

MONDAY, FEBRUARY 26, 2024

3:22 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence, and in this moment, let us give thoughts and prayers to AJ Smullen and the family.

(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 Sunday, February 25th.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Colleagues and multiple guests that are in the Chambers, I want to start our Session today with a quote. This one is from Nipsey Hussle, not to be confused with Nipsey Russell. Nipsey Hussle was an American rapper, an entrepreneur and an activist. His words for us today, *If you look at the people in your circle and you do not get inspired, you do not have a circle, you have a cage.* Again, these words from Nipsey Hussle.

Mr. Speaker, colleagues have on their desk a main Calendar. It has 18 new bills on it. After you have done any introductions or housekeeping, we're going to take up resolutions -- Calendar resolutions on Page 3. We will be calling for the following committees to meet off the floor: Government [sic] Operations and Rules. These committees are gonna produce an A-Calendar, which we are going to take up today. While these committees are meeting, we will begin to consent the new bills, beginning with Calendar No. 305, it's on Page 4. But first, it would be my honor to formally introduce to our Chamber our newest member, Landon Dais of the 77th Assembly District. I, of course, will let you know or announce if

there's any further activity that we need to do on the floor; however, Majority members should be aware that there will definitely be a need for a conference once we have completed our work here on the floor today. And, as always, Mr. Speaker, we will confer with our colleagues on the other side of the aisle to determine what their needs may be.

So that's a general outline of where we are, sir. If you have any introductions or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: And we will start with you, Mrs. Peoples-Stokes, for the purposes of an introduction.

MRS. PEOPLES-STOKES: Thank you, sir. It would be my pleasure. Assemblymember Landon Dais was elected to represent the 77th Assembly District, which includes the communities of Claremont, Concourse, Highbridge, Mount Eden, Morris Heights -- and Morris Heights in the Bronx. Born and raised in New York, Assemblymember Dais began his educational journey at Fordham Prep. He received a Bachelor of Arts Degree in Business Management from Morehouse College, a Master's Degree in Real Estate Development from Columbia University, and a law degree from Hofstra Law School. Landon previously served as a Deputy Director at the Police Athletic League, and worked at a construction company contributing to the projects -- many projects, such as the new Yankee Stadium.

Assemblymember Dais is a dedicated community leader, legal expert, and an advocate for social justice. He is a

member of the Abyssinian Baptist Church, leads the Highbridge Heights Homeowners Association, and his contributes his ex -- expertise to the Mid-Box -- Bronx Desperadoes Board, focusing on building affordable housing in the Bronx. Landon resides in Highbridge with his wife Rosie and their two sons, Lenox and Lexington.

Please join me in welcoming Assemblymember Landon Dais to our Chambers.

(Applause)

ACTING SPEAKER AUBRY: For the purposes of a introduction, Ms. Forrest.

MS. FORREST: Thank you so much, Mr. Speaker. Please allow me to introduce an incredible group of alumni from the Timbuktu Summer Climate and Careers Institute. This incredible group of young people are led by Paul Hai of the SUNY School of Environmental Science and Forestry, in partnership with Medgar Evers College in Brooklyn in Assembly District 57. The Timbuktu Institute [sic] seeks to introduce high school-aged students living on the front lines of climate change to careers fighting climate change. Students learn about opportunities in environmental policy, protection, science, art, journalism and more. Last summer, the program hosted more than 40 students in three cohorts that each began their two-week experience in Crown Heights and culminated with nearly a week in the Andirondack [sic] Park. These talented students are here to take part in Andirondack [sic] Park Lobby Day, where they

will learn about participation in government, environmental policies and funding, and careers fighting climate change.

They're also here to advocate for the permanent African American Exhibit funding. They are wearing these red scarves that you will see around the Capitol today. They are advocating for clean water, wilderness, and green job creation for our beautiful Andirondack [sic] Park, a national treasure that they will inherit from all of us.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Forrest, the Speaker and all the members, we welcome this extraordinary group of young people here to the New York State Assembly. We give you the privileges of the floor, commend you on the patience that you've displayed while we waited so long to start. You were well-behaved and entertained by some of our members. We are happy that you have come today, hope that you will enjoy your full experience here in Albany, and know that we will always welcome you here in the New York State Assembly. Thank you so very much for being with us.

(Applause)

Mr. Gibbs for the purposes of a introduction.

MR. GIBBS: Thank you, Mr. Speaker. Sorry for the confusion. In addition to what Member Phara was just introducing, we have some additional troops as well. It's my honor to stand here and introduce the Boy Scout Troops 144B - come on, stand 144B -

we've got Boy Scouts 144G, we have the Pack 3144. We also have some wonderful, amazing young ladies in the Girl Scouts 4704, along with the Timbuktu Class of 2023. And we also represent Queens, Brooklyn, Bronx, and Harlem.

