

THURSDAY, JUNE 6, 2024

12:38 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 memory of one of our family who has passed, Kyle.

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, June the 5th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Wednesday, June the 5th and that the same should stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues and guests that are in the Chambers, I would like to share this quote with you today. This one is from Ralph Waldo Emerson, an American philosopher, abolitionist and a poet, and it's entitled, What is Success? To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate the beauty; to find the best in others; to leave the world a better place [sic], whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you lived [sic]. This is what it is to succeed [sic]. Again, these words, Ralph Waldo Emerson.

Members have on their desks a main Calendar and a debate list. After you've done any housekeeping or introductions, we're going to take up the following bills on consent: Rules Report No. 360 by Mr. Bronson, Rules Report No. 301 by Ms. Rosenthal, Rules Report No. 358 by Mr. Stirpe, Rules Report No. 409 by Ms. Cruz and Rules Report No. 422 by Mr. Braunstein, Rules Report No. 423 by Mr. Braunstein as well, and Calendar No. 443 by Ms. Paulin. We are then gonna work off of the debate list beginning with Rules

Report No. 333 by Mr. Hevesi, Rules Report No. 344 by Mr. Burdick, Calendar No. 203 by Mrs. Peoples-Stokes, Rules Report No. 350 by Mr. McDonald, Calendar No. 47 by Ms. Simon, Calendar No. 98 by Ms. Pheffer Amato, Rules Report No. 161 by Mr. Bronson, and Rules Report No. 261 by Mr. Bronson as well. We will be calling for the following Committees to meet off the floor, Mr. Speaker: Ways and Means and Rules. These Committees are going to produce an A-Calendar in which we plan to take up today. I will announce any other floor activity should it be necessary.

That's the general outline of where we're going. As you can see, we've got a busy and a long day, and I want to thank people for their patience and cooperation as we get through this. Mr. Speaker, if we have housekeeping or introductions.

ACTING SPEAKER AUBRY: No housekeeping but we are back to you, Mrs. Peoples-Stokes, for the purposes of a announcement.

MRS. PEOPLES-STOKES: Perfect. Mr. Speaker, if you could call the Ways and Means Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means Committee, Speaker's Conference Room immediately, please.

Mr. Santabarbara for the purposes of a introduction.

MR. SANTABARBARA: Thank you, Mr. Speaker. Today it is my great honor to introduce newly-appointed Montgomery County Executive from my Assembly District, Robert Purtell. Bob

was appointed by the vote of the Montgomery County Legislature early -- earlier this year, reflecting the trust and confidence placed in him to lead the county. With a distinguished career in public service, he's demonstrated dedication and outstanding commitment to the betterment of our community. His extensive experience in both private and public sectors uniquely equips him to take on the challenges ahead and seize the opportunities facing Montgomery County. With more than a decade of service as a county legislator and a 35-year career in real estate, Bob is exceptionally well-prepared for this new role. He's committed to developing a strategic plan to foster growth and enhance the quality of life for residents in the County. His leadership, vision and collaborative approach will undoubtedly steer Montgomery County towards a prosperous and thriving future.

He's joined today in the Chamber by Chris Carpenter, an alderman for the City of Amsterdam. Mr. Speaker, if you would please welcome these distinguished guests to the Chamber and extend to them all the cordialities of the House.

ACTING SPEAKER EACHUS: Certainly. On behalf of Mr. Santabarbara, the Speaker and all the members, we welcome you here to the floor of the Assembly. Thank you, number one, for everything that you have already done, and the best of luck and continue with the good work, certainly in your new position and all. And we extend the privileges of the floor to you at any time, and I hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Mr. Jacobson for the purposes of an introduction.

MR. JACOBSON: Thank you, Mr. Speaker. It's my honor to introduce a constituent of mine, a young scholar, Eli McNair. He won -- he's a spelling bee champion, and he -- he won the local spelling bee competition. He then went on and won the regionals and he went on to compete with 200 other young scholars in Washington, D.C. He is joined today by his mother, his sister Erin; Dr. Natasha Freeman-Mack, who is the Assistant Superintendent of the Newburgh -- City of Newburgh Enlarged City School District; and Mariya Pushkantser, Director of Middle Level Education. He is currently in the eighth grade at South Middle School.

So Mr. Speaker, I would like you to introduce the C-H-A-M-P-I-O-N to the House --

(Applause)

-- and offer the courtesies and the cordialities. Thank you.

ACTING SPEAKER EACHUS: Certainly. On behalf of Mr. Jacobson, the Speaker and all of the members here of the Assembly, Eli, we welcome you. You have already made amazing accomplishments in your life. I am sure that they will continue. Continue with all of your hard work and practice. You don't become a spelling bee champion just by hanging out or watching your phone. So continue with that good practice. Keep up the good work for the Newburgh Enlarged City School District, for which my heart is going out to, having taught there for many years. And congratulations to

your family and all that were part of this. So thank you for joining us today, and I hope you enjoy the proceedings.

(Applause)

Mr. Brook-Krasny for the purposes of an introduction.

MR. BROOK-KRASNY: Good afternoon, Mr. Speaker; good afternoon, Happy Thursday. I rise today to introduce a great friend, Pastor and a coach, Rodney Knight, and the president of Coney Island Sharks; and a leader of Coney Island Sharkettes, Priscilla Santos. Mr. Speaker, some people think that European football and American football are always competing with each other; not in our case. I'm a former soccer player, and Rodney is a former American football player and we've been friends for many years, 27 years by now. We've been running together for political offices, we've been doing so many things in the community together, and it is my pleasure, it's my honor to introduce Coney Island Sharks and Sharkettes again. Rodney has been a pillar of the Southern Brooklyn community for decades as a leader in youth sports, pastoral ministry and local government. He formed the Coney Island Sharks 34 -- more than 34 years ago, together with Ruben Sanchez and Bailey Stevens (phonetic). God bless their memory. He's a licensed realtor and cofounder of Coney Island Sharks Education Sports Program. He was inspired to create this program to mentor, educate and guide the youth of the community who are facing difficulties and adversities in their lives. The program gets students involved in several sports, including

cheer, basketball, baseball, track and field and youth tackle football. On November 12, 2023, Rodney Knight was ordained as a pastor. His proudest accomplishment is his life of mentoring, educating and showing the love of sports and God to the youths of the Coney Island community. He often states, *The more you love God, the more you learn to love what God loves the most, and that is his children.*

Mr. Speaker, doctors, attorneys, NFL players came out of this program over the years. We didn't have any elected officials yet, so there is a reason why kids are watching these procedures today, why they're so eager to watch these procedures. I know I'm -- I'm just keeping my seat warm for some of them.

So Mr. Speaker, Rodney Knight has been a great member of our community in Southern Brooklyn, and Coney Island Sharks, Coney Island Sharkettes and the parents of Coney Island Sharks and Sharkettes, they just absolutely invaluable to the Coney Island community. And Mr. Speaker, I ask that you give them the cordialities of the floor. Thank you very much.

ACTING SPEAKER EACHUS: Certainly. On behalf of Mr. Brook-Krasny, the Speaker and all the members of the Assembly, welcome to both Pastor and the Sharks and Sharkettes. It's amazing work that you clearly do. These fine-looking young men and women that you've brought here today certainly deserve our recognition, and I'm sure they will accomplish great things, as Mr. Brook-Krasny mentioned, in the future by perhaps running and taking some of our seats in the future. So we extend the privileges of the

floor and we hope you enjoy the proceedings. Thank you for joining us today.

(Applause)

Page 13, Rules Report 260, the Clerk will read.

THE CLERK: Assembly No. A08939-B --

ACTING SPEAKER EACHUS: Wait, I'm sorry.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to interrupt our proceedings one more time for another introduction. These folks came all the way from Buffalo, and I want to make sure that we get an opportunity to welcome them to our Chambers and offer them the cordialities of the House. We have Jessica Gilbert-Orvelin (phonetic) -- I wanna say they should stand wherever they are -- Anya McCoy (phonetic), Joe Kurtz (phonetic), Ninya Ferguson (phonetic), Pam Jacobs (phonetic), Denise Barr (phonetic), Milani Shuk (phonetic), Susan Donovan (phonetic) and Miyata Pinates. Would you please welcome these amazing citizens to our Chambers, offer them the cordialities of the House and the privileges of the floor?

ACTING SPEAKER EACHUS: Certainly. And I apologize, Mrs. Peoples-Stokes. Certainly these folks above me are fine individuals and constituents, and I know they're represented very well by you as always, and coming from Buffalo they must be very proud. So I will certainly extend to them the privileges of the floor and hope they enjoy the proceedings today. Thank you for joining us.

(Applause)

Page 13, Rules Report No. 260, the Clerk will read.

THE CLERK: Assembly No. A08939-B, Rules Report No. 260, Bronson, Taylor, Ramos, Benedetto, Zaccaro, Dinowitz, Fall, Dickens, Seawright, Septimo, Burgos, Stern, L. Rosenthal, Burdick, Durso, Hevesi, O'Donnell, Reilly, Simon, Reyes, Glick, Lee, Epstein, Simone, Lunsford, Thiele, Tapia, Shrestha, Levenberg, González-Rojas, Alvarez, Bores, Carroll, Pirozzolo, Gibbs, Ardila, Shimsky, Tannousis, Slater, Darling, Paulin, Zinerman, Jean-Pierre, DeStefano, McMahon, Sillitti, Pheffer Amato, Conrad, Colton, Rivera, De Los Santos, Bendett, Jacobson, Meeks, J.A. Giglio, Eachus. An act to amend the Labor Law, in relation to preventing the displacement of call center workers who provide call center services for the government in certain circumstances.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain your vote.

MR. GOODELL: Thank you, sir. This bill is somewhat interesting because it provides that if a company goes out and competitively bids -- a governmental entity goes out to competitively bid for a renewal of a contract for a call center and they

get a new call center that submits a lower bid or offers better service, this bill would require the new winning bidder to hire all the employees from the losing bidder. That creates an incredible disincentive for any of our governmental entities to go out and rebid and try to improve call center service or pricing, because the winner has to hire all the loser's employees. It's a remarkable legislation that directly interferes with the private sector and interferes with our ability to continually seek to improve service and price for our customers.

For that reason, I will not be supporting it. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 301, the Clerk will read.

THE CLERK: Senate No. S01001-A, Rules Report No. 301, Senator Hoylman-Sigal (A01619-A, L. Rosenthal, Simon, Bronson, Dilan). An act to amend the Insurance Law, in relation to prohibiting insurers from restricting or imposing delays in the distribution of antiretroviral prescription drugs to certain persons.

ACTING SPEAKER EACHUS: Read the last section.

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

day.

ACTING SPEAKER EACHUS: 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.

Page 16, Rules Report No. 358, the Clerk will read.

THE CLERK: Senate No. S09777, Rules Report No. 358, Senator Gounardes (A09969, Stirpe). An act to amend the Economic Development Law, in relation to extending the reporting deadline of the Advisory Panel on Employee-Owned Enterprises; and to amend Chapter 35 of the Laws of 2017 amending the Economic Development Law relating to establishing an Advisory Panel on Employee-Owned Enterprises within the Division of Small Business Services, in relation to the effectiveness thereof.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain your vote.

MR. GOODELL: Thank you, sir. This bill extends the reporting deadline for the Advisory Panel on Employee-Owned

Businesses. Back in 2017, yeah, seven years ago, we asked this advisory panel to give us a report on employee-owned enterprises, and they were to give us the report by 2018. Well, the report didn't come in in 2018, so we gave them a one-year extension. It didn't come in '19 so we gave them a one-year extension. Nor did it come in '20, '21, '22, '23 or '24. And here we are, seven years later, giving them a one-year extension for a report that was due seven years ago with still no signs of a report. I will be supporting it because I think this is an important report, and I hope that this task force will stop ignoring this Legislature even though they've done so for more than a half-century and actually give us the report we're looking for.

Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 409, the Clerk will read.

THE CLERK: Assembly No. A09444-A, Rules Report No. 409, Cruz, Jean-Pierre, Seawright, Stern. An act to amend the Public Service Law, in relation to call centers for gas and electric corporations.

ACTING SPEAKER EACHUS: On a motion by Ms. Cruz, 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 EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain your vote.

MR. GOODELL: Thank you, sir. This is the second time I'll be voting against these call center bills. I'm not sure I'll get any service if I call any one of them after this, but the reason I'm opposed is the following reasons: This says that a utility center -- a utility call center cannot be relocated outside of New York State without PSC approval. And while at first blush it seems like this is really pro-call center New York employees, when you think about it the real danger is that if other states adopt similar legislation, none of our call centers will be able to get business from the other states. You don't need to start a trade war with other states on a short-term perspective of protecting our own industry. Because of that potential for retaliation and the impact it has on interstate commerce, this, in my opinion, also violates Federal interstate commerce provisions by specifically limiting interstate trade. And then to just to make sure that these call centers don't think about challenging us, it has immense, immense fines; \$50,000 for every single call made to a call center that leaves the State without PSC approval, which would virtually bankrupt our utilities.

So because it violates the Federal Constitution, because it has serious negative ramifications to the future of our call

centers and their efforts to get business out-of-state, and because the fines are unreasonable I will not be supporting it. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Rules Report No. 422, the Clerk will read.

THE CLERK: Senate No. S09710, Rules Report No. 422, Senator Sepulveda (A10400, Committee on Rules, Braunstein).

An act to amend the Coordinated Construction Act for Lower Manhattan, in relation to extending the effectiveness thereof.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: 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.

Page 19, Rules Report No. 423, the Clerk will read.

THE CLERK: Senate No. S09709, Rules Report No. 423, Senator Sepulveda (A10401, Committee on Rules, Braunstein.)

An act to amend Chapter 322 of the Laws of 2014 relating to joint

bidding on contracts for public work projects, in relation to extending the effectiveness thereof.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: 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.

Page 44, Calendar No. 443, the Clerk will read.

THE CLERK: Assembly No. A02367-A, Calendar No. 443, Paulin, Burdick, González-Rojas, Simon, Jean-Pierre, Woerner, Forrest, Sayegh, Kelles, Jacobson, Epstein, Levenberg, Clark, Reyes, Bichotte Hermelyn, Zinerman, Zaccaro, Rozic, Lee. An act to amend the Public Health Law, in relation to requiring the Advisory Council on Maternal Mortality and Morbidity to undertake a review of the cesarean births at hospitals in the State.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: 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.

Page 15, Rules Report No. 333, the Clerk will read.

THE CLERK: Senate No. S08152-A, Rules Report No. 333, Senator Brisport (A08878-A, Hevesi, Lunsford, Zinerman, Bronson, Rozic, González-Rojas, Curran, Simon, Levenberg, Davila, Clark, Colton). An act to amend the Social Services Law, in relation to child care assistance under the Child Care Block Grant.

ACTING SPEAKER EACHUS: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: Under current law, if a recipient of Social Services is engaged in work, training, educational opportunities or things of that nature, all designed to help them become financially self-sufficient and successful, we can provide them under the Social Services Law with a paid childcare. In order to qualify, they need to be engaged in those activities for a certain amount of time. The expectation is that we'll provide the childcare at State expense while they're helping themselves move forward with work experience or job training or education. This bill eliminates any requirement that restricts full-time child care assistance to any hours worked. So with this amendment, someone who is on public assistance could get full-time childcare without regard to whether or not they actually need

full-time because they're not working or engaged in educational activities for any minimum time period. This is a substantial increase on our taxpayers in terms of cost, and it goes beyond what I think our obligation is in terms of helping an individual by providing childcare while they're getting that training, education or work experience.

For that reason, I will not be supporting it. Thank you, sir.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect May 30, 2025.

ACTING SPEAKER EACHUS: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons I mentioned, the Republican Conference is generally opposed. Certainly, those who support it should vote yes here on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Majority Conference is gonna be in favor of this piece of legislation.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Hevesi to explain your vote.

MR. HEVESI: Thank you, Mr. Speaker. Good morning to all of my colleagues. Good morning, Mr. Goodell. I'm gonna these debates, truly. So, this bill we've seen a couple of times before. The reason we're doing this bill is because every child in New York deserves full-time childcare regardless of whether their parents are working flex schedules or part-time. We are worried about three things for these kids: Their cog -- cognitive abilities, their language skills and their social-emotional well-being is proven to be much better off and, frankly, will cost us less down the road as taxpayers. So this is a benefit for kids, it's a benefit for families who want to go back to work, and finally, about the cost. This year, New York State submitted about \$1.4 billion in this budget for child care subsidies, plus another billion that was rolled over from 2024. The State could absorb this cost easily. Even though the Executive has put it at \$130 million, we think their number is way over their accounting for full participation.

This is a good bill, we're gonna keep coming back on this until we get this one done. Thank you for allowing me to explain my vote, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Hevesi in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 344, the Clerk will read.

THE CLERK: Assembly No. A09330-A, Rules Report No. 344, Burdick, Woerner. An act to amend the General Business Law, in relation to individual sewage disposal system disclosures; and to amend the Real Property Law, in relation to providing information on septic system operation and maintenance on the property condition disclosure statement.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect July 1, 2025.

ACTING SPEAKER EACHUS: 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.

Page 38, Calendar No. 203, the Clerk will read.

THE CLERK: Assembly No. A07264-A, Calendar No. 203, Peoples-Stokes, Thiele, Anderson, Zinerman, L. Rosenthal, Jacobson, Lunsford, Shrestha, Shimsky, Gunther, Weprin, Colton, Raga, Kelles, Simon, Epstein, Seawright, Hevesi, McDonald, Solages, Santabarbara, Bichotte Hermelyn, Forrest, Bronson, Levenberg, Clark, Lucas, Paulin, Stirpe, Jackson. An act to amend the General Municipal Law, in relation to the awarding of certain purchase

contracts to purchase food.

ACTING SPEAKER EACHUS: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The bill -- the purpose of this bill is to provide that certain purchases, contracts can be awarded to a qualified bidder who fulfills certain value-based standards when such bid is not more than 10 percent of the lowest responsible bidder.

ACTING SPEAKER EACHUS: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the Majority Leader yield for some questions, please?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MRS. PEOPLES-STOKES: Yes, absolutely.

ACTING SPEAKER EACHUS: She yields.

MR. TAGUE: First of all, my condolences to you and your staff, and God's blessings to you.

MRS. PEOPLES-STOKES: Oh, thank you. Thank you very much.

MR. TAGUE: First of all, I'm just wondering if you could give me the difference between the socially-disadvantaged farmer that is in the language in this bill and then other bills that we've had, I guess, with the marijuana bill that we had a year or two ago

where it was just disadvantaged farmer?

MRS. PEOPLES-STOKES: Well, if -- if your question is if this premise is based on the same legislation as MRTA, no, it's -- it's not.

MR. TAGUE: I'm sorry, I -- I couldn't hear you, madam.

MRS. PEOPLES-STOKES: I said if your question is whether or not this piece of legislation is based on the same premise for social equity as MRTA, the Marijuana Tax and Regulation Act, no, it is not.

MR. TAGUE: Okay, thank you. Well, again -- and I would just argue, and I think we've had this discussion before, I think that 90 percent, or if not more, of all our farmers in New York State are disadvantaged in one way or the other, and I'm sure you're well aware of the report that we had here a month or two ago where we lost another 3,000 farms in New York State.

MRS. PEOPLES-STOKES: Actually, I would agree with you on that, sir.

MR. TAGUE: Thank you, thank you. Just wondering to who's going to implement and enforce this program, and who will be making the decision on who qualifies or who does not?

MRS. PEOPLES-STOKES: So, I believe each municipality as well as each school district, they have their own procurement departments.

MR. TAGUE: I -- I do have a little bit of a concern

with that, and I'll talk on the bill about that --

MRS. PEOPLES-STOKES: Okay.

MR. TAGUE: -- moving forward.

On the animal welfare, who's gonna define the natural behaviors of animals, and are we just gonna turn everything into free-range?

MRS. PEOPLES-STOKES: No, that is not necessarily the intent. That is not the only way for animals to be living in a healthy environment, and I would guess that the procurement department who is seeking the bids would be able to determine whether or not that's something that would add value to your application.

MR. TAGUE: Well, again, I -- I have some issue with that and, you know, we already have laws set up through the Department of Ag and Markets that monitors these types of situations. They also determine how animals should be tethered or caged or fenced, and I think they do a pretty good job at it.

The next question I have, the valued workforce standard requires farms to have labor peace agreements. And, again, I -- I think we -- we respectfully disagree on that wording and, to me, it's just a fancy word for unionization of our family farms. And I kind of would like to get your take on what the valued workforce standard is and what's it gonna require.

MRS. PEOPLES-STOKES: Well, first of all, I don't think that, you know, every farm that is in the business of selling their

products is necessarily unionized. And so that would not be a requirement, it's just one of the criteria that would add value to your application, to your -- your bid.

MR. TAGUE: And one other thing is why doesn't this bill include all nutrient-dense foods, including dairy? Dairy that is essential to a healthy diet.

MRS. PEOPLES-STOKES: Well, you know, what? I'm gonna have to agree with you on that as well, because I know that particularly in my county there are dairy farmers, and so it will be included, and it is -- it's not excluded. It's actually included because it is a nutritional, healthy food and that's what we're trying to get at.

MR. TAGUE: Okay, I --

MRS. PEOPLES-STOKES: And because it's gonna be -- get some additional value if it's locally sourced, it's not been shipped for weeks in a refrigerated truck.

MR. TAGUE: Okay. Well, I appreciate that, thank you.

Another concern that I have is, was this bill written by actual farmers or was it written through advocates that don't have any experience growing crops or managing a farm operation?

MRS. PEOPLES-STOKES: I think it was a little of both, sir, farmers as well as advocates.

MR. TAGUE: And is the environmental sustainability standard required or is it just an example to follow?

MRS. PEOPLES-STOKES: I'm sorry, could you

repeat that?

MR. TAGUE: Sure. Is the environmental sustainability, is -- is that standard -- is that required in this legislation or is it just an example for these farms to follow?

MRS. PEOPLES-STOKES: It is yet another one of those values that could add value to your bid. If you're able to suggest that you are doing it in an environmentally-sustainable manner, that gives you additional credit on your -- on your bid.

MR. TAGUE: Well, I -- I really appreciate your time, and again, I want to extend my condolences to you and your staff. I know it's been a tough two days for you, and for you to stand up here this morning and debate and do your job, as you always do, all the respect in the world to you and my best to the family of the loved ones and God bless you. Thank you.

MRS. PEOPLES-STOKES: Well, thank you so much for saying that, sir. I appreciate it.

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

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

MR. TAGUE: As I said, I -- I respect what the Majority Leader had said here during the debate, and some of these things I actually am in favor of, some of it I am not, of course. The problem is it's taken way too long to come up with a program like this; it's probably 55 years too late. But anyways [sic], here are my concerns on the bill and, unfortunately, I will be voting in the negative

on this bill. But food products would have to meet the local economy standard and one of the other standards in order to receive procurement preference. In order to meet the local economy standard, the product would have to be locally-produced, which is define -- defined as produce that is produced within 100 miles, and animal products produced within 200 miles. This means that a product receiving procurement preference could be produced in a neighboring state. No other state gives procurement preference for out-of-state products. New York should not amend State law to give procurement preference to products made in other states. New York farmers are already at a disadvantage. And as I said earlier, I think that if you look at the number of farms that we have lost, and if you really go out in your district and you talked to the farmers, you could put about 90 percent of all New York farms in a disadvantaged category. But anyways [sic], New York farmers are already at a disadvantage in the bidding process because of having higher production and labor costs in New York compared to other states, especially neighboring states like Pennsylvania. And those of you that know anything about the agriculture industry knows that a lot of our food products are actually processed in Pennsylvania and then brought back into New York State. It is understood that State law cannot always preference the State products, but that does not mean that this bill is the solution.

Now I want to move to the valued workforce standard. It requires farms to have a labor peace agreement; work-led committees or worker-owned cooperatives in order to meet that

standard. Let me just say that the majority of our farms in New York State are family-owned farms. We don't have this large vast corporation of farms across New York State. I believe the number is 98 percent. Ninety-eight percent of the farms in New York State are family-owned. Some are three or four, father, son, grandson, mother, granddaughter. I mean, it's all just a family operation. And to bring in organized labor on to our family farms, I'm telling you, is a big, big mistake. It's not a place for that. With the current -- current requirements in New York labor laws regarding collective bargains and unions, New York farms are already required to meet the valued workforce standard descriptions. Farms should not be required to have labor peace agreements, worker-led committees and worker-owned cooperatives in order to meet the standard.

This bill also establishes preferences in State Law that don't reflect regulated production methods. The language used to describe environmental sustainability, animal welfare, nutrition and value workforce standard does not reflect any current State and Federal regulation. Why give preference to certain farms over others when those practices are not required in State or Federal law?

The nutrition standard includes fresh fruits and vegetables, whole grains, fish and lean animal proteins, but it does not give preference to nutritious dairy products such as whole milk, yogurt and cheese. This standard needs to include all nutrient-dense foods, including dairy, that are essential to a healthy diet. The standards should reflect current State and Federal regulations.

The current bill language was written by the Good Food Purchasing Coalition and Center for Good Food Purchasing. It was not written by New York farmers. While the supporters of this -- of this bill say that the goal of this bill is to support the purchase of New York farm products, if that was the case, the local economy standard would be the only standard. The fact that the other standards are included shows that the good food groups want food to be -- to be produced the way they think best and use this bill to push it into State law a preference for certain food products and statutory judgment of established and regulated production methods. Many farms are doing the practices listed in the environmental sustainability standard, but the bill language is vague about whether the farm would have to do all the practices in order to meet the standard or if those practices listed are just examples. The bill language needs to be amended to specifically state that the practices listed are examples and not required to meet the standard. In order to meet the animal welfare standard, the farm would have to be enrolled in a USDA animal welfare certification program. There are many farms that inter -- incorporate the animal welfare practices listed in the standard, but are not enrolled in a certification program due to the cost of enrolling in that certification program. There are farms in New York that implement organic practices but do not have an organic certification. Farms should not be required to have certification in order to meet this standard.

There are concerns regarding how these standards

will be evaluated by the municipalities. Some municipalities will not have the resources or understanding of agricultural practices in order to evaluate products and established criteria for these standards. For example, the Farm-to-School 30 percent program requires a lot of work to evaluate food purchased by schools to make sure it meets the criteria. Even the State initiative for State agencies to purchase more New York products has taken research and work to figure out the criteria to use and how products will be evaluated. This bill doesn't give a clear path on how municipalities will evaluate products and prove that they meet the standards. Similar to the evaluation of products for the Grown and Certified program, the Department of Agriculture and Markets should be the ones that establish the criteria by which farm products are evaluated for these standards.

The Center for Good Food Purchasing has been hired by New York City and other cities in the U.S. to evaluate procurement purchases using the standards in this bill. If this bill passes, it is possible that the Center would reach out to municipalities about hiring the Center for this work. This means that New York farm products would be evaluated by an out-of-State non-agricultural organization.

My friends, as I said earlier and I said yesterday, New York State, the most unaffordable state in the Union, the most regulations, the most mandates, the facts don't lie: 3,000 New York family farms out of business. This gets implemented, the same thing is gonna happen; more family farms are gonna go out of business. And the way this legislation is right now, this is setting up new farms

for failure. Setting up new farms for failure. Let our farmers and those in agriculture do what they do best: They provide food and nourishment for each and every one of us. I just can't understand why we continue to bite the hand that feeds us, especially in a unique state like New York where we have four unique growing seasons, where we produce some of the greatest, greatest products in the world. Where we have some of the greatest agricultural universities in the world right here in New York, two of them right in my Assembly District. We should be leading not just America, but we should be leading the whole entire world right here in New York in agriculture. We've got the best farmers, we've got the best technology, we've got the best quality control. And there is opportunity for everyone to be involved in agriculture in New York State.

I said it a million times, I'll say it again: My friends, no farms, no food. You can't live without food. With all due respect to the Majority Leader, I'm sorry but I will be voting no on this legislation and I would encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes for an announcement.

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

ACTING SPEAKER EACHUS: Rules Committee to the Speaker's Conference Room immediately.

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER EACHUS: On the bill.

MR. LEMONDES: Thank you. Although this bill is well-intentioned, it's not comprehensive enough. And I just want to -- I -- I want to reinforce some of the points my colleague just made, and I want to pick out just one -- I could do this on every single subpoint in this bill -- the protection and enhancement of wildlife, habitat and biodiversity. We're -- we're putting that into this bill, but we're not accounting for the CLCPA wind turbine killing machines for our birds of prey. We're discounting that, we're pretending that doesn't -- that doesn't happen, yet we have that in this bill as a -- as a subcomponent that we're going to enhance wildlife habitat and biodiversity. The hypocrisy is deafening.

Secondly, the costs associated with running any business in this State creep up every day in this Body. What hasn't been spoken about in this entire Session is the recent application of asylum fees on small businesses utilizing H-2A migrant labor, which by the way, all of our farms are dependent on. Nearly all of our farms are dependent on that labor in this State. The Federal levying of that fee without any State intervention whatsoever -- and I'm gonna call that tacit approval because so far our Governor has not intervened on this one bit -- is just yet another example of the continuous affront to business. Most people are not even aware that our small businesses

using H-2A migrant labor, primarily our agricultural supply chain, are being forced to fund the asylum costs for our open border illegal migrants.

I will vote in the negative on this. It is full of shortcomings and I urge all my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I just want to really honor my colleagues who -- who spoke today, because I agree with them 100 percent. If there's no farms, there is no food. And the reality of that is is that our antiquated procurement laws prohibit a lot of farmers that are in our communities from engaging in business with their school districts, with their municipalities. And why does it prohibit them from doing that? Because they can't be the lowest bidder. They're the smallest farmer, not the biggest farmer. They can't be lower than the conglomerates that come from out-of-State to put bids in to -- to serve our people food that's been processed longer than it should be, so by the time it gets to us it's not even healthy anymore. And so the goal here is to pour into New York farmers, at the same time of pouring into our people with some quality food that we have to have.

Now, you know, I'm the daughter and the granddaughter of sharecroppers. My mother and her family, they ate nothing that they did not grow or raise. Nothing. And much of the

disease that we see in our lives right now we probably wouldn't see if all of our food didn't have to come from -- I don't want to use the name of a farm, but you all know the names that create the chemicals that go in our food. This is an opportunity for us to have to pour into our farmers, because as my colleagues did say, they do offer a lot to New York State, I -- I know they do. I see what they've done. And agriculture is a big business in my county, and I would love to see the farmers in my district be able to compete to sell milk products to the school district in Iroquois or the school district in Buffalo or the school district in Cheektowaga. They can't compete with some of these larger farms, but I guarantee you most of the things that are being asked to be considered here are things that they already do, as was stated by my colleague. And so this could actually be a win-win. And by the way, those farmers -- farmers that are not interested in applying for an opportunity to procure their product with local municipalities and local school districts, they don't have to apply, it's not for them if they're not interested. But the ones that are, we need to give them an opportunity to have their good-quality, sustainable products put on the tables of our families and our children.

So with that, Mr. Speaker, I -- I appreciate the opportunity to speak on the vote -- on the bill and I hope that people will consider this for what it is. It's not a negative for farmers, this is a positive. We need you. We cannot make it. We just came through COVID, the pandemic. Oh, we -- we -- don't forget how tough it was to find food and how many supply chains got shut down. If we had

the supply chain in our own State we don't have to worry about getting shut down. Let's figure out how to boost that up, I think this bill begins that process and I hope that people will join me in supporting it.

ACTING SPEAKER EACHUS: Mr. Goodell.

