that's running rampant in our country. So I ask the question, if you buy a vehicle and you go out and drive drunk and you -- and you end up in an accident, are you going to turn around and sue the manufacturer of the car? We're just getting carried away with this. It's ridiculous.

For those reasons, I'll be voting in the negative and I urge my colleagues to do the same. Let's put some common sense behind these bills, number one. And secondly, what about personal responsibility? Personal responsibility to be a gun owner, to drive a

vehicle, to do all those types of things take personal responsibility. We cannot legislate common sense and personal responsibility. Again, I'll be voting in the negative, urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lemondes.

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

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

MS. FAHY: Happy to.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. LEMONDES: Thank you. I heard several times during this debate the word "bad actors" and "reckless endangerment", et cetera as a standard that would have to be proven. There's one word of everything in the -- in the -- in the bill that bothers me the most, and that is the word "person." When you -- when you walk into responsibility for those who would be liable under this bill down to the person level, that makes me think of people on assembly lines working at their job, perhaps not well paid, but having families. Good, hardworking New Yorkers working at a job that they believe in, working in a place that is -- that is part of our American history that has -- and in many of them right here in New York supplied our military with weapons for their entire existence. So when we use the word -- and I want to come back to the words person, firm,

corporation, company, partnership, society, joint stock company or any other entity or association engaged in the sale, manufacturing, distribution, importing or marketing of firearms, et cetera, et cetera, et cetera. That seems very all -- totally encompassing to me that the intent of this is to reach down, go into the factory, and -- and assess responsibility and liability on individual workers, as well as everybody above them. Is that the intent of this?

MS. FAHY: Keep -- no. Keep in mind -- no. Keep in mind that, again, it would have to be fact-based. This would go before the courts and the bill itself does not guarantee a favorable judgment. Again, responsible gun companies, just like responsible drug companies, have not needed special protections. It is the irresponsible ones, right? And in the case of a person -- that is in the statute, as you point out -- is in the bill, as you point out, is -- it is a person working in a -- in a dealer or in a distributor's shop and that person is knowingly or recklessly selling to straw purchasers outside -- out the back door or on the side or whatever the case may be, there could be some liability there. Again, all of this -- the facts would have to bear it out. But there could be some liability, especially if the owners of that dealership or that distributor did not put in the physical security measures, the video surveillance and the training as well as other measures. There are a few -- it is -- as in so many other industries, there are a few bad actors. We've made great strides, right? But we still have a fierce Iron Pipeline. So we know that there are still reckless practices underway. And we also know that because the

PLCAA that was adopted in 2005, the industry -- because the industry as a whole, which includes the entire list that you just named, persons companies, partnerships, corporations and firms, they were granted unprecedented immunity from civil liability. So because of that, we are now trying to say that where there is a reckless -- a practice, they, too, may be held liable. And we also know that because they've had this immunity they have not had the incentives to put in serious safety measures.

MR. LEMONDES: Thank you. I -- I -- I want to understand your perspective, but I -- I want to put on the record I don't agree with it all.

MS. FAHY: Sure.

MR. LEMONDES: And I want to point out that this, among many other things that we've done in this Chamber, results in chasing people out of New York State. We've lost 1.5 million people in the last ten years. The expansion of the arms manufacturer in Ilion, New York several years ago that did not happen, was accept -- was taken up in Alabama. That contract and that business went to Alabama. Alabama welcomed that business. And that peripheral economic value of that one expansion was approximately, if I remember correctly, in the realm of \$4 million to that local community. And not to mention the number of jobs that it added locally. The -- that -- that state welcomed that -- that expansion.

MS. FAHY: If I could ask --

MR. LEMONDES: But when we -- when we come

back to this and we talk about bad actors and we talk about holding them accountable while we watched New York get destroyed by riots over the last year, businesses destroyed left and right, police officers unable to do their jobs, not able to do what they have sworn that they would, not able to protect and defend because people disempowered them intentionally. And yet we want to go after law-abiding citizens, hardworking Americans, hardworking New Yorkers right here in our State and tell them that they're doing something bad.

MS. FAHY: I -- I'm afraid I do disagree on that.

And again, the intent of this -- we -- the -- the best example -- and I keep going back to it is, again, because it's so recent with the pharmaceutical industry. At one point most of us were rather skeptical that they would ever be held accountable for some of the practices. But it was a few bad actors, not all. And it took years of litigation, and some of it's still in the works of course. And so there is a high standard here, a high threshold. This is not to go after responsible gun companies and I think those that know who they're dealing with, those that -- if a -- you know, if a store is only producing or showing records of 10,000 sales, yet they're supplying them 20,000, there's got to be a reconciling. And as I've said, this is really to get at that Iron Pipeline that we have been unable to get at for the last few decades, despite all the efforts - and there have been countless efforts here - this is the one area that we know has made this more challenging to get at this illegal flow of guns into New York. So, I don't think this is to hurt jobs in New York State. If anything, it is to go after some practices

out-of-State, although I'm not telling you that -- that it would be exclusively out-of-State by any means.

MR. LEMONDES: Yes. Thank you. I -- I -- I understand that. But when we talk about the flow of something into New York that shouldn't be, it makes me think of our southern border where that was just opened up. Wide open for drugs to come through, narcotics to come through, weapons to come through, et cetera, et cetera, as well as millions of people.

So I appreciate your responses.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LEMONDES: Due to the invasive nature and detrimental impacts and infringement on the Second Amendment as well as the potential impacts to legitimate businesses and hardworking New Yorkers, I can only urge all -- all members of the Assembly to please vote against this, as I will, because it is targeting the wrong people.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

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

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

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. SALKA: Thank you, Ms. Fahy. Drug dealers aren't legitimate businesses for the most part. They -- they want to make a living, and each business has a particular class of liability. You name it with business, it's a business that has to pay a certain amount of -- of liability insurance. Now, this might be something that my colleagues in the insurance industry might be able to answer better than you might be able to, but it seems to me as we increase the risk factors to these businesses, like gun dealers, now that we are going forth, hopefully it won't, but it looks like we're going to pass a law that will increase their liability because now they'll be more susceptible, if you will, to lawsuits. Their probability of being sued is going to be higher if by this law we're allowing that to happen. Do you think -- I mean, given the fact that mostly likely their liability is going to go up, do you think that there will be some -- maybe some of these businesses are going to have to say, *We just simply can't do business in New York State anymore because of liability?* That some will, in fact, probably have to close. Because a lot of these -- these dealers are like any other business, their profits aren't exceedingly high, they're just trying to make a living. So it seems to me at least that if you increase the liability by allowing this to happen, then some of those businesses are probably going to go under.

MS. FAHY: This -- this doesn't stop at the New York State border. So, no, I -- I -- I don't think this will necessarily have a direct effect on businesses right here in -- in this State.

MR. SALKA: So I -- I -- I guess I draw the analogy that when you pay a certain amount of auto insurance, if you've been in a couple of accidents your rates are going to go up, okay? Or maybe even if like for instance with younger people, their odds are that they're going to be in an accident -- they might not necessarily have been in an accident, but their odds are they're going to be in an accident so they pay higher rates. So, now you have a business, right, that sells firearms that now has a higher probability of being sued, sometimes I would imagine there will be frivolous lawsuits which they will have to defend nonetheless and spend money on lawyers to do it. So by that law being passed, it increases their liability now. It must.