Ladies and gentlemen, it's my pleasure, Mr. Speaker, to introduce you to our Girl Scouts and Boy Scouts from all additional boroughs.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Gibbs, the Speaker and all the members, we welcome these Boy Scouts and Girl Scouts here to the New York State Assembly, extend to you the privileges of the floor. Our same congratulations for the patience that you've shown while we gathered to do business. Thank you so much for being with us. We hope you've had a great time and will continue to have a great time here in Albany. Thank you.

(Applause)

Mr. Ramos for the purposes of a introduction.

MR. RAMOS: Mr. Speaker, I rise for the purpose of an introduction. Today, I have a distinguished group of young students -- please rise. They are from the Brentwood and Central Islip School Districts, and they belong to several different clubs. One, we have the -- the President of the Student Council in Central Islip, Alejandro Heredia, and he's from the Student Council. We have Ximena Medrano, who is the Vice President of the Multicultural Club. We have Andres Rodriguez, who is from the Brentwood Student

Advocates. From the Latino Teacher's Association, Dafny Irizarry and Marisol Pagan, and several other teachers that we have here who represent these young students.

These students in my district have gotten involved in every issue you could think of. They have marched the streets in the defense of immigrant rights. They have done community cleanups, they have done murals on the walls to beautify our community. It's inspiring, Mr. Speaker, that this young -- these young people take it upon themselves to reach outside of their -- their social life and to actually do things to help their community, and they've come up here to learn about government. They're doing that at all different levels of government, but they want to know how to engage it when they graduate next year.

So, Mr. Speaker, I ask that you please just give this group a warm welcome and please extend them all the courtesies of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ramos, the Speaker and all the members, we welcome these students and teachers here to the New York State Assembly. We extend to you the privileges of the floor. Our congratulations on the kind of work that you're doing to preserve and make your communities better. We believe in the principle that we learn so that we may serve. You obviously exemplary [sic] bestow us with the pleasure of watching you as young people grow and make this world a better place. Thank you so very much for being here. You're always

welcome.

(Applause)

Ms. Seawright for the purposes of a introduction.

MS. SEAWRIGHT: Thank you, Mr. Speaker. Today I rise to recognize a dear friend and special guest, Coach Ryan Martin. He is the Director of the Adaptive Sports Program at the City University of New York. His portfolio includes a men's and women's wheelchair basketball team, as well as an emerging wheelchair tennis and track team, and we hope pickleball, too, some day. Ryan was recognized as the 2022 College Coach of the Year by the United States Olympic and Paralympic Committee.

The CUNY Adaptive Sports Program is the only intercollegiate sports program on the East Coast. He's Executive Director of the International NPO, the Ryan Martin Foundation. Its mission is to help youth and adult athletes with disabilities live independent, impassioned, productive and full life through sports, training, mentoring, and education. RMF Foundation runs youth-based wheelchair programs in Connecticut and Madrid, Spain. He also serves as President of the National Wheelchair Basketball Association, and helps oversee the USA High Performance Program, which includes the men's and women's wheelchair basketball paralympic teams. In that role, Ryan manages key relationships with NWBA's stakeholders such as Nike and Toyota. He currently plays for the NWBE [sic] back-to-back reigning national championships, the New York Rolling Knicks. Previously, Ryan played professional

basketball in Madrid, Spain and Paris, France for ten sessions. He earned a Bachelor's Degree in Secondary Education, with an emphasis in Social Science. He's currently finishing a Master's Degree in Disability Studies at the City University of New York School of Professional Studies.

We welcome Coach Ryan Martin to the Assembly Chamber. Please extend to him the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Seawright, the Speaker and all the members, Coach Ryan, we appreciate that you have come and shared with us. We extend to you the privileges of the floor. And thank you for all the great work you're doing helping those who are disadvantaged and need the kind of assistance that your programs provide. You remind me that some 32 years ago, we played as an Assembly against a wheelchair team that came here to Albany, we played in the Well and you guys beat us so badly. I don't think we ever invited you guys back.

(Laughter)

Thank you so very much, we appreciate you being here.

(Applause)

Mr. Thiele for the purposes of a introduction.

MR. THIELE: Thank you, Mr. Speaker. And I'm more excited this Monday than I usually am to get up at 6 o'clock in the morning and drive five hours to Albany to be here for Session, because today I'm joined by my family. I'm -- my -- my son Michael

and his wife Jill, and my -- my -- my grandson, Lennon are all here joining me today so that Lennon for the first time can see his -- his grandfather at work before he leaves the New York State Assembly.