MR. GOODELL: Thank you, sir. For decades, our State has operated on the premise that if you are the lowest responsible bidder you're entitled to receive the government contract. And it's two components; you have to have the lowest price and you have to be responsible. And that concept is a fundamental concept to ensure that our residents receive the best value for their tax dollar. It's all about making sure our residents get the best value. What's this bill do? This bill says that municipalities don't have to accept the lowest responsible bidder. This bill says if you happened to be a farm that has a union, you can get the bid even though your bid is 10 percent higher for the exact same product. A \$100,000 bid to provide food to a governmental entity, you can charge \$10,000 more just because you're unionized. Or just because you're a racial minority, or just because the farm is owned by a woman. Let's treat everyone in New York State fairly. Isn't every farmer entitled to be treated fairly? Isn't every farmer entitled to get a bid if they offer the best product at the best price, even if it's a family-owned farm? Even if the family-owned farm is owned by a husband and wife and doesn't become certified as minority-owned or women-owned? How come we're not being fair to everybody? We have an obligation, a fiduciary

obligation to the taxpayers to help them get the best price so that they can keep their taxes as low as possible. We have that obligation. And most important, we have an obligation to treat everyone fairly and not say to some people, *You can charge 10 percent higher than anyone else and still get the contract at the expense of the taxpayers.* And for that reason I cannot support this legislation.

Thank you, sir.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it can certainly vote yes here on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Majority Conference is generally gonna be in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so at their seats.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. DiPietro to explain your vote.

MR. DIPIETRO: Thank you, to explain my vote. I look at this as a different way, I look it government versus private sector. The last five or six years since we've lost any semblance of representation on our side of the aisle, I've watched marijuana get implemented. This was supposed to be a boom to the farmers and it turned out to be a lie. I watched the unionization of farmers take over a few years ago. That was supposed to help our farmers; it's been a lie. I've watched time after time government try to come in and take over and tell what the farmers can do and then tell us that this is the best thing happening to the farmers, that this is gonna help our farmers and -- and all we got to do is look at the results. Just in the last few years 3,000 farms? Nothing that this Body has done that said it was to help farms has ever helped a farm. Not one. My whole district is farms. They're all going under. All they do is complain that this -- they tell me, *Dave, keep the government out of our life, you're ruining our farms.* And that's what we get. We get people who don't know agriculture, we get bureaucrats, and we get overreach by government and it's -- it's been nothing but a disaster. It's been a lot of lies in this Chamber because everything that they promised has not come true. But I never hear anyone say at the end of the day when they implement these bad policies and then they fail, I never hear anyone say they're sorry or we'll fix it.

So with that, I'll be voting in the negative.

ACTING SPEAKER EACHUS: Mr. DiPietro in the negative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, to explain my vote. As I -- unfortunately, I missed a lot of the debate because we were in the committee, but as I looked a little bit about this bill I can't help to think about a family farm that's back home. They're a husband and wife, they've farmed pretty much their whole life. They've -- they have given up their life in what they've done to provide good-quality food to families, farmer's markets, schools, retail, grocery stores. This has been their life. And it's very unfortunate that this bill here will not allow them to participate because they're not -- they don't fit the criteria. In this House we talk about equality, we talk about making everybody have a fair opportunity to be part of New York. But this bill doesn't allow it because they don't fit this criteria. So how can we support this? If we truly are a House of the people, that means each and every person in New York State.

And for those reasons, Mr. Speaker, I'll be voting in the negative. Not just to vote no, but because it's the right thing to do. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Manktelow in the negative.

Mrs. Peoples-Stokes to explain your vote.

MRS. PEOPLES-STOKES: Thank you, sir, for the

opportunity to explain my vote. I want to start by first off by thanking my colleague Mr. Tague for mentioning the homegoing or the passing or the transitioning, however you want to call it, of my really good staff person, Kyle Brace. Kyle worked for the Assembly for 32 years, and I assure you if she was here and she was not feeling well, she would have said, *You have to go and debate your bill*. And so I do so in honor of her, and I -- I will say that while change is always difficult, change is always hard, and I know we don't like to do things different, particularly in New York State and many times in this Body. But for 50 years we've had a procurement process in place that have eliminated some farmers from being able to do business with their local school district because they cannot compete at the price levels, but they do have the quality products. And so I think we should give them that opportunity to do that. And I want to commend the Good Food Coalition that, you know, did a lot of work on this, and the farmers that they communicated with as well because they did talk to farmers. You can't come up with ideas about what should happen on farms without talking to farmers. Now, probably what they didn't do, they have should spoke to Mr. -- my colleague Mr. Tague more, and they should have talked to Mr. Lemondes more. Because I think if they had done that, perhaps what -- what they see as a negative they wouldn't have seen it that way. They would have seen this as a positive.

So again, I want to appreciate my colleagues for engaging in this debate, and I -- I think it's -- it's a worthwhile bill to

pass and I want to appreciate those who are willing to support it.

Thank you, sir.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Page 16, Rules Report No. 350, the Clerk will read.

THE CLERK: Assembly No. A09544-A, Rules Report No. 350, McDonald, Burdick, Simon, Hevesi, Glick, Woerner, DeStefano, Davila, Reyes, Burgos, Bendett, Hyndman. An act to amend the State Finance Law, in relation to preferred source status for entities that provide employment and services to certain persons.

ACTING SPEAKER EACHUS: An explanation has been requested.

MR. MCDONALD: Thank you, Mr. Speaker. This legislation would allow the Commissioner of Education to approve qualified charitable non-profit organizations and agencies that provide vocational and rehabilitative training to formerly-incarcerated persons to participate in the Preferred Source program.

ACTING SPEAKER EACHUS: Mr. Goodell.

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

ACTING SPEAKER EACHUS: Will the sponsor

yield?

MR. MCDONALD: Yes, I'll yield.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. GOODELL: Thank you. Mr. McDonald, what is the Preferred Source program?

MR. MCDONALD: The Preferred Source program, which now I believe is celebrating its 50 -- 50th year here at the State, as was approved by the Legislature, is a program that is designed to help individuals with disabilities matriculate into the workforce. It's usually done through the non-profit organizations. We have two or three primarily, NYSID is one of them, that we know that organizes all the programs; and then also the Preferred Source program, which helps those who are blind; and then of course I think Corcraft, which is those in corrections.

MR. GOODELL: Now am I correct if you're buying a product, a municipality is buying a product from a preferred source, an organization, for example, that only -- a not-for-profit that only employs disabled people or are blind, then they do not have to comply at all with competitive bidding; is that correct?

MR. MCDONALD: You know, Mr. Goodell -- I'm sorry, Mr. Speaker, I can't -- I don't know if it's the background noise or his gentle ways.

ACTING SPEAKER EACHUS: Can we have some silence, please?

MR. MCDONALD: Thank you.

ACTING SPEAKER EACHUS: Go ahead, Mr. Goodell.

MR. GOODELL: Thank you. I just wanted to verify, it's my understanding that if a municipality wants to buy from a preferred source, they don't have to comply with competitive bidding at all; is that correct?

MR. MCDONALD: They can comply with competitive bidding, but they don't have to in certain circumstances.

MR. GOODELL: So if they're buying from a preferred source, for example, maybe they're buying furniture or other goods and it's from a preferred source, they can buy it off a catalogue for whatever the price is listed, that's their option. They don't have to, but that's their option, correct?

MR. MCDONALD: Right. They can choose to buy preferred source if they choose to.

MR. GOODELL: Then this statutory amendment would include as preferred sources those products that are manufactured or assembled or fulfilled with formerly-incarcerated persons, correct? That's the purpose of this amendment?

MR. MCDONALD: The purpose of the amendment is to allow organizations that work on vocational or rehabilitative training who work with incarcerated individuals to participate in the Preferred Source program. They'd have to be approved by the Education Department, there's a long list of qualifications and criteria to make sure of legitimacy, which obviously we want to make sure

that's a concern. The same applies for individuals with disabilities. And if you don't mind, if I can take a moment to expand on that a little bit. It's up to you, it's your time, not mine. That's why I'm asking.

MR. GOODELL: Well, I -- I actually had just another, I think, simple question --

MR. MCDONALD: Okay.

MR. GOODELL: -- which is, in order to qualify, must the products or commodities be purchased from a not-for-profit?

MR. MCDONALD: In order for what to qualify, the entity?

MR. GOODELL: In order to qualify as a preferred source. Am I correct that only not-for-profits can be designated as preferred source providers? And I'm looking at your bill on line 17, commodities and services produced by any qualified charitable non-profit-making agency for disabled persons, and this would add "or incarcerated individuals."

MR. MCDONALD: I'm reading what you're reading, I'm not disagreeing with that. I think I'm still trying to understand your question.

MR. GOODELL: So my question is, am I correct that this ability to purchase commodities and services without competitive bidding through the Preferred Source program only applies if the purchase is from a qualified charitable non-profit-making agency?

MR. MCDONALD: I'm gonna say yes to that, but I'd

like to mention one component. Once again, municipalities, whether it's the Airport Authority, whether it's your town, city or village, they have the ability to go out and do bids and preferred source organizations have the ability to compete on the bid. And they could very much win the bid or they could be just a little bit more expensive. There's a little wiggle room, it's about 5 percent, where the local government or entity would -- if they want to choose that non-for-profit entity, they could choose to do so to include them in the program.

MR. GOODELL: I see.

MR. MCDONALD: Or to award the bid, excuse me. Or award the contract, whatever it may be. But it's not a -- like, a local government doesn't make it exclusive only to preferred source. They could put out a bid for -- well, put out a bid for bricks. Or put out a bid for janitorial services, that's a -- that's a common one for Preferred Source. They could put out a bid for that, Andy's Janitorial Service, which is opening up in 2025 when you retire, could bid on the job, but also a non-for-profit could bid on it, too, that -- that works with those who have a disability.

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

On the bill, sir.

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

MR. GOODELL: There used to be a time when law-

abiding residents were given a fair and equal opportunity to bid on contracts. This is an interesting piece of legislation because it says we're gonna establish a Preferred Source program for those who have violated the law, who are formerly-incarcerated persons. I fully, fully support legislation and initiatives to make it clear that we want to help former inmates reintegrate into -- into society. I support programs that make it illegal to discriminate against someone if they have an unrelated criminal conviction and they've paid their debt to society. I think it's important that we help these inmates become successful law-abiding people in the future. But this goes one step further and says, *If you commit a crime against a fellow New Yorker, after you've served your sentence we'll give you a preference.* We did it with the marijuana laws. Wasn't that crazy? If you violated our marijuana laws, if you're a convicted drug dealer we gave you a preference in becoming a marijuana dispensary. If you were law-abiding and you didn't break the law, you got at the back of the line. But if you broke your social contract with society and you were a drug dealer and you were profiting by selling illegal drugs, for the marijuana program we put you at the front of the line. And we take it -- that concept of rewarding criminal behavior by providing that if you are a former inmate and you're working for a non-profit, we'll give you a preferred source status over lawful New York residents who never committed a crime against their neighbors, who never hurt anyone else, and who never went to prison for their crimes. Let's start giving law-abiding residents a fair and equal chance.

For that reason I will not be supporting it. Thank you, sir.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to giving this preference to formerly-incarcerated individuals, but those who support that should certainly vote yes on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can do so at their desk now.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald explain your vote.

MR. MCDONALD: Thank you, Mr. Speaker. And I appreciate the comments of my colleague. To be clear, when I first was introduced to this bill I was a little bit inquisitive myself. And then I actually did some homework and looked a little bit and I said, *Well, we already, this Legislature, in a bipartisan manner, supported*

the Preferred Source program which assists individuals with disabilities to work side-by-side with individuals without disabilities to work, to provide for their lives. And no better example is many formerly-incarcerated individuals for years have been working with recovery programs because sub -- they had substance use disorder when they went into prison and when they left, they had a disability. It is a disability by the Federal law. So quite frankly, as much as at first blush this might be considered a reach, we have to look at the data, and the data shows that those incarcerated, particularly formerly-incarcerated, have a much higher percentage of disabilities because while they're incarcerated they're actually able to be evaluated and identified. And as you know, the gamut of disabilities runs all over the place nowadays. So when you're looking at prison populations of 40 percent being disabled versus 15 percent in the non-prison population, and in women it's almost 50 percent, it's very clear that these individuals are gonna need a helping hand when they leave prison, when they leave jail. And the idea is to work with a non-profit approved by the Education Department, there's 144 agencies throughout the State that do this day in and day out, to make sure that these individuals, number one, get housing, and if you get housing you need to have a job. If you have a job, you can make a living, you can pay your taxes and be a contributor to our economy.

So with that, Mr. Speaker, I wanted to give that background because initially at first blush people will look at this a little bit differently, but I do support this legislation.

ACTING SPEAKER EACHUS: Mr. McDonald in the affirmative.

Mr. Burdick on your vote.

MR. BURDICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I -- I'd like to commend the sponsor of this legislation. And several weeks back, you know, he and I spoke about it. I worked on the preferred source provision in the New York State Finance Law a couple of years ago and saw the tremendous potential that it had for people with disabilities, and as the sponsor stated, a disproportionately high number of those who are incarcerated in fact suffer from disabilities. And as Chair of the Subcommittee on Employment Opportunities for People with Disabilities, I especially commend him for his courageous leadership in bringing this forward, and I think this is going to turn out to be something very positive not only for those who are released from our facilities of incarceration, but for the benefit of the economy as a whole of the State of New York.

Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Berger -- Mr. Burdick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 47, the Clerk will read.

THE CLERK: Assembly No. A01633-B, Calendar No. 47, Simon, Cruz, Reyes, Glick, Weprin, Burdick, Jacobson, Otis,

Cunningham, Seawright, Santabarbara, Mitaynes, González-Rojas, Colton, Forrest, Pheffer Amato, Barrett, Shrestha, Levenberg, Ardila, Mamdani, Dinowitz, Tapia, Lee, McDonald, Kelles, Taylor, Bores.

An act to amend the Public Health Law, in relation to providing public notice and public engagement when a general hospital seeks to close entirely or a unit that provides maternity, mental health or substance use care.

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

An explanation has been requested.

MS. SIMON: Thank you, Mr. Speaker. This bill would establish a procedure for the closure of a general hospital or an emergency mental health or a maternity unit before the facility closes, and that's key, "before". The bill would also enhance the current community forum to allow for public feedback prior to closure, as well as providing a process for public comments on the hospital's closure and a requirement that those comments be heard. The bill was recently amended after receiving recommendations to provide two processes, one for hospital closures and one for unit reductions, to clarify that the Public Health and Health Planning Council does not have the ability to reject a closure; to add exemptions from the closure plan and public forums for certain reductions in units, and to require additional notice provisions.

ACTING SPEAKER EACHUS: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will my friend from Brooklyn yield for some questions?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. SIMON: I will.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. JENSEN: Terrific. Thank you very much, Ms. Simon, I appreciate it. I think this might be our 17th or 18th conversation on -- on this bill, and I do want to acknowledge that, to your point, that there has been some amendments from prior versions that -- that we've discussed on this floor, and I do want to thank you for -- for taking some of our discussion into consideration when making these amendments. But I do want to just go over some of those amendments as they stand. So, one of the -- the -- one of the amendments to this bill was that a -- a (inaudible) process on bed reductions or facility or unit closings. So I just want to make sure that I've got this right. So if more than 15 percent of a reduction in patient capacity of the unit happens within 12 months, or a 25 percent or more reduction in patient capacity in aggregate within a 24-month period, or a 35 percent or more reduction in patient capacity in an aggregate within a 36-month period, if any of those circumstances are true, it would trigger the components of this legislation for public hearings before any change can be approved by the Department of Health?

MS. SIMON: Yes, for the closure plan and the

Public Health Planning Council.

MR. JENSEN: And -- and I appreciate the consideration of a step process. Is there a concern that this maybe complicates it a little bit too much? And I understand the -- the irony in me saying that, but is there a concern that this complicates the process a little bit too much, to put too much of an onus on DOH to be aware of the happenings in one-off bed closures, especially if it's in a smaller unit that may only have a dozen or so beds?

MS. SIMON: Well, first of all, they just have to submit a proposal that would identify that. And so for example, if it's a very small reduction maybe it's a very, very important and needed unit. You know, and the legislation identifies key units that are often in danger of closing and have been harbingers of full hospital closures, maternity, emergency, mental health care. That may be the only services in the area, that's why you need to do a survey of what are the health needs in the community. Because if you're closing a hospital or you're closing a unit that is key, it's important to know how everybody's healthcare needs will be taken care of. And too often in the past there has been no assessment of that at all, and where there has been an assessment it has been marginal at best, if not sterile. And so that's part of the engagement process to really understand what are those impacts and how would they affect the people that that facility serves.

MR. JENSEN: So if we're talking about a -- a temporary -- we're talking about a -- a reduction in capacity -- let's use

the first option of 15 percent -- and, you know, you may have beds that go offline. Is there a certain time period where the hospital or the facility may not have the intent to close those beds or take them offline permanently, but because of other circumstances those beds have effectively been closed or gone offline. Would that trigger this requirement to kick in or would they actually have to present a formalized document saying that their intent is to close or take offline that percentage of beds over the agreed upon time period?

MS. SIMON: So, there are certainly circumstances that might be compelling to reduce the amount of process, and the legislation identifies that very clearly. And I'm on page 4, line 23.

MR. JENSEN: Yup.

MS. SIMON: That one or more of the following circumstances would allow the Department the ability to undergo this process in a more expedited fashion. So whether the closure or reduction is temporary in order to modernize a facility, that could be -- very well be a circumstance; whether the closure addresses a current healthcare demand such as patient volume and overall availability of services in the facility's health service area or county served; there are acute labor shortages outside of the control of the general hospital that impact patient safety; or an acute financial emergency outside the control of the general hospital. And those last two provisions really get to the issue of addressing what has been a too-common occurrence, and that is where a hospital -- bigger hospital system has taken over a smaller hospital and then deliberately tries to gut it by

encouraging and sweetening and moving people out of that place in order to force the diminution in services and force the closure of that hospital. That was what St. Peter's was doing at the Burdett Center here in the Albany area, it's what's happening in Manhattan, Mount Sinai doing that to Beth Israel. And so you can't manipulate the kinds of situation that would then give you that ability to act without engaging it in a more impactful comprehensive process.

MR. JENSEN: And -- and I do -- you know, going back to my original comment about how I appreciate the amendments, and I think those four provisions were things that we discussed every time the bill came to debate and I do appreciate the inclusion in the B-print of this -- this legislation to recognize that. And I think -- getting back to my original question that kind of spurred this, is that would they have to -- if they're looking at that temporary reduction that could then become a permanent one that wasn't originally intended, at what point does the process have to start from the facility to DOH and the public notification period? So if it is -- we've talked about this example, an affiliate of Jensen Memorial Hospital, Jensen West, and we take mental health beds offline because of staffing concerns, so we wouldn't have to trigger this aspect. But then we want to reduce that by 15 percent and it triggers the -- the 12-month process for admitting it, but maybe the staffing issues have been fixed but we haven't -- so it may not fit the exceptions, the four exceptions that are listed in this bill, but it could be a decision based on a little bit of everything. Would you still have to start the process or would the

-- would kind of meeting part the exempt -- exception qualify for the whole exception?

MS. SIMON: No, it would not. If you find yourself in more difficult straights than you anticipated and, in fact, it's clear that there are other problems with the hospital and a closure is something that is identified as a -- as an option for management, then they need to undergo this process. Because when push comes to shove, whatever the reasoning is there are people who will be without healthcare, and some people may be more severely compromised by that lack of healthcare. As you know, over 40 percent of the hospitals in New York State are in danger. We need to keep our hospitals open, serving people's needs because, frankly, it's only gonna cost us and the healthcare -- the healthcare provider community a lot more if we end up closing hospitals and not dealing with the real issues about what we need to keep them open.

MR. JENSEN: And -- and -- and I -- and I agree with that and, you know, I don't know the specific number but my generalization would be of those 40 percent that are facing difficulty, it would be the difficulty over two main issues: Fiscal health and staffing availability. And so I would argue that many of the hospitals that may be in a situation where they may have to either be looking at closing or a reduction in bed capacity would not be covered by this legislation because they'd hit one of the four exceptions that are listed in it.

MS. SIMON: Well, they would be covered by this

bill because they would -- they would have to comply with the law. And so they're not maybe going to be able to -- to skate by, you know, availing themselves of an exception. But the reality is most the situations that are -- are affecting people, affecting our -- our healthcare facilities are -- are not so limited, and they're not so limited that they would qualify for an exception, right? So for example, staffing availability. One of the things we're doing as a state, and I would encourage you to support it, is that finding ways that we can improve the pipeline for educating our nurses, giving them, you know, opportunities for practicum experiences, right? That we do what we can to encourage people and develop more people in the healthcare industry, right, and better pay is one way we often keep people in the -- in the industry because you don't want people leaving healthcare because they can make more at McDonald's, right? So there's that aspect. And then the other issue is the Medicaid reimbursement rate, which is something I think we all agree needs to go up.

MR. JENSEN: Well -- and -- and I feel a little bit awkward, Ms. Simon, because I'm gonna say I agree with everything you just said but I don't want the Speaker to admonish me to talk about other legislation that I would be supportive of. But I think, you know -- and I say that, you know, as somebody who's probably gonna vote against this piece of legislation, to say that I agree with you on so much we've been talking about. But I think -- I think when we're talking about the public notification requirements that are presented in this bill, I do continue to have some concerns about the onerous nature

and the increased strain on operators and the Department of Health in effectively making this process beneficial not just to the facility, its staff, its patients, but also the surrounding community. And especially that's in light of the August 2023 DOH Dear Administrator letter that actually provided written guidance standardizing a lot of this public notification process that were line iteming out in this legislation. So with the existing Dear Administrator letter that went out in August of '23 and this legislation, is there a concern that either those -- this law and existing DOH policy could come into conflict because of different timing requirements? And I guess a secondary question is, in the B-print of this legislation are there any differences in the timing notification process and the hearing requirements that -- that are mandated?

MS. SIMON: Well, are you talking about the first bill I passed on this that we've now amended?

MR. JENSEN: No, no, I --

MS. SIMON: -- because we extend the -- the amount of times that the notification (inaudible/crosstalk).

MR. JENSEN: Yeah, no, no -- I'm -- I'm talking about from the B-print version to the bill we discussed earlier this year, I believe on April 2nd, I don't remember if that was the A-print or the original print.

MS. SIMON: That was the original.

MR. JENSEN: It was the original one? So from -- from the day after April Fool's Day 'til whatever today is, June 6th, has

there been any change in the timing of the notification process for the community or for the facility or hospital to notify DOH?

MS. SIMON: So, first of all, you know, the -- the law currently is 90 days' prior notice of the intent to the Department of Health. And one of the reasons the Department of Health sent that Dear Administrator letter is they want to know about this in advance. So the fact that there is greater notice, lengthier notice to the Department of Health means they will be much more prepared to deal with the proposed closure plan, to review it, to advise on it, and -- and we do have a process in here that part of what the entity has to do is to respond to the public comments. And so at least 150 days prior to the proposed closure, that's the closure date that they identify. The Commissioner of Health must hold a public community forum that's in person and virtually because we want to hear from everybody, and on what that anticipated closure would be. And so then the Commissioner has to make the proposed closure plan public 30 days in advance and the entity has to respond to the comments that were raised by the public, and as a result of those community forums and the PHHPC process.

MR. JENSEN: So on the response to the public concerns, does the DOH have to respond in the same way they received the comments? So if somebody wrote a letter, sent an e-mail, made a phone call, do they have to get the response back in the same manner in which it was transposed to them?

MS. SIMON: No.

MR. JENSEN: No? Okay.

MS. SIMON: And the DOH isn't -- it's the entity that's gonna be responding about what their proposed closure plan is. So if somebody calls, they have some mechanism to take that information down. Obviously, there is a -- the -- people can raise their voices either in person or online and they would be able to e-mail as well, comments. Not unlike the process we have here in the Legislature.

MR. JENSEN: Okay. I believe a provision in -- in this legislation is that the public hearing has to be held, is it within 500 feet of the unit or the hospital that's being affected by a reduction or closure?

MS. SIMON: Let me check that because I don't remember 500 feet.

MR. JENSEN: Well, whatever the -- while you check that, what -- regardless of what the -- the feet parameter is --

MS. SIMON: It needs to be close, it needs to be near the facility. It needs to be accessible to people. So, for example, I think it would be kind of very hard to operationalize 500 feet, if you know what I'm saying. But it needs to be close by because you and I both know that sometimes you can hold a meeting in a place that is inaccessible to people and kind of have fewer people show up. Robert Moses did that an awful lot at two in the morning.

MR. JENSEN: So I guess just a -- as a -- what if the facility is in a location where there's not a public gathering space

within the required distance, 500 feet, whatever the amount of feet may be, within that? Is there an exception where DOH may say, *Okay, we don't* -- you know, because if we're looking at a -- at a working hospital, you know, you still -- you know, that might not be the best place to have a public hearing. So is there some provision where if an acceptable location for a public gathering is not within that distance marker that they could find the most appropriate space as close as possible, even if it's outside that distance?

MS. SIMON: Yeah. So I would say there is no requirement within any number of feet. This is not like 500 feet for environmental impact if you're such-and-such. It's supposed to be accessible and in the vicinity. And accessible and in the vicinity can mean different things in different places. This is meant to be a law that will allow the public to engage, so we want to make sure that the public is able to engage fully and fairly and not subject to some sort of effort to reduce the amount of engagement. But we're not trying to tell people that 500 feet from their facility they have to build a building in order to have a public -- a public meeting. That's not what this is about. This is about making it easier and more accessible for the public to get the information they need to know and for the -- by the same token, for the facility to have easy access to the people that it's been serving.

MR. JENSEN: Okay. I just want to touch on the --

MS. SIMON: And that's why it's also virtual, I just want to get that in there, right?

MR. JENSEN: I just want to touch on -- of course I cannot find it in my notes -- but I want to touch on the specifics, so it's a hospital at-large, it is an emergency department, a maternity department, a substance treatment department, and then the fourth is --

MS. SIMON: Let me just double-check that. I think it's -- yeah, some sort of specialty care. So for example -- I'll just give you an example. Downstate, which you've heard a bit about, has the only Level IV NICU in the entire Borough of Brooklyn which has 2.6 million people. That's one Level IV NICU.

MR. JENSEN: Yep.

MS. SIMON: So that -- if that were -- to close that unit, you would be talking a whole different world for people in need of a Level IV NICU and having access to that. So that would be something that's a very speciality care. Sometimes kidney dialysis treatment, for example, kidney departments are very important in certain places because of the population and the level of -- of kidney disease and diabetes that they may have.

MR. JENSEN: And I think when we talk about an emergency department or a maternity ward or a NICU for that instance, I think that those are always gonna be located within the hospital grounds. But if we're talking about mental health beds or substance abuse services or bed capability, a hospital or a health system may operate in offsite locations. That still -- you know, Jensen Memorial Hospital may, off the grounds, have a substance abuse treatment area. If it's not part and wholly contained within the

hospital grounds or the hospital building, would that still trigger the public notification process if there's a closure or a reduction in service?

MS. SIMON: Yes, because -- because it's part of the facility. You know, at Simon Memorial Hospital I have several buildings, and so if you're going in for a certain treatment you're gonna go to a certain building and not another, and that's because we're a big enough institution that we have to have a couple of buildings, if not four or five. They may be down the street, but they're in -- generally in the vicinity.

MR. JENSEN: So it's any -- any part of the hospital system or the hospital that's under the same operating certificate from DOH for public health.

MS. SIMON: Yes, that would be a good way to characterize it.

MR. JENSEN: Okay. And I -- I do think there's probably something wrong with both of us that we keep on saying Jensen and Simon Memorial Hospitals and we're both --

MS. SIMON: Well, you're the one who brought it up.

MR. JENSEN: I know. I'll take the blame.

MS. SIMON: I don't want you to feel bad that it's "Memorial" but I'm happy to have it not be Memorial.

MR. JENSEN: Thank you very much, Ms. Simon. I appreciate it. I want to thank Ms. Simon.

On the bill, Mr. Speaker.

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

MR. JENSEN: Thank you, Mr. Speaker. I do -- like I said in the beginning of my remarks, I do want to thank the sponsor and stakeholders in our healthcare universe for the amendments and the conversations and changes to this legislation based on prior debates. And I think certainly some of the amendments that are contained in the B-print of this version do make the legislation better; however, I still do have concerns about the impact this could have on our healthcare delivery systems. Certainly, I believe that many of the requirements contained in this legislation are duplicative of the updated Department of Health closure plan guidance that encourages and requires greater public involvement in the closure or care reduction process. I do still have concerns that the elongated public notification and hearing process could have an adverse effect on the ability of a healthcare facility to continue to provide the important care that they're doing. Certainly, doctors, nurses, other support staff, if they know that the unit they work on or the hospital they work at will be closing in the not-so-distant future, human nature would be that they want -- they may want to go find another place of employment that won't be closing their doors. And that could provide challenges in the delivery of care while this public notification and hearing process is ongoing. And certainly, while I may have disagreements with -- with DOH throughout my tenure in -- in the Assembly, certainly I do want to believe that they are already having

robust conversations with hospitals and healthcare systems across the -- across the State on their financial well-being, their staffing availability, their ability to provide care, and what any changes to that ability or capacity would do for the important healthcare and needs of the communities that they're located in.

So while I appreciate the intent of this legislation, I do believe that the current process that is in place in the State is sufficient and with more minor evolution rather than wholesale change that we're seeing in this bill, could accomplish many of the same goals we're seeking to solve today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Those who support it should certainly vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can do so at their desks now.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I am very pleased that we're able to get this bill passed today. This bill was one that I came to the Assembly to do because I had endured and my community had endured the closure of Long Island College Hospital. Long Island College Hospital was built before the Civil War. It was the first teaching hospital in the United States. It was one of the first nursing programs in the United States. And because of fancy games at some point down the line, that hospital was bled of its finances, which were then shifted to another borough -- which I will not mention that borough, Manhattan, excuse me -- and that hospital then became endangered and the public had no notice. They had no ability to participate. We had to endure a series of complete and utter misrepresentations about who used that hospital and whether the people in the community actually used that hospital. And everything that we were told was absolutely untrue. And it had a good payer mix. It wasn't a hospital that was a safety net hospital relying only on Medicaid, for example, or substantially on that. And so we know that when an entity wants to do something, they can find a way to say that -- find a way to support their claims. And it is critical when you are in danger of losing your hospital that you are able to participate and make sure that that hospital knows what actually the community's needs are, who is actually using that hospital, how they're using that

hospital, for what services they're using that hospital, and that the entity and the Department of Health take that information into consideration. That the Department and the -- and the Department of Health and the facility give recognition and acknowledge the veracity of the experiences of the people who are served by that hospital. This bill does that. This bill says you can no longer just close a hospital and then 30 days after it closes have a community forum to tell me what it is you don't like about it closing. We will not have Long Island College Hospital closings happening in the future. We need to ensure that this bill passes and is signed by the Governor with alacrity.

Thank you very much, and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

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

The bill is passed.

Page 32, Calendar No. 98, the Clerk will read.

THE CLERK: Assembly No. A03769-A, Rules Report -- Calendar No. 98, Pheffer Amato, Colton. An act to amend the Civil Service Law, in relation to the appointment and promotion of supervisors of the Fire Alarm Dispatch Service.

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 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.

Page 9, Rules Report No. 161, the Clerk will read.

THE CLERK: Assembly No. A06173, Rules Report No. 161, Bronson, O'Donnell, Ardila, Carroll, Shrestha, Simon, González-Rojas, Gallagher, Santabarbara, Barrett, McDonald, Paulin, Weprin, Bores. An act to amend the Insurance Law, in relation to including outpatient care provided by creative arts therapists in certain insurance policies.

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

MR. BRONSON: Yes, Mr. Speaker. This bill would require commercial insurance carriers to cover and reimburse services that are provided by licensed creative art therapists.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker. Will the Dean of the Monroe County Delegation yield for some questions?

ACTING SPEAKER AUBRY: Mr. Bronson, will

you yield?

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

ACTING SPEAKER AUBRY: Sponsor yields, sir.

MR. JENSEN: Thank you very much, Mr. Bronson.

I guess my first question on this legislation relates to, go back in the DeLorean to 2022 when we passed legislation that was followed by a Chapter Amendment from the Governor to strip out coverage for creative arts therapists in coverage. What has changed from the Chapter Amendment to today?

MR. BRONSON: Today is June, 2024 and I'm not faced with a difficult decision close to midnight on the last day that the Governor has to sign the bill and -- and presented with a very difficult choice to get a chapter for some of the mental health practitioners, or wait to get it for all. So I made that decision and today here we are and we're going to right that forced decision back in 2022.