MS. FAHY: Again, there is a high threshold here. We talked about how narrow this is given how broad the Federal exemption -- or how broad the -- the current immunity is. So, you know -- you know, if that's the case that may be one scenario. But I don't think, again, this is not targeted at any particular New York State businesses. If anything -- if anything, what we're hoping to do is -- is go after those out-of-State because that's where we know, we know we've had a decades-long problem with that Iron Pipeline. So I --

MR. SALKA: But --

MS. FAHY: And again, keep in mind the -- you know, I've used the pharmaceutical analogy, but -- but when -- you know, we've done this with pollution as well, right? When we see a company that has dumped serious pollutants - a company in Iowa - into the Mississippi River, they have not been immune just because

the pollution or the -- the ramifications of that end up in Louisiana or -- or Mississippi. So -- so, there is -- again, in other industries there is not this blanket immunity that we have seen since 2005 in the gun industry.

MR. SALKA: So what you're saying is that dealers in New York State will not be liable or will not be held liable in a lawsuit. In other words -- and let's say, for instance, you have Dealer A and he -- you know, it was now an offense under this law and he gets sued for \$10 million and the insurance company has to pay the \$10 million or whatever they decide to pay. Insurance companies are businesses. They're going to have to distribute those expenses throughout all their clients. So, it's inevitably going to drive -- drive up liability rates because somebody's going to get sued. So inevitably it's going to drive up liability rates for all the dealers.

MS. FAHY: But keep in mind, again, the bill doesn't guarantee any type of favorable judgment. Civil cases are -- have been extremely -- they're more challenging, they are -- they are definitely fact-based. Again, there would have to -- there would have to be a demonstration of a preponderance of evidence that a gun industry member or actor or any of those that you described had created this untenable risk of harm that led to the violation of the public nuisance law that we have set forth in this bill. So, this is -- believe me, if I thought that this would lead to a proliferation of lawsuits and put every gun dealer in New York State out of business, I would say it, because I -- you know, I -- but that's not the case. This is

a very narrow provision to go after what has been a persistent and serious problem for decades in this State despite, despite the years of legislation and -- and despite how aggressive -- and I'm quite proud to have been a part of that -- despite how aggressive we have been to get guns off the streets. This is one area we have not been successful on because of this unprecedented immunity that the gun industry has had.

MR. SALKA: And -- and one other question or statement that I -- I found somewhat perplexing is that you made a statement that there's an inverse relationship between gun laws and the number of gun deaths. Now, if you look at the City of Chicago, some of the most restrictive gun laws in the country. New York City, spike in gun deaths, gun crime, some of the most restrictive laws. Los Angeles. Some of these cities that have -- some of the -- and states that have some of the most restrictive gun laws, in fact, have higher than average gun violence and deaths. So I -- I'm not sure whether or not I'm comfortable with -- with that statement that there was an inverse relationship here --

MS. FAHY: It's --

MR. SALKA: -- because more laws, less -- less violence.

MS. FAHY: As I -- as I mentioned, that's national data. And New York State -- New York City, by the way, I -- I don't have the current data for this year, but prior to this year when we have seen an explosion in gun violence, New York City actually was considered one of the safer cities in this country with -- with gun

violence, again, given its size. And yes, statistically there has been an inverse relationship where those states, and it's -- it's statewide data, but states with the toughest gun laws have generally had the lowest levels of gun violence. And this is particularly true with -- in domestic violence situations. And -- and that's -- that's where we -- we see a lot of this. But -- but that is national data and it is done on a statewide basis. But states, again, that have the highest -- that have the toughest gun laws often have the lowest gun violence. I -- I don't have -- you know, it's -- as we know, these last three months or more has led to explosive growth in gun violence across the country. I don't have the most recent data for that, but I will say New York City has had certainly its share of gun violence especially these last few months where there has been a very serious uptick -- uptick in violence. But again we know from other studies that the vast majority of those guns are illegal guns coming up this pipeline. And that's so -- so as aggressive as we have been, quite frankly, it's been frustrating to think that we can pass all the laws we want but we're still not stemming the flow of illegal guns into this State.

MR. SALKA: Thank you, Ms. Fahy --

MS. FAHY: Thank you.

MR. SALKA: -- and I appreciate answers.

MS. FAHY: Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SALKA: Mr. Speaker, for the past probably

25-30 years, we've seen a system -- systematically -- we have seen a systematic dismantling of our Second Amendment rights. And I agree with my colleagues who have said the analogy here is death by a thousand cuts. You don't outright the gun -- ban the gun, but you ban the ammo. Or you don't outrightly try to confiscate weapons, you can -- you do voluntary buybacks, which to me is just a road to confiscation, all right? You want to make sure that the guns are registered, universal gun registration so that the government knows whatever you've -- you've got. It -- it's, you know, over the -- over the past very short amount of time, in this Chamber we've seen the systematic dismantling of the judicial process, of the electoral process and now the Second Amendment rights that we have as New Yorkers and American citizens.

So, I have a real issue with this bill. I'll be voting in the negative on it and I would urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield just for a couple of questions?

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

MS. FAHY: Certainly.

MR. MANKTELOW: Thank you, Ms. Fahy. I continually hear you talk about the Iron Pipeline. Could you tell me again what that is?

MS. FAHY: It is considered to be -- particularly in New York it's -- it's considered to be the -- the illegal flow of guns coming in from out-of-State, particularly states to the south of us, coming up the I-95 often and into -- into New York. And the vast majority of guns that are used in -- in homicides have been guns that are -- well, the last data that we have is from 2015 where the Attorney General said over 74 percent of firearms that are recovered in violent shootings or crimes in New York State have been illegally trafficked from other states. So that -- that is what we are referring to as the Iron Pipeline.

MR. MANKTELOW: Okay, thank you. And earlier you had said something about bad dealers.

MS. FAHY: Yes. Who are reckless -- you know, those who -- yes, those who knowingly are -- are recklessly, you know, turn -- turn the other way.

MR. MANKTELOW: Okay. And what -- what was that percentage? Was it 5 percent? Is it -- did I remember that right?

MS. FAHY: That was roughly -- again, these are rough -- it's rough data because the numbers are -- are hard to measure here. But the Brady Center estimates that roughly 5 percent of gun dealers supply over 90 percent of the illegal guns in -- in New York State. So that -- that is their estimate based on some previous national data.

MR. MANKTELOW: So -- so of those 5 percent of the dealers, how many of those are in New York State?

MS. FAHY: They have -- they have said it is -- they think it is a -- a few, and they think it's mostly out-of-State. Again, it's to -- to get at that -- that out of -- that Iron Pipeline. We've -- we've -- as you know through many measures that have been passed almost every year here, we have some of the very tight security measures that you heard me describe that are not necessarily found in other states. Some of the physical security, the storage, the video surveillance, the training. We passed a number of things about training retailers and retail employees. We've done a lot of that here. So, it's -- I'm not -- I'm not telling you this would only be out-of-State. I'm not going -- I'm not trying to mislead anybody, but I am trying to say what -- what the -- the goal in this has been for me, is to get at this very maddening pipeline.

MR. MANKTELOW: Sure, absolutely. And maybe I didn't hear you right or maybe I -- I missed it. So, of those -- of those bad dealers, approximately, again, how many are in New York?

MS. FAHY: They -- it's -- it's -- they have not put a precise number on that. They think it is a few, but how you would define few I'm -- I -- I have not gotten a specific number on that. But -- but again, it is -- it is a -- the bottom line, it is a very small percentage. It -- and this is coming from the -- some of the national advocates, a small percentage creating a monstrous problem.

MR. MANKTELOW: Absolutely. Of the ones in New York State that we know of, how -- how many of those dealers have been shut down?

MS. FAHY: In New York State I have -- I don't know of any particular dealers in New York State that are the target of this at this time. I'm not -- again, I'm not trying to mislead. I'm not saying there is anything that might not be tied up in this.