I want to thank you, Mr. Speaker, for your courtesies earlier up on the podium and ask that you further extend the courtesies of the House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of your dad and your grandfather, we welcome you all here, Michael, Jill, and Len [sic] to the New York State Assembly. You're family, so you are always extended the privileges of the floor. I hope that you've enjoyed this trip here, I hope you glory in the work that your grandfather and father has done over the years. He has been a true pleasure to work and a true treasure in the State of New York. Thank you so very much for being here.

(Applause)

Mr. Weprin for the purposes of a introduction.

MR. WEPRIN: Thank you, Mr. Speaker. It's a great pleasure for me to introduce someone who's never been to Albany before, but the Executive Director of the Queens County Bar Association, who's been there a couple of years, but you may recall the prior Executive Director of the Queens Bar was there for about 30 years. So he's relatively new and he's in the back of the Chamber, Jonathan Riegel.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Weprin, the Queens Delegation, the Speaker and all the

members, Jonathan, we welcome you here for the first time to Albany, not the last I'm sure. We extend to you the privileges of the floor. Congratulations on the position that you hold, hope you will continue on as long as your predecessor if you so choose. Know that you are always welcome here, we will always want to listen to you and your advice. Thank you so very much.

(Applause)

We will go to resolutions on page 3. Assembly No. 876, the Clerk will read.

THE CLERK: Assembly Resolution No. 876, Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 26-March 3, 2024, as Eating Disorders 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. 877, Mr. Epstein.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 26th, 2024, as Students with Disabilities Advocacy Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Epstein on the resolution.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise in

favor of this resolution. Today, there are over 85,000 students in the State of New York who are in college who are students with disabilities, 85,000 New Yorkers who need our support every single day, because we want them to be successful in their professional careers. We want them to advance, finish college, get a job, move on with their lives and contribute back to the State of New York.

Today marks an important day for the Students with Disabilities Advocacy Day. We started this when I got here in the Assembly a little over six years ago, and students, hundreds of students today came to Albany to talk and raise their voices about the needs for students with disabilities. How they need more support to get through college, how they need support while they're in college, and they need mentoring support post-college. And that's what this Advocacy Day is about.

I encourage my colleagues to support this resolution. It's important to the 85,000 college students in New York State with disabilities. I hope that we continue to fight for those students in need. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Burdick on the resolution.

MR. BURDICK: Thank you, Mr. Speaker. And I want to thank the sponsor for bringing forward this resolution, and for always being such a strong advocate of students with disabilities. We, as a State, and we, as a nation, cannot really consider ourselves fully committed to inclusivity unless we make sure that every one of our

citizens have all of the opportunities that they possibly can. And I want to mention that the sponsor of this resolution has been one of the trailblazers in doing that here in the State of New York.

I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Seawright on the resolution.

MS. SEAWRIGHT: Thank you, Mr. Speaker. I want to commend the -- the sponsor for this very important resolution and all of the dedication to -- to all people with disabilities around the State that are pursuing their higher education degree, and thank my colleagues for supporting this resolution.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Mr. Sayegh on the resolution.

MR. SAYEGH: Thank you very much, Mr. Speaker, on the resolution. Again, I'd like to thank the sponsor. And as an educator for many years, I've noticed how we put a lot of emphasis on educating special ed and students with disabilities from pre-K to high school. But the sad ordeal in our State and nation is what happens post-high school. And too often, you know, we drop the ball that these individuals, predominantly young people looking to get their lives in order, have a lack of experience moving forward when it comes to job development and other services that may or may not be available. So today when we witnessed the advocacy and we saw the role many students play at City and State University, SUNY and

CUNY, we realize further how urgent it is for us, as legislators, to be very careful and sensitive to making sure that the path from the normal pre-K to high school continues lifelong so these individuals can enjoy quality of life.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio on the resolution.

MS. GIGLIO: Thank you, Mr. Speaker, and I'd like to thank the sponsor for bringing forward this very important resolution. And education for our children and our adults throughout the State, especially those with disabilities, is very important. And the struggle is real not only for students that don't have disabilities, but it's especially real for people that do. And as the State moves forward to try and support people with disabilities in self-direction, education so they can be a big part of the workforce later on in life is very important.

So again, I want to thank the sponsor for bringing the resolution forward, and I look forward to working with you all to make life everybody's life in New York State better. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you very much.

Mr. Santabarbara on the resolution.

MR. SANTABARBARA: Thank you, Mr. Speaker.

