

**FRIDAY, JUNE 7, 2024**

**11:33 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Thursday, June the 6th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Thursday, June the

6th, and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. As we are gathered here today, I have this quick little quote today for our colleagues and guests that are in the Chambers, this one is from Agatha Christie. Most of you have heard of her, she's an English author and she writes detective novels. But her words for us today, *Just to be alive is a grand thing*. Again, Agatha Christie. And it is a grand thing, not just to be alive but to be here today, Mr. Speaker, as we attempt to close out this year's Session. I do want to say to members that you have on your desk a main Calendar and you have a debate list. We're gonna be calling for the following Committees off the floor: Ways and Means, and Rules. These Committees are going to produce an A-Calendar of which we do plan to take up today. After any housekeeping or introductions, we're gonna take up the following bills on consent: Rules Report 250 by Mr. Cunningham; Rules Report 354 by Mr. Epstein; Rules Report 399 by Mr. Santabarbara; Rules Report 413 by Mr. Thiele; Rules Report 429 by Mr. Sayegh; Rules Report 439 by Ms. Reyes; Rules Report No. 448 by Mr. Steck; and Rules Report 462 by Ms. Rosenthal. We're then going to consent from the main Calendar of the bills that were left on yesterday's B- and C-Calendars. We'll begin with Rules Report 523 through Rules Report 557. We're then going to work off the debate list, Rules

Report 434 by Ms. Rozic -- I'm sorry, Rules Report 534 by Ms. Rozic; Rules Report 535 by Ms. Rozic; Calendar 43 by Mr. Aubry; and Rules Report 194 by Ms. McMahon. There will probably be a need to announce further floor activity at some point, Mr. Speaker. There's no question that we have another busy day ahead of us, and we're gonna be calling for further committee meetings as well. These committees are gonna produce additional Calendars. So like yesterday we had a B- and C- and we'll probably have B- and C- again today as well.

That's pretty much a general outline of where we're going. I want to appreciate people's patience. I know that we not only are closing out our Session this year, but we have many of our colleagues who are not gonna be coming back with us next year, so I want to personally congratulate and thank them for their service. And we can get started, Mr. Speaker, if you have housekeeping.

ACTING SPEAKER AUBRY: We have no housekeeping, but an announcement from you, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Well, perhaps you can call the Ways and Means Committee to the Speaker's Conference Room.

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

For the purposes of a introduction, Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. Let's see if I can do this. It gives me great pleasure today to introduce several members of my family here who are with me. First of all, my

wonderful wife, Clare, who has allowed me to do this for all these years. I have my now 6-year-old daughter Reagan, who turns six today.

(Applause)

My 4-year-old son, Kenny, and my 2-year-old daughter, Nora. They've joined me here today in the Capitol. But also, I have my sister who's also been a big influence in my life, Kristen Zebrowski-Stavisky, who is in the back. And Kristen also works for all of us as the Executive Director of the State Board of Elections, so she walked up the hill earlier today to be with us.

So, Mr. Speaker, I would appreciate it if you would welcome them to the Chambers here. They've been running around and making a playground of this place for a few hours so... But thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of your father, your husband, your brother, the Speaker and all the members, we welcome this great family here to the New York State Assembly, extend to you as family the privileges of the floor. Once a member, always a member. Our deep regret that we're losing you in this institution; however, that you have this marvelous family who now gain more of your time actually does make us feel better. Please know that all of you are welcome here any time you come, and that your work here, Ken, will always be appreciated and always be remembered. Thank you so very much, my friend.

(Applause)

Mr. Santabarbara for the purposes of a introduction.

MR. SANTABARBARA: Thank you, Mr. Speaker.

Today I have the honor of introducing some exceptional individuals representing the Schenectady Kids Arts Festival, Committee members Heather Hutchinson, John Deaton, and artist and performer Mario Johnson joined us this morning. And representing them here today is Amy Sonder. The arts are essential to our society, they create connections, teach critical thinking and offer avenues to entertain and educate. The Schenectady Kids Arts Festival, which began in June of 1994 was born out of a necessity in response to the need for more arts programs in our community. This group of visionaries recognized the importance of art in education and organized the Festival in Downtown Schenectady, making it accessible to children in our -- our city school district. And three decades later, the Festival continues to thrive, expanding our children's horizons through hands-on education, activities and performances. To this day, it remains a beacon of creativity, inspiration and community spirit. Their dedication and hard work have ensured that this Festival continues to grow and inspire year after year, and these exceptional individuals all played a pivotal role in the Festival's success. And I want to take this opportunity to congratulate all the organizers and volunteers on the occasion of its 30th anniversary this year and thank them for their contributions. We look forward to many more years of fostering creativity and inspiring our youth.

Mr. Speaker, if you would please recognize these

guests and welcome them to the Assembly 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 of the Assembly, welcome today, thank you for what you do. I truly understand how important the arts are, being a former high school teacher, and thank you for, you know, making this world a better and prettier and happier place with what you do. You're welcome here any time. Thank you for joining us today.