MR. JENSEN: Okay. And I can appreciate that, certainly the passage of time leads to a changing of circumstance so I can certainly understand the reconsideration with this legislation. You know, certainly in our community in Monroe County we see community health providers and mental health providers that they utilize these types of services. Why is it important that we codify this specific benefit for coverage in statute?

MR. BRONSON: So let's back up. Licensed creative art therapists are licensed through the State of New York. They are

required to have a certain amount of education, indeed, a master's degree or higher. They also, after receiving that, post-master's degree are required to have 15 hours of supervised clinical work. They are trained, educated and licensed for psychotherapy; however, they use a modality that is very beneficial for folks who may have suffered trauma, for young folks with intellectual or developmental disabilities, for people who are non-verbal either because of that disability or because of maybe a head trauma or something of that nature. They are necessary because this unique modality allows them to do the psychotherapy effectively that other well-educated, trained mental health practitioners and psychologists and the like aren't able to reach and serve certain discipline -- or certain demographics of people in that regard.

MR. JENSEN: So -- so with the use of this modality, do we often see it as a standalone modality, or do we see it as a modality that is presented and used in collaboration with other modalities?

MR. BRONSON: It could be both.

MR. JENSEN: It could be both, okay. And are there peer-reviewed studies about the effectiveness of this specific modality on either young people or other folks who may have other mental health needs at an older age?

MR. BRONSON: Certainly. I can't rattle off citations of them, but this is a evidence-based mental health service that has been proven effective. I've personally seen it in my district.

As you well know, we have Mary Cariola School that offers programs and services for children with intellectual or developmental disabilities, and one young person who came to Mary Cariola, nonverbal, unable to be speak, had been counseled in other ways, and within a very short period through licensed creative art therapy, and particular music therapy, this young person was able to obtain verbal skills.

MR. JENSEN: Okay. Do we, and certainly, you know, we've -- I've referenced it, you've referenced it, you know, we do have this being offered in our shared community all through health systems and through other community-based providers, but do we see widespread availability of the licensed and trained therapists that offer this modality, is it widespread enough to warrant mandated coverage?

MR. BRONSON: Well, we have -- within this profession we have 2,159 licensed creative art therapists throughout New York State. They make up roughly 14 percent of all of the mental health practitioners, that's a pretty significant number. And, again, because of the uniqueness of their psychotherapy, this is absolutely important. I'd also like to put on the record, you know, this isn't a new concept. There are insurance companies who already reimburse, they're just not required to, but we feel under Timothy's Law, which we passed many years ago requiring parity in the mental health field as well as the medical health field, that we need to have this requirement. But let me just say, currently Cigna had welcomed LCATs, or licensed creative art therapists, into their provider network.

That's happened for the last 17 years. Aetna, United Health Care, Carelon and Emblem and NYSHIP all reimburse, but they only reimburse for out-of-network service. So this isn't unique.

Commercial carriers clearly see the benefit of this service, and it's important for us to make sure that it doesn't depend on which insurance carrier you have, if you have a child or an adult parent who needs this type of psychotherapy with this unique modality that you are able to get it and have your insurance company reimburse.

MR. JENSEN: Okay. And I know one of the reasons for the Chapter Amendment that you're seeking to correct with this legislation was based on increased cost. Do you have concerns that mandating coverage in-network across the State could see a rise in premiums?

MR. BRONSON: Yeah. Well, actually, you need to look at the approval message which was incorrect. It based that increased cost on the idea that in some way we would be adding a service to our baseline exchange insurance carriers for -- that was required under the Affordable Care Act. And as you well know, if you add services, then the State has to pick up the additional cost. We're not adding a service. Psychotherapy is part of the baseline requirement of exchange insurance policies here in New York State. There's not an added cost because we're not adding a service. What we are adding 2,159 additional providers, additional professionals who can meet a need that's not being met right now for mental health services throughout New York State.

MR. JENSEN: Okay. Thank you very much, Mr. Bronson, for the answers to my questions, and thank you, Mr. Speaker.

MR. BRONSON: Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would the sponsor yield for I think just one question?

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you. It's my understanding that when this bill was first passed in 2021, I made a version of this bill that included creative arts therapists, the Governor signed the bill on the condition that we pass a Chapter Amendment that removed creative art therapists. And that last year that Chapter Amendment was approved unanimously. Doesn't this bill simply reverse the Chapter Amendment that this Legislature agreed to last year?

MR. BRONSON: Yes.

MR. GOODELL: Okay, thanks.

MR. BRONSON: And for good reason.

MR. GOODELL: Did the Governor give any insights on a different position, do you know?

MR. BRONSON: I haven't spoken directly to the Governor. I know that some of the professions have had conversations with the Second Floor. We believe that that was wrong to do, but as you well know in our business sometimes you have to get

what you can when you can and live to fight another day. We have lived to fight another day and I hope that all of my colleagues in this Chamber will do the right thing and -- and authorize this reimbursement from commercial insurance carriers so that our young people and older people who need this type of psychotherapy with the modality of through creative arts will have that opportunity.

MR. GOODELL: Thank you.

MR. BRONSON: Thank you.

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.)

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker. And I'd like to thank the sponsor for this bill. You know, having a daughter who has a rare spine disease that she's had many surgeries on her spine, after one of them she woke up paralyzed from the waist down when she was nine. And she was in the hospital while her new puppy was at home and the thought of not being able to walk her dog or be able to walk again, the creative arts therapist that came in and drew with her everyday and drew pictures of her dog and drew pictures of her walking her dog, whether it be in a wheelchair or whether it be, you know, her actually physically walking the dog really was something she and I looked forward to. You know, spending 45 days in the

hospital not knowing if your child is ever going to walk again and seeing a smile on their face when they were drawing pictures and helping them through that anguishing time was really very rewarding. And I didn't even know that they weren't compensated fully for that service, but I'll tell you the doctors at the hospital were great and the creative therapists were the ones that really gave her hope. And obviously she is walking, we saw her here a few months ago, but I really want to thank the sponsor. I think it's beneficial not only for children that have psychological hurdles that they have to overcome, but also for adults in nursing homes that may be suffering from Alzheimer's or Dementia to help them get through those trying times. Creative art therapists are great. So I want to again thank the sponsor. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Giglio in the affirmative, thank you.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I have no doubt that the creative art therapists can be a very, very valuable service as my colleague has mentioned and has been mentioned by the sponsor. I also appreciate the fact, as mentioned by the sponsor, that many insurance companies already cover this service. My concern is that we as a Legislature are being asked almost everyday it seems to mandate that every insurance policy include this coverage, whether or not the insured wants it. So without this bill, to the extent you want to choose your own insurance company or you want a rider, you can get

the coverage, and that's consumers choice. With this bill, there's no consumer choice, you pay for that coverage whether you want it or would ever need it. And each time we add a mandated expense, our insurance rates go up which is why the insurance rates in New York State are among the highest in the nation. Maybe at some point we ought to respect the ability and the right of an individual to decide what's in their policy and allow them to have a rider for additional coverage they want, but not force them to buy everything we think that they might conceivably want.

So I am not at all opposed to creative art therapy. I'm just opposed to us as a Legislature mandating that every policy cover it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Ari Brown.

MR. A. BROWN: Thank you, Mr. Speaker.

Although I agree with Mr. Goodell's analysis on the economic impacts, I must still commend the sponsor for this particular bill. One of my sons, Zach, is an art/music therapist and though he can't discuss the particular patients, he does speak about how he deals with older people, Dementia patients, how they come out of their shell, especially with music, and their memory is reinvigorated. When he does projects with them, how they're different people. So this modality is quite unique and really quite effective and adds a new life to people that lost so much. So I thank the sponsor for this piece of

legislation and, of course, I voted in favor.

ACTING SPEAKER AUBRY: Mr. Brown in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor for this bill. In my district, the Brooklyn Conservatory of Music provides nearly 40 percent of the licensed creative arts therapists, music therapists and it is so critical to getting through to kids, to seniors who are experiencing Dementia, people who are nonverbal and people who have language barriers which -- and there are many, many people in New York City that speak other languages and creative arts therapy, music therapy is a way in to help these people and to really completely change their lives and the lives of their families. And so I'm just honored to vote in support of this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker. I am supporting this bill and I would like to say thank you to the sponsor of this bill. Art therapy really works and I wish that our insurance companies can provide more services to cover alternative methods of health care, of medicine. So thank you again, thank you for this bill to the sponsor of it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakhov in the

affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages for the purposes of a introduction.

MS. SOLAGES: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. On behalf of Assemblywoman Lee, it is my honor to introduce the Consulate of the Republic of Korea of New York, Consulate Dong-Ik Shin and prior to his current role as Consulate, Mr. Shin served as the Ministry of Foreign Affairs of the Republic of Korea for ten years. Consulate Shin plays as an important role in helping striking the relationships between the United States and the Republic of Korea, and we are pleased that he is joining us in the capitol today, it is his first time. So with that, Mr. Speaker, if you can welcome him and provide him with the cordialities of the House, I would really appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Solages, Ms. Lee, the Speaker and all the members, Consul, we welcome you here to the New York State Assembly, extend to you the privileges of the floor, appreciate the great relationship that our country has with yours and hope that that relation continues on into the future and that you have enjoyed your time here with us in Albany. Thank you so very much.

(Applause)

Page 13, Rules Report No. 261, the Clerk will read.

THE CLERK: Assembly No. A09018, Rules Report No. 261, Bronson, González-Rojas, Gallagher, Santabarbara, Davila, Simon, McDonald, Paulin, Shrestha, Lucas. An act to amend the Social Services Law, in relation to authorizing licensed creative arts therapists to bill Medicaid directly for their services.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect --

ACTING SPEAKER AUBRY: One minute. Shall we have an explanation, or just --

MR. JENSEN: Nope.

ACTING SPEAKER AUBRY: No need?

MR. JENSEN: Just dive in feet first.

ACTING SPEAKER AUBRY: Mr. Jensen, why do you rise, sir?

MR. JENSEN: Mr. Speaker, I rise to ask the -- my good friend from Monroe County to yield for a couple simple questions.

ACTING SPEAKER AUBRY: Mr. Bronson, will you accept a couple of simple questions?

(Laughter)

MR. BRONSON: Oh, Mr. Speaker, reluctantly I will accept a few questions.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Bronson yields.

MR. JENSEN: Thank you, Mr. Bronson, and I

appreciate -- we haven't talked a lot lately, so I appreciate the entire Body being able to be a part of our conversation, so it's very kind. And I don't want to gild the lily from our previous debate for a very similar piece of legislation this time mandating Medicaid coverage for creative arts therapists. Is there a concern that this could be an expansion on Medicaid that may not be feasible in the long-term?

MR. BRONSON: No. Let me share the context of what's happening today. The context is if a licensed creative art therapist is working within a community-based organization or a school similar to Mary Cariola in my district, then that provider can bill Medicaid and receive Medicaid reimbursement for the services that are directly provided by the licensed creative art therapist. What this bill says is that if that family needs additional services from this profession, that there is a provider who's not connected -- or a professional who's not connected to one of those providers, they would be able to bill Medicaid directly. So the services are already being provided, the question is that it's paid under one context of the venue it's being provided, but not in the other. And so -- so that's what this bill will do.

MR. JENSEN: Is -- is there any concern or anything that will limit if this modality is being done in collaboration with additional modalities that they could both be reimbursed under Medicaid, or they have to pick?

MR. BRONSON: This bill doesn't address that. What -- what is available right now is whether you're a psychologist, a

mental health counselor, a marriage and family therapist, all of them have codes related to psychotherapy and, you know, and the amount of time that they provide the service of psychotherapy. A licensed creative art therapist would use those identical codes and -- and -- and bill directly for reimbursement to Medicaid.

MR. JENSEN: So if there's multiple modalities being used to provide care or treatment, that they could be paid out, they could be -- all providers could be paid under the same -- in theory, in theory.

MR. BRONSON: Let me answer the question this way.

MR. JENSEN: Yeah.

MR. BRONSON: If that's the scenario today --

MR. JENSEN: Yeah.

MR. BRONSON: -- this bill is not going to change that scenario at all.

MR. JENSEN: Okay. And is there already a set reimbursement rate for creative arts therapists under Medicaid or would that have to be something that is determined by DOH and the State Medicaid Office?

MR. BRONSON: The -- the -- what is set is for psychotherapy. There isn't a difference, as I understand it, a difference between whether it's a mental health counselor or a licensed creative art therapist that's doing the psychotherapy. It's based on psychotherapy for a 30-minute period, a 45-minute period, an hour

period and you use different codes based on the amount of time the therapy's given.

MR. JENSEN: So if, you know, if we imagine this as a bucket of fish, all the different treatments could be different types of fish, but they're all being billed as a bucket of fish, whether it's trout, a bass, a catfish, a rainbow-something, it would all be -- it's all the same because it's in that same bucket.

MR. BRONSON: Well, with all due respect to your analogy, I will say that psychologists and licensed -- and mental health practitioners licensed under Article 163 of the Education Law, it doesn't matter which discipline it is, their code is going to be the same for providing psychotherapy.

MR. JENSEN: Thank you very much, Mr. Bronson.
Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

Ms. -- Ms. Solages.

(Pause)

MS. SOLAGES: Thank you for your patience, colleagues. We're going to continue our work for the day. We're going to start our list here and so we're going to begin with Rules Report No. 119 by Ms. Rosenthal; then onto Rules Report No. 332 by Mr. Sayegh; then we're going to go to Rules Report No. 338 by Ms. Tapia; and then Rules Report No. 459 by Mr. Otis. And then we'll continue from there to Rules Report No. 310 by Ms. Septimo and then Rules Report No. 369 by Mr. Bores and then we're going to end off there with Rules Report No. 445 by Mr. Cunningham.

ACTING SPEAKER AUBRY: Page 8, Rules Report No. 119, the Clerk will read.

THE CLERK: Assembly No. A09764, Rules Report No. 119, L. Rosenthal, Ramos, Sillitti. An act to amend the Public Health Law, in relation to prohibiting pharmacy benefit managers from penalizing pharmacies for providing customers certain information relating to the costs of prescription medications.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced and Ms. Rosenthal, an explanation has been requested.

MS. ROSENTHAL: Thank you, Mr. Speaker. Current law prohibits a pharmacy benefit manager from prohibiting or penalizing a pharmacist from disclosing info regarding cost of the prescription medication to the individual purchasing the medication, but this bill attempts to plug a loophole by prohibiting PBMs contracts

provisions that prevent pharmacies from telling New Yorkers the cost of a prescription drug.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the sponsor yield as the latest member to participate in Jensen-hour here at the New York State Assembly?

ACTING SPEAKER AUBRY: Ms. Rosenthal?

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Yes, Ms. Rosenthal will yield, sir.

MR. JENSEN: Thank you very much, Ms. Rosenthal, I appreciate it. You mentioned that there already are prohibitions on statements. Doesn't State law already have multiple pieces of legislation that not only prohibit gag clauses that would forbid a pharmacist providing information to health plan members about prices of drugs, as well as laws from 2018 that specifically prohibit a PBM from prohibiting or penalizing a pharmacist from disclosing drug prices?

MS. ROSENTHAL: Well, this -- this bill adds services to that law, and it also clarifies that the pharmacist can tell the customer what they receive from the PBMs in addition to how much the medication costs to the purchaser.

MR. JENSEN: So -- I'm sorry. So even though State law already says that there can be no retaliatory action or prohibition by a PBM or -- for punishing a pharmacist for sharing drug prices, I

guess I'm still unclear on how this legislation is needed when we already prohibit gag clauses, because this would essentially say you can't have a gag clause, even though gag clauses are already prohibited.

MS. ROSENTHAL: Yes, New York has protections in the law against gag clauses; however, there have been many reports of PBMs saying that --

MR. JENSEN: I'm sorry, what was that?

MS. ROSENTHAL: There have been reports of PBMs not respecting that law, and this bill also gives pharmacies and pharmacists additional protection so they can discuss the full cost of a service or prescription medication both what the PBM reimburses them for and how much it costs to the consumer.

MR. JENSEN: Well, if -- if PBMs -- to your point, if PBMs are already not respecting the laws of New York State that are already codified, rather than a more expansive bill that reiterates that law, wouldn't it be a law that increases the enforcement mechanism to ensure that PBMs are following the law? I guess, why are we trying to clarify when enforcement should be apparently the issue?

MS. ROSENTHAL: Well, if you want to introduce such a bill, please do.

MR. JENSEN: Well, I don't really think that's an answer. That's more of a snarky comment to me --

MS. ROSENTHAL: Well, that's my answer.

MR. JENSEN: -- but I appreciate it. I guess, why

did you choose --

MS. ROSENTHAL: Despite -- despite the law, PBMs are trying to prevent pharmacists from telling New Yorkers about the true cost to them, and sometimes --

MR. JENSEN: To them, the PBM or to them, the consumer?

MS. ROSENTHAL: To them, the pharmacist, because the pharmacist contracts through the PBM and oftentimes, the pharmacist does not get reimbursed the full cost of the drug. So for example, I spoke to a pharmacist who is getting a lot of requests for Ozempic. It costs them \$85 every time they dispense it because they do not get reimbursed properly from the PBM. So this is a way to have more transparency for the patient, or the person purchasing the medication. And it may be scarce in some areas, and the reason could be because they are not getting proper reimbursement.

MR. JENSEN: Okay. So if we have a situation where you have pharmacists telling patients about the reimbursement rates of drugs, how would that -- isn't that already complying with the law that says -- that's already happening, that's allowed under the law, they can communicate that. So are PBMs punishing those pharmacists who are having a conversation in -- while they're having lawful conversations?

MS. ROSENTHAL: I mean, right now the pharmacist can discuss the cost to the client. They cannot discuss what PBMs charge or reimbursement for. I mean their -- this bill is

really to clarify exactly what they can do.

MR. JENSEN: So Federal law, though, already -- Federal requirements for Medicare and private insurance already prohibits plans from penalizing a pharmacy or a pharmacist for informing a patient about the difference between a patient's out-of-pocket cost for a drug obtained on insurance, and a patient's out-of-pocket cost for a drug obtained off insurance. It's my reading and my understanding of that that the circumstance that you're directly talking about is already a protected speech between a pharmacist and a patient -- or a consumer under Federal law. So we have protections under State law that are already in place. We have protections under Federal law that are in place, and I guess if you're concerned that PBMs aren't following the law as currently written, and they're not following the Federal law, why the hell would they follow this law?

MS. ROSENTHAL: Well, as I said earlier, there is a need for a clarification.

MR. JENSEN: So how are we -- are we going to send all the PBMs a letter to be like really follow the law this time?

MS. ROSENTHAL: Well, the PBMs will see when this is signed into law that there are more protections for the pharmacists.

MR. JENSEN: So are there any -- are there any additional enforcement mechanisms for either DOH or DFS to penalize or cite or punish bad actors in this field who do not follow multiple State laws, this law or Federal law?

MS. ROSENTHAL: You know, hopefully this -- this bill, when the bill become law will change some of the contract terms between the PBMs and the pharmacists. As you know, some large chain has their own PBM, but for the small and independent community pharmacist, life is -- it's a struggle. And often they provide the drug despite the fact that they are losing money on it. But it should be a free speech for them to say, it cost me \$50 and you -- and I'm only going to get 30, but I'm going to stock it for you, or the reason that I cannot stock it is because I am losing money on every transaction.

MR. JENSEN: So I have tremendous respect for pharmacists, all pharmacists, but why do we have a concern that PBMs are entering into contracts with pharmacists that are in violation of State and Federal law? To your comment that this will change the nature of contract law in New York and certainly I think some country lawyers in this Chamber may have a better understanding of contract law than I, I -- I think it's highly unlikely we have anybody purposely entering into illegal contracts in regulated entities that's overseen by the Federal Government and New York State government. I'm not a lawyer but that would boggle my mind. And to your point about this discussion, I don't think there should be a gag order, but is it really the most thing appropriate thing for a pharmacist to try to tell information to a patient or a consumer that may be nefarious in trying to get them to say, wow, you know, if you change your insurance plan, maybe I could cover this drug in a better way. Is that even -- is that even

appropriate?

MS. ROSENTHAL: Well, I think we allow that in --

MR. JENSEN: We have pharmacists recommending to consumers that they should change their insurance plan for the betterment of the pharmacist?

MS. ROSENTHAL: No, that is not addressed in this bill; however --

MR. JENSEN: But you just said that, though.

MS. ROSENTHAL: No, what --

ACTING SPEAKER AUBRY: Mr. Jensen, tisk tisk tisk.

MR. JENSEN: I'm sorry, Mr. Speaker.

ACTING SPEAKER AUBRY: Let her answer the question.

MR. JENSEN: I'm sorry, I apologize.

ACTING SPEAKER AUBRY: And remember, we're not on the corner. You'll remember later.

MS. ROSENTHAL: What we allowed some years ago is for the pharmacist to say if you don't go through insurance to purchase this medication and pay for it out-of-pocket, it will be cheaper for you.

MR. JENSEN: Yes.

MS. ROSENTHAL: And that's -- that's what we allowed. However, and I've heard reports from many different pharmacists, that despite all the protections we give them in law, it's

not enough. So this is meant to clarify.

MR. JENSEN: So -- and I can understand that and I respect the need to clarify that people are following the law; however, to your point, if we already have bad actors in the field who are either entering into illegal contracts with pharmacists or actively encouraging pharmacists to break the law, both State and Federal law, I don't understand how this piece of legislation will stop that from happening. And when we already have robust prohibition upon gag orders, I -- I struggle to see how this isn't duplicative of multiple existing laws and DFS recommendations that have already reminded PBMs that they cannot actively encourage or require a prohibition on pharmacists from discussing the true price of the drugs, both out-of-pocket and under covered care. And so I'm still having difficulty understanding why this legislation is needed in the first place.

MS. ROSENTHAL: Okay. Well, in 2024 the Community Oncology Alliance found PBMs routinely reimbursed pharmacies below the cost of doing business which endangers their ability to stay in business. This is to help the small, independent pharmacist and greater transparency measures help for the consumer to understand why -- why the stock may not be available in a local pharmacy, and it protects pharmacies from penalties that PBMs impose for discussing prescription drug costs to the pharmacy and their reimbursement rates.

MR. JENSEN: Okay. I -- I don't see where this

legislation would address that circumstance because your legislation just says they're allowed to talk about prices. Nothing in there that says that PBM pricing determinations would be -- I --

MS. ROSENTHAL: Well, this is --

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

ACTING SPEAKER AUBRY: Certainly. Mr. Jensen on the bill.

MR. JENSEN: Thank you, Mr. Speaker, and I appreciate Ms. Rosenthal's answers to my questions. Certainly I don't believe that providers in health care, whether they're doctors, physician assistants, anyone, pharmacists included, should be gagged from discussing the health care needs of New Yorkers. However, New York State and the Federal Government already have robust protections to ensure that those conversations can happen and that pharmacy benefit managers cannot place a gag order on contracted pharmacists prohibiting them from discussing the true cost of the drugs that are prescribed. If this legislation was talking about enforcement for bad actors in the field who are already violating State and Federal law, then I think this is something that would be worthwhile for this Body to take up; however, putting in another bill -- putting in another law that does the exact same thing of the existing law and DFS guidance doesn't seem to address the problem the sponsor is saying is so widespread across New York State, hence is what gives me concern is that we're only putting on duplicative legislation over something that previous legislatures have already put

into chapter. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. So I'd like to provide a little bit of clarification, and I want to thank the sponsor for introducing this bill. She's really trying to address a narrow issue that's out there that pharmacies whether it's a small independent pharmacy, whether it's the oncology pharmacy, whether it's your local chain pharmacy you're dealing with every day in and day out, let me give you an example. I think everyone's heard of the drug Ozempic or Wegovy, right? Everyone's losing weight. Those items for about round numbers cost \$1,000 for a month supply. If Josh -- I don't want to pick on Josh, I'm going to pick on the thin guy, Mr. Goodell --

(Laughter)

-- walked into my pharmacy and presented a prescription I would say, jeez, Mr. Goodell, I just want you to know I'm sorry, I can't fill your prescription because I'm buying it the least expensive possible just like the neighboring chain, but the PBM is reimbursing me \$40 or \$50 below my actual true cost, which leads to Mr. Jensen's comment about boggles my mind, why would this be going on? It goes on each and every day. Pharmacies contract, whether it's an independent or chain, through a PSAO. That PSAO is presented with a leave it or take it agreement with three or four of the largest PMBs in the country that control 80 percent of your marketplace. Now, to be clear, I work with the PBMs. They provide

a critical service; however, at the same token, what used to start as a service 25, 30 years ago processing claims has now turned into a multi-billion dollar industry of rebates being negotiated with the pharmaceutical companies outside of the lightness of day. There are billions of dollars of rebates going on back and forth and at the same token the pharmacy, whether it's the Rite Aid, the Walgreen, the corner pharmacy are stuck with a contract where on every single brand name drug, they're getting reimbursed 3 to 5 percent below their true cost of drugs.

Why should we be concerned? We should be concerned for a couple of different reasons. Right now, I couldn't tell Andy that information. I can have my contract pulled and that community pharmacy, once again, those PBMs, Caremark particularly, 75, 80 percent of the market in that community, your community pharmacy will be out of business in a heartbeat and there will be a lack of services. There would not be an alternative for them to go to because particularly in rural areas and urban areas, the chain pharmacies are leaving because it's so difficult. We need greater transparency in the whole process, that's a bill for a different day, but at the same token, pharmacists should not be fearful of explaining to their patient why they're not going to be able to continue to fill the prescription in the future. If anybody -- I think any logical person knows if you're losing \$30 to \$40 a month just on one prescription, you're not going to be in business much longer. And we're not talking about making zealous profits, we're talking about sustainability.

There needs to be a new model and, quite honestly, with the way this industry is going, pharmacy needs to be pulled out of the middle of the war between these major industries of pharma and the PBM industry. We need to find a different solution. We need to find a way that they can be sustainable, because many of my colleagues come up to me on a regular basis, they are extremely supportive of the pharmacy community. If you're supportive of the pharmacy community, this is a bill you really have to consider supporting because it speaks truth to power, it speaks to transparency, it speaks to the fact that there are some real challenges. And if you want to have health care in your community, want to have a pharmacy in the community, you need to keep this in mind. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you so much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLUMENCRANZ: I'd also like to thank the sponsor for introducing this piece of legislation. It is becoming a very serious situation for our small pharmacies. This is something that probably every single one of us can experience by walking into a pharmacy and simply asking the pharmacist how's business? They will talk to you about what the situation with PBMs is doing to their business model. Pharmacies used to be a fantastic small business that someone could raise a family with, and every single day they're being

undercut by an unfortunate reality which is the vertical integration of the PBMs and the health insurance companies, and we need to rectify it. This bill does not rectify it, but it provides those pharmacists with the ability to at least tell lifelong customers, like myself, I have to fire you as a customer even though you want to support me, if I do business with you, I will lose, I will have to go out of business. So I thank the sponsor. This Small Business Saturday if you support this bill, go to your pharmacist, take a picture with them, tell them you did this, I'm sure they will kiss you on both cheeks. Trust me, this is a good piece of legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Rosenthal.

MS. ROSENTHAL: To explain -- no, on the bill. I'd like to thank my colleagues, especially the pharmacist in the House, and someone who supports pharmacists to elucidate why this is an important bill. And you know, I've spoken with many pharmacists who say I've been helping this patient for 50 years, but I can't anymore because I can't afford the lease, I can't afford to be underpaid by the PBMs, I am losing money just by having my doors open. Explaining that to the customer, explaining that what it costs them to provide the prescription is something PBMs don't want them to do. And so this bill clarifies that they are allowed to do that. PBMs don't want people to hear the truth, but they will under this law. The pharmacists will be protected when they explain the dire situation they are in. Tackling the PBMs is a project that those who are interested in protecting

pharmacists need to tackle, and I'm hopeful that those who are interested here and on the Federal level will do so. In the interim, we have this measure just to provide a little bit of security and transparency to all involved in giving out prescriptions and taking medication. Thank you.

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.

Page 15, Rules Report No. 332, the Clerk will read.

THE CLERK: Senate No. S02659-B, Rules Report No. 332, Senator Comrie (Sayegh--A08872A). An act to amend the General Business Law, in relation to notification of a data breach.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Under current law if there's a security breach, the person or business that experiences that security breach is required under current law to notify customers, quote, in the most expedient time possible, and without unreasonable delay. That's

the current standard. This bill amends it by saying, but in any event within 30 days. And the concern that's been raised by individuals in the industry is that the current standard which is somewhat flexible, is a much more appropriate standard out in the field. And as one group of experts said, notification should occur once after incomplete information is available and should be publicly reported only after all forensic information has been collected to identify the perpetrator. That's why the current language says in the most expedient time possible and without unreasonable delay. And that captures the need for expediency while not establishing an arbitrary set time period that may not be appropriate in some circumstances.

So I think all of us at one time or another have received a notification of a data breach and the steps are being taken to address that, but I also think we ought to be sensitive to the fact that a fixed deadline may not be appropriate because our first objective is to make sure we understand the breach and do the forensics necessary, hopefully to catch the perpetrator. So for that reason, I appreciate my colleague's desire to have a fixed timeline, but I think the current standard is probably more appropriate. 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.

(The Clerk recorded the vote.)

Mr. Sayegh to explain his vote.

MR. SAYEGH: Thank you very much, Mr. Speaker, to explain the vote. This piece of legislation involving data breach truly impacts all of us and we all know many in business and private life dealing with banking institutions, dealing with financial institutions, those of us over the years that had our banking accounts and other accounts compromised because of fraud, because of fabricated checks, because of other situations that -- that really harmed our credit. And although the present legislation does state within a timely fashion, we need these institutions to know there's a time frame. Why is a time frame necessary? Because common sense, the longer you don't take action and the longer you don't give notice, notification to a person that their accounts have been compromised, or their data has been breached, the longer the potential problems go on. So I looked at the legislation, the initial had 15 days and we know there was some opposition to the 15 days we amended to 30 days. So my belief is if an organization or an institution can't give notice within 30 days, then I believe that's unreasonable. And you as a consumer need to know as soon as possible to protect your identity and your data. I really think it's just, it's proper, and it's timely in that you as a consumer will be given notice as soon as applicable. If there's an investigation the legislation allows for exemptions for law enforcement. So when I'm told, well, somebody wants the cyber security people to investigate, they should have an investigation within 30 days. And they should be able if it's serious enough, if it's a foreign entity that has sabotaged their accounts or data, then they

should be collaborating with either local, State, or Federal law enforcement agencies. So this is a win-win for consumers, it's reasonable, and it's practical. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. I would like to call for an immediate Majority Conference in the Speaker's Conference Room, and we will stand at ease until the conclusion of that conference.

ACTING SPEAKER AUBRY: The Assembly stands at ease, Majority Conference, Speaker's Conference Room.

(Whereupon, at 3:54 p.m., the House stood at ease.)

* * * * *

ACTING SPEAKER AUBRY: The House will come to order.

Page 15, Rules Report No. 338, the Clerk will read.

THE CLERK: Senate No. S04450-B, Rules Report No. 338, Senator May (Tapia, Stirpe, Hevesi, Epstein, Raga, Maher, Burgos, Septimo, Shrestha, Simon --A8998B). An act to amend the Education Law, in relation to enacting the "schools impacted by Gross Highways (SIGH) Act.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This is a variation of a bill that was vetoed by the Governor a couple years ago and what it does is it prohibits the building of new schoolhouses within 500 feet of a controlled access highway. And when this was last considered there were 27 votes against it, and the reason there were a lot of votes against it is because it takes away the authority of a school board across the entire State of New York to locate the school in a spot that they consider to be the most practical and appropriate for their school. And the rationale for the original bill and the subsequent bill was that a school shouldn't be located within 500 feet of a limited access highway because of potential pollution. Well, I would invite all of you, after I'm retired, to come and visit my county. We have a couple of limited use highways that have less traffic than most of your secondary roads, and so if you're in my county and you want to build a schoolhouse to the west of one of those roads, very low traffic, virtually no pollution because you're building on the windward side, and this bill would say we don't care what the traffic volume is in your community. We don't care what the wind direction is in your community. We don't care that your school board was elected from all your local residents and none of us were, we're telling you where you can and cannot build a schoolhouse. Let's respect the fact that we

have local school board members elected by their residents who are in a much better position than we are to evaluate the best location for a school. And let's not implement Statewide mandates without any consideration of the unique circumstances and each school district. And for that reason I will oppose it as I have in the past and would recommend my colleagues do the same. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who wish to support 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 Democratic Conference is going to be in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so at their seats. Thank you.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Tapia to explain her vote.