MR. MANKTELOW: So --

MS. FAHY: I know Remington a number of years ago was sued on -- I think after Sandy Hook. But -- but I -- but at this point, no, there's no particular target of this legislation for any dealer in New York at this time. That doesn't mean that there wouldn't be in the future.

MR. MANKTELOW: Okay. You -- you talk about Remington being sued, but I'm just talking about the dealers.

MS. FAHY: That was a number of years ago and that was after Sandy Hook.

MR. MANKTELOW: So, right now if I -- if I'm correct, we know of no bad dealers in New York State, correct?

MS. FAHY: I, again, I -- I don't -- there is no particular target of this legislation to any particular dealer in New York State, but I -- I'm not here to mislead anybody. That doesn't mean -- that doesn't mean that there are -- there might be a practice that could ultimately lead to a suit. There's a -- right, again, there's a very high threshold that would have to be demonstrated in court.

MR. MANKTELOW: Yeah, I -- I'm more concerned about if we do have bad apples here in New York, let's get them out, first of all.

MS. FAHY: I appreciate that.

MR. MANKTELOW: But would this piece of legislation where about 90 percent of the illegal guns are coming from out of New York State, how -- how does this bill address stopping those illegal guns coming from out-of-State?

MS. FAHY: Because they'd be -- they'd be -- they could potentially be liable and -- for not having any of the safeguards that I'm happy to reiterate again.

MR. MANKTELOW: No --

MS. FAHY: So, for instance, if they're -- if they're not monitoring the practices, if there is a manufacturer who is selling to a dealer who is only showing, again, 10,000 guns being sold on the books, yet they're delivering them 20,000 a year and they're not reconciling those numbers, there may be straw purchases that they're not following up on. And it's -- again, it's similar to the pharmaceutical companies where, you know, there was a looking of the other way, there were bed -- and -- and there were reckless practices that helped to fuel the opioid crisis and -- and ultimately they are being held accountable for that. And this the same type of accountability measures -- or a similar type of accountability measures that we are looking for here.

MR. MANKTELOW: Okay. I -- my only concern is, I'm not sure what the mechanics will be for New York Staters or New York to go after these bad dealers or these bad people outside of New York State. How -- how -- are we going to go to another state and

indict them? Are we going to -- how -- how does that work?

MS. FAHY: So, if there is a crime -- I mentioned a couple here just in -- in Albany just in the last few months where the guns were -- one was from South Carolina, another one was from Alabama. We don't have all the facts of those cases. They're very, very recent. But if it -- if it can be demonstrated, again, in a court of law that they were unlawfully brought here and used to shoot and kill two young people here that we -- we know were shot and killed on the streets of Albany here, my hometown, they could potentially be liable. So again, the incident may have occurred here on the streets here or elsewhere in the State, but there would have to be the -- the facts and the evidence brought forward in order to -- to show that the -- that the gun industry had -- in this case, you know, in this case a dealer in -- clearly in South Carolina or Alabama, that they acted in some type of reckless -- knowingly acted in a -- in a reckless manner that helped a few of those guns to be -- end up on the streets here with the deaths of a couple of a young people, I'm afraid. But that -- that would be the tie-in. Obviously there would have to be some -- some incident here in -- in New York State that would lead to the tracing of -- of problematic practices, either by a manufacturer or a dealer.

MR. MANKTELOW: Okay. Because I would think that if I was going to come to New York State as a bad person and -- and do a crime, probably the first thing I'm going to do would be to -- to file off the serial number so they can't trace it back. And I'm just wondering, you know, of the 90 percent of the -- of the guns coming

here illegally, you know, how many of them have serial numbers?

How are -- I'm just -- I'm just not sure of the mechanics. That's all.

MS. FAHY: That's -- that's another what we would hope would be somewhat of an indirect goal of this legislation, is that -- that it would help to incentivize manufacturers and dealers to put in more safety measures. And as you know, there is technology that can be used and it has been discussed here on the floor about making that harder to scrape off serial numbers or adding in micro -- micro -- through the use of microstamping or -- or other measures that could lead to better tracing and better tracking of guns. So, again, we would hope that this would lead to safer precautions and incentivize that to prevent lawsuits. We want good practices. This is not to -- this is -- this does not affect an individual owner. This does not affect an individual's legal rights to buy a lawful gun. That is not the goal of this legislation at all. And as I've said, I've sponsored measures here that have expanded and -- and authorized hunting and -- here in -- in the County of Albany. So that is not the goal of this legislation. It is -- it is to help incentivize better practices.

MR. MANKTELOW: And I think from the manufacturing standpoint and the -- the reputable places of sales and gun dealers, I think they are doing the right thing. I'm just -- I'm just afraid that somehow the manufacturer is going to be held liable for something that's totally out of -- out of their control. If I sell you a gun, I'm the manufacturer, I sell it to you, Ms. Fahy, and for some reason somebody takes their gun and goes to kill somebody, that's not

your fault, that's not my fault, that's their fault. And there's a point where, as some of my colleagues have said, there -- there's a point that we need to be responsible. And those are just some of my points. I mean, I can just see my child coming home someday and saying, *Hey Dad, I failed the test at school, but it wasn't because of the test, it was because of the pencil.* I'm just giving that example that sometimes there's -- I just don't want to see this go the other way. I -- I applaud you for your commitment to this and I -- I think some of these points are -- are very well-taken. I'm just concerned about the mechanics of how this would work.

So, thank you so much for your time.

MS. FAHY: Thank you. And again, that is -- that is not the direct intent of this. This truly is to go after those who are failing to monitor that downstream distribution. And again, we have seen this in other industries. The gun industry has had this rather unique level of immunity and that we are -- we are trying to forge ahead here to address what has been a pernicious, persistent problem for decades despite all the other measures that we have passed. So...

MR. MANKTELOW: And more than likely this bill will pass on the floor, and if it is signed into law I'd be more than willing to work with you down the line on the mechanics of following it up, where are we at. As I said, I just have concerns and -- and I don't want our gun rights and I don't want people to be held liable for something they didn't do. So thank you again.

MS. FAHY: Agreed. And -- and happy to continue

to work with you on that.

MR. MANKTELOW: Thank you so much for your time.

Mr. Speaker, thank you so much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

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

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. LAWLER: Thank you. I honestly wasn't intending to speak on this, but I'm a little confused by some of the exchanges so I just want to try and get some clarity. We talked about correlation and you were making the point, and please correct me if I'm misstating your point, but you were making the point that generally speaking where there are stricter gun laws, there are less shootings, is that correct?

MS. FAHY: Less gun violence, especially -- where I'm most familiar with the data is with domestic violence cases. When a gun is in a home, a woman is - in this case, it's women - are much more -- have a much higher percentage of dying at the hands of a gun than when a gun is not in the home. So yes, generally there is an inverse relationship here, and it's national data.

MR. LAWLER: Okay. So -- but just, for instance, in the City of Chicago which does have very strict gun laws and, in fact, some of the strictest in the country, they don't allow for -- there's no

gun shop in the City of Chicago. As of June 3rd of this year, they have 1,418 shootings, which is 166 more than all of 2020. So where's the correlation?

MS. FAHY: This -- first of all, this bill is to target New York, or is a New York bill. In Chicago, keep in mind a lot -- you're right, Chicago does have rather strict gun laws and even there the illegal trafficking of guns is a continual problem, as well. The City of Chicago ends right on the Indiana border and I'm not here to pick on either of them, but there is a traffic -- trafficking of illegal guns there, as well. And certainly Chicago, I happen to have been born there, is an anomaly and has had, for the last half dozen years or more, has had very, very serious gun violence across the board. But these -- the statistics I was also referring to were State -- they are Statewide, but even Chicago I know has a trafficking issue.