(Applause)

Page 7, Rules Report No. 250, the Clerk will read.

THE CLERK: Assembly No. A08016-A, Rules Report No. 250, Cunningham, Santabarbara, De Los Santos. An act to amend the Mental Hygiene Law, in relation to members of a mobile crisis team.

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 8, Rules Report No. 354, the Clerk will read.

THE CLERK: Assembly No. A09755-A, Rules Report No. 354, Epstein. An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a school; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER EACHUS: On a motion by Mr. Epstein, 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.

Page 10, Rules Report No. 399, the Clerk will read.

THE CLERK: Assembly No. A08582-B, Rules Report No. 399, Santabarbara, Conrad, Davila, Levenberg, Lemondes, Tague, Sillitti, Steck, Buttenschon, Jones, Burdick, Walsh, Hunter Woerner, Lunsford. An act to amend the General Business Law, in relation to requiring navigation systems utilizing GPS technology to identify the height of any bridge or overpass along a proposed route.

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.)

Mr. Santabarbara to explain your vote.

MR. SANTABARBARA: Thank you, Mr. Speaker, to explain my vote -- my vote. This -- this bill would require GPS systems to display the height of bridges and -- and overpasses on planned routes to help prevent bridge strikes. Bridge strikes are becoming more common in New York as more and more drivers rely on technology and less on signage. Despite existing warning signs, many drivers still hit low bridges, especially when they're traveling in unfamiliar areas. These collisions not only endanger lives, but also cause significant damage to bridges and vehicles. And the cost to communities from bridge strikes is substantial, emergency response from police, fire, and EMS services are needed, and routes are often shut down while the bridge strike is cleared and the bridge is cleared for safety inspections. By preventing these incidents, we can reduce the burden on emergency responders, allowing them to focus on other critical needs in our community. Reducing bridge strikes will save our communities money, fewer accidents mean lower repair costs for bridges and vehicles, less disruption to traffic, and fewer emergency response expenses. This will free up resources that could be better



used elsewhere.

By ensuring GPS systems show bridge heights, this bill will provide drivers crucial information to be able to avoid these dangerous situations. I encourage my colleagues to support this bill. It will help reduce these accidents, reduce the burden on emergency responders, and make our roads safer for everyone. 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.

Page 11, Rules Report No. 413, the Clerk will read.

THE CLERK: Assembly No. A09943-A, Rules Report No. 413, Thiele. An act to amend the Town Law, in relation to the Peconic Bay Region Community Preservation Funds; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER EACHUS: 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 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 11, Rules Report No. 429, the Clerk will read.

THE CLERK: Assembly No. A00189-B, Rules Report No. 429, Sayegh. An act directing the Commissioner of the Division of Criminal Justice Services to study the effectiveness and accuracy of devices used to estimate blood alcohol content by law enforcement agencies.

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 12, Rules Report No. 439, the Clerk will read.

THE CLERK: Assembly No. A05631-E, Rules Report No. 439, Reyes, Kelles, Bronson, Sillitti, Steck, L. Rosenthal, De Los Santos, Aubry, Paulin, Glick, Colton, Stirpe, Cruz, Simone, Epstein, Gibbs, Burgos, Taylor, Raga, Weprin, Jean-Pierre, Simon, Tapia, Clark, González-Rojas, Mitaynes, Brabenec, Smith, Alvarez, Wallace, Thiele, Levenberg, Burdick, Gallagher, Benedetto, Bichotte

Hermelyn, Otis, Jacobson, Lucas. An act to amend the Labor Law, in relation to enacting the New York State Fashion Workers Act.

ACTING SPEAKER EACHUS: Read the last section -- oh, I'm sorry.

On a motion by Ms. Reyes, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 13, Rules Report No. 448, the Clerk will read.

THE CLERK: Assembly No. A08075-D, Rules Report No. 448, Steck, Fahy, Gunther, McDonald, Novakhov, DeStefano, Simon, Davila, Bendett, K. Brown, Chang, Levenberg, Weprin, Solages, Paulin. An act to amend the Mental Hygiene Law and the Public Health Law, in relation to the availability of opioid reversal agents.

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.

On consent, page 18, Rules Report 523, the Clerk will read.

THE CLERK: Assembly No. A01321, Rules Report No. 5 -- 523, Rajkumar, Colton. An act to amend the Real Property Actions and Proceedings Law, in relation to adjoining property to make improvements or repairs.

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

THE CLERK: Assembly No. A03122-A, Rules Report No. 524, Sayegh, Reyes, Williams, Levenberg, Shimsky, Durso, Smullen, DeStefano, Mikulin, Gunther, Santabarbara. An act to amend the Public Health Law, in relation to establishing an Alzheimer's Disease Outreach and Education Program.

ACTING SPEAKER EACHUS: 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 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.