MS. TAPIA: Thank you, Mr. Speaker. This bill seeks to protect the health, economic success and economic prospects of New York students by prohibiting the construction of many schools with 500 feet of familiar highways. The SIGH Act, the School Impacted by Gross Highway (SIGH) Act, represents a pivotal step towards dismantling the structure of environmental issues that we have plague [sic] in our communities for too long. So this is the reason why this bill is important. We understand that the Governor veto [sic] in 2022, but I mean there are many other changes and amendments that are going to be done to the bill that is going to make the Governor pass that bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Tapia in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 22, Rules Report No. 459, the Clerk will read.

THE CLERK: Assembly No. A09430-B, Rules Report No. 459, Otis, Santabarbara, Reyes, Hevesi, L. Rosenthal, Slater. An act to amend the State Technology Law, in relation to automated decision-making by state agencies.

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

An explanation is requested, Mr. Otis.

MR. OTIS: Thank you. This is an important piece of legislation in our fast changing world of technology. We're all aware of automated decision-making and artificial intelligence and that's a -- a good thing and that's certainly where the world is going. But, what is important for governmental entities, the State, the Federal Government, or while this bill does not affect private sector, I would say for companies that are using artificial intelligence and automated decision-making the importance of maintaining guide rails and controls and transparency and understanding of what these kinds of systems do and keeping human beings involved in the decision-making. So what this bill does, this is legislation to create oversight of automated decision-making in State government and very simply it sets up a -- a system by which number one, we're not looking at all automated decision-making, we're focusing on high-stakes decision-making that relates to things that would actually make a difference.

Mr. Speaker, could we have some quiet in the Chamber? There's...

ACTING SPEAKER AUBRY: Certainly, Mr. Otis. Mr. Otis is asking for a little quiet. Sir? Hello? Mr. Jacobson, I'm sorry to call you out. Thank you. Gentlemen in the back, same thing. Proceed.

MR. OTIS: Thank you, Mr. Speaker. This is, you know, this technology stuff is dense so we need quiet so people can hear the discussion, thank you.

So unlike some ways that you could deal with oversight of automated decision-making where you're going to try and cover everything, this is really focused on things that affect public benefits for individuals, other things that would have a material impact on the rights and civil liberties and safety of individuals or affects statutory constitutional rights of individuals. So we're sort of narrowing it to those kinds of activities, and what we're asking State agencies to do is to submit to the Legislature an assessment of the automated decision-making tools that they are using in a way where we would be able to take a look at that where the assessment materials would be posted on State agency websites and we would have some openness and transparency. One of the key elements of the bill is the expectation that -- that humans are going to be involved in governmental decision-making, that there is a requirement for a meaningful human review even when you're using AI or automated decision-making so there's a structure for that in the bill. We would be one of the first states in the country to enact a framework or a format like this. There are other states that are moving in the same direction and it's an important step in a sense if you read in the literature for the concerns about bias, concerns about discrimination, concerns about automated decision-making leading to bad outcomes and bad decisions, you need to keep human beings involved in the oversight and management of these -- of these tools. I can also assure you that no automated decision-making was used in my preparation for discussion of the bill tonight. So with that, I also say that in terms

of concerns related to issues that might raise cybersecurity risks or law enforcement risks in terms of tools that they use, there is very specifically in the bill language that would allow that information to be redacted with an explanation from the government agency involved to make sure that we're not putting at risk other security issues or people's information in a way that would be a problem. So certainly happy to take any questions. That's the broad overview of the bill and appreciate a discussion.

ACTING SPEAKER AUBRY: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

Will the sponsor yield for a few questions?

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

MR. OTIS: Certainly.

ACTING SPEAKER AUBRY: Try not to look at each other, look at each other, we won't hear you. Look at your mics.

MR. BLUMENCRANZ: Thank you. So you open up a lot of really interesting points with the legislative intent behind this bill and I think it's a laudable intent here, but could you just go over a few of the, as you said, more dense points in the bill? Talk about the automated decision-making system as used and defined here. I know that you have a pretty thorough definition. You even include that any artificial intelligence or a combination thereof to automate or support these programs delivering benefits. Support is an interesting word here because we use algorithms, we use different

softwares virtually all over these programs in today's modern age and we continue to try and update these programs. So how are supportive non-decision-making softwares -- how are they harmful, the usage of them or at the very least, why is it so important that any -- essentially any update we make to these programs using technology, how will that -- how will that interact with these -- with these organizations as they continue to implement?

Sorry, to clear up my question. What was -- what was the reason behind using supportive technology? Not decision-making technology, you include any software supportive in the decision-making.

MR. OTIS: So let's talk about the definition language in the bill and I would say that we have definitions for automated decision-making, we have definitions for meaningful human review and other definitions here. We looked around the country at other -- other efforts to draft legislation and -- and in this area and develop these definitions based upon what's currently out there in the literature and what we thought was sort of the best mix of words. I would say in this whole field, a lot of it is unnecessarily dense in the field but we tried to do something that was understandable and consistent with especially some of the discussions in the State of California, Washington State. I would also say that as it relates to language and bills that come into these technology issues, it's fast moving and I would expect we're going to continue over time to update the language based upon commentary academic writings. And so the

language there is based upon firm work in other states --

MR. BLUMENCRANZ: Just to follow up, though, because you did say this is first in the nation and you do use some first in the nation definitions. I just am curious the inclusion of -- within the definition literally conclusions, recommendations, assumptions, projections and predictions as defining terms within what these technologies -- if they do those things then they count as software that needs to be applied within the law to go through this lengthy process.

MR. OTIS: You know, I think that this is simplified by the next clause, which is things that are not included. So sort of routine things that are -- are -- I'll read from the section, automated decision-making does not include any software used primarily for basic computerized processes such as calculators, spellcheck tools --

MR. BLUMENCRANZ: So I'm just -- sorry. I'm --

MR. OTIS: -- but -- but you're not going to interrupt me so. So -- the point I'm making is calculators, spellcheck tools, autocorrect function, spreadsheets, I won't read on. But things that are sort of like too routine to care about are excluded. Things that could make a difference in people's lives and are going to be automated in a way we want to make sure that we have some oversight over that --

MR. BLUMENCRANZ: But some --

MR. OTIS: -- some -- some folks taking a look to make sure that the tools that are required in the future have some oversight to make sure that we're -- we're not taking steps that are going hurt people. That's the goal of this legislation.

MR. BLUMENCRANZ: Understood. Are chatbox included? If someone wants to implement a chatbox to help someone --

MR. OTIS: I would say yes, under the definition.

MR. BLUMENCRANZ: -- it would be included. Would factors helping someone with an application, say you're missing a piece of information. Sometimes this takes months for someone looking for benefits in New York State. We're going to then add to that timeline by making sure it goes through a lengthy review process?

MR. OTIS: This is for the government's use of this technology for what they do. It doesn't relate to what an individual is doing from the outside.

MR. BLUMENCRANZ: Well, that individual is applying for services through online platform like myBenefits used by temporary and disability assistance, ODTA. You go through an online platform, you provide a bunch of information, an algorithm, a software is used by that platform to determine a lot faster than a human being can, you're missing these documents. If it goes through human review there are thousands of people looking for benefits in New York State. It is a long and lengthy process. Any time they want to make improvements to the system they'll have to undergo the review that you ask them to undergo?

MR. OTIS: No, no, no, no, not -- that's not correct. So what this -- what the bill requires is that when they buy a system,

we're going to -- we're going to have some transparency about that generic system. It's not -- it's not, they're not doing -- they're not -- there's not a legislative oversight of every transaction --

MR. BLUMENCRANZ: Just to clarify when you say it comes to purchase. There is no internal information technology within any of these agencies that provide services or the City which is covered under this?

MR. OTIS: The City is not covered under this.

MR. BLUMENCRANZ: It is.

MR. OTIS: This is -- the definition is it's State agencies.

MR. BLUMENCRANZ: And agencies that deal with State agencies including HRA which is the City services platform which provides all City services so they would be encompassed by this piece of legislation.

MR. OTIS: So I guess -- I'm not sure I understand your question. Maybe I need a chatbox to do that but --

MR. BLUMENCRANZ: Yeah. Well, after a long review with a technology emphasis and a review by the State, then yes, you can have one.

MR. OTIS: Here's -- here's -- here's -- here's -- here's the simple answer. To perform and speed up functions that you're describing let's say for the Social Services applicant, the fact that they're using this technology is going to speed thing up -- speed things up and that's a good thing. The fact that we want to make sure that

there's a human in the mix generically as they're using this kind of system to make sure that the system is not discriminating against somebody, that it's not basically we're just cast off the system and no one's paying attention on the human side. We want to make sure there's a human involved. We're not saying they can't use the system. We're basically saying in this bill, keep a human involved, make sure that the Legislature and the public has some transparency, what kinds of systems they're going to be purchasing.

MR. BLUMENCRANZ: And that's why --

MR. OTIS: These systems are going to be evolving over time, and so there's going to be new systems coming up. And so hopefully we will have, in the Legislature, some staff with the technical expertise as we get an assessment to be able to take a look and say oh, that sounds good. We don't have approval over it but if we saw a red flag, we would certainly be able to raise issues with the State agency.

MR. BLUMENCRANZ: I think you made a valid point there. Hopefully we'll have someone who understands artificial intelligence, ethics, someone within the SNAP benefits program if they want to implement something. Someone within - whether it be the Home Energy Assistance Program, Low-Income Household Water Assistance Program, the Energy Rental Assistant Program, the Landlord Rental Assistance Program. These programs are facing historic wait times, they're facing historic backlogs, they need to innovate and now we need to pray that these underwork -- overworked

and underpaid individuals who are working so hard to provide these benefits will now have to become those ethicists, provide these reports if they ever God forbid want to make the system better for New Yorkers?

MR. OTIS: Well, are you suggesting that they -- that we hand it off to a machine without any human oversight --

MR. BLUMENCRANZ: Absolutely not.

MR. OTIS: -- that raises the risks of discrimination, unfair outcomes in terms of these decisions -- (inaudible/cross-talk)

MR. BLUMENCRANZ: This bill does not just talk about decision-making technologies. It encompass support of technologies. That means if you want to streamline this process so individuals are not just dealing with basic tasks that a generative AI or other AI system can use to help a system along with the information gathering process. Whether they have benefits or not, if they have to follow up on whether or not they need information request is not the end all be all as to the decision made on whether or not that person receives benefits. The reality is this encompasses support of technologies, my question is why? Why include what are essential support of technologies that we'll need to innovate and make sure - especially our City members - are not continued to be hindered by slow moving government here in New York. We're just making it slower because these -- well, to answer -- to ask a more realistic question, how are we not going to make it slower because we're not providing funding for these agencies so that they have the ethicists

they'll need to write the extensive reports they'll need and we do not have those here in the Legislature so how is this going to work in practice?

MR. OTIS: I actually don't know that we're even arguing over anything. This is very simply a matter of making sure that the technologies that are used by our agencies have transparency, oversight and human interaction as they do. Very simple proposition that every person in this House should vote for. The danger around the country and the danger around the world is to unleash these technologies with no oversight at all and so you read people from all sorts of academic perspectives as it relates to AI, they all agree that untethered AI would not be a good thing for humanity, for individuals receiving services, and basically to make sure that we have consistency, quality control, that we don't have discrimination as government services are needed out or decisions are made about people's rights.

MR. BLUMENCRANZ: Well, these -- well, these --

MR. OTIS: So that's -- so that's all -- let me -- if I'd be allowed to finish. So that's all that this bill really does is set up that kind of structure. It certainly is not going to slow anything up. It is going to make sure that we have the advantages that technology can provide but doing so in a way where we're making sure we have decision-making that it's -- it's -- the human values of consistency, fairness, nondiscrimination are -- are protected while we have some efficiencies in terms of helping people --

MR. BLUMENCRANZ: So it's not --

MR. OTIS: -- to do their work.

MR. BLUMENCRANZ: So it's not your belief that you -- your reports especially in the newest iteration of this piece of legislation includes the impact assessments to require summaries of the underlying algorithms used and the design and training data used to develop the automated decision-making system. Could you not be entering a space where now if I'm looking at an RFP to work with one of our valuable and vulnerable supportive systems here in New York State, I would back off from -- from answering that RFD and wanting to do business in New York because now I have to release proprietary data on my algorithm?

MR. OTIS: I don't accept that as a necessary assumption in that --

MR. BLUMENCRANZ: Why not?

MR. OTIS: -- that section.

MR. BLUMENCRANZ: If that's what you're saying in plain English that they have to release the extensive amounts of underlying algorithms used...

MR. OTIS: We will disagree on the conclusion that you're drawing.

MR. BLUMENCRANZ: Well, I believe industry seems to be fairly confused by the point as to whether or not they're going to have to release proprietary data based on these reports. Are the reports publicly available?

MR. OTIS: The -- the --

MR. BLUMENCRANZ: Will they be after --

MR. OTIS: -- the assessment.

MR. BLUMENCRANZ: -- the assessment?

MR. OTIS: The assessments -- the assessments which is a condensed version of all this, but we can disagree on that point. We can move on.

MR. BLUMENCRANZ: So we disagree that the report will have to include - to use the exact words of the bill - underlying algorithms to be released in summary.

MR. OTIS: You can finish your point, I'm -- I'm not --

MR. BLUMENCRANZ: I'm asking if you're disagreeing, that's -- that's in the bill they have to release that within the report, that each and every time they do what could be a system upgrade.

MR. OTIS: They -- they -- they will include the things that are listed in the assessment content section of the bill and I think that it is appropriate for us to have - when it relates to government services that we have the transparency to understand how these things work. You know one of the problems - and I have the floor right now so allow me to make a different point - which is one of the problems that relates to AI is everyone wants transparency, but the question is who's looking in the box has the capability of looking in the box to know how it really functions to know whether there is

discrimination. It is often said well, all these technologies are covered by existing discrimination laws. That's true, but how do you know whether they're violating them or not? And so if we don't look underneath the hood, we're not going to be able to make those determinations and make that available the way we would judge in a non-technology setting whether an entity is doing something that is discriminatory or unfair --

MR. BLUMENCRANZ: Okay. So let's say to -- to entertain the scenario that someone is using a discriminatory chatbox. They've gone through the assessment system, even if it was clearly defined within the assessment, which likely no one in some of these agencies will have the ability or understanding to write these unless they are specialists which I'm not sure there are specialists in this very topic especially within the confines of the extensive report, but if there was and they did write it and they sent it here, now what? We just see it, right? We have no ability to say no, you can't use that, correct?

ACTING SPEAKER AUBRY: Mr. Blumencranz, you have expended your 15.

MR. BLUMENCRANZ: Yeah, I'm going to do my next 15, please.

ACTING SPEAKER AUBRY: Thank you. Mr. Blumencranz for his second 15.

MR. BLUMENCRANZ: Answer the question.

MR. OTIS: Did you have a question?

MR. BLUMENCRANZ: I did. Do we have an

enforcement mechanism here? We see a completely discriminatory report.

MR. OTIS: Let me -- let me --

MR. BLUMENCRANZ: Now what?

MR. OTIS: Let me make a distinction here. So you're wondering about proprietary information. This bill does not deal with private companies use of these technologies which is a different issue and I would just say private companies should -- when they're doing it within their world, not -- I'm not talking about vendors. So, but when you're talking about the delivery of government services, we want to make sure that there isn't discrimination, bias, faulty decision-making in how we use these tools.

MR. BLUMENCRANZ: Okay. Now --

MR. OTIS: And I'm sorry -- you're not going to interrupt me. So if -- so if you're telling me that some companies are going to shy away from bidding for government contracts because they don't want pieces of their technology exposed for proprietary reasons, that would be fine because our first goal is to make sure that our residents are being treated fairly by these governmental decisions. And so if that weans out some or they figure out what technologies they want to share to apply, I'm happy with the sorting of that out if it means that for -- for important -- the important high-risk decisions that are outlined in the bill that the public is protected. What these companies do for totally private things, that's a topic for another day,

but for these government services that are outlined here, I'm -- I'm going to -- if I have to make a tradeoff, my tradeoff is to protect the fairness of how these governmental decisions are made.

MR. BLUMENCRANZ: Okay. Well, thank you. My question was, what enforcement mechanism do we have for this piece of legislation if we see something discriminatory?

MR. OTIS: Well, this is mostly a transparency and disclosure piece of legislation. So now one section in here in terms of enforcement, if in they're doing their own assessment a State agency determines that -- or they get an analysis, and I'll go to the bill here for -- in a second --

MR. BLUMENCRANZ: I'll save you the time, sorry. The answer's no, we don't have an enforcement mechanism --

MR. OTIS: No, you --

MR. BLUMENCRANZ: -- but I'm going to go back to the first --

MR. OTIS: No, no, no. You asked me a question. I am going to answer the question, not be interrupted and we're going to have proper etiquette and companionship here in this House and -- and not sort of like interruptions and stuff like that.

ACTING SPEAKER AUBRY: One minute, hold on. Mr. Lavine, why do you rise?

MR. LAVINE: I want to say that this is an interesting discussion. A pretty interesting discussion. It would be a whole lot more interesting if all the questions could be posed and then

the answers given instead of two people speaking at the same time.

MR. OTIS: I agree with that.

MR. BLUMENCRANZ: If only we had all the time in the world to ask questions I'd be more than happy to give all the time to stump on the information --

MR. OTIS: Let me -- let me -- let me just answer one question very simply. One enforcement part is done by the State agency which is when they're doing their assessment if they get a determination that the tool used is discriminatory they are to cease using it, that's in the bill. Secondly, this is provided to the Legislature so if the Legislature determines -- eyeballs something that they see is -- is a problem, we have an ability to reach out to the State agencies and -- and raise the issue in a variety of ways.

MR. BLUMENCRANZ: Okay. So with regards to -- all right. I think that's enough.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLUMENCRANZ: Thank you so much. It is important to understand the sort of crisis we're in, and many of my City members would be able to empathize me in the unbelievable wait times so many of their constituents face when it comes to receiving the benefits that the programs that we so often fund. We need to make sure that we are doing everything we can, using every existing technology, cutting all the red tape available so that these individuals can receive the benefits like housing, like food as fast as humanly

possible. What a bill like this does is include complicated language with a confusing enforcement mechanism that doesn't necessarily allow for the best players in the space to compete on RFPs if they feel like they'll be infringed upon when it comes to their proprietary data. And while the sponsor may feel one way about that, the companies that would be bidding on this feel very differently. A lot of these organizations do not have extensive experience writing extensive reports on the ethical, moral and racial implications of various different services. Most of the time it won't even be relevant because some supportive technologies that these agencies use have nothing to do with any of that, and yet we still included *supportive* in the language and the definition provided. It is first in the nation, but it will be a massive step backwards when it comes to our initiative in providing the fastest possible services and relief to those in the most need. My concern is not that we take into consideration the things that this bill hopes to do. It's important. A machine should not be deciding whether or not you live or die because you can't eat or you can't live in a home, but what this bill does is it makes agencies say this is a really long and complicated process that I have no ability to abide by so I might as well just not innovate. The system we're doing, we're not getting fired, we're not not doing our job. Why would we innovate if we could really run into some trouble? Why would a company want to engage in New York if they might also run into some issues with their algorithms? It is important to make sure we don't stifle innovation when it comes to the way we try to protect

people because we may hurt the people we're trying to protect as well. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Slater.

MR. SLATER: Thank you, Mr. Speaker. Will the sponsor yield for some quick questions?

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

MR. OTIS: Yes, Mr. Slater.

ACTING SPEAKER AUBRY: Mr. Otis yields.

MR. SLATER: Thank you very much to my fellow Westchester neighbor. I appreciate your efforts in this particular piece of legislation. Can you just give me some examples of some of the AI tools that government currently or you envision government utilizing?

MR. OTIS: I actually don't have a list with me. I mean I would just say AI and automated decision-making has been used in government and in private sector for many years, so this is not new. And in fact, many of our colleges and universities have been involved with that, with the private sector so this is not new. So I have no -- I have no list to share -- (inaudible/cross-talk)

MR. SLATER: Well, when you say it's not new, can you share or provide some insight as to -- in what ways you've already been utilizing some of this technology?

MR. OTIS: State agencies use software and -- and products that they acquire to help them perform their functions and -- and speed things in a variety of ways and this is not terribly new, but

what is available and what is going to be available is -- is changing very quickly and so this is a moment in time where we need to make sure that not just that there's transparency for us, but I say to private companies that are doing this, having nothing to do with government regulation, if you're dealing with these products with your own company and your own business, you need to make sure that you're on top of understanding what this technology is as you're using it. You don't want in a sense to lose quality control yourselves. I'm not saying that as a regulatory manner at this juncture. I'm just saying it as advice to somebody, and then in State government we have a responsibility to make sure that we have the guardrails. This is a pro automated decision-making bill. This is a pro bill to make government function better, but it's to make sure that we have the kinds of safeguards that we would also all care about.

MR. SLATER: So you had said already that we are utilizing this new technology already. Do we know what State agencies or how many State agencies might already be utilizing AI or AI technology?

MR. OTIS: I don't have an inventory. We do speak to the Office of Technology Services which oversees a piece of this and we obviously have OGS and some of this is in different places in State government. This would -- this legislation would provide a framework for also the agencies to be reviewing what they're doing. There is a provision at the end of the bill for them to disclose to -- as part of the sharing of information with the Legislature exactly the

question you're asking, which is what are they doing already since the other parts of the bill basically deal with new products that they would be using. So your question is -- is I'm sure based by the fact that you read the entire bill.

MR. SLATER: Word for word. Maybe I skipped a few words here or there but for the most part. But I -- I do appreciate -- I do appreciate -- just to make sure I'm clear, we will, because of this bill, finally be able to have an inventory of what agencies are using AI or AI technology and what specifically that technology is, correct?

MR. OTIS: That is correct.

MR. SLATER: Excellent. And -- and so I want to just go back to the conversation that you were just having with one of my colleagues, but this does not prohibit us as a State government from utilizing technology or from encouraging innovated technology from coming to State government to improve our systems that are already in place.

MR. OTIS: Absolutely not. In fact, I would suggest that it opens the door for a greater comfort level of getting into that space as -- as appropriate. But as long as we keep humans, you know, State agency employees that are involved in -- in decision-making now, keep them involved so this is a tool for them to make sure that -- but also to make sure that they're making the right judgments.

MR. SLATER: Thank you very much.

Mr. Speaker, on the bill if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SLATER: I really do appreciate my colleague's answers and his leadership on this. You know I had asked the Commissioner of Labor during the budget hearing the same question I just posed to the sponsor, which is do we know how many State agencies are utilizing AI technology, and the answer was the same. So this is clearly a needed piece of legislation so that we as a Legislative Body can understand the role that AI is having in our workforce. Also to make sure that the systems approach that we take is one that is of course is of a modern governmental focus, but also to make sure that our workers and our taxpayers are protected. You know if you think about all of the data points that government gets to collect of taxpayers, of our employees, we should also make sure that there is a comprehensive review of the technology being utilized to ensure that the systems that are being implemented aren't being abusive in any way, shape or form. And so I think this is a great step in the right direction. I want to thank the sponsor for his time and his efforts and I encourage my colleagues to be sponsoring this piece of legislation as well. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

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

MR. RA: Will this prevent me from having to say which boxes have motorcycles in them when I'm interacting with computers?

MR. OTIS: I'm sorry?

MR. RA: Will this prevent from when I'm interacting with systems from having to identify which squares have motorcycles or traffic lights in them?

MR. OTIS: I'm not -- I'm not so sure but you know those things never really work.

MR. RA: I know, that's my problem.

MR. OTIS: I'm with you. I like your question.

MR. RA: Thank you, Mr. Otis. Thank you, Mr.

Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. OTIS: Yes.

MR. GOODELL: Thank you, Mr. Otis. As I read this bill it seems to me there's really two components. One component addresses a need for continuous oversight and monitoring, but this bill also has an absolute prohibition as part of the bill, correct?

MR. OTIS: Which prohibition are you talking about?

MR. GOODELL: Well, for example on page 2.

MR. OTIS: The bias, discrimination, or not having a human involved.

MR. GOODELL: Well, if you look at sub -- going down to perhaps down to line 47 or 48 on page 2.

(Pause)

MR. OTIS: You're talking about displacement of workers.

MR. GOODELL: On the section that I'm actually more interested in is this would provide an automatic statutory bar to the use of any software or IA that would result in a reduction in overtime work, right?

MR. OTIS: This is language to ensure that the purpose of this is to help -- to one of my colleague's comments, help them speed up their work. It is not meant to eliminate humans involved in this process. So that -- these are labor provisions that we included to make sure that AI is used to help improve the process, not to eliminate people in the process.

MR. GOODELL: But just to make sure I'm reading it correctly, it says the use of an automated decision-making system shall not affect, and then if you drop down to line 47, a reduction in the hours of overtime work. So we're -- we're implementing a statutory ban that would prevent the use of computer systems to reduce overtime?

MR. OTIS: It is -- it is -- it is not -- the purpose of the bill -- the purpose of the bill in that section is not to use it as a way

to shed workforce.

MR. GOODELL: Well, I understand, but the actual language is a reduction in the hours of overtime, correct?

MR. OTIS: That is correct.

MR. GOODELL: Okay. Don't -- don't we want to improve the efficiency of our workforce and reduce overtime and let workers get home to their families sooner?

MR. OTIS: Well, in some ways that may happen as a result of the bill but that's not -- that's not what the actual meaning of that section implies. What we're talking about is not losing manpower by the use of -- of this staff. Are they going to be more efficient. I think what we're really going to hear -- what the real result is going to be that the -- the agencies are going to be more efficient and so they will speed the work output that again my colleague sitting before me was focusing on a different context earlier and that's a good thing.

MR. GOODELL: Now looking a little bit above that starting on line 22 on page 2, it has an absolute prohibition on the use of automated decision-making systems that quote, "are related, related to the delivery of any public assistance benefit." Is it -- isn't it your intent that could have an adverse impact on the processing?

MR. OTIS: No. You have to read lines 30 and 31. The -- the prohibition part that you're talking about is easily addressed by unless such automated decision-making system is subject to continued and operational, meaningful human review. So as long as they have a human in the mix in terms of monitoring how they're

using these systems, there is no prohibition.

MR. GOODELL: I see. So the actual prohibition is just in subparagraph 3 starting on line 41.

MR. OTIS: If you want to characterize it as a prohibition. I -- I think that functionally it is going to make the operation of the agencies more efficient in a way that may not -- is not going to reduce staffing, but is going to speed the delivery of services and decision-making.

MR. GOODELL: Thank you, but how does this apply in a context of vacancies? Can the --

MR. OTIS: What's the word there?

MR. GOODELL: Vacancies.

MR. OTIS: Vacancies.

MR. GOODELL: Yes. As you know some of our operations are understaffed. They actually have vacant positions, people retire or move on or whatever --

MR. OTIS: I don't think the provision is going to relate to how those issues are ironed out. Within State agencies there are multiple reasons for vacancies. Sometimes physicians are not filled because they can't find people. There is a labor shortage in some situations. And in other situations we have vacancies because of the amount of money that's in a State agency's budget for particular lines and positions are left vacant by agencies to stay within their budget limitations.

MR. GOODELL: Now you mentioned earlier that in

many of these operations they can continue as long as there's quote, "continued and operational, meaningful human review." Who makes that decision? Is that an agency by agency decision?

MR. OTIS: Well, it would be and I would say, this is one of these areas where what does meaningful human review mean is something that is an evolving discussion as it relates to AI around the country. So we have a definition here that's really based on the best language around the country, and I think they're going to have to grow with these kind of regulatory structures and transparency structures and other states will have to do the same. So I think that's going to evolve over time as will all of this.

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

On the bill.

MR. OTIS: Thank you, Mr. Goodell. Are we offering -- this wasn't really a contract discussion today. Are we still going to offer course credit for our dialogue today as well?

MR. GOODELL: Well, we could up the discussion to get to that level.

MR. OTIS: The night is long enough. I think we should proceed.

MR. GOODELL: I would agree. Thank you, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Thank you. I appreciate my colleague's desire to ensure that there is continued an operational,

meaningful human review of all of our systems. I mean that's hopefully what we always do, right? We continually review our systems and hopefully continually improve them. And so I would hope that that's standard operating procedure in everything that we do including our use of computer technology and algorithms and other functions. I am, however, not supportive of the provision that's in this bill that would make it illegal to use computers and software to reduce overtime and streamline stated operations. Now we see in the private sector every day that the private sector is utilizing emerging technology to streamline their operations and provide better service to their customers. And sometimes they provide better service with fewer employees in that particular area so they can be -- so those employees can be redirected to higher, demanding areas. And the irony is this actually would make it illegal to use emerging technology to reduce the State's overtime expenses, which would free up money for other staffing or other critical needs, or even to reduce the number of workers that we need in a particular function. And I have never in my entire life seen the State reduce its overall workforce, but technology can help us redirect our workforces in ways that are more efficient and more practical. And for that reason while I support portions of this bill and wholeheartedly endorse the idea that we need to continually review and ensure operational efficiencies, I cannot endorse a statutory provision that makes it illegal for State government to operate more efficiently. And for that reason I won't be supporting it. But thank you, sir, and again, thank you to my

colleague.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

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

MRS. PEOPLES-STOKES: Thank you. And would the sponsor yield for a couple questions?

MR. OTIS: Certainly.

ACTING SPEAKER AUBRY: Mr. Otis yields.

MRS. PEOPLES-STOKES: Thank you, Mr. Otis. So the bill essentially is going to be looking at existing State agencies only, existing State agencies only to see how they are or if they are using any methods of AI to deliver service or procurement process?

MR. OTIS: It's agencies, authorities and they're going to show us what they've already been doing and they're going to file new AI products that they're acquired or taking online so...

MRS. PEOPLES-STOKES: Okay. And so how often will they disclose and/or report this information?

MR. OTIS: Well, that's a multi-faceted question. For the materials that they're using already they're given a window. They're given a one year after the effective date to share with the Legislature what they've done already. With new AI there's a 30 day window for them to get us information before they start using it.

MRS. PEOPLES-STOKES: Okay. So I actually want to agree with one of the comments that was made on the floor earlier and that is we really don't want to stifle innovation. But nor do we want innovation to take advantage of our citizenry and our consumers. And so I appreciate your legislation wanting to at least see how this is going to look for continuing of our delivered service in the State of New York. But at the same time I think we have to also get a handle on this from a business perspective. No, we don't want to stifle, but nor do we want to so desperate to make profit that in the process of that you're somehow abusing our citizens. We saw that happen with social media, no one has to make that up or accuse anybody of doing anything that didn't happen, it happened and we're suffering as the result of it now. So I appreciate wanting to look into this early before they get totally going without stifling their innovation because we need innovation, that's how we move our society forward. But we need to move it forward while we protect the consumer at the same time. And so I hope that's what you're suggesting your legislation will do and if that is the case, then I look forward to voting for it.

MR. OTIS: I agree with you.

MRS. PEOPLES-STOKES: Thank you.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: A party vote has

been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will likely be split on this but we're starting out with a party vote in the negative. As mentioned, there are great things about this bill and not so great things about this bill. So I look to all my colleagues to exercise discretion but we'll start with a party vote in the negative. Thank you, sir.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Majority is going to pretty much be in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so at their seats. Thank you, sir.

ACTING SPEAKER EACHUS: 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.

Page 39, Calendar No. 310, the Clerk will read.