MR. LAWLER: Okay. So let's just segue to New York then.

MS. FAHY: Sure.

MR. LAWLER: So 2019, there were less than 800 shootings in New York City. As of last year, there were over 1,400 shootings in New York City. Is there any correlation between the rise in shootings in New York City and the strict gun laws that we have passed in this State and New York City certainly has passed over the years?

MS. FAHY: I think if you look at that data over the last, I think it's ten to 20 years, New York City had a dramatic drop in

gun violence. Yes there has been an uptick in the last couple of years that can be attributed to a whole host of measures but, quite frankly, I think the fact that we as a State have been aggressive about trying to get guns off the street, it has -- generally it has helped and if you compare New York City to most other large urban areas in this country, not internationally, New York City is considered a much safer city and has much -- proportionately less, but I -- but I don't dispute that it has gone up.

MR. LAWLER: Would you agree -- would you agree that law enforcement played a significant role in that reduction in shootings from let's say 2010 until 2019?

MS. FAHY: Just as this bill is only one part of a prong to try to get at gun violence along with dozens of other measures that we have passed over the last few years, certainly law enforcement should be credited with a lot of their efforts over the last few years in the State -- in the City of New York, as well, but it's -- it's -- it is a multi-pronged effort and -- and up until the last year or so has been quite successful.

MR. LAWLER: Okay. Moving to another point. The first sentence in your justification memo says, *Virtually every illegal firearm was once legal*, is that correct?

MS. FAHY: I'm sorry, repeat -- virtually every, what was that?

MR. LAWLER: The first -- the first sentence in your justification memo on the bill says, *Virtually every illegal firearm was*

once legal, is that correct?

MS. FAHY: Yes.

MR. LAWLER: Okay, so...

MS. FAHY: I mean it's -- well, that probably was a little bit of an overstatement, but close to it yes, other than you heard a lot of debate tonight about ghost guns and those that can be manufactured or assembled illegally or -- or sorry, parts can be purchased and then legal -- and then assembled, so there's...

MR. LAWLER: I -- I was going to make mention of the ghost guns that kind of contradicted that sentence, but --

MS. FAHY: Yes, the ghost -- right. So given -- yes.

MR. LAWLER: -- even -- but even still, if a gun was legal when it first started, okay, once it is manufactured and it is legal, how does it become illegal in your mind? Where -- where does it go from being legal to illegal?

MS. FAHY: By being illegally trafficked or illegally sold.

MR. LAWLER: So when it's illegally trafficked or illegally sold, the manufacturer is no longer liable, correct?

MS. FAHY: No, that -- that would really depend because of -- and again, we've seen this in other industries where -- where the manufacturer was reckless in who they were selling their guns to, what suppliers they were dealing with, they -- there is a level of accountability there as well.

MR. LAWLER: So -- okay. I just -- let's try --

because this conversation has been very broad and really not provided much specifics, so I'm just trying to narrow it down a little bit. So if a manufacturer creates a gun and the gun is given to a Federally-licensed dealer and the dealer sells to somebody who legally purchases the gun, and then somehow that gun ends up in the hands of a criminal who uses that for illegal purposes. Is the manufacturer liable for that?

MS. FAHY: In the way you are laying out those facts, if they are that straightforward, the facts just wouldn't hold up in court. So no, there wouldn't -- I don't see where there would be -- I'm not trying to play judge and jury, but the facts would have to bear this out. There has to be, you know, preponderance of evidence to show that there was reckless, reckless intent here and -- that created this untenable risk of harm and the way you've laid out those facts, I don't see the liability.

MR. LAWLER: Okay. So there would have to be -- there would have to be intent?

MS. FAHY: Sorry, reckless -- I shouldn't have said intent. Recklessness, knowing -- yes, it's the same -- it's the same standard that is applied for other public nuisance laws. It is knowingly and reckless -- sorry, I don't have the words right in front of me.

MR. LAWLER: Okay. So -- okay. So in other words, if someone within the gun industry, and I won't rehash what that is defined as, but if somebody within the gun industry was reckless, what should happen to them under this bill, or what would

you like to see happen to them?

MS. FAHY: If somebody were reckless?

MR. LAWLER: Yeah.

MS. FAHY: To be held accountable. To be held accountable in a court of law --

MR. LAWLER: Civil.

MS. FAHY: Such that it leads to much, much safer practices including downstream and including through their distributors. And just as we have seen with pollution, we have seen this with certainly with the car industry, we have seen this with pharmaceuticals, we have seen this where there is -- where there is recklessness, there has been accountability found or accountability held in other industries and this is the one industry that has been granted an unprecedented level of immunity.

MR. LAWLER: So...

MS. FAHY: Knowingly and recklessly, that's the words I was looking for.

MR. LAWLER: Should there -- when -- when -- basically what would cause this is if there was gun violence, correct? Gun violence would be the catalyst for a cause of action --

MS. FAHY: Yes.

MR. LAWLER: There has to be gun violence.

MS. FAHY: In New York.

MR. LAWLER: In New York State.

MS. FAHY: Yes.

MR. LAWLER: Okay. Should the person who actually pulls the trigger bear the ultimate responsibility or no?

MS. FAHY: In -- that's a -- that would be a criminal -- there is criminal liability --

MR. LAWLER: Let's say I was the victim of gun violence. Should I not be able to hold that individual civilly liable?

MS. FAHY: Oh, you -- yeah, you might -- yeah, you might be able to, but certainly, certainly that person would be open to criminal liability, or should be.

MR. LAWLER: Okay. But -- and so your bill does not in any way try to hold somebody like a manufacturer or somebody within the gun industry criminally liable?

MS. FAHY: Absolutely not.

MR. LAWLER: Okay.

MS. FAHY: This is only civil liability.

MR. LAWLER: Okay. So I know it was asked earlier, but the stats weren't there so I looked them up, roughly 38,000 people die each year in a car accident and as of 2018, the last number that I could find, 38,390 Americans died from guns. So given what this construct is that you have kind of outlined here, and you talked about the opioid industry and -- and others being held liable, do you think that individuals should have the right to bring action against the automobile industry for recklessness, or no?

MS. FAHY: Remember, that right is already there if, if they can demonstrate that there was knowingly and recklessly some

type of practice. The famous case that maybe you wouldn't recall, but the Pinto, the Ford Pinto from the -- I think it was the 1970s or '80s where they knowingly had a gas tank that was a -- that they continued to use knowing that it was highly flammable and they were held accountable for that.

MR. LAWLER: Okay. Thank you for your responses.

On the bill, Mr. Speaker.

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

MR. LAWLER: Thank you. In 2011, shootings in New York City were about 1,500. In 2019, shootings in New York City were just under 800. As of last year, they were back around 1,500. The correlation is a very simple one: This Body tied the hands of law enforcement through numerous policy decisions. We talk about correlation, the correlation is very clear. When you eliminate the anti-crime unit in New York City as the Mayor and the City Council did, which's primary focus is on getting illegal guns off the streets, when you eliminate that, when you defund the police by \$1 billion, when you continually try to reduce the enforcement of petty crimes in the City of New York, when you allow for parole for unrepentant rapists and murderers, and when you provide cashless bail for violent offenders, not just non-violent offenders, but violent offenders, the correlation is abundantly clear. What you get is a rapid and dramatic rise in violent crime and gun violence.