I would also like to thank the sponsor for bringing this resolution

forward. This is an important resolution to many families, many individuals in New York State that have a disability, students with disabilities. My son has -- is one of those students. My son was born with autism, he's been a student with -- with disabilities his entire life, so I know how challenging it can be. But a lot of the work we do in this Chamber, it makes life easier for people with disabilities, and especially students with disabilities. So I'm very proud of the work we've done. This resolution sends a strong message that we want to be a more inclusive, welcoming state, and that includes our education.

So I want to thank -- again, thank the sponsor for this very important resolution and I'm very proud to support it here today.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Levenberg.

MS. LEVENBERG: Thank you, Mr. Speaker, and thank you so much to the sponsor for all of your advocacy and for bringing forth this resolution. I also have a very close relative who went through college and managed to find a college where they supported his disability and received accommodations. And that's -- it's so heartening just to see so many students up here with so many different forms of why they came up here today, knowing that they can also participate in -- in other activities beyond the classroom, but making sure that they get the supports that they need in the classroom. And of course we also need to make sure that once they graduate with those very impressive degrees that they can also get supports that they need in the workforce.

So I'm proud to vote in favor of this resolution, and thank you again to the sponsor.

ACTING SPEAKER AUBRY: Thank you.

Ms. Darling on the resolution.

MS. DARLING: Thank you, Mr. Speaker. I'd like to thank the sponsor for his advocacy every single day as I sit with him on the People with Disabilities Committee. And I just want to say, the way we treat our most vulnerable in this State is really telling. And I think of all groups, we should make advocacy and should make acquiring resources easy for our students with special needs. And to see all of them up here Session after Session fighting for the resources that they need, I want them to know that they do have people here who are championing for them, and we want to make sure that they are able to obtain the independence they need because that makes sense for workforce development, it makes sense for our State, and it just makes sense as humans.

So I want to continue to champion this and, again, I want to thank the sponsor. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Simon on the resolution.

MS. SIMON: Thank you, Mr. Speaker. I rise in support of this resolution. I want to first thank my colleague for proposing it and organizing our Students with Disabilities Advocacy Day today. It is not often that we have so many students in higher education here advocating for their needs. And obviously, one of the

big issues we have is making sure that we're able to provide them with the support that they need so that they can have a truly fully accessible educational experience and go out and take on the world and pay taxes like everybody else, which is what we want.

So, I just want to say thank you to my colleagues for all of your support, and thank you to all of the -- the college students who came today to advocate and to enlighten everybody about their needs, but also about their skills and abilities and what they can do to help improve our world going forward. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Zinerman.

MS. ZINERMAN: Good afternoon, Mr. Speaker. I rise in support of this resolution, and also want to thank my colleague on the Disabilities Committee [sic] for bringing it forth. And what a wonderful sight today to see so many young people coming to advocate for themselves. This weekend I had the opportunity to host a two -- three-city Zoom with other students with disabilities here in New York and Maryland and the District of Columbia, and one of the things that we learned when we talked to young people is that we're not doing as much as we can. But what we do know, when they have the opportunity to go to college and learn how to advocate for themselves and chart their own future forward, we're the better for it. And so we need to do all that we can to continue to provide opportunities for them, but also do what we can here to make the Assembly and the Senate more accessible for them to interact with us.

So thank you again for the resolution.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gibbs on the resolution.

MR. GIBBS: Thank you, Mr. Speaker. I rise to thank the sponsor of this important resolution. Every year, we come together to recognize and celebrate the remarkable contribution of students with disabilities at New York's higher education institutions. The dedication of these students and their resilience in overcoming challenges is nothing short of inspiring. I want to echo the actions of my colleagues who year after year introduce this critical resolution and takes a stand for inclusivity. Today, as we gather for Students with Disabilities Advocacy Day, we renew our commitment to ensuring that every student, regardless of their abilities, has the opportunity to thrive in education. It is imperative that we not only recognize the challenges faced by students with disabilities, but actively work towards impactful solutions. Firstly, let us advocate for increased accessibility towards higher education institutions. This includes not only physical accessibility, but also ensuring that educational materials, educational resources, technology resources and communication methods are tailored to accommodate diverse needs. And secondly, let us champion the expansion of support services -- expansion of support services for students with disabilities. From academic accommodations to mental health resources, these services are essential for recreating an environment where every student can flourish. By securing additional funding and resources for

these programs, we can make higher education truly accessible to all.

And once again, I'd like to thank the sponsor for this resolution.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 878, Mr. McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 5-11, 2024, as Tardive Dyskinesia 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please call the Government [sic] Operations Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Government [sic] Operations Committee to the Speaker's Conference Room immediately, please. Thank you.