THE CLERK: Assembly No. A06637, Calendar No. 310, Septimo, Bichotte Hermelyn, Cook, Otis, Walker, Weprin, Cruz, Kelles, Burdick, Seawright, Levenberg, González-Rojas, Epstein. 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 EACHUS: On a motion by Ms. Septimo, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested.

MS. SEPTIMO: This is a bill that will make it unlawful discriminatory practice for an employer or institution to require an applicant to disclose his or her criminal history record obtained from the Division of Criminal Justice Services as a requirement for consideration of employment or admission to an educational institution.

ACTING SPEAKER EACHUS: Mr. Smith.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. SEPTIMO: Certainly.

MR. SMITH: Thank you.

ACTING SPEAKER EACHUS: Sponsor yields.

MR. SMITH: Thank you. So I see that the bill has been around for quite some time. I'm curious what the impetus for the bill is specifically on the education side dealing with, you know, colleges and universities. And I see noted, it mentions Empire and it

mentions Plattsburgh, but I don't know if you could speak a little bit more to that.

MS. SEPTIMO: Sure. The impetus is making sure that institutions do not have access to information that is considered confidential when they're not entitled to that information.

MR. SMITH: Okay. And in this bill we're specifically talking about criminal history check from the DCJS, that's correct?

MS. SEPTIMO: Correct.

MR. SMITH: So we're specifically talking about that. Now we're talking about educational institutions, are we talking about -- and, you know, I read the through the bill, the admissions process, are we talking about any process that a college takes?

MS. SEPTIMO: Right. It would be through the admissions process, which the bill states as a condition of admission.

MR. SMITH: Okay. And it would probably also apply to -- well, actually this is a valid question, housing. So when a student also housing and other things that a student may participate in while they're on a college campus, university. Now you mentioned employment as well. Would that also imply -- I think -- I think that this is really geared more toward college admission, but would it also apply to the people that work at the educational institution?

MS. SEPTIMO: It would be covered because it's for any condition of employment for maintaining employment or securing employment separately *and* for admission at an educational

institution.

MR. SMITH: Okay. So my understanding currently is that SUNY is not actually looking into this information as a method for admission but they are seeking out information on some campuses for housing. So what is the type of information that may be contained in this report that, you know, that any college or university should not have access to?

MS. SEPTIMO: Well, this is your criminal history record which is considered -- it has confidential information which only you can access. There are two types of criminal history records. One which is suppressed, the other which is unsuppressed. Neither of which institutions have access to unless it's explicitly stated in the law. So the university would have access to anything it's entitled to have access to in the law as it exists right now. This is simply saying that you cannot compel an individual to request their file and turn it over to you as a disclosure as a condition for admission or employment.

MR. SMITH: Okay. And currently that is voluntary; is that correct? So it's not something that an employer or an educational institution can't simply access this information, they would have to have consent from the individual this is regarding.

MS. SEPTIMO: No, actually you are not -- the individuals cannot. The only other person that an individual can authorize to access this information is their attorney. Again, because of the confidential nature of it, and so it is not voluntary. We are saying that you cannot include it on any application as it exists.

MR. SMITH: Okay/ so under this record if someone has a history of violence or a history of, you know, sexual abuse, this is not -- this is not something that could be accessed by the college or university for the purpose of housing?

MS. SEPTIMO: Again, this is a confidential criminal history record. If institutions would like to undergo background checks with public information like every other background check that we are familiar with then that would be up to the institution's discretion. But this criminal history record which is confidential, no, would not be accessible.

MR. SMITH: So it's specific to this type of record you're talking about. Now, our State has enacted Raise the Age laws. We've acted -- enacted Clean Slate laws. Is this -- couldn't this be seen as a bit redundant in a sense because a lot of these things already are suppressed?

MS. SEPTIMO: Sure. But, so -- walk with me here.

MR. SMITH: Please.

MS. SEPTIMO: Right now there is a list, I could read you the list. There are a list of agencies, entities, employers, if you're hiring someone to work with children you're entitled to access this record. If you're hiring someone to work with disabled individuals, you're entitled to access this record. There's a long list of agencies, types of employers, et cetera who have access. If you are not on that list, then you are not legally entitled to the information. This bill would make it so that we would close a loophole essentially

where employers and institutions are now saying hey, Doug, I can't access your record. Do me a favor, go get it for me and bring it.

MR. SMITH: Okay, all right. So this wouldn't add any of those institutions to that list. This would just say that they can't voluntarily ask them to.

MS. SEPTIMO: Exactly.

MR. SMITH: Okay, all right. Well, thank you for clarifying the bill.

MS. SEPTIMO: Sure.

MR. SMITH: Mr. Speaker, if I can speak on the bill.

ACTING SPEAKER EACHUS: On the bill, Mr. Smith.

MR. SMITH: Thank you, and I thank the sponsor for taking the time to clarify that. I still despite that clarification, I think it was an important clarification, I still have concerns about this bill. As someone who formally was an educator, I do think that it's important that we have information when we're talking about students particularly and when we're talking about college students, college university students that may not be, you know, ages 18 to 21. That's typically what we picture but it could be any -- any age student. So anyone who is entering a college or university I think it's important that we make sure that our college campuses are safe for our students. Many of us are parents, I think that's -- that's also a concern. We want to keep our kids safe and on the side of the institution as well. You know, you may have individuals, it mentions OASAS as well but you

may have individuals that may have a history where they need additional assistance. Maybe they have a drug problem, maybe they have a drinking problem. And I think it's important to be able to anticipate the needs of the students. I think when we're looking at this, because under current law specifically speaking about State University of New York, they're not considering this for entry into the university, but this is something that appears that they're considering for housing and for other aspects of that educational instance, and I do think that there's good reason for that. I think that it could be concerning if you have students dorming that have a history of violence or assaults. It may be concerning if you have a student that has a history of sexual abuse or sexual crimes. So I don't think that in this instance where a student may be living as part of the larger campus community that it shouldn't be, you know, accessible to have a full picture of who that student is. Currently, as we know, when students are applying and participating in college we look at things. We look at did they participate in extracurricular activities, we look at did they take any AP exams, did they pass all their Regents exams, were they a member of the Boy Scouts or the Girl Scouts. So I think that those are relevant to who the student is but I think it's also relevant to keep the other students safe. So for that reason, I do have concerns about this bill but I will say I do appreciate the sponsor for detailing and making the bill specific. So I do -- I do appreciate that. Thanks, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. DiPietro.

MR. DIPIETRO: Thank you, sir. As a father of a 17-year-old junior daughter who just got a scholarship, her first one, looking at schools, I can't tell you how disgusted I am that we would not be checking every student that goes into any university and checking their background. I don't give -- I could care less about the reason. If there's anything criminal in the background of anyone that goes into any of these institutions, I want to know as a father to keep my daughter safe. This bill is horrible. Thank you.

ACTING SPEAKER EACHUS: Mr. Angelino.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. SEPTIMO: Certainly.

ACTING SPEAKER EACHUS: Sponsor yields.

MR. ANGELINO: Hello. I was curious how this is going to impact sex offenders with Megan's Law.

MS. SEPTIMO: This again, this is not changing any part of existing law as it relates to disclosure and criminal history records. Any agency, I'm happy to read you the list, the allowable agencies and employers. Any agency or employer who is entitled to this information by law right now will still be entitled to that information. If there are other agencies, other employers, other people who want access to this information then they can petition to be part of the established system right now. But we cannot allow this

loophole so that we are more compelled to turn over their confidential records when agencies are not entitled to -- to have that information.

MR. ANGELINO: Okay, thank you. I was just concerned about that with -- because I know Megan's Law was enacted by this House and that was (inaudible). Thank you very much.

MS. SEPTIMO: Sure.

MR. ANGELINO: Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Goodell.

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

ACTING SPEAKER EACHUS: Does the sponsor yield?

MS. SEPTIMO: Yes.

ACTING SPEAKER EACHUS: She yields.

MR. GOODELL: Thank you. We currently have multiple statutory provisions that protect inmates who are formally incarcerated inmates as it relates to job discrimination, right? You have to have a nexus, has to be connected to law enforcement or securities that are required by the Federal Government or part of a mandated criminal background check. This bill doesn't affect any of those provisions, correct?

MS. SEPTIMO: Does not.

MR. GOODELL: And so all this bill does is say that the employer can't request the applicant to disclose the data that's in

the Criminal Justice Services' database about prior arrests or convictions, correct?

MS. SEPTIMO: About themselves, yes.

MR. GOODELL: Yes. Now when we passed Raise the Age and we raised the age as you know for a lot of crimes including some violent crimes, all the drug crimes, some but not all the sex crimes. We raised the age to 23. As a result, you could have a 22-year-old who could commit any one of a couple hundred crimes and it wouldn't show up on a public crime database, correct?

MS. SEPTIMO: In theory correct, yes.

MR. GOODELL: And aren't some of the crimes that that individual could have committed disqualify him even with the current statutory restrictions from serving as a police officer or a stockbroker or securities exchange or any of those other provisions?

MS. SEPTIMO: All of those things remain exactly as is. This bill is simply about the disclosure. As it exists right now, all of the agencies, institutions, et cetera that are on the list and authorized to receive this information will continue to receive it. Those agencies, we have a mechanism to hold them liable. If you are from an agency or an employer that has access to someone's criminal history record, if you disclose that information further to another party, you are subject -- you've -- you've committed a Class A misdemeanor. In this case, if you request it directly from an individual we have no way of -- of ensuring that this information stays confidential.

MR. GOODELL: My point is this: By statute we recognize there are certain job categories where it's appropriate to not hire a convicted felon, for example. As a simple example, a police officer or perhaps a parole officer or working in the securities and exchange field or a bank teller, right? I mean you really don't want to hire as a bank teller someone who is convicted of embezzlement, as an example. How is a bank or security broker or a police department to find out whether the 22-year-old applicant has been convicted of any of those disqualifying crimes when Raise the Age seals all those records? Isn't the only way for them to find out if they're in those fields is to ask the applicant to provide that information?

MS. SEPTIMO: This information is not a matter of public record.

MR. GOODELL: I know. That's the issue.

MS. SEPTIMO: But this information is not a matter of public record, but both of the types of criminal history records are available to all law enforcement and to all courts. Employers, there is a very specific list of employers who are entitled to access this information. As I mentioned, in sensitive settings that the law recognizes child care, care of individuals with disabilities. In fact, there are -- there's a very long list. The Department of Education in relation to employment in private or non-private or non-public schools. The Office of Alcoholism and Substance Abuse in relation to perspective providers, operators and individuals seeking to be credentialed. The New York State construction -- School

Construction Authority in relation to the appointment of officers and employees. I could continue but I hope you -- you understand the point.

MR. GOODELL: Yeah. So earlier this year, maybe it was last year, we passed legislation that would automatically seal a misdemeanor record after three years, right, and a felony I think after eight years. So if you are an employer in one of those areas where criminal background is certainly relevant whether it's you listed them child care, you certainly don't want to hire a child abuser, right, or all those allowable provisions. If you don't ask this information from the applicant because we sealed all the records automatically with prior litigation, you would never be able to find out whether the person you're hiring is appropriate for those positions, correct?

MS. SEPTIMO: Sure. The legislation that you're referring to, Clean Slate, doesn't take effect until November of this year and the sealing process will take some time. So if there are employers who think that they should be added to this list because they need access to these records so that they can have the information that you're describing, then they should petition to be included on this list and be added to the existing framework where we know that there's transparency, accountability and confidentiality that the law requires.

MR. GOODELL: So are you saying that all those potential employers including childcare providers, schools who are looking to hire people to work with their children, are all of those

exempt from the Clean Slate restrictions?

MS. SEPTIMO: Again, this law doesn't change anything about access to information that organizations are already entitled to. If you are a school, a provider, an institution, an employer and you have access to that information by other parts of existing law, then you will continue to have that access. This is just saying you cannot compel an individual to turn over a record that has confidential information that you're not entitled to.

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

MS. SEPTIMO: Thank you.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: So we have two very strong and very important and very powerful public policy considerations that are on a collision course and that collision course has been made worse by actions taken by the Majority to seal every misdemeanor after three years without any judicial review and seal every felony after eight years without any judicial review and to seal every criminal conviction for anyone under the age of 23 automatically, automatically. So on one hand we say look, we don't want someone who is a sexual predator, who has been arrested and convicted of forceable touching or sexual assault, we don't want them to be involved with day care. We don't want to hire a kindergarten teacher

who has a string of sexual assault charges against kids, for example. We don't want to hire someone who's convicted of embezzlement as a clerk in the bank handling money. We recognize that, right? We want our police officers to be law enforcers and not lawbreakers. I think we all agree on that. But here's the problem: With Clean Slate and with Raise the Age you can't get the records. That's exactly the purpose of those bills. Not even if you're an legitimate employer who needs to know. And so what happens is those employers will ask the employee to get the records themselves and share them so they can make sure that the general public is not at risk, to make sure that the kids in day care aren't being taken care by a convicted pedophile. So the problem with this bill is it prohibits even asking or requiring the individual on their own to get those documents and share them for a legitimate purpose. Now if an employer is asking them or a school is asking for a purpose that's not allowed by law, that's already prohibited. That's already prohibited. So all this bill does is prohibit anyone from asking for that criminal background information from the applicant in areas where they have legitimate and a lawful right to know. For that reason I can't support it. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed. Those who support it are certainly welcome to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can do so at their desk at this time.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Novakahov to explain his vote.

MR. NOVAKHOV: Thank you, Mr. Speaker, for the opportunity to explain my vote. You know with this kind of bills, with this kind of legislation, I clearly don't understand something, Mr. Speaker. I don't understand why we're trying to hide something that shouldn't be hidden. A person, you know, committed a crime, served time in jail, he has a criminal record, yes, this criminal record makes his life a little tougher in the future, but after all he committed a crime, he served time in jail. So why are we trying to hide this information, from whom are we trying to hide this information? Some individuals are pretty proud of the fact that they served time in jail. So why are we trying to hide it from everyone? If anyone in this Chamber can explain to me why we're always trying to hide this information, I will happily listen. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakahov in the negative.

Mr. DiPietro.

MR. DIPIETRO: To explain my vote, thank you, sir. I expect so little out of this place and it still disappoints me. This bill puts my daughter in danger, and I'm not going to take it. This is ridiculous. This bill is a piece of junk. It should be pulled off the floor. We're coddling criminals over regular people, over our children. Who are we trying to protect here? Our kids or a criminal? We're protecting criminals here who have records over our children. I have seen communism before, this is ridiculous. This bill doesn't deserve the light of day but again, I don't expect anything less out of the Majority. I'll be voting no.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 42, Rules Report No. 369, the Clerk will read.

THE CLERK: Assembly No. A05366, Calendar No. 369, Bores, Bichotte Hermelyn, Cunningham, Raga, González-Rojas, Burdick, Simone, Lee, De Los Santos, Magnarelli, Sillitti, Kelles, Hyndman, Epstein, Seawright, Dinowitz, Gallagher, Gibbs, Simon, Weprin, Cruz, Glick, Rajkumar, Davila, Tannousis, Tapia, Forrest, Carroll, Burgos, Rivera, Taylor, Dickens, Zaccaro, L. Rosenthal, Fall,

O'Donnell, Dais, Jackson, Reilly, Reyes, Pirozzolo, Alvarez, Benedetto, Septimo, Shimsky, Hevesi, Berger, Rozic. Concurrent Resolution of the Senate and Assembly proposing amendments to Article 6 of the Constitution, in relation to the number of Supreme Court justices in any judicial district.

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

Mr. Bores, a explanation has been requested, sir.

MR. BORES: Thank you, Mr. Speaker. This bipartisan bill with support from legislators on both sides of the aisle removes the artificial limit in the New York State Constitution on the total number of Supreme Court judges per jurisdiction that is currently causing backlogs and delays and has long outlived its purpose.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

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

MR. BORES: Gladly.

ACTING SPEAKER AUBRY: Sponsor yields, ma'am.

MS. WALSH: Thank you very much. So what does the Constitution currently say and then what is the proposed Concurrent Resolution designed to do?

MR. BORES: The Constitution lays out much of the structure of the New York State Court System. When it comes to the State Supreme Court it says that the Legislature may set the number of justices, but it puts a limit on the total number of justices of one per 50,000 residents within a judicial jurisdiction or a fraction over 30,000 if you have to round up, and this takes that clause out of the Constitution and returns to the Legislature the ability to set the number of justices.

MS. WALSH: Okay. So -- so would you agree then that by striking the population metric we're going to have a more open-ended way of assigning the number of judges per judicial district?

MR. BORES: Well, we're no longer going to have a cap. I want to be clear that there's no metric, there's no requirement to allocate based on population. There is just a limit set by the population and this removes that limit.

MS. WALSH: Any guess as to why a population metric was put in there in the first place?

MR. BORES: It is tough to get into the minds of people from 1846 when it was originally put there, but to the best of our ability and our research it was put in because there was a worry that the Legislature at the time might decide to massively expand the judiciary but they knew that finances would restrict them from doing that and so they thought maybe the Legislature will massively increase the judiciary and simultaneously lower the wages of all the judges and

make it a not liveable position. That fear has not worn out and I think we're long past it.

MS. WALSH: So even in the 1800s there was a fear that at some point the Legislature might run amuck without some rules that were placed in the Constitution assigning some guardrails to their -- their, you know, their activities because as we all know, you know, basic civics, we've got three coequal branches of government; the Judiciary being one. And we want to try to make sure, as we look at the Constitution, that we don't run afoul of treading on, as a Legislature, treading on a coequal branch like the Judiciary, right?

MR. BORES: There -- there were many theories in 1846. Again, the fear of us massively lowering salaries of judges is not one, I think anyone has come to pass. But I will point out that, you know, this -- you -- you brought up the separation of powers piece, just to briefly address that. I promise I'll be quick.

MS. WALSH: Sure, thank you.

MR. BORES: The 46 states do not have a limit in their Constitution on the total number of judges. The Federal Judiciary does not have a limit in their Constitution, but even if you want to say New York is special, which New York is special, no other trial court in our system has a limit in the Constitution. There's no limit on civil court, on criminal court, on family court, on any of them. There's just anachronism on the Supreme Court.

MS. WALSH: Okay. Well, yeah, I'm not really concerned about what other states do because I live here and I'm a

legislator here so let's -- and let's not talk about the 1800s anymore, let's talk about today, okay?

MR. BORES: With pleasure.

MS. WALSH: It's a deal?

MR. BORES: It's a deal.

MS. WALSH: Okay. So this would be a first passage of the Concurrent Resolution, then next year presumably there would be another one, and then in November of 2025, presumably it would be when we would ask the voters to come out and vote up or down on this proposal, correct?

MR. BORES: It -- it could be 2025, it could be 2026, but you're right. This is the first passage and we need to have a second passage during the next Legislature --

MS. WALSH: Oh, because of the changes that were made to even numbered elections to -- to push more, potentially maybe get a better voter turnout in an even year? Would that be the --

MR. BORES: Well, no. I think it would be up to the Body for what year we pass it and then when it goes on the ballot. And I don't want to assume they would pass it in the first year.

MS. WALSH: Now I just want to mention that just a little bit of the history of how we got here today. Not again going back a hundred years but just in the last couple of months. First, the Governor came out in her budget proposal with a plan to do this and then it didn't get done in the budget, somewhere along the line and you would know better than I how it fell out of there. We also have

another bill from another colleague here in the Assembly who instead of completely striking the population guardrail I'll call it, reduces it to 40,000 from 50,000 population to 40,000 thereby allowing there to be an increase in judges without eliminating the population requirement. That has not been taken up, it's this bill today that we're dealing with. And then I believe that you have another bill, which has not been considered yet that would in fact have a different metric to figuring out the number of judges without just having it open-ended as -- as the resolution -- Concurrent Resolution states. So can you -- can you give any insight as to why we're talking about this proposal tonight instead of other, you know, other proposals that some might find a little more valid, a little bit better?

MR. BORES: I would love to have you a cosponsor on my other bill. I'm sure I can speak for my colleague when I say he would love to have you there as well. You missed a little bit of the history, which is that this was actually introduced last year as part of Session and considered then, and in fact the Senate passed it with some bipartisan votes then. Then, yes, as you pointed out, the Governor put it in her proposal and OCA testified for it as part of the budget hearings and now we have it here in front of the Assembly. So we've been -- we've been thinking about this issue for quite some time.

MS. WALSH: Yep. So let's say -- let's say hypothetically that we go through that whole timing scenario that we talked about in either November of 2025 or November of 2026, all of this passes, it becomes our new constitutional provision. How then

will new judges be added? How will that work?

MR. BORES: Judges will be added the same way they are now, which is through a bill that goes through the Legislature and is signed by the Governor that provides funding for new slots and new districts. The difference being that right now certain jurisdictions can never have another judge or need to wait until their population grows substantially in order to have another judge. Whereas once this passes, the entire State could be eligible for more judges and we could send them to where they're truly needed.

MS. WALSH: So right now we have a number of judicial districts, that's how we're organized around the State, and I'll just speak about my own right now because, you know, that's what I'm most familiar with. The 4th Judicial District goes from around Schenectady County pretty much up to the Canadian border. It's a really vast, large judicial district composed of a number of counties. I didn't quite count them before this debate, but a lot and, you know, we're -- we're going north into the -- into the North Country. There are some counties that don't have any Supreme Court judges. The one that comes to mind right now is Clinton County, although I'm sure that there are others. How is it fair, in your opinion, to have a county like Clinton County not have any judge at all and -- and either have to have another judge travel to Clinton to -- to meet out justice and to hear cases or to have litigants have to travel to the -- to the court in another county in order to get their cases heard? I mean...

MR. BORES: I would say three things to that.

MS. WALSH: Okay.

MR. BORES: The first is that I -- I -- I personally would attest that the 4th Judicial District has some of the finest judges in the State, and I've had a great time talking with them. But I would secondly say that I agree with you. I think that we should have a lot more judges everywhere. I don't think there should be counties or jurisdictions without judges. I want more judges and that's why I'm bringing this bill forward. But lastly I'd say this bill specifically would help in those circumstances because the way that we're currently trying to fix the backlog is by creating acting judges who some are elected to other positions, some are not, they're appointed, but OCA gets to decide where they're sent and they're pulling those judges out of lower courts and across jurisdictional lines at times to deal with the backlog. And so if you resolve the backlog (inaudible) and more elected judges where they're needed, that actually helps everywhere because it limits the amount that we need to pull judges across jurisdictions and -- and create a worse problem.

MS. WALSH: So -- so one of my concerns with this legislation or this resolution is that by taking out the population requirement and not replacing it with any other metric, we don't know -- and we don't know whether the consideration will be is there a backlog? We don't know whether the consideration will be does a particular area not have any judge representing it? We just don't have any information about what will be considered by the Legislature in making these decisions about which -- which judicial districts are

going to get judges and which ones aren't or aren't as many.

MR. BORES: That is true whether or not we pass this. Right now there is no required metric for where the Legislature puts judges, there is none. The only thing we have is a cap in the Constitution we can't go past, which means that for certain we cannot consider backlog or anything else in the jurisdictions that are at the population cap.

MS. WALSH: Do you have an opinion as to where -- what the priority should be as far as where new judges should be placed?

MR. BORES: I believe that that should be a much broader conversation with people from throughout the State. This bill allows us to have that conversation.

MS. WALSH: Okay. Well, let's assume that one of the reasons that you're particularly interested in would be backlogged, let's just assume that. Aren't there other -- many other ways of addressing a backlog situation than basically removing the ceiling on the number of judges that can be assigned, because even though this Concurrent Resolution states that there's no fiscal impact, I think it's pretty well understood that the average cost of adding one Supreme Court justice is roughly \$1 million per so that's, you know, administrative staff, the judge's salary, you know, everything together roughly \$1 million per. So -- so what do you have to say to that?

MR. BORES: This bill does not by itself create any judges. I would agree with you there's multiple ways of solving the

backlog problem, the same way with any problem that we face there's multiple ways of addressing it. And the question is does each bill move us towards addressing it, not whether each bill's a panacea, and the question here is are we aided, are we helped by an artificial cap that we cannot go past in our discretion? By having that artificial limit, which we don't impose on civil court or family or criminal or any of them, does that help us address the backlog? Clearly it does not.

MS. WALSH: Well, I mean as a taxpayer I would be concerned if there was no ceiling that a \$1 million per judge, that this Legislature -- I mean just during the time that I've been here in eight years the State budget has gone up \$80 billion so -- welcome, Mr. Lavine -- has gone up \$80 billion so this Legislature certainly shows no signs of real restraint, you know, fiscally. So as a taxpayer it's kind of concerning to think that there would be no ceiling, so really an unlimited number of judges could be added as determined based on some criteria we don't know by the Legislature, and you got to figure politics in there, too, don't you?

MR. BORES: I -- I think, right -- I -- I hear your argument and as a taxpayer I always want to make sure that we're spending are money well. I dare say judges are some of the best money we can spend, but if your concern is that we will run amuck in adding judges I point out that there are areas right now not at the cap and we have not maxed them out everywhere throughout the State. So the State is not currently running amuck, even though we have the

ability to run amuck, and nor did we ever run amuck in that -- in that specific way. So I think there would be a long consultation with -- with OCA and with the judges throughout the State as to where the need is greatest and where we could put it in order to benefit and that is how we would move forward with this. The same way we have been moving forward for a number of years.

MS. WALSH: You know, the Association of Justices of the Supreme Court of the State of New York opposes this and one of the things that they talked about -- they had some suggestions. I would place them as suggestions for addressing the concerns about backlog and court efficiency and so some of the suggestions that they made were you could do a study or evaluation first to determine areas or jurisdictions that require additional assistance. You could either -- either or create an independent task force to do the same kind of thing. You could target additional use of judicial hearing officers. You could increase the monetary threshold in the commercial divisions which would relieve some of the -- some of the cases that would be clogging up maybe the docket, particularly you know in the New York City or Downstate area that are on the Supreme Court docket, maybe could handle -- could be handled better by the commercial divisions. So, you know, those are some suggestions that they made versus making a change to our New York State Constitution to completely eliminate the ceiling.

MR. BORES: I agree with almost everything you said until you said the word versus. Those are other things that we

can also do to go at the backlog and I think all of these things actually work well together. The other piece I would disagree with is saying waiting for a report, because there has been a report. In 2023 the New York City Bar published a very extensive report that suggested many of those same changes as well as getting rid of this artificial cap which is serving no purpose except to add to backlog and to suppress New Yorkers' ability to achieve justice.

MS. WALSH: Well, I appreciate your point of view and your answers to my questions.

And Mr. Speaker, on the bill.

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

MS. WALSH: And I would like to continue, thank you so much. So my colleagues, my viewpoint on this is that the Legislature doesn't have a particularly great record for not allowing politics to creep into decisions even involving the Judiciary, and I think we only really have to look at oh, I don't know, the Hector LaSalle matter in his confirmation and what a political theater that became just last year. You know, we passed bail reforms that strips discretion from the Judiciary, which the Judiciary is still trying to hopefully get back. We passed venue fixing statutes saying that if you have a certain kind of matter you can only go to four places in the whole state to be heard on them. There's -- there's a track record here in the Legislature of allowing politics to creep into matters involving the Judiciary, and I think that that concept of the separation of powers is probably the thing that I fear most by passing this Concurrent

Resolution. I -- I absolutely credit the sponsor when he says that there are other things that we can work on, but my friends, this is -- this is what we have in front of us today at the very end of Session, this is the first passage of something which could come in front of us next year with other additional bills or not. But, I think that I would say to you that as somebody who practices here Upstate, I think that this Concurrent Resolution and the additional judges that will be added will be a primary benefit to more urban areas, Manhattan, maybe possibly other city or urban areas of the State. The areas that I represent are struggling with something different. What they struggle with is having judges that are available to hear cases in areas that are not as populous but are important to the residents that live there, and this type of elimination of the population requirement is not going to help them at all. And if you just consider the fact that we are in a one-party rule situation, I don't think it takes -- you know, I don't think we have to be too smart to figure out what's going to happen, where those judges are going to be added. It's not going to benefit the area of the State that I represent. It's definitely not. So I think that if all of this comes to pass, as we discussed, it'll be the Legislature that decides where the judges go because they fund the Judiciary budget by judicial district. So the Legislature will tell OCA - and I already know what my colleague to my right thinks about OCA - what will be appropriated by district, and then we're going to divide by \$1 million per judge roughly and, you know, then you're going to figure out how many extra judges will the 4th Judicial District get versus the 1st, the

2nd and so on. And I think we're going to see a real disparity if we take away this guardrail and this population requirement that's in the Constitution right now. It might be old. It might be even outdated. I like my colleague's bill, Mr. Dinowitz, who has a bill that would reduce the population requirement from 50,000 to 40,000, because that doesn't completely eliminate the population requirement, but it reduces it such that we can open the valve a little bit, and I think in a more reasonable way and allow for some more judges where they're needed without - to use the term we used before - kind of running amuck. I think that that is a -- that is a concern.

I think that as the Association of Justices of the Supreme Court of the State of New York stated in their memo of opposition, quote, "we remain concerned that going through the minimum two year process to simply remove the cap without the above protections would leave the assignment of judges to the whims of the political process without regard to the identified need and particular areas of the State," closed quote. So I -- I don't think that this is -- this is a good idea. I think that it -- I understand the concept that our State Constitution is a living and breathing document and it can be changed from time to time, but I think this particular provision has worked pretty well up until now and I would like to see and would absolutely support measures to try to address backlogs in certain areas of the State and support those efforts through the budget process and work with court administration through -- in suggesting ways and encouraging ways that they can try to reduce backlogs in our most

congested courts. I think that there are ways to do it without changing the Constitution in this way. I won't be supporting this and I would encourage my colleagues to think hard about this and to also vote in the negative with me. Thank you very much. Thank you to the sponsor.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. BORES: Happily.

ACTING SPEAKER AUBRY: Sponsor yields, sir.

MR. RA: Thank you, Mr. Bores. So I don't want to rehash, you know, what you spoke to Ms. Walsh about but just, you know, you talked about a little bit of the history obviously going way back and then there were some amendments to this in 1961 so there's both a floor and a ceiling base. The population that we're talking about, the 50,000 serves as a ceiling right now and the floor is the number of justices from the effective date so the floor is not impacted by this, correct?

MR. BORES: Correct.

MR. RA: So it would just remove the 50,000 language. Now I know Ms. Walsh talked about some other proposals that have been out there with regard to this. And I do -- I share your concern, I think one we all have with, you know, reducing backlogs

that we have in our courts making sure, you know, justice is available to people who need to go into court for -- for whatever reason. So I certainly support that goal, but I guess without some type of criteria, how do we ensure that the future actions of this Legislature are fair when it comes to apportioning judges amongst the different judicial districts of this State?

MR. BORES: If you're worried about unfair decisions and unaccountable decisions as to where judges go, you should be supporting this bill, because what this bill does is allow for more elected judges in specific jurisdictions where they will serve where they were elected to by the people in those jurisdictions. The replacement system that we have now is that we have a number of acting judges chosen by OCA, pulled from various jurisdictions that are stepping in to deal with the backlog and then passing that backlog down to the lower courts. So I so fundamentally agree with you when you say that we need to give people more access to justice and that we need to have more of those judges from many of these places, that is a reason to be supporting this bill.

MR. RA: And look, I agree we want judges that are elected by those areas and being there to -- to hear those cases 100 percent, but -- but my concern is once we remove this, how do we ensure that say two different judicial districts that maybe have around the same population at some point in the future and that this Legislature doesn't decide we're going to give more judges to one of them but not the other one? This current criteria, while I -- I think it

does need some modernization because I think it's clear that the current number is not providing adequate -- an adequate number of justices in all of the districts, how do we make sure that, you know, we don't have two basically similar districts in terms of population and one ends up with far more justices than the other because perhaps for political reasons or because, you know, the so-to-speak the right people are representing them here in the State Legislature in a single-party state gets them more judges while the others have to wait?

MR. BORES: I am looking forward to after this debate walking over to both you and your colleague with a gold slip for my other bill that actually provides metrics in statute, which has never before existed in the Constitution or in statute. But what we're talking about today is not a metric for allocating judges, it's a limit on the number of judges. There is no guarantee now in the Constitution or anywhere else that jurisdictions of equal population will have an equal number of judges. We could do that in statute, I think that's a great idea and I have a bill to do that. All we're talking about today is a limit on the number of judges and we need to remove that limit if we're going to be serious about getting people more judges.