So while I appreciate very much the sponsor's intention and I appreciate all of my colleagues on the other side for their sincerity in wanting to combat gun violence, nobody in this Chamber wants to see anybody die from gun violence, nobody. But let's all be clear that there is a correlation between the policy decisions that have been made in this Body and down in New York City and the rapid rise in gun violence that I know is impacting each of your communities. It's impacting mine. I've seen more gun violence in the last year-and-a-half in my community than in my entire lifetime of living in Rockland County. It is insane. It's happening all across the State, not just in urban areas, it's not just in New York City, it's happening all across the State and it is directly attributable to the policies that this Body is passing.

So I appreciate the intention, but this is not what's going to solve gun violence in this State. What's going to solve gun violence is untying the hands of law enforcement to do their jobs, and that's what we should be doing to ensure the health and safety of every New Yorker.

ACTING SPEAKER AUBRY: Mr. Stirpe.

MR. STIRPE: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STIRPE: Everyone seems to be looking for a correlation. Well, here's a correlation: Gun sales in 2020 were double what they were in 2019. That's the correlation. More guns, more

domestic violence shootings. More guns, more suicides. More guns, more mass shootings. Throw in 15 months in, you know, shut down society and that's what you've got. Trying to ignore that more guns caused more problems is ridiculous. It's like saying lightening doesn't cause forest fires. I mean, let's be serious. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Stirpe.

Read the last section.

THE CLERK: This -- this act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7196. 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 is generally opposed to this legislation. Those who support it should contact the Minority Leader's Office and we will record your support. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference will generally be in favor of this piece of legislation; however, there may be a few that want to be an exception.

Should that be the case, they should contact the Majority Leader's Office and we will be happy to make sure that their vote is properly recorded. Thank you, Mr. Speaker.

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

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. I will be opposing this vote -- this bill and I encourage my colleagues to also oppose it. As has been explained in great deal by our colleagues, there's a lot of guns that come into New York State from other states and, of course, a gun dealer who is unscrupulous in a different state who sells to somebody in a different state is outside the jurisdiction of New York State. And if the person they sell it to, whether it's a straw buyer or a criminal or someone else that shouldn't have it and they illegally cross into New York State in violation of Federal law which prevents -- or outlaws that type of interstate transportation of guns, there's nothing we can do.

So when we pass a bill that imposes civil liability on gun manufactures and dealers, the only ones that could possibly be impacted are New York gun dealers and New York gun dealers. And as my colleague repeatedly pointed out, they're not the problem. Nor does it prevent illegal activities, because it doesn't make anything that's not already illegal more illegal, but it does impose civil liability on those who are otherwise engaging in a lawful business. And, in

fact, it says, and I quote on page 2, line 55, "The existence of a public nuisance," which gives rise to the civil liability, "shall not depend on whether the gun industry member acted for the purpose of causing harm to the public." Well, that's a pretty startling statement. So make no mistake about it, this is designed to create civil liability on New York manufacturers and New York dealers for the inability of this Legislature and others to prevent violent gun crime in other parts of the State. For that reason, I'm opposing it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. Just a quick reminder: We -- we stood in this Chamber and said, *I solemnly swear that I will support the Constitution of the United States*. The Second Amendment of the Constitution of the United States says, *The right of the people to keep and bear arms shall not be infringed*. Infringed, in case anybody got confused from when we swore that oath a few months ago, is to act so as to limit or undermine something or encroach on it.

I appreciate the sponsor bringing this bill forward because I know the sponsor has a crime wave right here in the City of Albany. A couple of weeks ago, I headed down Central Avenue walking to one of my favorite Mexican restaurants in town, and saw a candlelight vigil going on where a shop owner had been murdered a couple of days prior. So I know that the five homicides here in the City of Albany just in the month of May is a real problem, a serious

concern to the legislator that carried this bill before us today, but I'm concerned, Mr. Speaker, that this piece of legislation really isn't going to address the heart of the issue here in Albany or the issue going on in New York City. The chance of being involved in a violent crime or property crime in Albany is 1 in 26. Albany has a crime crisis, it has a higher crime rate than 90 percent of American cities. It increased 21 percent after we imposed bail reform. And what's the answer? I mean, what's the answer that the government brings the people, because we eliminated cash bail, we took discretion from judges, we closed prisons, we squeezed DAs, we cut law enforcement and we put our thumb on the scales of liberty in favor of the criminals.

But today the solution that we bring them, and this is why I vote no, Mr. Speaker, is we let the lawyers get rich suing the manufacturers and the marketing companies for Glock and Beretta? That's the solution? No, we need a reverse course. I vote no.

ACTING SPEAKER AUBRY: Thank you. Mr. Walczyk in the negative.

Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker. First, I'd like to commend the sponsor for this bill. Unfortunately in my district in the City of Poughkeepsie and the City of Newburgh, we have shootings. But not one of the bills -- not one of the guns that are used were made in either Newburgh or Poughkeepsie. And yes, the best way this could be addressed would be a national policy, but we don't have a national policy. So we try to pass laws in New York

State.

Unfortunately as we know, there's illegal gun trafficking and if gun manufacturers, according to the bill, knowingly and recklessly know that when they sell hundreds of guns in places such as South Carolina and then they get shipped up to New York and they know that it's going to happen, maybe then they'll be held liable and then maybe they'll take action. The same thing happened with the car industry. They were sued for safety reasons. And what do you know? After enough lawsuits, they ended up making cars much safer. So maybe the -- the manufacturers will take responsibility and see what we can do. Yes, it's multifaceted, but the illegal guns that are coming from other states must be addressed and I hope that Attorney General works with other state Attorney Generals up and down Route 95, Interstate 95, to end this illegal gun trafficking.

So I commend the -- the sponsor for this bill. It's another step that maybe we can get some control on this and that maybe we can get some progress. Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker, to explain my vote, sir.

ACTING SPEAKER AUBRY: Proceed.

MR. TAGUE: Yes. It was mentioned just a minute ago in the debate that the increase in gun sales in New York State is

much higher than previous years. Well, the reason for that is bills like this and the fear of people who -- who are Second Amendment people that they won't have an opportunity to buy guns anymore in New York State. So I will bring -- I'll bring that issue up and, secondly, the also -- the attack on law enforcement and the fear that people have and want to be able to protect themselves. So you know, the gun is not responsible for the killing. It's the person, and it's personal responsibility. I'll be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker. Like so many of my colleagues, I took an oath, too, to support the Constitution both when I became an admitted attorney as well as when I became a member of this great Body. And however, you don't get an opportunity to decide which portions of the Constitution you support and which ones you don't. And the Eighth Amendment dictates that bail should not be cruel, unusual or excessive. But I also recognize that even when you do have Constitutional rights, those rights are not unfettered. There's something called a preemption --

ACTING SPEAKER AUBRY: Ms. Walker, Ms. Walker. We're going to stop you. Please, we have a rule, you have to have the mask on when you're in the Chamber, and we won't take away your time. Thank you.

MS. WALKER: Sorry about that. There is also -- I

reclaim my time now.

There's also a rule called the preemption doctrine which dictates that when a state has a significant right and an interest to supercede Federal law, including Constitutional law, that the state can do so if they so choose to. And so I would like to thank the sponsor for introducing this bill. Not only was I personally a victim of gun violence in losing my brother when he was 19 years old being shot seven times in his torso, but just yesterday -- just a few weeks ago, I also witnessed a young lady who was shot down in front of my mom's door. And I think about all of those victims, many of them who happen to live in my district, we needed this moment. And whatever it takes in order to get us to a point where our cities, our streets are a safe place to live, play, and raise a family, whatever it takes to get us to that point I'm with you all the way. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. This has been a long time in coming. Some of you know I spent many years in D.C. and I can remember 30 years ago conversations about trying to hold more of the industry accountable and then 16 years ago, they were give unprecedented immunity. So this is the ability or the -- the effort here is to try and make guns less transferrable, that's a lot of what we talked about tonight, is to try to make them less transferrable, to stop

the Iron Pipeline and to incentivize safer measures, as well as smart technology and better -- better security, data reporting and more.