We will go to Page 4, Calendar No. 305, the Clerk will read.

THE CLERK: Assembly No. A01300, Calendar No. 305, Aubry, Burdick, Weprin, Epstein, Gibbs, Meeks. An act to

amend the Correction Law, in relation to incarcerated individuals with a serious mental illness.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03502, Calendar No. 306, Vanel, Cruz. An act to amend the Executive Law and the Criminal Procedure Law, in relation to directing the Superintendent of State Police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04003, Calendar No. 307, Glick, Burdick. An act to amend the Environmental Conservation Law, in relation to prohibiting the lease of State forests, reforestation areas, wildlife management areas and unique areas for gas production.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04285, Calendar No. 308, O'Donnell. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to requiring the State Commissioner of Parks, Recreation and Historic Preservation to consult with the State Board for Historic Preservation prior to entering into a resident curator lease for any at risk structure, including those eligible for listing on the State and National Registers of Historic Places, and to adopt a plan for identifying at-risk structures within State parks and

historic sites.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes for the purposes of a introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing me to interrupt our proceedings --

ACTING SPEAKER AUBRY: We need a little quiet in the Chamber, please.

MRS. PEOPLES-STOKES: -- for the purposes of an introduction. On behalf of our colleague, Ms. Tapia, we would like to introduce to you and the entire Chambers Dr. Rafael Lantigua. He is an eminent physician and educator. He has been distinguished as the most celebrated Dominican doctor in New York State by the Dominican President Luis Abinader. The testament to his extraordinary career and its impact on his people, he served as a professor of medicine and Associate Dean for the Community Services at Columbia University. He's played a pivotal role in advancing medical education, health care access and research,

particularly to minority populations.

Mr. Speaker, on behalf of our colleague would you please welcome this very distinguished doctor to our Chambers?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, Ms. Tapia, the Speaker and all the members, we welcome you here, sir, to the New York State Assembly. We extend to you the privileges of the floor. Our congratulations on a truly dazzling career that you have had and continue to have. Please know that you always have friends here, you are always welcome -- welcome here. Thank you so very much for being here.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A05873, Calendar No. 309, Lavine, McDonald, Colton, K. Brown, Braunstein, Glick, Aubry, Simon, Cruz. An act to amend the Civil Practice Law and Rules and the Executive Law, in relation to extreme risk protection orders.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06637, Calendar No. 310, Septimo, Bichotte Hermelyn, Cook, Otis, Walker, Weprin, Cruz, Kelles, Burdick, Seawright, Levenberg, González-Rojas. An act to amend the Executive Law and the Education Law, in relation to prohibiting mandatory disclosure of a criminal history record in certain circumstances.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07390, Calendar No.

311, González-Rojas, Reyes, Forrest, Bichotte Hermelyn, Seawright, Shimsky. An act to amend the Public Health Law, in relation to certification of fetal death certificates by a midwife or physician assistant.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please call the Rules Committee to the Speaker's Conference Room immediately. Thank you, sir.

ACTING SPEAKER AUBRY: Rules Committee, Speaker's Conference Room immediately.

(Pause)

ACTING SPEAKER ZACCARO: The Clerk will read.

THE CLERK: Assembly No. A07872, Calendar No. 312, Paulin. An act to amend the Public Health Law, in relation to providing health care proxy information to palliative care patients.

ACTING SPEAKER ZACCARO: Read the last

section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A07961, Calendar No. 313, L. Rosenthal, Solages, Sillitti. An act to amend the Public Health Law, in relation to the emergency use of epinephrine auto-injector devices.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08467-A, Calendar No. 314, McDonald. An act to amend the Public Health Law, in relation to the dispensing of drug adulterant testing supplies.

ACTING SPEAKER ZACCARO: Read the last

section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08487, Calendar No. 315, Hevesi. An act to amend the Family Court Act, in relation to expungement of records in Persons in Need of Supervision cases in the family court.

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

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(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. A08535, Calendar No. 316, Bronson. An act to amend the General Business Law, in relation to contracted compensation payments; and to repeal Section 191-d of the Labor Law.

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

THE CLERK: This bill [sic] shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Members have on their desks an A-Calendar. Mr. Speaker, I would like to move to advance that A-Calendar.

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

Page 3, Rules Report No. 14, the Clerk will read.