MR. RA: Well, I look forward to looking at that proposal. It sounds like a good idea to have that because I do think that one of the things that you always want to know when you're scrapping something is -- is how you're making, you know, making it better. Now it does obviously right the difference between

Constitution and statute is that one is obviously much more difficult to change which is why we're having a discussion today on the first passage of this. It'll have to come before us again next year and perhaps your legislation on the statutory side will be something we'll see at the same time as well and I think maybe something like that makes people a little more comfortable with this so --

MR. BORES: With your support I hope it will.

MR. RA: Yeah. Well, I will happily take a look at it.

So I don't think I have any further questions for you so thank you.

MR. BORES: Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just -- just quickly. You know, the irony of -- of discussing this tonight and -- and the concerns we're raising with this bill is we have a bill on its way out to this floor right now that deals with family court judges and civil court judges in New York City and I'm happy Nassau County is going to get two more family court judges, great. It will help with our caseload, but I think you're going to hear when we get to that bill from some of my colleagues that the civil court judges, we're increasing them in four out of the five boroughs. I think anybody who hasn't looked at the bill, I probably wouldn't have to tell you which borough is the one that's not getting any additional judges. It's the one that is represented largely by folks on this side of the aisle. So that's a concern that we're opening that process to that being the possibility for us to be looking at in the future

when it comes to our Supreme Court justices as well without some criteria to make sure that that doesn't happen, to make sure if there is population growth in a particular part of the State, regardless of the political circumstances, that they get the adequate number of justices to hear the matters and make sure the backlog in that judicial district stays -- stays moving along and can be cleared so that all the residents of this State have equal access to justice in their courthouses. So that's a concern I have. I very much look forward to looking at my colleague's piece of legislation with regard to putting criteria into statute. And perhaps that will put my mind at ease a little bit, but in the meanwhile I feel like we are taking out some criteria that at least ensured some level of fairness in the overall allocation of justices without a clear, you know, objective metric there that will ensure that we fairly create new justices in different judicial districts of the State. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Smullen.

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

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

MR. BORES: Absolutely.

ACTING SPEAKER AUBRY: Mr. Bores yields.

MR. SMULLEN: Great. Thank you, I appreciate it from the member of the 73rd District from Manhattan. I just had to

ask you, the judge in your area, is that person elected?

MR. BORES: Well, it depends which part you're talking about but Supreme Court judges are --

MR. SMULLEN: Supreme Court judges we're talking about.

MR. BORES: Sorry?

MR. SMULLEN: Supreme Court Judges.

MR. BORES: They're elected throughout the State, yes.

MR. SMULLEN: And are you happy with the person that you have in your Supreme Court seat there?

MR. BORES: We have a few different people.

MR. SMULLEN: How many do you have?

MR. BORES: We currently have I believe 38 elected judges and a number of acting judges on top of that.

MR. SMULLEN: How many acting?

MR. BORES: Well, it varies day to day based on what OCA chooses, but at last count 50 acting.

MR. SMULLEN: Fifty?

MR. BORES: Yes.

MR. SMULLEN: So 88 would be the right number for your number of people and the amount of justice that needs to be meted out on a routine basis?

MR. BORES: Well, all of these decisions, right, the 50, that number is completely within the discretion of OCA and is

chosen by OCA. We as a Legislature have no control over that. And one of the things that this bill does is by allowing us to increase the number of elected judges, we actually can have more control over that process because we can decide the right number that should be there instead of leaving it to OCA that chooses those acting judges in every jurisdiction. Almost every jurisdiction has some acting judges. And in fact there's as many acting judges, just about, give or take, as there are elected Supremes in the State of New York.

MR. SMULLEN: Well, I know. You know, we have in rural areas a lot of judges do a lot of different things because it's necessary. And in fact we even have some counties that don't have a judge seated in it, which when you say that you're going to take away the safeguard of the, you know, 50,000 population metric -- a metric, a rough metric, it makes one nervous that rural areas wouldn't be protected from OCA now being able to simply assign judges to other districts but through their salaries and through the -- through the process by which, you know, that they get paid because they are expensive. I won't repeat what my colleague said, but, you know, my concern is that rural counties require rural equity. And one of the things is that in an existing system that's elected by the people from that area is maintained. So how does this Constitutional Amendment protect that concern?

MR. BORES: This Constitutional Amendment just gets rid of a cap. It doesn't get rid of a metric.

MR. SMULLEN: So it doesn't protect it, specifically.

MR. BORES: It just gets rid of a cap on judges and I would -- I would offer that it's perhaps easier to pass bills that allow judges for the entire State when everyone in the State might benefit from it. And what we have is a situation right now where certain jurisdictions are never getting another State Supreme judge, and so as we talk about how we actually want more justices and judges everywhere, I think involving a whole State in that conversation is much more likely to give us those results that we need. But I would add to that, that again, the more that we have acting judges, the more we have people pulled across jurisdictions. And I'd also add that sometimes activity that happens in certain jurisdictions are actually tried in other ones. And so getting rid of the backlog in any one part of the State actually helps people in the entire State.

MR. SMULLEN: Generally it does. We want things to be swift and sure is how I would look at it.

MR. BORES: Agreed.

MR. SMULLEN: And I guess my concern is and this is -- could a judge from New York City then be assigned to the Mohawk Valley on a temporary basis if they were -- if they were -- if there were, this is a hypothetical, you need more justices in Manhattan, but if we need a justice in the Mohawk Valley, could that judge be sent by OCA to judge cases in that area?

MR. BORES: We need more -- we need more justices everywhere. You can ask your colleagues from Staten Island who are all supporting this bill who are also at their cap or at Long

Island that are close to it or in the Capitol Region that's close to it. We need more judges everywhere. This really is a -- a Statewide concern. And given that we only seem to change this every 63 years based on actuary tables, I don't think anyone in this Chamber right now would be alive the next time we address it. So I just want to fix this once and for all. But your question can people be assigned across jurisdictions, that is the case right now and in fact is more likely when we have this hard limit.

MR. SMULLEN: Yeah, because the concern in this Body is recently legislated that in election cases that they're only going to be heard in certain jurisdictions. Is that what's next for OCA to now decide that say the people of a largely rural Upstate area, they would have to have their justices (inaudible) by someone who is elected by someone from an entirely different region of the State, because that's what OCA now has the control over through the money and it's what it comes down to. It seems to me it's a very, you know, dangerous sort of situation.

MR. BORES: I just want to point out, that's what they can do right now. And one of the arguments for doing that right now is that there is this cap. So that -- that is currently within their power. If your concern is making sure that that assignment across jurisdictions happens less and that we actually as a Legislature control the process more, that's a great reason for supporting this bill. I should have added that to my speech.

MR. SMULLEN: Great. Well, thank you thank very

much for answering questions.

MR. BORES: I appreciate it. Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: You know when it comes to rural equity, making sure that the four million New Yorkers that live in bona fide rural areas across the State, one of the key things that's very different in our justice system is that the people in that system are elected directly by the people, whether it's a judge, whether it's a District Attorney, whether it's a sheriff, they're directly accountable through the consent of the people at the ballot box. And this -- this is a big change to the system. I understand the sponsor's reasons for wanting to adjust the numbers, but it should just like this Body, is based on proportional representation, 130 or so thousand members of people per member representing them. I think our justices in the Supreme Court should stay the same way, because otherwise it seems like it could be changed arbitrarily by the OCA to fit political needs in the future that we wouldn't have control over from a proportional basis. So thank you very much, Mr. Speaker.

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 opposed to this resolution. Those who support it can certainly vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Democratic Conference is going to be in favor of this piece of legislation; however, there may be a few that would be an exception. They should feel free to do so at their seats.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bores to explain his vote.

MR. BORES: Thank you, Mr. Speaker. It's true that this bill is opposed by some judges, the same way a bill to expand the Assembly would be opposed by Assemblymembers. But nearly anyone else that interacts with the justice system supports this. That includes almost every bar association; State Bar Association, City Bar Association, Asian-American, Caribbean, Philippine, Haitian, Korean-American (inaudible), LGBT, Muslim Bar Association of New York. It also supported the business community, because they are held up in the civil litigation. So the partnership for New York City and the Business Council of New York State are strong supporters of this bill and arguing their memo of support that this makes New York more competitive because otherwise people are waiting for litigation and that's driving business out-of-state. It's also

obviously supported by Reinvent Albany and the Fund for Modern Courts and the Chief Defenders of New York and I can go on and on and on, but the key question all of us have to ask is do we believe that justice delayed is justice denied. And if so, when you look at this bill and you are seeing an artificial cap that only applies to one of our trial courts, do you want to put a cap on civil court? Do you want to put a cap on criminal court? Do you want to put a cap on family court? And if you don't and you want to make the State more competitive for business, more fair for defendants and more safe because we can have quicker trials and quicker resolutions, then the only way to vote is yes. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Bores in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. And thank you to my colleagues on both sides. I think the real problem is not that we lack judges that costs us upwards of a \$1 million apiece. It's not that we have too few judges, it's we have way too many lawsuits. And our legal procedures, thanks in large part to action by this Legislature, add more and more lawsuits and add more and more delays and complexities to each lawsuit.

When I started practicing a mortgage foreclosure action typically took nine months and it was great because you got it resolved fairly quickly. Typically there was equity still in the house. The homeowner who could no longer afford the house typically ended

up with a check in their pocket because they had equity that they recovered. The banks got paid quickly, the interest rate was lower. It now takes about three years, and this Legislature imposed mandatory settlement conferences, which go on and on and on. And every time we add more causes of action, we cause more trials. So an alternative to adding more and more expensive judges might be to look at reducing the number of lawsuits. Maybe instead of more lawsuits we should encourage more arbitration, which is faster and more efficient but which we almost every single year try to reduce. So let's focus on how it can really help people by reducing the number of lawsuits so that New York can be more affordable and people can get justice quicker on more important issues. Thank you, sir. I'm voting no on this bill.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So I think as I said before we have these three coequal branches of government. We do have a separation of power, and I think that we have to be very careful when we look at changing our State Constitution in a way that will I think muddy the water and create too much influence by the Legislature into the workings of the Judiciary. Judges resolve justiciable disputes by applying the law as written to the unique facts of each case consistent with controlling precedent. Unless the public lose confidence and trust in the courts, judges must be free to decide

the cases before them without fear or favor, free from politics, legislative prerogatives or other powerful influences and regardless of how the other branches of the government or the public at-large might view their determinations. I think that I would like to believe that the Legislature would be fair, but I'm wise enough after the number of years that I've served here to know that -- I'm reminded of a previous debate that we've had, but I know that my staff budget isn't equitable and in parity with the members of the Majority, you know. I know that the amount of money that I could distribute in my districts is significantly smaller than those of the Majority. I mean equity sounds great, but in practice I think politics gets mixed in and it's very hard to do. So I don't think that we should be making this change, and again, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 45, Calendar No. 445, the Clerk will read.

THE CLERK: Assembly No. A04098-B, Calendar No. 445, Cunningham, Shimsky, Otis, Jacobson. An act to amend the General Business Law, in relation to directing the wireless service industry to report on current and future plans to pursue renewable energy technology to power macrocells; and providing for the repeal of such provisions upon the expiration thereof.

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

MR. CUNNINGHAM: Absolutely, thank you, Mr. Speaker. The bill directs the wireless service industry --

ACTING SPEAKER AUBRY: One minute. One minute.

MR. CUNNINGHAM: Yes, sir.

ACTING SPEAKER AUBRY: Just hold. Are we done? Thank you.

Mr. Cunningham.

MR. CUNNINGHAM: Thank you, Mr. Speaker. The bill directs the wireless service industry to collaborate a report on the Legislature on the current and future effects related to renewable energy and Microsoft sites across the State.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for a few questions?

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

MR. CUNNINGHAM: Absolutely, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Cunningham yields, sir.

MR. PALMESANO: Thank you, Mr. Cunningham. Just to start off right from the top, you will not be hearing me use the word cobalt, China, Congo or EV in this discussion.

(Laughter)

MR. CUNNINGHAM: I appreciate that, sir.

MR. PALMESANO: As much as that disappoints everybody. I just want to say, first, I know we've talked about this bill, I know we've talked about some of the concerns. I just want to say off the top, I appreciate your engagement on this issue and concerns that have been brought up. I just kind of wanted to just walk through some of the changes made from the initial print because I think, at least from my view, there has been a significant change for the better. The way I understand the initial bill it would require a feasibility study by each cell phone tower owner, whereas this one, as I'm reading, it seems like it's more of a collaborated effort with the wireless industry that they can work together on this white paper. Is that kind of your goal with that?

MR. CUNNINGHAM: Absolutely. The bill has been very collaborative as you mentioned. We have a number of conversations and in talking to some of the proponents of the bill and some of the supporters, we will find some middle ground.

MR. PALMESANO: Okay, great. And is the goal, I mean as far as reading some of the points obviously to look at -- obviously we know we've had the conversation to move -- in this State is to move towards renewable -- renewable energy generation, renewable technology on a universal scale and I get that. But is the goal of your bill part of that white paper, that collaboration to really look down and have input from industry about how much this would

cost them, how much this might impact ratepayers, how feasible this is as far as from a study perspective or -- or information perspective on how reliable this service could be?

MR. CUNNINGHAM: Absolutely. I think, you know, we all realize that there is only one planet. We have no planet B, there's no second option, and I think as we begin to move the State and the country to a more renewable space, it's important that we begin to talk to industry and figure out how this (inaudible) impact their business which is why these white papers and study bills are so important.

MR. PALMESANO: And you think that if we have -- you know, one of the areas of concern I had, I know we talked about this, I represent rural electric cooperatives and our rural electric cooperatives right now they use 85 to 90 percent clean energy now. Do you think given that fact, that's something as we move forward in the discussion on this study or this white paper that could be something taken that into consideration on how we move forward on that -- that angle and how that would impact them?

MR. CUNNINGHAM: Absolutely. I think the purpose of this bill, again, is to not have a knee-jerk reaction that's gonna impact different parts of the State, whether it be rural, suburban or urban; making sure we're making the right measured approach as we look at new technology and renewable energies, but also making sure we enlist and solicit support on these issues and make sure we make adjustments. But if that wasn't the intent, we would just pass a

bill to outright mandate it happens.

MR. PALMESANO: Right.

MR. CUNNINGHAM: This is more of a conversation and (inaudible) to study it.

MR. PALMESANO: And I -- I do appreciate it. And one of the concerns, you know, from talking to rural electric cooperatives is because obviously with the mandates that are coming down the road, there's gonna be, you know, as we talked about, even just for our whole grid, there's gonna be significant infrastructure improvements that are going to need to be made, and on our rural electric cooperatives that would require some significant investments, substations, you know, that could be costly. And they have a smaller pool of -- of a constituency to address those and that -- so that's something you'd see, you know, being envisioned done through this bill that moving forward we can look at that, look how the rural cooperatives are gonna be impacted and, you know, anything we needed to do to address those issues, especially stranded investment, you know, losing (inaudible) investment. I think that's -- that's a possibility and something you're very open to?

MR. CUNNINGHAM: Certainly. That's the intent of the bill, to investigate and find out what supports may be needed and what the State needs to do in one year after receiving the report to actually make sure this can happen.

MR. PALMESANO: Okay. Thank you, Mr. Cunningham, for your time.

Mr. Speaker, on the bill.

MR. CUNNINGHAM: Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I did want to say thank you to my colleague. I appreciate the discussion and dialogue, his openness to listen to some of the concerns that have been raised. I think this bill is a much improved over the last bill, because the last bill, as we were talking about it, would require a feasibility study by each cell phone tower owner to put in place, which would have been costly. And from reading the language of this bill it's talking about engaging the wireless industry as a collaborative effort so they can work together to share data, share information, to help with -- provide information on how costs are gonna be impacted, how the reliability is gonna be impacted, and I think those are all positive things.

I -- I would say I do have my concerns, and I -- being from a rural area, you know, when we talk about our cell phone towers, that service is critical from a public safety perspective, from an economic develop -- development perspective. If -- if cellphone service goes out, we need to be sure it's working, and these rural electric co-ops, they do -- they are -- they are in certain pockets of the State, but right now they are already using 85 to 90 percent clean energy. So I think that's something, if there's any changes, to look at that and say, *Hey, given where you are in this process and what you're already using clean energy, maybe we can look at an exemption or something to address those concerns.* Because the biggest concern we

have is this is gonna be a significant cost increase, the transition altogether, and how that would impact our rural communities. And with the cell towers and things of that nature, and when we're talking about rural cooperatives given the fact, like I said, they're 85 to 90 percent, they have a smaller territory. And if it becomes too costly with the upgrades, they will lose customers, lose revenue, and then we look at stranded -- a stranded investment which we don't want to have happen because it needs to be a collaborative effort. We need our rural electric cooperatives to deliver on the clean energy goals and mandates that are being pushed through.

So -- and I appreciate the sponsor and your time on this, and everyone. So I would think on this bill, you know, I would -- you know, there -- I'm sure they'll be some yes votes on our side of the aisle, but just to be consistent with my theme, I'm -- I'm gonna be voting no just because I want -- I'm concerned about the overall renewable energy technology and the reliability of it. But I just want to say, again, thank you to the sponsor for your time and consideration on the feedback that we've given on this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MR. CUNNINGHAM: Absolutely.

ACTING SPEAKER AUBRY: Mr. Cunningham yields.

MR. GOODELL: Mr. Cunningham, in reflection of our late evening and our extensive Calendar, and solely as a professional courtesy to my colleague, Mr. Palmesano, who exercised great restraint, I have to ask you whether the statutory requirement that requires the white paper to consider the potential impacts to existing backup power sources will include an evaluation of the ethical, moral and social justice considerations involved in mining cobalt using child labor in the Congo?

(Laughter)

MR. CUNNINGHAM: I don't believe the bill speaks to that intent, but the bill does look at the feasibility of the renewable energies.

MR. GOODELL: Thank you, sir, for your comments. Thank you, Mr. Speaker.

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.

(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 we can now bring our attention to Rules Report 223 by Mr. -- Mrs. Cook, which will be handled by Mr. Lavine; followed by 243 by Ms. Lee; and then 272 by Ms. Rosenthal; followed by Rules Report 45 by Ms. Lucas.

ACTING SPEAKER AUBRY: Page 11, Rules Report No. 223, the Clerk will read.

THE CLERK: Assembly No. A10351, Rules Report No. 223, Committee on Rules (Cook). An act to amend the Civil Practice Law and Rules and the Criminal Procedure Law, in relation to the waiver of costs, fees, and expenses for persons of insufficient means and to eliminating the phrase "poor person."

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

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Lavine?

Mr. Lavine yields.

MR. GOODELL: Thank you, Mr. Lavine. As I understand this bill, it's -- it's a program bill introduced by Mrs. Cook, defended -- or explained by you.

MR. LAVINE: I am -- I'm appearing here this evening as Vivian Cook.

(Laughter)

MR. GOODELL: You look very nice --

MR. LAVINE: Don't tell her that.

(Laughter)

MR. GOODELL: You look very nice, Mrs. Cook.

MR. LAVINE: Thank you, Mr. Goodell; likewise, I'm sure.

MR. GOODELL: And what this bill does is it essentially makes two technical amendments, but the -- the biggest change is it removes any reference to, quote, "poor person", and replaces it with the, quote, "party with insufficient means to pay costs, fees and expenses", correct?

MR. LAVINE: Essentially, yes.

MR. GOODELL: Does it make any substantive change in the law?

MR. LAVINE: No, absolutely not.

MR. GOODELL: Thank you. Thank you --

MR. LAVINE: May I just continue with one thing, Mr. Goodell?

MR. GOODELL: Of course.

MR. LAVINE: And again, it's always been an honor and pleasure, but I think we should just take a moment, all of us, to reflect on the fact that 80 years ago at the beginning of the Battle of

Normandy --

MR. GOODELL: That was more than --

MR. LAVINE: -- 30,000, Mr. -- Mr. Goodell, 30,000 Americans died in that battle, and over 100,000 suffered serious wounds, and thanks to them, we get to do this.

MR. GOODELL: Indeed. And thank you for highlighting the importance of this day in history.

MR. LAVINE: Thank you, my friend.

MR. GOODELL: Thank you, Mr. Lavine, aka Mrs. Cook.

(Laughter)

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This is what I could expect from one of my least favorite organizations, the Office of Court Administration.

(Laughter)

It's a bill that we're requested to consider in the last closing hours of the Legislature that, as my colleague noted, has absolutely no substantive impact. Its only purpose appears to be to waste our time. But sadly, it does more than just waste our time with a bill that makes no substantive difference; it helps waste the time of thousands of lawyers across New York State who are busy billing their clients several dollars per minute, and here's why. If you are an attorney and you're making a motion seeking to have the court costs

waived because you represent a poor person, and you want to research the cases that deal with when you will qualify and when you won't, all the lawyers have a very capable and sophisticated database, and you type in the words "poor person," in the computer system, whether LexisNexis or FindLaw or whatever, will bring you up the cases. With this change, you type in "poor person" and you won't get the data that you're looking for. Or even worse, if you should have the lack of foresight to type in, quote, "person with insufficient means to pay costs, fees and expenses", you won't find any of the cases dealing with poor people.

And so on a bill from my least favorite organization, OCA, that is a complete waste of our time, that has no substantive impact, replaces two words - poor persons - with a phrase that involves, one, two, three, four, five, six, seven, eight, nine, ten words. Please, my friends, at some point we have to stop this madness. Maybe we should just simply abolish OCA.

(Laughter/Applause)

ACTING SPEAKER AUBRY: That's one word in three syllables?

(Laughter)

Thank you.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Will Mr. Lavine yield for a quick question?

ACTING SPEAKER AUBRY: Mr. Tague, Mr.

Lavine yields.

MR. TAGUE: Thank you, Mr. Lavine. Just for the record, I just wanted to let you know that I actually know Vivian Cook, she's a friend of mine.

(Laughter)

And you, Mr. Lavine, are no Vivian Cook. Thank you, Mr. Speaker.

(Applause/Laughter)

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: Notwithstanding my compassion for poor people, the Republican Conference is generally opposed to this meaningless, superfluous waste of time bill from OCA. But there may be people who want to vote for it, in which case they should do so on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Ms. Vivian --

(Laughter)

Ms. Bicho --

MRS. PEOPLES-STOKES: Thank you -- thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Help, it's getting late.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, I know what you were trying to say, and it's okay. But the Democratic Party is generally gonna vote in favor of things that are designed to be a benefit to poor people; however, there may be a few that will want to be an exception, they should feel free to do so.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine.

MR. LAVINE: I'm gonna very, very quickly explain my vote and clarify. And while my colleague has a good sense of humor and -- and does make some good points, the fact of the matter is that the term "poor person" is now regarded as being pejorative. Legal language changes all the time. There was a time that deeds for husbands and wives would say John Smith et ux, and et ux meant "his wife." So we strive to add modern language to our laws to make the significance of these laws in plain English so that people will understand them, that they're not derogative. And the term "poor person" doesn't really refer to a poor person in this day and age. So while we can have some fun with the language and it's good that we do, there is a real significance to this particular change in the law.

I vote in the affirmative, thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Rules Report No. 243, the Clerk will read.

THE CLERK: Assembly No. A06789-B, Rules Report No. 243, Lee, Dickens, K. Brown, Shimsky, González-Rojas, Weprin, Colton, Simone, Glick, Simon, Lavine, Seawright, Burdick, Rajkumar, Rozic, L. Rosenthal, Epstein, Raga. An act to amend the General Business Law, in relation to requiring disclosure of certain social media terms of service.

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

Ms. Lee, an explanation has been requested

MS. LEE: Thank you, Mr. Speaker. This bill requires social media platforms to post their terms of service to inform users of terms of service and provide transparency regarding their content moderation practices. Despite the rise in hate speech and harassment on social media platforms, social media companies have yet to take appropriate steps to provide clear policies around their terms of service, or to let alone clear reports on their terms of -- provide clear reports on their terms of service. This bill will provide disclosure of current social media policies on hate speech, racism, disinformation, harassment and threats of violence from -- as well as provide from social media companies the way that they handle hate speech, extremism, misinformation, harassment and foreign political interference on their platforms.

ACTING SPEAKER AUBRY: Mr. Goodell, why do

you rise?

MR. GOODELL: Would Ms. Lee yield for some questions?

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

MS. LEE: Yes.

ACTING SPEAKER AUBRY: Ms. Lee yields.

MR. GOODELL: Thank you, Ms. Lee. This is not an OCA program bill, right?

MS. LEE: No.

MR. GOODELL: Thank goodness. Let's put that behind us.

MS. LEE: Yes.

MR. GOODELL: This bill seeks, as you mentioned, to require social media platforms like, presumably, Facebook, Google, and maybe Twitter, TikTok, whatever, to have a standard policy on content moderation or control, correct?

MS. LEE: Can you repeat that last part again?

MR. GOODELL: Certainly. This is looking at having all these large social media platforms have a standard policy on what speech they allow on their platform and what speech they will remove and the policies they have as it relates to that?

MS. LEE: It -- it does not require platforms to have a standard policy. It simply requires them to have a standard reporting standard that they publish with the Attorney General.

MR. GOODELL: I see. And as part of that standard policy, they have to talk about how they address what the bill refers to as "disinformation", correct?

(Pause)

MS. LEE: Yes, on the (inaudible) -- yes.

MR. GOODELL: What is the -- what's the definition of disinformation?

MS. LEE: So those -- those buckets of terms are defined by the -- by the social media companies, and only if they are already -- already recording that information and that data.

MR. GOODELL: Do we anticipate as a result of this that social media companies will be obligated to fact-check postings that are put on their web page?

MS. LEE: No, it's not -- it has no requirements for the social media companies in terms of how they manage the content.

MR. GOODELL: Now, as you know during COVID, Facebook had algorithms that would identify key words, and then Facebook would automatically put a posting on your own posting if you happened to use one of those keywords. I'm sure everyone in this room is familiar with that. And that posting was something along the lines of, you know, if you really want the truth, look somewhere else. Is that part of the policy that this is aimed at addressing?

MS. LEE: No, there's no -- there's no instruction to social media companies on how they conduct their moderation of content on their platforms. This is merely a reporting mechanism to

demonstrate -- to, you know, publish publically what types of content they are moderating, how many instances they are encountering online, et cetera.

MR. GOODELL: Well, social media platforms are a relatively new concept, I mean, within the last ten or 20 years. Of course, newspapers, periodicals, weeklies, pamphlets, bulletins have all existed for literally hundreds of years. Is there any corresponding obligation on, say, the *New York Times* to publish its standards on what it does in terms of reviewing what letters it publishes or what letters it won't publish, or what ads it runs or doesn't run? Is there any comparable reporting requirement on news media or other platforms?

MS. LEE: This is specifically for social media platforms.

MR. GOODELL: And why do we target social media platforms and not apply a same standard over all privately-owned news or information platforms?

MS. LEE: This bill is focused specifically on managing -- or not managing, but requiring certain public -- certain reporting for social media platforms. If we want to do that with other media platforms, we can do that, but that is not part of this bill.

MR. GOODELL: I understand this bill doesn't cover any of the others. My question is why just social media and not everyone else?

MS. LEE: Because this is what the bill does.

MR. GOODELL: Okay. In other words, there's not

-- it wasn't a conscious decision to exclude everybody else, it's just that this one deals with this particular subject area.

MS. LEE: That's correct.

MR. GOODELL: Civil libertarians, of course, are always concerned that government try to regulate speech and, in fact, following the COVID situation, I think it was revealed in testimony in front of Congress that representatives of the Biden Administration actually asked some of the social media platforms not to publish certain things or to remove certain things from their sites; is that correct?

MS. LEE: I'm familiar with that, what happened during that instance, but that has nothing to do with this bill.

MR. GOODELL: I see. Thank you very much, I appreciate your comments. This is modeled after another law, isn't it?

MS. LEE: Yes, in California.

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

MS. LEE: Thank you.

MR. GOODELL: Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: You know, I've watched with great interest this debate over what role social media platforms have in moderating speech, or as some might say, censoring speech. And certainly, we, as a society, have always prohibited certain speech, right? We've always prohibited speech that incites violence, or speech

that encourages illegal conduct. But at the same token, in our Federal Constitution we have the First Amendment that protects free speech, including speech that's just plain wrong. And we've never really taken the position that we, as the government, should force others, or do it ourselves, restrict free speech. Especially speech we think might be wrong. And so you're, under the First Amendment, free to express your opinion that global warming is the cause of flooding or droughts or freezing or thawing or whatever your opinion might be on global warming. And you're free to express your First Amendment rights to say global warming is an entire farce. I mean, that's the First Amendment, right? And it's always been argued that the marketplace of ideas and of free expression ultimately results in the best decisions. It's not a pretty process, it's sometimes messy, can sometimes generate conflict, but we've always encouraged free expression.

This bill requires social media platforms to publish, presumably at some point for our review, how they're dealing with disinformation. And the problem is, that is a precursor for censorship, because when somebody else is charged with determining whether or not you're saying something that is disinformation or not, you go right to the edge and maybe beyond what our country was founded on, which was free speech, especially free speech in a private medium. So you can at any given time look back through recent history, and you may recall the *New York Post* said, *We found Hunter Biden's laptop and it's incriminating*, and at the same time the *New York Post* was saying that, the *New York Times* was saying, *Disinformation, not*

accurate, not true. That's why we have freedom of speech, isn't it? You can read what you want, you can believe what you want, you can check what you want, and over time the free marketplace of ideas has proven to be the best approach. And sadly, this bill which focuses on and includes disinformation, takes away that freedom of expression and places it with censorship in a company that wants to be politically correct because of their fear of government regulation.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. DiPietro.

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

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

MS. LEE: Yes.

ACTING SPEAKER AUBRY: Ms. Lee yields.

MR. DIPIETRO: Ms. Lee, in this bill what -- is there anything specific you want to change that's not happening now on social media platforms that the -- what -- is there something specific that's really driving this?

MS. LEE: So currently as it stands, the terms of service for every social media platform are very difficult to find. Often the links are broken or you have to go through multiple links to find terms of service for each social media company. In addition, social media companies present their terms of service differently and they describe their content differently, so it's difficult to compare one

terms -- the terms of service of one platform to another.

MR. DIPIETRO: So yes or no, you think government should step into this and change it? Yes or no, that's all.

MS. LEE: So what this bill does is to require uniform reporting between different platforms so that it's easier for users to understand the terms of service for each platform.

MR. DIPIETRO: Okay, so that's a yes. Okay.

Let me ask you this: Any other states doing this right now?

MS. LEE: Yes.

MR. DIPIETRO: Is there a model?

MS. LEE: Yes.

MR. DIPIETRO: Who's that?

MS. LEE: California is doing it right now.

MR. DIPIETRO: Okay, California, who no one wants to emulate, it's the worst state in this country. What would be the role of Attorney General James in this?

MS. LEE: The Attorney General is where -- their website would be where the reports would be housed, and they would have the opportunity to go back to social media platforms if they have not reported on a timely -- in a timely fashion.

MR. DIPIETRO: Okay. So then is it Attorney General James that reports the oversights, or is there a different group? How does that actually get -- who's watching, who's -- who's gonna be monitoring and reporting this and making sure that this is

done?

MS. LEE: The Attorney General -- the Office of the Attorney General.

MR. DIPIETRO: Okay, so she's gonna have -- she's gonna put employees on that and monitor it. How many social media platforms are you -- are you targeting?

(Pause)

MS. LEE: Sorry, just a minute, just confirming it.

MR. DIPIETRO: Just approximately, five, 100?

(Pause)

MS. LEE: I just want to get the exact number for you.

MR. DIPIETRO: You don't need exact, is it just, ten, 20, 50?

MS. LEE: Yeah, it's -- I mean, it's going to be just a large -- it's the largest handful of social media companies.

MR. DIPIETRO: Okay. So is -- is there -- is there a -- is the -- when you're targeting these, do they have to have so many users, per se?