There has been -- this is part -- this is one small measure that is part of a multi-pronged effort and we know we have a lot of work to do, as so many others have pointed out how much work we need to do to make our streets safer here and -- and throughout the country. But I'm incredibly proud of the work that we have done here in New York, and I just want to thank the Senate sponsor for his patience and his -- his championing of this -- this measure in the Senate, as well as the Speaker and all of his staff that have worked so diligently on this over the last few weeks. In particular, my incredible team that has helped on this, as well as the Black and Hispanic Caucus who really helped champion this in the last couple of weeks. And then finally, all the national groups who have spent, as well, spent years and years trying to bring these issues forward including Brady, Giffords, Every Town and then the Moms who Demand Action. Yes, this is one small piece of needed measures, but I do hope that this will begin to turn the tide, particularly in what is happening here in New York. Thank you. And with that, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. To explain my vote. Correlation is not causation. Every lawyer, every teacher,

every statistician knows that. Moving money from one part of the police department to another is not actually cutting their funding, as happened in New York City last year. The Second Amendment is not carte blanche. It does not give anybody unfettered access to weapons. Justice Scalia's decision in the *Heller* case states that explicitly. I followed the *Heller* case very closely. He used to be my landlord. My roommate and I left because he was too infatuated with his guns. To his credit, he was a responsible and safe gun owner. Too many others, however, are not, and the gun manufacturers don't care. They just keep pumping out product because they make money by selling that product through the Iron Pipeline and our citizens are suffering as a result. I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I, as a card carrying permit owner, I believe that the State of New York has some of the best gun reform legislation in the country. I'm honored to be a part of this Body that has created some of that, and I don't think any of this discussion that we've had today about this legislation tampers with that or tampers with anybody's Constitutional rights. In fact, the Iron Pipeline is real. It's a business. And just like every business, they're always searching a new market. And they understand that to get a market in New York State, you can't do it legally. You got to bring a

carload of guns from South Carolina or Ohio or Pennsylvania, and you got to pull them up into a neighborhood where you know people will buy them, and that's what happens. Somebody's got to be responsible for that.

We've done what we should do as New Yorkers in making our gun owners able to get a very safe manner have access to permits and the weapons of their choice, but we have not been able to stop truckloads and carloads of people pulling weapons up in front of our high schools, selling them to young people and, in fact, selling them to some older people who don't have the wherewithal or the ability to get a permit legally in the State. It's a market, Mr. Speaker, that needs to be controlled. This is an opportunity to begin that process. I want to applaud the sponsor for this legislation and vote in the affirmative.

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

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So this, with great respect to the sponsor who -- and I know that -- I know that her heart is in the right place and I know she has worked hard for this bill, this bill creates a private right of action so that any person that's been damaged as a result of a gun industry members acts or omissions in violation of this article shall be entitled to bring an action for recovery of damages. So that's my -- one of my problems with the bill.

You know, alcohol kills a lot of people, too. If you have somebody who has been injured by alcohol, they can go back and they can, through the Dram Shop Law, go back and sue the bar that overserved them, right, but they can't sue Seagrams. And I just think that, you know, there have been exceptions that have been carved out for opioids or for tobacco and for other things, to do that for this, though, I think really my fundamental problem, and it's been expressed by other of my colleagues, is I just think that this approach misses the mark and does not assign responsibility where it exists. There are so many guns already -- firearms already out there, community firearms accessible by people living anywhere in the City of Albany who wants one to commit a crime or any place else. We already have the firearms out there to create the next Sandy Hook or the next Columbine. I just think that what we need is to -- to re-empower and respect our law enforcement. I think that that is the way that we need to go here, not -- this is not the direction that I would prefer to go in. I'll be voting no on this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, thank you for recording our colleagues Ms. Lupardo, Mr. Bronson, Mrs. Barrett, Mr. Santabarbara, and Mr. Stirpe in the negative on this one. Thank you.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 40, Calendar No. 370 on the main Calendar, the Clerk will read.

THE CLERK: Assembly No. A06198-B, Calendar No. 370, Paulin, Fahy, Otis, Griffin, Zinerman, Seawright, Englebright, Steck, Thiele, Gottfried, Dinowitz, Galef, Epstein, Meeks, Anderson, Richardson, Simon, L. Rosenthal, Lavine, Stern, Burgos, Davila. An act to amend the Penal Law, in relation to the purchase and disposal of firearms, rifles and shotguns.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

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

MR. GOODELL: Under current law, if you have a certain felony or other criminal convictions, you are ineligible to own a gun or to buy a gun. And most of us agree, I think, with those restrictions. This bill takes it one step further and says you cannot buy

a gun nor can anyone sell you a gun if there's an outstanding warrant for your arrest for a felony. And most of us are familiar with the concept of innocent until proven guilty and, therefore, most of the time we only remove civil liberties and rights upon conviction, not upon the issuance of an arrest warrant. And so many of my colleagues are concerned that we're impairing Second Amendment rights for individuals who have not had any opportunity in court to defend themselves merely because a judge has issued a warrant based on a very low standard of probable cause and not based on any higher standard such as even preponderance of evidence or beyond any reasonable doubt. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5000-B. 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.

(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation, but those who support it are encouraged to call the Minority Leader's Office so we can record your support. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Our Majority colleagues will generally be in favor of this piece of legislation; however, should any decide to be an exception, they should contact the Majority Leader's Office and we will be happy to record their vote.

(The Clerk recorded the vote.)

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

MS. PAULIN: I'll make one point of clarification. It's already against -- it's already a Federal prohibitor, it means Federal law that says that a fugitive from justice, which is what someone is that -- where there's an outstanding warrant when you committed a felony or serious offense, you can't get a gun. So it's already a Federal statute. What this bill does is it clears up a dispute between the FBI and ATF. The FBI said that if you're a fugitive from justice, if you -- if you have an outstanding warrant within the State or outside of the State, and the ATF said no, it's only the outside of the State. And what that confusion did was it led DCJS in New York State and other states from putting what is already a Federal prohibitor into the NICS Database.

So all this bill does is it makes New York State in compliance with the Federal law which already states that a fugitive from justice, someone who has an outstanding warrant for having been alleged to have committed a felony or a serious crime is -- is, indeed, prohibited from getting a gun. So all it does is it clarifies that and it

allows DCJS to protect New Yorkers from those criminals. So with that, I withdraw my -- I vote in the positive, whatever.

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

(The Clerk announced the results.)

The bill is passed.

On the A-Calendar, page 21, Rules Report No. 601, the Clerk will read.

THE CLERK: Assembly No. A07243, Rules Report No. 601, Richardson, Simon, Galef, Englebright, Jacobson, McMahon. An act to amend the Executive Law, in relation to requiring the Division of Criminal Justice Services and the Division of State Police to publish quarterly reports providing information related to firearms, rifles and shotguns used in the commission of crimes in the State of New York.