THE CLERK: Assembly No. A09304, Rules Report No. 14, Redistricting. An act to amend the State Law, in relation to establishing congressional districts; and to repeal Article 7 of such law

relating thereto.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Just a point of order. I note that this bill has no legislative sponsor, and I understand that the State Constitution provides that the plan and the map developed by the Independent Redistricting Commission shall be submitted to us. And so, of course, since we're all constitutional scholars, that would take priority over our rules which provide that only bills introduced by the members, with the exception of the budget bill, can be considered by the House. Is that your understanding, as well, that this is --

ACTING SPEAKER AUBRY: Absolutely.

MR. GOODELL: And am I correct that if this does not pass, that any subsequent legislation that does not emanate from the Independent Redistricting Commission would require a sponsor and would need to comply with the remaining rules that apply to your other legislative proposal before this Legislature?

ACTING SPEAKER AUBRY: Mr. Goodell, we will treat it the same way we did the last time, which is also the same as the budget bills. But the Constitution says we have to take them up, so no sponsor is needed.

MR. GOODELL: And then am I correct that if we consider any other legislation that does not come from the Independent Redistricting Committee [sic], the remaining legislative requirements would apply?

(Pause)

ACTING SPEAKER AUBRY: In any subsequent bill that will deal with this issue will have to have a sponsor.

MR. GOODELL: Thank you, sir, for answering those procedural questions.

ACTING SPEAKER AUBRY: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Mr. Zebrowski will yield, though not the sponsor as we have identified.

(Laughter)

MR. DURSO: Ah, touché.

MR. ZEBROWSKI: I'll yield, Mr. Durso; thank you, Mr. Speaker.

MR. DURSO: Thank you, Mr. Zebrowski. So we're here again. Could you just give a quick, brief overview of how we've gotten to this point to where we're voting again on these maps for congressional lines?

MR. ZEBROWSKI: Yeah. The briefest way for me to explain it is that the Court of Appeals ruled in the matter of *Hoffman v. The New York State Independent Redistricting Commission* that the Independent Redistricting Commission shall submit a second set of maps to the Legislature.

MR. DURSO: Okay. And the maps that we'll be voting on now are considered the second set of maps, correct?

MR. ZEBROWSKI: Correct.

MR. DURSO: Okay. So these maps, these maps that we're voting on today, they were drawn by the Independent Redistricting Commission?

MR. ZEBROWSKI: Yes.

MR. DURSO: Okay. And did these maps pass through the Independent Redistricting Commission in a bipartisan manner?

MR. ZEBROWSKI: By a vote of 9-1 on February 15th.

MR. DURSO: Okay, so 9-1. And if you could -- you could tell me what the vote is, 9-1. So according to the State Constitution there are certain rules that the IRC would have to follow in regards to putting these maps together to bring to the Legislature to vote on them. So I just have a couple of questions, and if you could tell me if you know if the IRC followed these to the letter of the law to what brought us here today. One would be, you know, the maps have to be created to the extent practical, the districts shall contain as nearly as many -- equal number of inhabitants. Do you know if that's true to this point with these maps?

MR. ZEBROWSKI: Yes, I -- I believe it does --

MR. DURSO: Okay.

MR. ZEBROWSKI: -- comply with that requirement.

MR. DURSO: So another provision in the

Constitution, each district shall consist of contiguous territories. Do you know if the IRC's maps do that also?

MR. ZEBROWSKI: So you're asking me now questions that are -- would be more properly addressed to the Independent Redistricting Commission. They met, they submitted these lines. All 150 members will now have to make a determination as to whether or not these maps are appropriate. One of those factors may be whether or not they believe they appropriately complied with the Constitution.

MR. DURSO: Okay. So, but in your opinion, you're -- you're not the sponsor of the bill, as we figured out, you know, understanding that, but you are leading the debate on it. Do you feel that those (inaudible) contiguous territories?

MR. ZEBROWSKI: In a few minutes, just like you -- well maybe, we'll see how many minutes -- but just like you, I'll have to cast a vote and I will do so at that point. But as you say, this bill is before the House, submitted by the Independent Redistricting Commission as is required by the Constitution.

MR. DURSO: But required by the Constitution that it -- it does have to consist of a contiguous territory, correct?

MR. ZEBROWSKI: That is one of the requirements in the Constitution, yes.

MR. DURSO: Okay, thank you. Each district also shall be as compact in form as practical, correct? That was one of the other -- in the Constitution it's saying that when the maps are drawn,

that that has to be part of it?

MR. ZEBROWSKI: So just to be clear, now that I'm -- I'm answering your question as to what the Constitution says, yes, that is also one of the requirements of the Constitution. Of course, it says "as practical."

MR. DURSO: Okay. Do we think that they are as practical as possible?