MS. LEE: Yeah, they have to have -- it has to have a certain number of users to qualify --

MR. DIPIETRO: Okay.

MS. LEE: -- for the reporting.

MR. DIPIETRO: Okay, that's good. Thank you, I appreciate the answers.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Okay. I find this is gonna be a little bit of a problem for most people because of our First Amendment rights. I've known personally groups that have been shut down, right to life groups all of a sudden on -- on Facebook, Twitter a few years ago, they were getting shut down because they're -- they're pro-life, and they were getting censored. I've had friends who have posted conservative views who have been censored, who have been stopped for the most innocuous posts. I can tell you, I know three churches who were put on hold for 60 days just for putting out Bible verses when they were talking about the government and asking -- and their Bible verses were just such that, saying, you know, our government needs to turn back over to Jesus and God, and really innocuous verses and they were shut down. Groups who criticized the government during COVID. I was shut down when we were -- I was reporting every day during COVID the number of new cases that I was getting from the State, and I knew firsthand that those numbers were wrong. Because during COVID if you went over to one local emergency center you got counted. If they transferred you over to Buff General Hospital, you were counted again. If you got moved to the third floor, that was a third time. It's one person had COVID, but they were counting them numerous times for the money. And when I reported that I got shut down, even though I had official confirmation, because it didn't fit the narrative of the left and of the left government.

I know the algorithms are purposely changed on conservative groups so they don't get shared to the right number of people, so they get very few views. I've had that happen myself. I post a picture of my dog and I get 500 likes; I post something conservative and I get five. I ask the same people -- it's very common. This has a -- and then when you put someone like our Attorney General, who no one is going to sit here and tell me she's not political, and you put her as the oversight? You've got a major problem. I wouldn't trust her with ten cents of mine.

So this is a very -- this bill is very stifling of free speech, totally anti-American. I just think this is gonna be one of those bills that if it ever -- if it does happen, it's just an attack on conservative values and those -- those groups. It's gonna stifle more speech, we already know it happens now. This does nothing to give us more free speech, but it definitely takes away our rights on the First Amendment. This has got a very chilling effect because all the oversight and everything they want to put in here, I don't see one Conservative, one Republican being in charge of any of it or having oversight any of it. It's gonna be all on the other side of the aisle and that's chilling.

So with that, I'm gonna urge all my colleagues to vote no. I'll be voting no, but thank you, and I thank my -- the sponsor for answering those questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brown.

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

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

MS. LEE: Yes.

MR. A. BROWN: Thank you. While I agree with my colleagues on the First Amendment issues, I think there's probably a lot more to this bill than it seems. So if I -- if I may, and just to be clear, I think this bill -- am I right to say that this bill is really monitoring the social media companies as opposed to monitoring -- monitoring the individuals that are using the social media platforms?

MS. LEE: That's correct.

MR. A. BROWN: And just on a personal level, I think that just the problem with the bill, why I think there's a little confusion is because I read your bill and it seems pretty good, the justification is just weak. Why did you, if I may ask, Madam Sponsor, create this bill? What -- what are the real issues that you're concerned with? Are they -- is it because the social media companies are biased against certain individuals and not the other? If you can elaborate for us to help us understand the bill a little better, please.

MS. LEE: Well, we have seen how hate speech and harassment on social media platforms have surged in recent years, especially against minority communities like the Asian community, the Jewish community, the LGBTQ community, and we wanted ways for users to understand when they're using a platform how certain --

how social media companies are managing hate speech and other content like that on their -- on their platforms. And then they can make a choice whether they want to use that platform or not.

MR. A. BROWN: And -- and according to your bill I saw there were means and methods of damages towards the social media companies if they didn't abide by their own terms of service, it seems, if they were in violation it seemed. Was I reading that correctly?

MS. LEE: No, there's no -- there are no damages or liability to social media companies on how they moderate content. The only liability is with the social media companies if they do not report on a timely basis. But even for that, we provide a 30-day cure period, so that once they receive a warning from the Office of the Attorney General that they have time to be able to report on a timely basis.

MR. A. BROWN: So -- thank you. And for example, if I were to say, *Hey, they're going after the Jewish people on this platform. The other guy did the same thing, why are they, you know, banning me from this platform and not the other? What do I do with that information even if I -- even if their terms of service said they would do differently?* Do we rely on Letitia James to do it? We know that's not a thing, so how -- what would we do about it? Because I want to believe in this bill, what -- where's the strength behind this acknowledgment of -- of the terms of service? What can we do with it in reality? I can't scream from the rooftops with it.

MS. LEE: Right. So you're not going to be able to see each instance of hate speech, and we're not asking social media companies to explain why they decided to take one, you know, one post off and to keep another post on. That is, you know, out of protection for First Amendment rights and also Section 230 which, you know, provides special protections to social media platforms and how they moderate content. This bill, though, however, would allow you to say something like, *Oh, well, you have -- you get ten million tweets a day and you've only taken down two -- two posts in the last year of hate speech? Is that really -- does that really reflect the kind of activity that is happening on your website? Maybe we should -- maybe we need to rethink and look at how you are doing that. Maybe you can go and look at that, and maybe I can decide not to use that platform if I feel like that platform is not moderating content in a way that I feel comfortable with.*

MR. A. BROWN: Okay. Thank you, Madam Sponsor, for those answers.

MS. LEE: You're welcome.

MR. A. BROWN: Thank you; thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakhov.

MR. NOVAKHOV: Thank you -- thank you, Mr. Speaker. Would the sponsor yield for a few questions?

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

MS. LEE: Yes.

ACTING SPEAKER AUBRY: Ms. Lee yields.

MR. NOVAKHOV: Thank you. So a real life example. Several months ago after the October 7th attack by Hamas, I posted -- I -- I found a picture somewhere with the -- young people holding a banner saying, *Queers for Palestine*. So I was pretty surprised by, you know, queers being for Palestine and I posted on my social media page -- I -- I made a post where I said that, you know, probably these people have pretty low IQ thinking that queers can support Hamas and Palestine because queers would be killed first by Hamas and then the Jews. So first of all, a question to you -- and I was banned, I was banned by Facebook for posting this, for posting basically my thoughts about this banner, *Queers for Palestine*. My question to you, do you believe that Facebook did the right thing, banning me for that?

MS. LEE: I don't know that that has any relevance to the bill.

MR. NOVAKHOV: If you would be the CEO of Facebook, Mark Zuckerberg, would you ban me for that post?

MS. LEE: I don't think that that has any relevance to this bill.

MR. NOVAKHOV: Oh, it -- it -- it has, because, you know, my further questions --

MS. LEE: Okay, maybe go to the next question then.

MR. NOVAKHOV: I'm just, you know, curious on

your opinion. I mean, if can just share your opinion.

MS. LEE: Do you want to ask --

ACTING SPEAKER AUBRY: Mr. Novakhov, let her answer the question --

MR. NOVAKHOV: I'm sorry, Mr. Speaker, yes.

ACTING SPEAKER AUBRY: -- please. Thank you.

MS. LEE: I think that you should get to the -- go ahead and ask the question about the bill that you're trying to get at.

MR. NOVAKHOV: Well, I'm sorry that you don't want to share your opinion with me, I was really interested to hear that, but I'll take it further. So taking it further, would your bill help me in any way with, A, not banning my post by the social media or, B, seeing their regulations? Because when I saw the regulations of the social media, of Facebook, nothing really -- I didn't understand anything they were saying kind of explaining why my post -- why my post was banned, right? I appealed, it was -- it was a very weird, you know, structure of appealing (inaudible/crosstalk).

MS. LEE: It's very confusing to follow.

MR. NOVAKHOV: So -- so my question is, will your bill help me and other millions of people to understand why my post was banned?

MS. LEE: Yes, it should.

MR. NOVAKHOV: I have no further questions.

Thank you so much, Ms. Lee.

MS. LEE: You're welcome.

MR. NOVAKHOV: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. McGowan.

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

ACTING SPEAKER AUBRY: Ms. Lee?

MS. LEE: Yes.

ACTING SPEAKER AUBRY: Ms. Lee yields, sir.

MR. MCGOWAN: Thank you, sir; and thank you, ma'am. Ms. Lee, I'm just -- I'm trying to have -- trying to get an understanding of exactly what this bill does because I'm a little confused by some of your responses to my colleagues' questions. So my understanding from what I'm reading and from some of your answers essentially is that this bill is gonna require social media platforms to define certain things, the terms -- terms of service and then how they define specific things; hate speech, racism, and so on, correct?

(Pause)

MS. LEE: I'm sorry, was that a question?

MR. MCGOWAN: That's correct, right? That's --

MS. LEE: Yes, yes.

MR. MCGOWAN: -- that's what the bill --

MS. LEE: To provide -- it's not forcing them to do anything that they're not already doing, but to provide a def -- to

provide the definition that they use for those different types of categories.

MR. MCGOWAN: What if there's a social media platform that doesn't define the things that are enumerated in this bill?

MS. LEE: So then they do not need to provide information or reporting on those categories.

MR. MCGOWAN: Okay, but let's say they do. They have to provide reporting, and then what exactly is the Attorney General's role in this? Is it just posting these terms on its website or is there something else that the Attorney General is responsible for?

MS. LEE: That's correct, just -- just to post the reports on a publically accessible website that users can find easily, and to make sure that the social media companies are reporting on a timely basis.

MR. MCGOWAN: One of the things that -- from your prior answer, I just want to make sure I understand.

MS. LEE: Yes.

MR. MCGOWAN: You spoke about instances, or let's say there's a -- a, you know, I don't know what the numbers would be, but a large number of daily posts, but only, you know, a small number of flagged incidents of whatever the -- the misdeed would be, whether it be a post about racism or hate speech or whatever. And then I think you said something about that might prompt something, some type of a closer look. Can -- can you -- is that not what you said? I'm just trying to get an understanding, what -- who's gonna take

that data? Like, is that for the -- the consumer, somebody who may want to utilize the social media platform? Does the government have any role in analyzing that -- that situation?

MS. LEE: No, the -- the government does not have any role in analyzing the data, it's just for users to have access to. And it's just, as Assemblymember Novakhov was talking about, when he had a post that was taken down, he didn't understand why the post was taken down. The terms of service would be provided in a very accessible, public website that would allow users to understand how they -- how they are moderating content.

MR. MCGOWAN: But there's no uniformity in any of these prohibited types of speech, whether it's racism -- I mean, we can all agree on probably the extremes of any of these issues, right? Something that is very obviously a, for instance, a racist post, and very obviously not a racist post. Same thing with hate speech and all the other enumerated categories, right?

MS. LEE: That's correct. So, we're not controlling how they define different categories or how they moderate -- moderate different categories, we are just asking -- or requiring all the social media platforms to uniformly report how they do this, each of those things.

MR. MCGOWAN: And is one -- is that information not already available in terms and services and agreements provided for each social media platform?

MS. LEE: So, they -- they are available, they're very

hard to find, they're often very difficult to find. As Assemblymember Novakhov spoke of, he was -- it was very difficult for him to understand the appeal process, the moderation process. So this would be a way for a user to go onto one website and find it for each of the social media platforms and to understand how they do that.

MR. MCGOWAN: Okay. But finding it --

MS. LEE: Right now it's very difficult, and each -- each company is presenting the information differently, so it's hard to understand how each of them is doing and comparing them one to another.

MR. MCGOWAN: Okay. So this isn't simply just going to the Attorney General's website and then finding social media platform A, their terms, social media platform B, their terms. They -- they have to somehow conform their terms to answer what's required under this bill, correct?

MS. LEE: No, they don't have to conform to anything that -- they will just be under very clear categories so it's easy to find. So the terms of service don't have to conform to anything, we're not requiring the social media platforms to -- to change their terms of service, it's just so that it's laid out clearly so that a user can understand what they are.

MR. MCGOWAN: And how is it gonna be laid out clearly? Can you explain what it's gonna look like? So if I'm a user and I want to investigate this, because for whatever reason, right, this is something I'm interested in, now I go to the Attorney General's

website. How -- how is the information gonna be presented to me as a user, or a potential user of any of these platforms?

MS. LEE: So, the way that it's laid out in the bill, the required disclosure of terms of service, a social media company shall post terms of service for each social media platform in a -- in a manner of reasonably designed to inform all users of the social media platform.

MR. MCGOWAN: Okay. So in some way, though, the social media platform will have to essentially fit its information into some type of a category or a box on the Attorney General's website.

MS. LEE: Yes, if they already record that information.

MR. MCGOWAN: And you said if they don't record that information they're not required to do anything?

MS. LEE: That's correct.

MR. MCGOWAN: Okay. But, again, defining these things, there's no definition for any of these categories, hate speech, racism, extremism or radicalization, whatever that means, right? I know what those words mean, but I don't know what extremism or radicalization means, about what?

MS. LEE: Right, that's exactly the point of this bill, that each social media platform, if they have a category that they -- where they're recording posts under certain categories that that's defined on -- within the report. So you know what it means when they

say they're taking this post down because it's radicalization, you have that -- you have that definition, you understand what that is.

MR. MCGOWAN: But this bill is dictating to those companies -- you -- this bill is looking for certain information.

MS. LEE: No, that's not correct.

MR. MCGOWAN: Well, I don't understand what is extremism or radicalization is, and that's --

MS. LEE: But they -- if they -- if they have a -- if they categorize posts under that definition, they have an internal definition of what that means and they would be required to share that with the public in a way that's under -- understandable for people to see (inaudible/crosstalk).

MR. MCGOWAN: But there is no definition, it's just -- it's conclusory in this bill. Extremism, radicalization, that I -- again, I'm not sure what information is being --

MS. LEE: Exactly, because we're -- that is based on how the companies define it.

MR. MCGOWAN: What if they define -- they don't use those terms?

MS. LEE: Then they don't have to -- they don't use that category.

MR. MCGOWAN: But then you're not -- my point is that you're calling it extremism and radicalization in the bill, but what conduct falls into those categories? And a social media company may not use those terms, but you could be talking about -- I'm saying there

could be gaps here where you're missing information that would otherwise fit into this bill and further the intent of it.

MS. LEE: So, this is an exhaustive list. It talks about broader categories like hate speech, extremism, disinformation. But it also says including any subcategories.

MR. MCGOWAN: So, with respect to the reporting, though, this is self-reporting by these platforms.

MS. LEE: That's correct.

MR. MCGOWAN: Okay. So the Attorney General is just taking each platform at its word, right?

MS. LEE: That's correct.

MR. MCGOWAN: So if social media company A, without pointing to anyone in particular, let's just call it company A, reports its definitions and says, you know, zero -- zero flagged items over whatever period, and the Attorney General's going to take that information and that's it? There's gonna be no action?

MS. LEE: That's correct.

MR. MCGOWAN: And whatever the numbers are, if it's 100 a minute or zero in 100 days, that's it, it's just gonna be reported but there's no further action?

MS. LEE: That's correct. This is a data transparency reporting bill. This is not a -- this is not a content moderation bill.

MR. MCGOWAN: But if the -- if the AG isn't actually looking at the backup, right, it's not looking to confirm, so company A reports two incidents of extremism or radicalization, and

then there's no follow-up, right? The Attorney General is not looking into what those two examples are in order to comply with this law, correct?

MS. LEE: That's correct.

MR. MCGOWAN: Okay. It's entirely self-reported, so how do we -- we talk about transparency, how do we know if that's actually true? What if it's more, what if it's less?

MS. LEE: This bill is about self-reporting data transparency for users, and uniform reporting across social media platforms. That can be addressed in another bill, but that's not what's happening -- that's not what this bill will do.

MR. MCGOWAN: So is that the next step, then? Now we're gonna have the AG actually investigate? Because right now this bill doesn't seem to have any teeth.

MS. LEE: I mean, it has teeth in terms of if they don't report, if they're not providing specific reports then they have an obligation to do that.

MR. MCGOWAN: So that's real easy to do, just file a report. But there's no way to verify that information is correct under this bill.

MS. LEE: That's not the point of this bill.

MR. MCGOWAN: So what is the point of the bill? That's what I'm still --

MS. LEE: Yeah.

MR. MCGOWAN: -- trying to understand really

what -- what we're getting at here. I think that's some of the confusion shared by my colleagues is really understanding what's the point of this? You've got definition -- you've got terms, you've got conclusions that aren't defined, you've got no way to verify --

MS. LEE: No, you do have -- you do have categories that would be defined. You -- you yourself said that I don't know how a social media company defines hate speech, I don't know how a social media company defines radicalization. They would be required to put into their report what they define as each of those categories.

MR. MCGOWAN: But to what end? If it's not verified, if the Attorney General can't do anything other than look at a report and say okay, it was filed, where are we going with this? That's -- that's my concern.

MS. LEE: That can be picked up in another bill, but that is not what this bill does.

MR. MCGOWAN: That's exactly my concern. Okay. Thank you. I appreciate your time and answering my questions.

Sir, on the bill.

ACTING SPEAKER ZACCARO: On the bill, Mr. McGowan.

MR. MCGOWAN: I think this is really concerning. I -- I get the idea, right, we want to make sure that social media platforms, which are becoming the probably number one way, certainly the way I get my news on a daily basis and connect with --

with friends and colleagues. I don't think social media's going anywhere and I do think we need to consider that as a government moving forward and the impact social media has, because there's a lot of negative that comes with it. But I'm not really sure what the purpose of this bill is other than providing kind of vague government oversight of these social media platforms that could have absolutely chilling effect on free speech.

Now, again, as I mentioned, and I appreciate my colleague's comments and answering my -- my questions, we can probably all agree to the extremes of any of these undefined categories like hate speech or racism, but there's a lot of stuff in the middle that I'm not sure we can all agree on. And I don't know what extremism or radicalization means, disinformation or misinformation. I -- I don't know what that means. But I think underlying here is some troubling things that could result in further legislation. Well yeah, you're right, we can't verify whether this information is accurate, so now we're gonna do an investigation, now we're gonna look into what these things are. And that is, you know, we're getting to 1984 and, you know, government control and censorship that is very alarming.

I -- I still am confused as to what this bill is looking to do, what utility it's gonna have, and how it's gonna make social media any safer or any better for anybody. So I -- I appreciate my colleague's time and responses to my inquires, but ultimately, Mr. Speaker, I'll be in the negative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Chang.

MR. CHANG: Would the sponsor yield?

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

MS. LEE: Yes.

MR. CHANG: Thank you.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. CHANG: Thank you very much. As you know, I don't speak very much and -- and this is -- I have a question here about this bill here. Why do you selected less than \$100 million company that's not subject to this application here? Based on the last sentence on -- reading on this, application of this article does not apply to social media companies that generate less than \$100 million; why selected this amount of \$100 million?

MS. LEE: Can you say that again, Lester?

MR. CHANG: Certainly. Why -- why is this application does not apply to companies that generate less than \$100 million in revenue? Why not \$10 million?

MS. LEE: Can you provide the section that you're reading from --

MR. CHANG: Well, I'm reading --

MS. LEE: -- just make sure you're looking at the right version of the bill.

MR. CHANG: At the bottom, the section is -- is 110 -- Section 1104, application. Page 5, line 50 -- 15, 1-5.

(Pause)

MS. LEE: This is largely to target the largest social media platforms with the most volume of users.

MR. CHANG: Social media can go beyond just -- than just 100 million in the largest, it could be the smallest one, too, could be just as effective. If you can lower that standard that's one thing, broaden the adaptability.

The next one is what hap -- is this only for companies that are American-based? How about if it's foreign-based, other countries?

MS. LEE: These are all social media companies.

MR. CHANG: I can't -- I can't hear you, sorry.

MS. LEE: It's for any social media company.

MR. CHANG: For any social media.

MS. LEE: Yeah, defined under the bill.

MR. CHANG: So if this was foreign-based company, does -- I believe the Attorney General doesn't have any strength or teeth to --to enforce this unless they shut down -- shut down a pipeline.

MS. LEE: It would be any social media company based in New York State -- that is operating in New York State, my apologies.

MR. CHANG: Well, that's kind of -- because you can search worldwide on the internet, it's kind of hard to filter out which comes from what -- from whatnot, or people who has VPNs,

they can go around that. So all I can say is this bill --

MS. LEE: Well, I think that having -- making it for the largest social media platforms helps to address that issue. The largest social media platforms all have users in New York.

MR. CHANG: I mean, I -- I like this bill in some cases, in some points --

MS. LEE: You should like the bill, it's good for the Asian community.

MR. CHANG: -- but it's a lot -- I wish you could strengthen it. I mean, as my colleague, Ari Brown, you know, he was trying to find something. I was trying to look at this because in my previous work in the military as military intelligence, I monitored these social media all the time. So it just -- you know, we're trying to protect our information here in the United States and trying to limit the excitement and the hate, but I wish we could go further on this, on this bill itself. And it doesn't stop foreign entity to go into social media and they can go beyond less than \$100 million in -- in revenue and we'd still be exposed, kids still be exposed on this and where's -- where's the protection on that? The AG, you know, her -- her enforcement doesn't go far enough, it's only locally in -- in New York State. Does this bill have anything similarities to a different state or not?

MS. LEE: Yes, there's a similar bill in California that has already been implemented. But you should talk to your colleague in the back because he doesn't want the bill to go any further, so he

doesn't want more things to happen with this bill. So if you like the bill and you want more things --

MR. CHANG: Well, that's my colleague's --

MS. LEE: -- for it to do then --

MR. CHANG: I'm looking at this.

MS. LEE: -- you guys can have a conversation and create a new bill about that.

MR. CHANG: Well, thank you; thank you.

On the bill, Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CHANG: This bill has some potentials here to protect informations and perhaps prevent hate or -- or incite riots in -- in -- in -- locally here, or using social media as also a course for criminal activities, too, as well. But -- but this bill crafted it doesn't have as much teeth as it should be if it's a law enforcement, but I wish we could do more in this.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Pirozzolo.

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

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

MR. PIROZZOLO: Thank you, Ms. Lee. I don't really mean to prolong this, but --

MS. LEE: No, it's okay.

MR. PIROZZOLO: -- just in listening to the conversation. So I think really what people would be happy about is not a better explanation of why they're being banned, but an assured bill that says that everyone would be banned equally. And I know that's not the purpose of your bill, but I mean, that's really what we're getting to and what we're really saying is. I don't want a detailed explanation of why my -- why I was banned. I just want to make sure that the person who did the same thing I had, or if I am expressing a free speech right, I'm not being banned. We kind of touched on it a little bit when you talked about the major media companies, and I'm just gonna use as an example, Facebook, TikTok, Instagram, and X, right? I don't believe any of them are located in New York, right? So if they're not doing business in New York and I, as a New Yorker, choose to log on to their server in California or in China, what -- how does New York have the right to put a bill telling the California company or Chinese company that, *You have to provide this to New Yorkers?*

MS. LEE: Well, the companies are operating in New York, though.

MR. PIROZZOLO: Not necessarily. They're providing the access to a server in California, I choose to log on to their server. If they had -- if you can tell me they have server here in New York, then they're operating in New York. They're just like a television station putting out a big signal, right, and whoever can

receive the signal receives it. So I'm in New York just logging on to a server in China, in California -- I -- I think Facebook, X and Instagram are all in California, what authority does the Attorney General or anybody from New York have over these companies?

MS. LEE: It's not about their physical location, it's where they are -- where their platforms are operating. They have users who are in -- physically in New York, so they are operating in New York -- operate in New York.

MR. PIROZZOLO: All right, I get it and, you know, maybe, you know, when this is done. But if someone in New York chooses to use a company from Pennsylvania, we can't tell that company in Pennsylvania, *This is how you have to operate because this is New York law, and this is Pennsylvania law.* So that's really just what I'm pointing out because that -- you know, how do we have a right as a state to tell other countries and other states how they have to do their business when all they're doing is broadcasting?

MS. LEE: That's -- that's a great point because we're not telling them how to do their business. We're just asking them for some disclosures.

MR. PIROZZOLO: But they don't have to. They clearly don't -- they don't have to under this law. If they don't want to, they're like, *We don't do business there, we don't even recognize your authority to ask us this.*

MS. LEE: That's a difference of opinion on how that --

MR. PIROZZOLO: All right. Well, thank you.

MS. LEE: Thank you.

MR. PIROZZOLO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Flood.

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

MS. LEE: Yes.

ACTING SPEAKER AUBRY: Ms. Lee is graciously yielding to --

MR. FLOOD: Thank you, I appreciate it. Ms. Lee, just, you know, under the bill it does say, you know, this is only applicable to companies with \$100 million or exceeding \$100 million in revenue. Just right now, do you -- are you aware, you know, exactly which companies would this fall under right now?

MS. LEE: So it includes Facebook, X, TikTok and perhaps a few others, yeah.

MR. FLOOD: Maybe Instagram and like, you know --

MS. LEE: That's correct, Instagram --

MR. FLOOD: -- possibly, like, Reddit.

MS. LEE: Yeah, Instagram's part of Meta, which is Facebook, so...

MR. FLOOD: And so this isn't meant to be a flippant question, but have you actually read the terms under Meta, under their

anti-harassment stuff?

MS. LEE: Yeah, it's -- they're very hard to find.

MR. FLOOD: Because I -- I've never actually tried to do that before, I've never looked at social media. But, quite frankly, it took me about ten seconds to find. And as I'm looking at this, this is extremely detailed and, I mean, they go through tiers, exactly what language is prohibited, exactly what phrases are prohibited. It talks about content, it talks about, you know, concepts. I -- I've got to be honest, this is -- if you don't -- if you were looking to see why you're banned, I mean, as long as you know how to read you should be able to figure this out. And it wasn't exactly particularly hard to find. Like I said, I've never looked at it before, but I did it right here, it took me about 15 seconds.

MS. LEE: All right, so...

MR. FLOOD: So my question is, this isn't that hard to find. Is this just a matter of, like, we're trying to collect this data? Because it wasn't hard to find this.

MS. LEE: That's a great -- that's a great point because this bill is also -- this bill was also passed in California, and part of the bill is to require that they have robust reporting on their websites as well as on the California AG's website. We would like to have the same where the New York AG's website also can house these terms and conditions. So this -- this bill's already working.

MR. FLOOD: So, my -- my only concern there is is that why is that we're looking to collect this data? Because, I mean,

the skeptic in me seems to see there may be a different need for this. I'm not -- I'm not sure why we need the data.

MS. LEE: We're not -- I mean, the data is already being collected. It's just a disclosure and reporting of the data.

MR. FLOOD: So we essentially are just making it harder for businesses to, you know, to -- you know, transact business in New York by adding another filing requirement for them, and then a potential penalty of \$15,000 per day, per violation, for essentially data that we're not gonna do anything with. We're not -- I -- I just -- I'm still not sure --

MS. LEE: Is that a question?

MR. FLOOD: -- why we need to collect this data other than to potentially -- I mean, maybe to me it makes it more difficult for these companies to transact business in New York without really having a true reason for the data other than that our Attorney General may want to use this data against, you know, individuals or companies within New York. I -- I -- maybe I'm wrong, but...

MS. LEE: I mean, that's not what the bill -- the bill does not provide those types of powers to the Attorney General, so you are wrong.

MR. FLOOD: But -- but this is where I'm -- and, again, I'm trying to get this cleared up. Why are we collecting this data?

MS. LEE: We are trying to make sure that social media companies are clearly providing terms of service and their

terms of service to users in New York.

MR. FLOOD: And -- and I -- I -- it took me about ten seconds to look it up and it's clearly right there. It's very explicit. I don't know anyone sitting in this room could --

MS. LEE: And we're -- we're gonna make sure they're reporting it on the New York website, you can get all of the different social media platforms all in one place, and that they will be updating it on a biannual basis. Do you know when that was last updated?

MR. FLOOD: I don't, but it's their current -- I mean --

MS. LEE: You don't know if it's current or not.

MR. FLOOD: Yeah, but --

MS. LEE: So we would be -- we would be able to make sure that the terms of service are updated on a biannual basis.

MR. FLOOD: But why would they have to update it on a biannual basis?

MS. LEE: Because they're changing their -- their -- they change their terms of service very often.

MR. FLOOD: Yeah, but then wouldn't -- if they change their terms of service if they don't, you know, public -- publicize it, it's then not effective. So again, it's right here, it's there, this is their current technology.

MS. LEE: But you don't know that it's current.

MR. FLOOD: It seems like we're giving the Attorney

General a lot more work to do, which is gonna cost money because it's gonna be -- require someone to monitor this stuff, we're gonna have to now probably allocate more money, pay more money for something that just -- it doesn't seem there's a need for this at -- at all. I -- I mean, this is kind of why we've said this before, our Body says this before, New York is not a very friendly place to conduct business in, and bills like this where on the surface they seem to be great, seem like it's gonna cause more financial difficulties for one, the State, we're gonna have to now employ people and pay people to monitor this stuff where there's no real -- there's no, really, benefit to the people because this stuff is very easily findable. So we're not just --

MS. LEE: And I appreciate that, I appreciate that --

MR. FLOOD: So we're going to, what, put it all on one website?

MS. LEE: -- that concern. This identical bill was passed in California and was actually litigated, and the Federal courts ruled that this was not unduly burdensome for the -- for the companies to comply with.

MR. FLOOD: Okay. I'm not --

MS. LEE: They're already doing this in California, so they -- it is not a difficult thing for them to replicate that report and send it to the Attorney General's Office.

MR. FLOOD: And -- and so here's the funny thing about that is California's businesses are actually leaving at a rate higher than New York. California's not the model we should be

looking for. Unless we're competing literally to be the worst place in America to live, I -- I don't think we want to base what we do on California.

MS. LEE: Last time I checked, they have this place called Silicon Valley with lots of technology companies, and I don't think any of them have moved recently.

MR. FLOOD: Yes, they actually have; quite frankly, they've been moving to Texas. I -- I actually just read something about it. If you Google it quickly it will come up and see how much of Silicon Valley is leaving to go to Texas. But that's -- that's beside the point.

Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FLOOD: And I do want to thank, you know, the sponsor of this bill. I -- I do believe that this bill was brought with good intentions; however, I think there's always, with some of these bills, a lot of unintended -- unintended consequences that can come out with this, which, again, cost of doing business, you know, more burdensome on the taxpayers. It's gonna be more burdensome on the social media companies, many of which are free. But more and more regulation like this is ultimately gonna start causing, you know, a service charge to the users, and I don't think that's what it's intended to. But when companies start losing money, they have to figure out a way to generate more money because business -- people are in business to make money.

Like I said, I -- I understand the -- the want for this, I -- I truly under -- I truly believe that this was brought with all the good intentions. I just think it's not a wise decision to do this and, therefore, I will be in the negative and I suggest my colleagues do the same.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill as drafted, but some of my colleagues may certainly want to support it here on the floor by voting yes. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative can do so now.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Novakhov to explain his vote.

MR. NOVAKHOV: While the -- I'm -- I'm really, you know, disappointed that the sponsor of the bill didn't want to

pretend she's Mark Zuckerberg, like Mr. Lavine pretended he's Mrs. Cook --

ACTING SPEAKER AUBRY: (Clearing throat)

MR. NOVAKHOV: I'm sorry -- today. I -- I vote -- I vote yes on this bill because I think this bill is simply about transparency. It's about transparency, and we want more transparency. The, you know, the social media companies, they're not just small business companies or large -- they're conglomerates, they're -- they're governments inside the governments inside the governments. And unfortunately -- I'm -- I'm totally against government intervening with the -- with the private businesses, with the -- I'm -- I'm for the freedom of speech and I'm absolutely against any censorship whatsoever. But sometimes when you have such conglomerates, Mr. Speaker, the government must act in certain ways. And I think this is more about transparency. Moreover, I believe -- I would prefer Attorney General James -- James to spend more time acting, you know, dealing with this than what she often does.

So for this reason, Mr. Speaker, I'm voting yes and I think this bill is simply about transparency of the social media terms and conditions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakhov in the affirmative.

Ms. Lee to explain her vote.