ACTING SPEAKER CUSICK: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. GOODELL: This bill requires the Division of Criminal Justice Services to publish quarterly reports related to firearms, rifles and shotguns used in the commission of crimes. And while I think that data is helpful and, indeed, we've had numerous members mention reports from the Attorney General that had that data and, in fact, if you go on and look, you can find this data. The current

data is correlated on an annual basis rather than a quarterly basis. And most of us think that annual reports are probably adequate for us to monitor what's going on and get a handle on it and this, we think, just requires more reporting than is necessary and the corollary, four times more the cost. And that's the only real issue we had with this bill.

Thank you.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on Senate 1251. 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 is generally opposed to this quarterly reporting requirement. Those who support it should certainly contact the Minority Leader's Office so we can properly record your vote. Thank you, sir.

ACTING SPEAKER CUSICK: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in support of maintaining this data on a quarterly basis. Should any colleagues

desire to be an exception, feel free to contact the Majority Leader's Office and their vote will be properly recorded. Thank you, sir.

ACTING SPEAKER CUSICK: Thank you.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 31, Rules Report No. 652, the Clerk will read.

THE CLERK: Assembly No. A07957, Rules Report No. 652, Richardson, L. Rosenthal. An act to amend the Domestic Relations Law, in relation to authorizing the court to determine the search and seizure orders of firearms in connection with orders of protection.

ACTING SPEAKER CUSICK: An explanation has been requested, Ms. Richardson.

MS. RICHARDSON: Mr. Speaker, before I begin, I would like to say good evening to you as well as my colleagues and to the 43rd Assembly District who is proudly watching us debate this bill in this moment. This bill would amend the Domestic Relations Law to authorize the State Supreme Court to issue search and seizure orders related to firearms possessed in the violation of orders of protection issued in matrimonial proceedings.

ACTING SPEAKER CUSICK: Ms. Walsh.

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

MS. RICHARDSON: Absolutely, Mr. Speaker.

ACTING SPEAKER CUSICK: The sponsor yields.

MS. WALSH: Thank you so much. I just have a couple of questions. My -- my first question is in the language of the bill itself, and I'm looking on page 1 around line 20 or so, it talks about a willful -- wilfully refuses to surrender such firearm, rifle, et cetera. What would you think would constitute, kind of, willful conduct? It's more than foot dragging, right, not doing it in a timely way? Or what do you think willfully would mean?

MS. RICHARDSON: It is up to the judge to determine what willfully constitutes.

MS. WALSH: Okay. So you would leave that to the discretion of the court to figure that out, that's very good. Now, is this -- in your view, does this bill represent a modification or amendment or addition to the Red Flag Law that we -- that this Body passed a couple years ago?

MS. RICHARDSON: Yes. In 2020, we did pass what is called the Red Flag Law and so we've made some adjustments to the Criminal Procedure Law and the Family Court Act, but we did not make the appropriate parity for Supreme Court in matrimonial proceedings.

MS. WALSH: All right. So what this does is it takes the Red Flag Law and it just makes it -- brings it into State Supreme Court when their handling matrimonial matters involving an order of protection, either temporary or permanent order of protection, is that

right?

MS. RICHARDSON: Well, I'm getting clarity here from legal counsel. It's not the Red Flag Law. When we start referring to all these laws by names, Richardson gets a bit confused. But I can say this to you, ma'am: In the 2020 Budget, Chapter 55 of the Laws in 2020, the Legislature amended the Criminal Procedure Law and the Family Court Act which authorized courts to issue search and seizure orders regarding firearms in connections with order of protection. So we did it in those two particular areas, but we did not bring the parity here to this subsection of the law.

MS. WALSH: Okay so -- but this doesn't have to do with the extreme risk protection orders, correct?

MS. RICHARDSON: No, it does not.

MS. WALSH: Okay. I just -- thank you for that clarification. So I guess my question is I was speaking earlier with a judge that I know very well and who is a Supreme Court judge and he said that this is being done all the time already. So why do we need this bill, then, if this is already being done by our Supreme Court Judges?

MS. RICHARDSON: This makes it very clear in the statute that the judge have the inherent power. And so what we want is consistency across the State of New York with no confusion, and with this piece of legislation, we provide that clarity.

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

Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MS. WALSH: I appreciate the sponsor's answers to my questions. I will be supporting this bill to the extent that there is any confusion across the State that Supreme Court Judges already have and had and did exercise this ability to force a litigant that is the subject of a temporary order of protection or an order of protection in a matrimonial matter who is willfully refusing or will not give up their firearms, rifles, or shotguns, that the court may order the seizure of such weapons in appropriate circumstances when found in the judge's discretion to be an appropriate case. So I'll be supporting this bill and I thank the sponsor.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER CUSICK: The Clerk will record the vote on A-7957. 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.)

Ms. Richardson to explain her vote.

MS. RICHARDSON: Mr. Speaker, I want to say thank you to you, to the leadership of the New York State Assembly, as well as all of my colleagues for us undertaking what may have been very difficult to conceptualize at the beginning of this legislative

Session. It has been stated across this evening so many times that gun violence is on the rise across the State of New York, and we have put together this legislative package crafted with great intention to be solution-oriented around the issue of illegal guns coming into the State of New York and being used in the commission of crimes. But moreover, ensuring that there is safety inside homes were necessary, especially when order of protections have been issued.

Mr. Speaker, again, I want to commend my colleagues on both -- on the other side of the aisle who have also joined in with me in supporting this legislation. As well as I must uplift in this moment the Black, Hispanic, Puerto Rican and Asian Caucus of this great State Legislature who has worked very tirelessly this entire legislative Session to craft said gun package that is coming before us this evening. You know, we do understand although we are members of the Black Caucus and we are over 60 strong, that it is collectively across county, across culture, and across the world that we come together in this Body to represent the diversity of New York State. So my gratitude is overwhelming, as well to the staff for us being in this moment. And with that, I proudly vote in the affirmative.

ACTING SPEAKER CUSICK: Ms. Richardson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 605, the Clerk will read.

THE CLERK: Assembly No. A07302, Rules Report No. 605, Simon, Zinerman, Richardson, Epstein, Meeks, Anderson, González-Rojas, Burgos. An act to amend the Education Law and the State Finance Law, in relation to creating a firearm violence research institute.

ACTING SPEAKER CUSICK: Mr. Goodell.

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

ACTING SPEAKER CUSICK: Will the sponsor yield?

(Pause)

MS. SIMON: Sorry. It was telling me I couldn't unmute myself. So anyway... yes, of course.

ACTING SPEAKER CUSICK: Great. The sponsor yields.

MR. GOODELL: Thanks, Ms. Simon. I can only imagine how frustrating it is not to be able to unmute, that's why I'm on the floor.

MS. SIMON: Mazel Tov.

MR. GOODELL: But thank you for willing to answer questions. I know your bill creates a New York State firearm violence research institute within the jurisdiction of SUNY that's headed up by an executive committee. And I know that there are two at-large members appointed by the Governor, two members appointed by the Temporary President of the Senate and two members appointed

by the Speaker of the Assembly. Is there any reason why this gun violence research institute executive committee has no representatives appointed from the Republican Minority on either the Senate or the Assembly?

MS. SIMON: I'm sorry. Could you tell me where you're looking, because I'm not quite --

MR. GOODELL: Certainly. It's on page 2, line 52 through 55.

(Pause)

MS. SIMON: So I'm not sure I follow your question that there were more Republicans on the Committee than not?

MR. GOODELL: There are no appointments of any kind by the Minority Leader in the Assembly or the Minority Leader in the Senate. Is there a reason why there are no appointments to this executive committee from the Minority?

MS. SIMON: I don't know that there was a specific reason for that, perhaps it -- I don't believe that the Speaker is limited by appointing only Democrats, for example; however, you know, I don't know what that particular reason was.