MR. ZEBROWSKI: Once again, the Independent Redistricting Commission drew these lines and presumably, those individuals, or the nine of them, think so. But this is what they have submitted to the House. I can't answer these -- I -- I'm not gonna be able to your question or any other member's question as to what they believe.

MR. DURSO: Okay. And then just my last question is, in the Constitution it says districts shall not be drawn to discourage competition, and we feel that the IRC has done that, correct? They have drawn maps to not discourage any type of competition at this point, that these maps are good and they don't discourage any competition, correct? That's what the IRC is saying to us.

MR. ZEBROWSKI: You're saying "we," so you are gonna have to make a determination --

MR. DURSO: Okay.

MR. ZEBROWSKI: -- on a variety of factors; I am gonna have to make a determination on a variety of factors.

MR. DURSO: But the IRC has sent us these maps,

right, and we're -- they're sending them to us saying that with the maps that they've drawn, districts shall not be drawn to discourage competition, they feel that they haven't been drawn that way, correct?

MR. ZEBROWSKI: As far as I know, they did not send the maps with a letter or with lengthy explanations. So it really would be inappropriate for me to attempt to put myself in the shoes of the Independent Redistricting Commission.

MR. DURSO: One hundred percent agree. But my question to you is that since it's in the -- the Constitution that the maps have to be drawn that way, whether it consists of contiguous territories, be as compact in form as practical, and shall not be drawn to discourage competition, if the IRC was to send us maps that really negated any of these things that are in the Constitution, then the maps couldn't be, you know, they wouldn't be correct, they wouldn't have been done correctly. So we feel at this -- well, and everybody's gonna make their own decision, right, on what they feel if they wanna vote on these maps or not, but that was the IRC's job, correct?

MR. ZEBROWSKI: Theoretically, members can evaluate that and theoretically, an IRC map could be challenged constitutionally, like anything else could be challenged constitutionally. So once again, I don't think it's appropriate for me to put myself in their shoes or to determine what they thought or did not think.

MR. DURSO: Okay. Thank you, Mr. Zebrowski, I appreciate it.

MR. ZEBROWSKI: Thank you.

MR. DURSO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

Zebrowski yield?

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

MR. ZEBROWSKI: I'll yield.

ACTING SPEAKER AUBRY: The sponsor who is not a sponsor yields.

(Laughter)

MR. GOODELL: Thank you, I appreciate that. And just to follow up a little bit with my colleague's questions, are you aware of any constitutional infirmity with the proposed maps that we are about to vote on?

MR. ZEBROWSKI: I -- obviously, a final constitutional determination would be made by a court of competent jurisdiction. I will be, like my other colleagues, casting a vote in the future based on a variety of factors.

MR. GOODELL: I -- I understand that. My question was, has anyone -- are you aware of any constitutional infirmities on these proposed maps?

MR. ZEBROWSKI: I believe there's been public feedback that's in -- that's out there. I believe there's been criticisms

of the map, and I believe there's been support of the map.

MR. GOODELL: Has any of the criticism of the maps, that you're aware of, raised any constitutional issues?

MR. ZEBROWSKI: I don't know that I'm comfortable attempting to recall the criticisms I've seen out in the public space, whether it's on social media or in print media right now. I don't think that would be appropriate for me to accurately put into the record of the House.

MR. GOODELL: I -- and I apologize for asking you to summarize any criticism. I really perhaps would have better been said, are you aware of any criticism claiming a constitutional infirmity?

(Pause)

MR. ZEBROWSKI: I'm trying to understand the question. So you're asking me whether or not I can recall folks that have spoken publicly in criticism of the plan and that criticism, whether it's based on the Constitution?

MR. GOODELL: Yes.

MR. ZEBROWSKI: So I think my answer would remain the same, is that I don't -- I think it would be inappropriate for me to comment on the record of what my memory is of public comments related to this plan because I don't know that I would have an accurate recall. I certainly don't have any notes in front of me.

MR. GOODELL: Thank you very much, I appreciate it.

MR. ZEBROWSKI: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: So, a couple years ago we were presented with maps from the Independent Redistricting Committee [sic]. You may recall we had competing maps. Those were rejected by the legislators, and the Legislature, without waiting for a second set of maps, went ahead in violation of the constitutional procedure and enacted their own. I might add that was pretty much on a party line vote. The Court considered those maps and ruled they were unconstitutional, that it was impermissible gerrymandering and threw 'em out. And the Court directed that the Independent Redistricting Committee [sic] produced a second set of maps, as set forth in the State Constitution. We now have the second set of maps. The second set of maps are very, very close to the maps that were used in the interim that were drawn by an independent master and approved by the Court. So we had the first set of maps that were adopted by the Legislature in a party line vote thrown out as an unconstitutional gerrymandering. We have a second interim set of maps created by a special master, independent, approved by the Court, we used that for two years. We now have the third set of maps, the third set of maps are very, very similar to the second set of maps. And so far, no one has questioned the legitimacy of the maps we're being asked to vote on. No one has suggested that the maps fail to meet the constitutional

requirement.