MS. LEE: Thank you, Mr. Speaker. One of my biggest priorities in the Assembly this year has been to stop hate. We

are increasingly seeing minority New Yorkers targeted for who they are, including members of our Jewish, Muslim, Black, Asian and LG -- LGBTQ+ communities. To stop hate, we must help to legislate to -- to the places where hate is being spread. Social media platforms have become a hotbed for dissemination of harmful content and misinformation that fuels hate and prejudice. It provides new spaces for extremist views and re -- rewards inflammatory and controversial content. Oftentimes it directly causes or contributes to harassment and violence in the real world. We recently saw that here in New York when a young man was radicalized by racist, far-right conspiracies that led him to commit a mass murder in Buffalo, tragically killing ten and injuring others. Social media companies have a responsibility to their users to prevent their platforms from being weaponized. While they have previously made commitments to do this, they have yet to prove that they are. The Stop Hiding Hate Act is about transparency and about social responsibility. Social media companies must do their part to fight hate in New York, and that means working openly with the public to keep hate off their platforms. If we are serious about addressing hate, then we need to be serious about passing this vote -- bill, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Lee in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 272.

THE CLERK: Assembly No. A09616-C, Rules Report No. 272, L. Rosenthal, Shimsky, Glick, Simon, Burdick, Paulin, Gunther, Otis, Sillittii. An act to amend the General Business Law, in relation to remote vehicle technology and domestic violence victims.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill is a -- would require a vehicle manufacturer and/or a dealer to disconnect any vehicle tracking that comes with a vehicle upon the request of a driver who attest that they are a victim of domestic violence. And on its surface this bill makes a great deal of sense because obviously if you're a victim of domestic violence and you're in a relationship with somebody else and the other person has vehicle tracking capabilities on your vehicle, you want to disconnect that vehicle tracking data so that they can't track you. So on its face it sounds great. But of course, we vote on actual language and not just on concepts, and so unfortunately the bill as drafted has considerable issues. First, it requires the manufacturer and/or the dealer to disconnect it, but dealers don't have that ability, only manufacturers and in some cases only third-parties have that ability. So this requires dealers to do

something they cannot do. Second, it requires this tracking system to be disconnected and rendered ineffective upon the request of the driver; not the owner, the driver. And there is no way for a dealer or manufacturer to know who's driving the vehicle. They know who owns it, that's easy enough, but they don't know who the driver is. And so you can have somebody who claims to be a driver and then they disconnect functions of a car that they're -- they don't own. They say that you can identify yourself as a driver by showing that you're married to the owner. Well, you know once in a while my wife will let me borrow her car and I'm very thankful for that, but the fact of the matter doesn't mean I'm driving her car, and I can most assuredly reassure you that she's smarter than to drive my car, because she likes reliable vehicles. But this is focused on the driver. There's other practical aspects on it as well. This bill does not require that the request include any vehicle information that would actually enable the manufacturer or the dealer to know which vehicle so there's no requirement of a VIN, for example, a Vehicle Identification Number. So, and then there's huge potential liability. So under this bill if a dealer is asked to disconnect this method and they don't know who the driver is but somebody claims they're the driver and they don't know the VIN number which makes you wonder if they're actually in possession of the car and they don't disconnect it it's a \$500 fine. So while the concept is good, our job is to draft bills that actually work outside of this room. And so I applaud my colleague for thinking of this issue and trying to take steps to address it, and I hope that moving

forward we can address all these issues, which by the way were laid out in advance by the industry outlining not only the concern but the suggested correction and unfortunately those who are not considered or implemented. And so while I fully support the intent of the bill, until those issues are addressed I can't support this particular language. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: To explain my vote, thank you, Mr. Speaker. An increasingly alarming trend is when domestic violence abusers, it's not enough for them to abuse physically and mentally their victim, they also stalk them and track them and scare them and make their life hell. One way they do is through apps, through vipers, through other things on their cars and so they can follow them and see where they are, and it's very scary for a victim. It's not something they should have to put up with, and this bill will guarantee that if the victim proves they're an owner of the car and attest they are a victim of domestic violence, they will have a dealer or manufacturer disable or remove the device that's tracking them and feeding their location data to their abusers. So I'd like to thank all the advocates; URI, Women's Justice NOW, Sanctuary for Families and

others who gave such great input so we can try to make people who have been victims and are now survivors of domestic violence have a safer, easier life, and I vote in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 45, the Clerk will read.

THE CLERK: Assembly No. S02623-A, Rules Report No. 45, Senator Parker (Lucas, Aubry, Colton, Levenberg, Steck --A05367B). An act to direct the Department of State and the Public Service Commission to jointly study and report upon the provision to consumer credit reporting agencies by public utility companies, cable television companies and cellular telephone service suppliers of information on late payments of or default on any fees or charges incurred by consumers; and providing for the repeal of such provisions upon expiration thereof.

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

MS. LUCAS: This bill requires -- sorry, thank you, Mr. Speaker. And it's granted. This bill requires the Department of State and Public Service Commission to undertake a study and report on the prevalence of utilities reporting customer payment information to credit reporting agencies.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. So I just want to quickly describe what this bill does and why I have some concerns with it. So as the sponsor indicated, it requires the Department of State and the Public Service Commission to study the prevalence of utility, cable and telephone service providers reporting customer late payment or default information to consumer reporting agencies. And at the end of that process, which is the end of next year, December 31st, 2025, they will basically be making recommendations on both regulatory and statutory provisions necessary that they believe to protect consumers with regard to this issue. Now the concern that I have and we're particularly talking about, you know, the reporting of negative information or default information is that when we're looking at credit information in any, you know, space, agencies rely on that to essentially create, you know, a profile and a credit risk of a particular individual. And if we put entities in a situation where they ultimately the result ends up being that they're not able to use negative information, they're not going to end up using the positive information either, because the information is not going to be reliable for them and they're not going to use any of it. Now why is that a problem? There's an estimation by CFPD that there are 26 million Americans who are credit invisible. There's another 19 million Americans that are considered un-scorable either because they have insufficient credit

history or they don't have recent credit history. So what happens with those individuals in other aspects of their lives, they are not able to get credit. That can have implications on -- on housing, on transportation, on so many things in their lives to be able to get credit. So I think that while it is well-intended to try to not have negative information, I think we have to realize this isn't stuff that, you know, the second you miss a payment they're reporting it. You know, they're giving some type of grace period before the information is reported to a -- to a credit agency. But again, if the information is not able to be used on the negative side, they're just going to consider the consumer data to be unreliable and they're not going to use it at all and it has the potential to have very negative implications on those individuals as they're trying to build credit. You know, we all obviously deal with utility bills, telephone bills and these may be some of the only things some people have to show that they are building credit. So I think that we have to think about whether this is going to have negative implications on those who are paying their bills on time regularly just to assist those who may not be, and again we're not talking about a gotcha game where it's somebody who's a little late on a payment. There are -- are provisions in the way this is done that is not done right away. So that's my concern that we allow people to build credit, that we don't have the unintended consequence of -- of continuing to have consumers who are credited invisible or are un-scorable when they are trying to get housing, a car, anything that they credit for for other expenses in their life. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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 will be generally opposed for the reasons my colleague mentioned. Those who support it should vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Democratic Conference is going to be in favor of this piece of legislation; however, there may be a couple that would like to be an exception, they should feel free to do so at their seats. Thank you.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lucas to explain her vote.

MS. LUCAS: Thank you, Mr. Speaker. Whereas other businesses that exist they have a process in place so that consumers can understand the reporting to credit agencies, they understand exactly how to challenge any disputes. And currently the utility companies do not have a process in place that we know of. It

could be in place but we just don't -- we're not aware of it, and neither are the consumers. So this is not suggesting that there should not be a reporting. We just want to understand what that process looks like and know that it exists. It may come back that it is in place and then we'll have a clear explanation of what that looks like, or if it is not in place, at that point hearings can be conducted, a report can be made so that we can establish some recommendations for a process to be put in place so that consumers are treated fairly and that we can understand exactly what it is that they're paying for and that they understand what -- what a dispute looks like. So this is another effort for empowering our consumers, making sure that the process is equitable amongst all businesses and making sure that it is transparent in the process. Thank you, Mr. Speaker and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Lucas in the affirmative.

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, members have an A-Calendar on their desk. I would like to move to advance that A-.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We are going to begin taking up this one at the very beginning on consent, beginning with Rules Report No. 475 by Ms. Paulin. And it is on page 3, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Page 3, Rules Report No. 475, the Clerk will read.

THE CLERK: Assembly No. A00488-C, Rules Report No. 475, Paulin. An act to amend the Education Law, in relation to registered dental hygienists working without supervision but within a collaborative practice agreement with a licensed dentist.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 547th 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.

THE CLERK: Assembly No. A01514-A, Rules Report No. 476, Giglio. An act to amend the Town Law and the Public Officers Law, in relation to authorizing the town justice of the Town of Rushford, County of Allegany, to be a nonresident of such town.

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.

THE CLERK: Assembly No. A01774, Rules Report No. 477, L. Rosenthal, Seawright, Stirpe, Shimsky, De Los Santos, Hevesi, Cruz, Epstein, Lucas, Colton, Reyes, Glick, Davila, Simone. An act to amend the Penal Law, in relation to deeming a person who engages in sexual conduct during the period of their probation with his or her supervising probation officer as being incapable of consent.

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 November 1st.

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.

THE CLERK: Assembly No. A02653-B, Rules Report No. 478, Anderson, Hyndman, Weprin, Forrest, Cunningham, Cook, Gibbs, Solages, Davila, Walker, Reyes, Bichotte Hermelyn, Jackson, Septimo, Kim, Chandler-Waterman, Darling, Dickens, Meeks, Alvarez, Tapia, Ardila, Taylor, Epstein, Burgos, Cruz, Beephan, De Los Santos, Zinerman, Carroll, Colton, Seawright, Maher, Otis, Fitzpatrick, Hevesi, Dais, Burdick. An act to amend the Administrative Code of the City of New York, in relation to allowing commuter vans to accept hails from prospective passengers in the street; 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.

(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 would please call the Rules Committee to the Speaker's Conference Room.

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

The Clerk will read.

THE CLERK: Assembly No. A03872-A, Rules Report No. 479, Thiele. An act to authorize the Town of Southampton, County of Suffolk, to enact by a local law a homestead exemption.

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.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

ACTING SPEAKER EACHUS: The bill is passed.

THE CLERK: Assembly No. A04968-A, Rules Report No. 481, Santabarbara, Buttenschon, Colton. An act to amend the Civil Service Law, in relation to access to certain mental health care services for emergency dispatchers and correction officers.

(Pause)

THE CLERK: Assembly No. A04130-C, Rules Report 480, Fahy, L. Rosenthal, Levenberg, Burdick, Simon, Kelles, Woerner, Clark, Shimsky, Simone, Gunther, Lunsford, Paulin, Thiele, Gallagher, Stirpe, Jacobson, Barrett, Lupardo, Shrestha. An act to

amend the Real Property Law and the Tax Law, in relation to short-term residential rental of private dwellings in certain municipalities.

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

THE CLERK: Assembly No. A04968-A, Rules Report No. 481, Santabarbara, Buttenschon, Colton. An act to amend the Civil Service Law, in relation to access to certain mental health care services for emergency dispatchers and correction officers.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote)

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. In explaining my vote, this bill extends important mental health benefits to our corrections officers and emergency dispatchers. These dedicated individuals can face intense stress in traumatic situations daily often leading to PTSD and other mental health challenges. Yet, they do not currently have the same level of health care -- mental health care and services as other first responders. By including these essential workers we acknowledge their sacrifices and the toll their

work takes on their mental health. I urge my colleagues to support this legislation that provides them with the necessary care and services to cope with these challenges. It demonstrates our commitment to those who serve and protect our communities and with that, Mr. Speaker, I cast my vote in the affirmative.

ACTING SPEAKER EACHUS: Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05322-D, Rules Report No. 482, was previously amended and is high.

THE CLERK: Assembly No. A05709-A, Rules Report No. 483, Gallagher, Aubry, Dickens, Forrest, Mamdani, Jacobson, Shrestha, Epstein, Kelles, Weprin, Mitaynes, Levenberg, Gibbs, Davila, Reyes, Raga, Tapia, Shimsky, González-Rojas, Burgos, Gallahan, Burdick, Simon, Taylor, Cook. An act to amend the Correction Law, in relation to the membership of the state commission of correction.

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

THE CLERK: Assembly No. A05849-A, Rules Report No. 484, Gallahan. An act to amend the Tax Law, in relation to authorizing the County of Chenango to impose an additional

mortgage recording tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER EACHUS: On a motion by Mr. Gallahan, 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 on the 60th day.

ACTING SPEAKER EACHUS: 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. A05898-E, Rules Report No. 485, Angelino. An act to amend the Real Property Tax Law, in relation to establishing a residential investment exemption in certain cities.

ACTING SPEAKER EACHUS: On a motion by Mr. Angelino, 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 EACHUS: 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. A06138, Rules Report No. 486, L. Rosenthal, Davila, Shimsky, Hevesi, Simon, Woerner, González-Rojas. An act to amend the Court of Claims Act, the General Municipalities Law and the Education Law, in relation to making technical corrections regarding the filing and service of claims of adult sexual assault survivors.

ACTING SPEAKER EACHUS: 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. A06726-A, Rules Report No. 487, Curran. An act authorizing the County of Nassau to alienate and sell parklands to Lakeside Inn, Inc.

ACTING SPEAKER EACHUS: Read the last section. I'm sorry. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EACHUS: 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. A06812-C, Rules Report No. 488, Simpson. An act to amend the Public Officers Law, in relation to waiving the residency requirement for certain county attorney positions within Essex County.

ACTING SPEAKER EACHUS: On a motion by Mr. Simpson, 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 EACHUS: 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. A07339-C, Rules Report No. 489, Glick, Colton, Otis, Durso, Gandolfo, Simone, L. Rosenthal, De Los Santos, Reyes, Dinowitz, Simon, Stern, Thiele, Jacobson, Bores, Rozic, Rajkumar, Steck, McMahon, Anderson, Kim, Gunther, O'Donnell, Shimsky, Lunsford, Santabarbara, Epstein, Barrett, Forrest, Taylor, Clark, Bichotte Hermelyn, Carroll, Paulin, Seawright, Shrestha, Lavine, Burgos, Slater, Cunningham, Sayegh, Magnarelli, Levenberg, K. Brown, Woerner, Ardila, Sillitti, Raga, Solages, Vanel, González-Rojas, Benedetto, Jackson, Pretlow, Rivera,

Fahy, Tapia, Jones, Stirpe, Lupardo, Meeks, McDonald, Conrad, Lee, Bronson, Wallace, Buttenschon, Pheffer Amato, Davila, Burke, McDonald, Fall, Aubry, Hunter, Williams, Eachus, Ramos, Bendett, Burdick, Mamdani, Alvarez, Darling, Kelles, DeStefano. An act to amend the Environmental Conservation Law, in relation to rechargeable battery recycling.

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

THE CLERK: Assembly No. A07418-A, Rules Report No. 490, K. Brown. An act to amend Chapter 534 of the Laws of 1968 relating to the incorporation of the Deer Park Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, in relation to the source of tax revenues paid to such association for fire department use and benefit.

ACTING SPEAKER EACHUS: 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 EACHUS: 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. A07737-A, Rules Report No. 491, Lavine. An act to amend the Judiciary Law, in relation to requiring data reporting by the chief administrator to delineate specific information relating to all courts in the unified court system, including town and village courts.

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

THE CLERK: Assembly No. A07813-A, Rules Report No. 492, Shimsky. An act to amend the Real Property Tax Law, in relation to the payment of real property and school district taxes in installments.

ACTING SPEAKER EACHUS: On a motion by Ms. Shimsky, 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 EACHUS: 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. A08170, Rules Report

No. 493, Paulin, Otis, Simone, Hevesi, González-Rojas, Burdick, Seawright, Lavine, Epstein, Weprin, Wallace, Hunter, Stirpe, Shimsky, Levenberg, Glick, Reyes, De Los Santos, Thiele, McDonough, Aubry, Simon, Forrest, McDonald, L. Rosenthal, Mamdani, Gunther, Raga. An act to amend the Public Health Law, in relation to prohibiting state-operated hospitals from suing patients for medical debt.

ACTING SPEAKER EACHUS: The bill is laid aside.

THE CLERK: Assembly No. A08186-A, Rules Report No. 494, DeStefano. An act to amend the Highway Law, in relation to designating a portion of the state highway systems as the "Medford FD Commissioner Niel Marturiello Memorial Bridge"

ACTING SPEAKER EACHUS: On a motion by Mr. DeStefano, 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 EACHUS: 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. A08187-A, Rules

Report No. 495, Gray, Blankenbush, DeStefano, Gallahan, Smullen, McDonough, Lemondes. An act to amend the Highway Law, in relation to designating a portion of the state highway system as the "Michael J. Finerson Memorial Bridge"

ACTING SPEAKER EACHUS: On a motion by Mr. Gray, 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 EACHUS: 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. A08301-B, Rules Report No. 496, Fahy, Lunsford, Lucas, Shimsky, McDonald, Slater, Simon, Kelles, Tapia, Santabarbara, Bores, DeStefano, Shrestha. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to directing the Office of Parks, Recreation and Historic Preservation to promulgate uniform design standards and manage applications for greenway trails.

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

THE CLERK: Assembly No. A08304-B, Rules

Report No. 497, Weprin, Stern, Blankenbush. An act to amend the Insurance Law, in relation to wireless communications equipment insurance.

ACTING SPEAKER EACHUS: On a motion by Mr. Weprin, 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 EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weprin, to explain your vote.

MR. WEPRIN: This legislation brings New York in alignment with the 49 other states by allowing companies to offer New Yorkers a comprehensive and all-encompassing wireless communication equipment protection plan that includes all the benefits and coverages of both an insurance policy and a service contract and one clear and straightforward price. Inducements, including offering free insurance, are strictly prohibited under Section 2324 of the Insurance Law and this legislation does not effect that section. The DFS has reviewed this bill and has no objections. I urge my colleagues to vote in the affirmative.

ACTING SPEAKER EACHUS: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08378-A, Rules Report No. 498, Paulin, Lupardo, Bichotte Hermelyn, Gunther, Santabarbara. An act to amend the Education Law and Public Health Law, in relation to amending physician assistant practice standards; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER EACHUS: On a motion by Ms. Paulin, 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 EACHUS: 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. A08849, Rules Report No. 499, Sayegh, Shinsky, Rozic, Levenberg, Colton, Manktelow, Chang, McDonough, Simone, Cruz, Davila, Bendett, Eichenstein,

Sillitti. An act to amend the Penal Law, in relation to including removal or threat of removal of religious clothing as aggravated harassment in the second degree.

ACTING SPEAKER AUBRY: On a motion by Mr. Sayegh, 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.

(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. A08862, Rules Report No. 500, Paulin, González-Rojas, Sayegh. An act to amend the Social Services Law, in relation to coverage for services provided by school-based health centers for medical assistance recipients.

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.

THE CLERK: Assembly No. A09143, Rules Report No. 501, Tapia, Burgos, Bores, Hyndman, Dickens, Reilly, Tannousis. An act to amend the Retirement and Social Services Law, in relation to death benefits for the beneficiaries of certain members of the retirement system.

ACTING SPEAKER AUBRY: On a motion by Ms. Tapia, 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.

(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. A09289, Rules Report No. 502, Maher. An act to amend the Tax Law, in relation to authorizing the Town of Chester to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Maher, 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.

(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. A09312-B, Rules Report No. 503, Rajkumar, Alvarez, Dickens, Lemondes, K. Brown, Stern. An act to amend the State Finance Law and the General Municipal Law, in relation to prohibiting procurement of certain technology that poses security threats.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09391, Rules Report No. 504, Pheffer Amato. An act to amend the General Municipal Law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities.

ACTING SPEAKER AUBRY: On a motion by Ms. Pheffer Amato, 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.

(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. A03872-A, Rules Report No. 479, Thiele. An act authorizing the Town of Southampton, County of Suffolk, to enact by a local law a homestead exemption.

ACTING SPEAKER AUBRY: Read the last section.

(Pause)

The Clerk will read.

THE CLERK: Assembly No. A09511-A, Rules Report No. 505, Palmesano. An act to amend the Highway Law, in relation to designating a portion of the state highway systems as the "Sergeant James S. Hayes Memorial Highway"

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A09862-A, Rules Report No. 506, Solages, Simon, Thiele, Darling, L. Rosenthal, Simone, Cunningham, Sayegh, Steck, K. Brown, Ramos, Shrestha,

Ardila, Burgos, Sillitti, Meeks. An act to amend the General Business Law, in relation to requiring payment card networks to use certain merchant category-codes for firearm merchants.

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

THE CLERK: Assembly No. A09890-B, Rules Report No. 507, Burgos, Lupardo, Glick, Stirpe, Fall, Levenberg, Solages, Lunsford, Zaccaro, Epstein, Dinowitz, Kelles, Clark, González-Rojas, Davila, K. Brown. An act to amend the General Business Law, in relation to allowing certain reusable beverage containers in sports venues.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09931, Rules Report No. 508, Bronson. An act to amend the Criminal Procedure Law, in relation to electronic appearance in connection with a criminal action pending in Monroe County.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A09948, Rules Report No. 509, Eachus, Seawright, Stern. An act to amend the Real Property Tax Law, in relation to certain real property tax exemptions to include additional eligibility for people with disabilities.

ACTING SPEAKER AUBRY: On a motion by Mr. Eachus, 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.

(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. A09956, Rules Report No. 510, Pretlow. An act to amend Chapter 101 of the Laws of 2014 amending the Vehicle and Traffic Law, the General Municipal Law, and the Public Officers Law relating to owner liability for failure of operator to comply with traffic control indications in the City of Mt. Vernon, in relation to extending the provisions of such chapter.

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.

(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. A10053-A, Rules Report No. 511, Simon, Gallagher, Seawright, Simone, Dickens, Thiele, Rozic, Cunningham, L. Rosenthal, Steck, González-Rojas, Ramos, Glick, Shimsky, Burgos, Meeks, Sillitti, Paulin. An act to amend the Penal Law and the General Business Law, in relation to pistol converters.

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

THE CLERK: Assembly No. A10103-B, Rules Report No. 512, Vanel, Otis. An act to amend the General Business Law, in relation to requiring warnings on generative artificial intelligence systems.

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

advanced and the bill is laid aside.

THE CLERK: Assembly No. A10136, Rules Report No. 513, Committees on Rules (Thiele). An act to amend the Retirement and Social Security Law, in relation to the mandatory age of the members of the Town of Southampton Police Department.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10189-B, Rules Report No. 514, Committee on Rules (Gunther, Sayegh). An act to amend the Public Health Law, in relation to establishing an advanced residential health care for aging adults with medical fragility demonstration 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.

(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. A10315-A, Rules Report No. 515, Committee on Rules (Shimsky). An act to amend the Education Law, in relation to reserved funds for special educational services for certain children with disabilities.

ACTING SPEAKER AUBRY: On a motion by Ms. Shimsky, 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.

(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. A10362-B, Rules Report No. 516, Committee on Rules (Wallace). An act to amend the Insurance Law, in relation to authorizing the use of owner-controlled and contractor-controlled insurance; and in relation to requiring reports on contracts subject to owner-controlled and contractor-controlled insurance.

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.

THE CLERK: Assembly No. A10384, Rules Report No. 517, Committee on Rules (Bichotte Hermelyn). An act to amend the Mental Hygiene Law, in relation to requiring boards of visitors provide greater transparency to the public regarding such boards' activities.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte Hermelyn, 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 today.

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.

THE CLERK: Assembly No. A10397, Rules Report

No. 518, Committee on Rules (Bichotte Hermelyn). An act to require the Office for the Prevention of Domestic Violence to conduct a study on domestic violence in the transgender community.

ACTING SPEAKER AUBRY: On a motion by Ms. Bichotte Hermelyn, 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.

(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. A10529, Rules Report No. 519, Committee on Rules (Burke). An act to amend the Education Law, in relation to allowing retirees of the New York State Teachers' Retirement System who suspend their retirement the option of a benefit recalculation after two years of service.

ACTING SPEAKER AUBRY: On a motion by Mr. Burke, 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 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.

THE CLERK: Assembly No. A10530, Rules Report No. 520, Committee on Rules (Dais). An act to amend the Real Property Tax Law and the Administrative Code of the City of New York, in relation to extending the application deadlines for tax abatements for certain industrial and commercial properties in a city of one million or more persons.

ACTING SPEAKER AUBRY: On a motion by Mr. Dais, 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.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10532, Rules Report No. 521, Committee on Rules (Shimsky). An act to amend Chapter 118 of the Laws of 1969, relating to a separate union free school

district in the Town of Greenburgh in the County of Westchester, in relation to the Greenburgh North Castle Union Free School District number 12.

ACTING SPEAKER AUBRY: On a motion by Ms. Shimsky, 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.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10541, Rules Report No. 522, Committee on Rules (Zinerman). An act to amend the Election Law, in relation to curing ballots.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members have on their desk a B-Calendar and a C-. I would like to please ask you to advance both the B- and the C-.

ACTING SPEAKER ZACCARO: On a motion by Mrs. -- on Mrs. Peoples-Stokes' motion the B- and C-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If we can now go to our main Calendar and take up Resolutions on page 3.

ACTING SPEAKER ZACCARO: Resolutions, page 3, the Clerk will read.

THE CLERK: Assembly No. 2428, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 8th, 2024, as Belmont Stakes Day in the State of New York, and commending the New York Racing Association upon the occasion of the 156th running of the Belmont Stakes.

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

THE CLERK: Assembly No. 2429, Rules at the request of Mr. Maher.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 16-22, 2024, as Lightening Safety Awareness Week in the State of New York.

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

adopted.

THE CLERK: Assembly No. 2430, Rules at the request of Ms. Forrest.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 20th, 2024, as World Refugee Day in the State of New York.

ACTING SPEAKER ZACCARO: On the resolutions [sic], all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly No. 2431, Rules at the request of Mr. Cunningham.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 23rd, 2024, as Bubbles and Icees Day in the State of New York.

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

THE CLERK: Assembly No. 2432, Rules at the request of Ms. Paulin.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2024, as Sepsis Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2433, Rules at the request of Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2024, as Dystonia Awareness month in the State of New York.

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

THE CLERK: Assembly No. 2434, Rules at the request of Mr. Lemondes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 6th, 2024, as Coaches Day in the State of New York.

ACTING SPEAKER ZACCARO: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

On the resolution.

ACTING SPEAKER ZACCARO: On the resolution.

MR. LEMONDES: I rise to recognize and pay tribute to the incredible role coaches play in youth development for the furtherance of our society. Not only do they do things you would commonly think of them doing like teaching the mechanics of their individual sport, sportsmanship itself, strategy, the importance of good grades, being a good person and role model for younger kids, et cetera, but they are also instrumental at keeping kids occupied positively and therefore out of trouble. It is perhaps this role that is

paramount to all others. From personal experience I can attest that I am fortunate to have had the benefit of incredibly dedicated teacher/coaches that drove home excellence in everything they did, required adherence to the rules, taught constantly in all aspects of the word, thus transcending their role as athletic coach and really helping youth become better all around citizens. The wins, the losses, the grueling practices, fighting through injuries and setbacks all contribute to the growth of solid character traits that again help make good citizens that know how to function as part of a team, which is the foundational building block of nearly everything else one does for the rest of their lives. Last, a special tribute to the coaches I personally had, two of them who were Vietnam War combat veterans, gentlemen, thank you for giving me the discipline necessary to survive the deployments. I could have never imagined their difficulty, the intensity, attention to detail, necessity of hard and constant training, importance of looking beyond your own needs and recognition of your role on the team were all things I got from your example. Thank you. I present this resolution in honor of coaches Buzz White and Jack Williams. Thank you, Mr. Speaker.

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

THE CLERK: Assembly No. 2435, Rules at the request of Ms. Jackson.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim October 9th, 2024, as Sneakers Day in the State of New York.

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

THE CLERK: Assembly No. 2436, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 17th, 2024, as Black Poetry Day in the State of New York.

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

THE CLERK: Assembly No. 2437, Rules at the request of Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 21-25, 2024, as National Bus Safety Week in the State of New York.

ACTING SPEAKER ZACCARO: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. I rise on the resolution. I thank you and this Body for recognizing School Bus Safety Awareness Week in the State of New York. In the State of New York more than 2.3 million children will ride school buses, over 50,000 of them to school each year. School Bus Safety Awareness Week, it brings parents, teachers, school officials and legislators to

join forces and show the importance of school bus safety. Mr. Speaker, this idea was not my own. It was brought to me by a student named Susan Ortiz (phonetic) from Farmingdale High School. She's a ninth grader, part of the band and was involved in the school bus accident at Farmingdale High School that took the lives of two teachers and injured several students. Susan has now made it her work to advocate for school bus safety awareness and also part of her Girl Scout Gold Award project. So, Mr. Speaker, with this resolution I hope we can begin to help those students heal and help Susan with her project. Thank you, sir.

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

THE CLERK: Assembly No. 2438, Rules at the request of Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 25-31, 2024, as Epidermolysis Bullosa Awareness Week in the State of New York, more commonly known as Butterfly Children Awareness Week.

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

THE CLERK: Assembly No. 2439, Rules at the request of Ms. Jean-Pierre.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim October 26th, 2024, as Day of the Deployed.

ACTING SPEAKER ZACCARO: On the -- Mr. Manktelow on the resolution, all those by -- all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly No. 2440, Rules at the request of Mr. Lemondes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 26th, 2024, as Hug a Sheep Day in the State of New York.

ACTING SPEAKER ZACCARO: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

On the resolution.

ACTING SPEAKER ZACCARO: On the resolution.

MR. LEMONDES: Thank you. National Hug a Sheep Day is a unique celebration that brings people closer to these fluffy, lovable farm animals. It takes place on the last Saturday of every October making it a wonderful fall event. This special day has grown into an international event with farms opening their gates for people to come and hug a sheep promoting kindness and compassion towards these gentle creatures. Celebrated since the mid 1990s, the day aims to appreciate the significant role sheep play in our lives from providing wool for our clothes, to contributing to agriculture in various ways, excellent food, solar grazing, et cetera. And it gives the public a chance to learn more about sheep, their intelligence, and their

ability to remember faces for years. Engaging activities such as farm visits, petting zoos, knitting classes often take place on this day as well. There's something for everyone, whether it's learning about their rectangular pupils or simply enjoying the warmth of a sheep hug. National Hug a Sheep Day not only celebrates the bond between humans and sheep, but also highlights the importance of animal welfare and ethical treatment. It's a gentle reminder of these animals' joy and comfort in our lives and the need to treat them with love and respect. Embark on a farm adventure by finding a local farm that's open to visitors. This is your chance to get up close and personal with sheep and give them a gentle hug. Thank you, Mr. Speaker.

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

THE CLERK: Assembly No. 2441, Rules at the request of Mr. Bronson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2024, as Breast Cancer Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2442, Rules at the request of Ms. Hunter.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim October 2024, as Careers and Construction Month in the State of New York.

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

THE CLERK: Assembly No. 2443, Rules at the request of Mr. McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim November 2024, as Epilepsy Awareness Month in the State of New York.

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

THE CLERK: Assembly No. 2444, Rules at the request of Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim December 16th, 2024, as Bangladesh Victory Day in the State of New York.

ACTING SPEAKER ZACCARO: 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, do you have further housekeeping or resolutions?

ACTING SPEAKER ZACCARO: We have both.

On a motion by Ms. Weinstein, page 4, B-Calendar, Rules Report No. 532, Bill No. A8139-A, the amendments are received and adopted.

We also have a number of fine resolutions which we will take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 2445-2448 were unanimously approved.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you recognize Mr. Norris for an announcement?

ACTING SPEAKER ZACCARO: Mr. Norris for the purpose of an announcement.

MR. NORRIS: Thank you, Mr. Speaker. I'm announcing that there will be a Republican Conference in the morning at 9:15 a.m., 9:15 a.m. in the Parlor for a legislative briefing. Thank you very much, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned and that we reconvene at 9:30 a.m., Friday, June the 7th, tomorrow being a Session day.

ACTING SPEAKER ZACCARO: On Mrs. Peoples-Stokes' motion the House stands adjourned.

(Whereupon, at 12:32 a.m., the Assembly stood adjourned until Friday, June 7th at 9:30 a.m., Friday being a Session Day.)