MR. GOODELL: I see. Well, if we get an opportunity to revisit this, it would be helpful, in my opinion, to have representatives from the Minority because the Republican Minority represents about 28 to 30 percent of the entire State and some of the issues that we address, particularly in Upstate New York or more rural parts of New York can be different. And so having that broader

perspective can be very helpful. I note that this bill provides for an institute director, presumably a full-time employee; is that your intent?

MS. SIMON: Yes.

MR. GOODELL: And it creates a firearm violence research fund, but there's no appropriation, is there, in this bill?

MS. SIMON: This bill would appropriate \$5 million in the budget to be spread out over the next five years.

MR. GOODELL: So you envision an amendment to the budget, is that what you envision in this? Or do you envision that that \$5 million would be added next year?

MS. SIMON: That would -- I would envision it being added next year because it would, you know, by the time you get this organized and set up, the money would be allocated next year. There is some minimal funding already with the gun violence research institute, but it hasn't been established because it wasn't enough. So now with the promise of funding, we will be able to actually get this -- get this show on the road, so-to-speak.

MR. GOODELL: Thank you, Ms. Simon.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I support the creation of this research institute. I think it's important to understand that gun violence involves a lot more than just somebody having a gun, and that there are a lot of issues that deal with gang violence, that deal with a disrespect for human life, that deal with a culture. And you see that

dramatically when you compare, for example, two cities with very similar demographics, Chicago that the bans all handguns and Dallas that welcomes them. And the crime rates in those two cities is dramatically different, the murder rate is dramatically different, the gun violence rate is dramatically different. And so there's a lot more going on than just possession of guns. And of course, getting at some of those other sociological issues, cultural issues, gang issues, those are really difficult and tough issues and having an organization that's focused on trying to figure out the best approach to bring down gun violence, addressing the mental health aspects, the personal aspects, the psychological aspects, all that I think is important.

And so I will be supporting this, but I do encourage the sponsor to consider broadening the executive committee to include representatives appointed by the Minority because I think the Minority does bring a different perspective, a valuable perspective, and one that can further the mission of this institute. So I will be supporting it, but would hope and encourage my colleagues to consider amending it in the future. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Mr. Speaker, to explain my vote -- oh, on the bill.

ACTING SPEAKER AUBRY: On the bill, that's a good idea.

MS. GIGLIO: Okay, on the bill. So I want to

reiterate everything that my colleague just said and also include that a lot of these crimes are psychological or mental health, and I don't see anybody on the executive committee either from law enforcement that are investigating these crimes, or from any social worker or psychologist that deals with people that have mental issues that cause these crimes, so -- as well as a member from the Minority. So I think it's important to bring law enforcement in and to bring social workers in as we've been talking about all year.

And I see it says that there will be a very -- from varying backgrounds with members selected from the scientific community, academic community, from government service, and it shall consist of ten members including the Commissioner, Commissioner of Criminal Justice Services, the Commissioner of Health, the Chancellor of the University or their designees, two to at-large members appointed by the Governor, two at-large members appointed by the Temporary President of the Senate and two appointed by the Speaker of the Assembly. I think it's very important to have social workers and police and law enforcement, and maybe even a pro-Second Amendment person on this commission to explain the other side in order to make it bipartisan and fair.

So I'm going to be supporting this, as well, and will be looking for amendments when it comes to the assignment of who would sit on this executive committee. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2981. 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 number previously provided.

(The Clerk recorded the vote.)

Mr. Gallahan to explain his vote.

MR. GALLAHAN: Thank you, Mr. Speaker. I have mentioned this other times in the Chamber and the reason for my no vote is there absolutely no representation plan from the Minority party, and this is not the first time or the second time or the third time I have seen this happen. And, therefore, I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Gallahan in the negative.

Mr. -- Ms. Simon to explain her vote.

MS. SIMON: Thank you, to explain my vote, Mr. Speaker. You know, little is known about the factors that give rise to firearm violence and its prevention. Its physical and social impacts are a significant public health and safety problem, and becoming more so. Nevertheless, the funding for research through the Centers for Disease Control and Prevention was eliminated by Congress in 1996. Efforts to restore that funding have been unsuccessful because of active and

well-financed special interest groups and it has been, so far, one -- two steps ahead and one step back.

Unlike other major health and social concerns such as motor vehicle accidents and cancer and heart disease, too little research has been invested in firearm violence. Establishing this center will ensure long-term efforts towards understanding and preventing firearm-related gun violence against New Yorkers. And what we need is not conjecture. We need not fake statistics that fail to recognize that correlation is not causation. Correlation indicates an area where two variables intersect and merit further study. And that is what this research institute will do, because there is no other side to research.

The executive committee is not so limited that it cannot have a psychologist, who is a scientific person, sitting on the executive committee. But it is about research and only research. We are losing 40,000 lives a year annually, and the number is rising. Children are being killed and we know that Black children are four times likely to be killed by gun violence than White children. We need to study this problem and the gun violence research institute will do just that and better inform the Legislature about policy in the future. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mr. -- Ms. Simon in the affirmative.

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Yes, thank you, Mr. Speaker.

I -- I -- while the goal I think is -- is noble, I think there's more than enough scholarship on the causes of gun violence and the social violence that is experienced in this country and in New York State. The lack of Minority membership on this -- in this institute is not by accident, it is intentional and therefore, I do not believe this is a sincere effort to study this issue from every possible angle. This will conclude what the usual narrative that it's all about the guns and the manufacturers without looking at what -- what really is behind the cause of this violence. I would point to the scholarship of a great economist, Thomas Sowell, a great social thinker who has some very, very good ideas and scholarship on the causes of gun violence and violence in so many of our communities.

So the lack of an appointment by the Minority -- for the Minority on this commission, again, is intentional because the goal here is to continue to drive a narrative that will ignore the real root causes of this violence. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record our colleagues Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend, Mr. Miller, Mr. Norris, and Mr. Schmitt all in the negative on this bill. Thank you.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you could record our colleague, Mr. Santabarbara, in the negative on this one. Thank you.

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

Mr. Tague, however, to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. As so was eloquently spoken by my colleague, Mr. Fitzpatrick, I am a negative on this bill, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could go back to our A-Calendar and take up a bill on consent that was inadvertently laid aside, it is Rules Report No. 519, Assembly Bill No. 499-A by Mr. Carroll.

ACTING SPEAKER AUBRY: Page 3, Rules Report No. 519, the Clerk will read.

THE CLERK: Assembly No. A00499-A, Rules Report No. 519, Carroll, Hevesi, L. Rosenthal, Benedetto, Colton, Cymbrowitz, Dinowitz, Gottfried, Weprin. An act to amend the

Administrative Code of the City of New York, in relation to enacting the New York City Department of Buildings Community Accountability Act.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A-499-A. 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.

MR. GOODELL: Thank you, sir. Joining Mr. Eichenstein in the negative is Mr. DiPietro. Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: No housekeeping, Mrs. Peoples-Stokes, but we do have resolutions.

MRS. PEOPLES-STOKES: I now move that the

Assembly stand adjourned until 10:00 a.m., Wednesday, June the 9th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: We do have resolutions -- I know, I want to go, too.

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

(Whereupon, Assembly Resolution Nos. 422-427 were unanimously approved.)

Mrs. Peoples-Stokes, take us home.

MRS. PEOPLES-STOKES: Can we go now?

ACTING SPEAKER AUBRY: You can go now.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:00 a.m., Wednesday June the 9th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 10:08 p.m., the Assembly stood adjourned until Wednesday, June 9th at 10:00 a.m., Wednesday being a Session day.)