Now, when these maps came out there were howls of anguish that we heard all the way from Washington, D.C. claiming that the new maps were not partisan enough. Now, if you're not sure, you can look up those comments because they were widely reported by a Congressman from our own State who spent thousands of dollars to come up and force this set of maps. And what were their concerns? Well, I can assure you that their problem was that this map drew the districts in a manner not to discourage competition. So the Constitution says that districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. That's the constitutional requirement. The constitutional requirement is the maps be independent, that they be nonpartisan, that they not favor any candidate or party.

So here we have independent maps approved on a bipartisan basis that are very similar to maps that were previously approved by an independent court master, approved by the Court, and I hope that when we vote on this, we stand up and say when we have independent maps approved overwhelmingly on a bipartisan basis that are very similar to the maps approved by a court and created earlier by an independent master, it deserves our support. And I hope that we don't go down the road of saying the only maps the Majority is gonna approve are those that bring into question whether or not the maps were drawn to favor a particular party or a particular politician, rather

than being independent, nonpartisan, and fair.

Thank you, Mr. Speaker. And, again, thank you to my colleague who, while not sponsoring this legislation, was kind enough to try to answer our questions. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally in favor of the maps being presented by the Independent Redistricting Commission. Those who wish to vote against it can certainly do so on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally opposing this form that was sent to us by IRC and, hence, we're going to be voting in the negative; however, there may be some colleagues who choose to be different, they should feel free to do so.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker, briefly to explain

my vote. I think we all know, right, and it was talked about during this debate how we got to this point dating back ten years ago to a voter-approved Constitutional Amendment to create an independent process. Coming forward to 2022, lawsuits, the court-appointed special masters to draw lines. Many people may not be aware, the previous decade's lines were also drawn by a court that we had prior to 2022. And then last, or two years ago, really, there was a case filed to say that those lines that came from the court were not meant to be for more than one election cycle. And there were unprecedented things done, including rejecting the Governor's nominee for the Court of Appeals, I think all with the intended outcome of getting to the point of having an opportunity for the Legislature to have their hands back in the redistricting conversation.

Now, I read amicus briefs including from Attorney General James, Governor Hochul, and the record of this case that was decided that led us to where we are today, and they all talked about how important it was that we let the constitutional process that the voters approved play out and the independent commission do their job as contemplated by the Constitution. Seems to be that maybe that was not what that case was all about.

I vote yes. 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 lost.

(Pause)

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have some housekeeping and resolutions. We will start with the housekeeping.

On a motion by Mr. Weprin, Page 33, Calendar No. 184, Bill No. A06488, amendments are received and adopted.

On behalf of Ms. Woerner, Assembly Bill A01080-A recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Executive Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

We have a resolution, 870 by Ms. Buttenschon.

Ms. Buttenschon on the resolution -- the Clerk will read.

THE CLERK: Assembly Resolution No. 870, Ms. Buttenschon.

Legislative Resolution commemorating the 90th anniversary of Indium Corporation on March 13, 2024.

ACTING SPEAKER AUBRY: Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker.

Indium Corporation was started in a small garage in Utica, New York in 1934. It has grown over the last 90 years as a multi-national global -- global leader in the science and electronics solution-producing innovative product-making, and many other highly technical items. This organization not only is a leader within the electronic field, but is one that is a leader with students throughout our community, as it has numerous apprenticeship programs, as well as charitable contributions to our community. I just want to honor them for 90 years and hope that as they the celebrate the quality within the Mohawk Valley that this continues for 90 more.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

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

We do have numerous other resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 871-875 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Mr. Jacobson for the purposes of an announcement?

ACTING SPEAKER AUBRY: For the purposes of a announcement, sir.

MR. JACOBSON: Thank you, Mr. Speaker. The must -- the much anticipated conference for the Majority will be held, but not immediately after this Session. It's gonna start at 8:30 p.m. Eastern Time. So please, 8:30 p.m. conference, Hearing Room C.

ACTING SPEAKER AUBRY: Majority Conference, 8:30 p.m., Hearing Room C.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 2 p.m., Tuesday, February the 27th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:04 p.m., the Assembly stood adjourned until Tuesday, February 27th at 2:00 p.m., Tuesday being a Session day.)