THE CLERK: Assembly No. A03408, Rules Report No. 525, McDonald, Byrnes, Lupardo, Colton, Simon, Gunther, Maher, McDonough, Buttenschon, Sayegh, Stirpe, J.A. Giglio, Gallahan, Novakhov, Jackson, Shimsky, Eachus, Paulin, Morinello, Zaccaro, Pretlow, Hevesi, Steck, Sillitti, Benedetto, Burdick, Seawright, Palmesano, Bichotte Hermelyn, Fahy, DeStefano, Taylor, Weprin, Meeks, Dinowitz, Fitzpatrick, McMahan, L. Rosenthal, Brabenec. An act to amend the Social Services Law, in relation to providing parity to durable medical equipment providers by requiring Medicaid Managed Care Organizations to reimburse such providers at no less than 100 percent of the medical assistance durable medical equipment and complex rehabilitation technology fee schedule for the same service or item.

ACTING SPEAKER EACHUS: Read the last section.

THE CLERK: This act shall take effect on the 90th 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. A05564-B, Rules Report No. 526, K. Brown, E. Brown, Angelino, Smullen, J. M. Giglio, DeStefano, Hawley. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Senior Investigator Thomas M. O'Neill Memorial Bridge."

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.

Mrs. Peoples-Stokes for an announcement.

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

ACTING SPEAKER EACHUS: Rules Committee to

the Speaker's Conference Room immediately.

The Clerk will read.

THE CLERK: Assembly No. A06930-A, Rules Report No. 527, Burgos, Reyes, Septimo, Alvarez, Taylor, Anderson, Berger, Cruz, Dinowitz, Tapia, De Los Santos. An act establishing the "COVID-19 Livery Vehicle Recovery Act."

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

(The Clerk recorded the vote.)

Mr. Burgos to explain your vote.

MR. BURGOS: Thank you, Mr. Speaker. I know folks may see this bill and wonder why in 2024 we're passing a bill with the title COVID-19 on it. But I think that speaks to the pain and -- and the length of time that livery drivers have waited for any sort of recovery since the pandemic. Where every other industry has been awarded loan forgiveness, where every other industry has been afforded some opportunity to rebound, this bill will finally give drivers and livery and base owners an opportunity to rebound, to put food on the table, to make the money they so deserve, and we're

helping them so much today throughout New York City.

So I thank you all for your sponsorship on this.

Thank you.

ACTING SPEAKER EACHUS: Mr. Burgos in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07243, Rules Report No. 528, Simone, Seawright, Bichotte Hermelyn, Simon, Thiele, Burdick, Lupardo, Dinowitz, Epstein, Hevesi, Jackson, Zinerman, Lavine, Jacobson, Paulin, Carroll, Glick, Stirpe, Lucas, Gibbs, Reyes, Bores, Raga, Levenberg. An act to amend the Election Law, in relation to authorizing boards of elections to establish absentee ballot drop-off locations.

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

THE CLERK: Assembly No. A07537-B, Rules Report No. 529, Shrestha, Gallagher, Aubry, Jacobson, Steck, Burdick, Simon, Mitaynes, Epstein, Stirpe, Thiele, Mamdani, Forrest, Carroll, L. Rosenthal, De Los Santos, Septimo, Reyes, Raga. An act to amend the Public Service Law, in relation to termination of certain utility services.

ACTING SPEAKER EACHUS: Read the last



section.

THE CLERK: This act shall --

ACTING SPEAKER EACHUS: One moment.

MR. GOODELL: Sorry, sir. That bill should be laid aside. Thank you.

ACTING SPEAKER EACHUS: Very good.

The bill is laid aside.

THE CLERK: Assembly No. A07623, Rules Report No. 530, Pheffer Amato. An act to amend the Education Law, in relation to including remedial services, homework or childcare as the transportation responsibility of the city school district located in a city having a population of one million or more.

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.

THE CLERK: Assembly No. A07656-A, Rules Report No. 531, Steck. An act to amend the Real Property Actions and Proceedings Law, in relation to requiring a petition in a summary proceeding to recover possession of real property in the City of

Schenectady to allege proof of compliance with local laws requiring rental residential property registration and licensure.

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

THE CLERK: Assembly No. A08138-B, Rules Report No. 532 was amended and is High.

Assembly No. A08147-A --

ACTING SPEAKER EACHUS: Hold --

(Pause)

THE CLERK: Assembly No. A08138-B, Rules Report No. 532, Weinstein, L. Rosenthal, Bronson, Bores. An act to amend the General Obligations Law, in relation to contracts for the creation and use of digital replicas.

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

Read the last section.

THE CLERK: This act shall take a first -- take effect January 1st, 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.

THE CLERK: Assembly No. A08147-A, Rules Report No. 533, Hawley. An act to amend the Highway Law, in relation to designating a portion of the State Highway System as the "Sgt Terry James Garigen Memorial Highway."

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A08148-A, Rules Report No. 534, Rozic, Reyes, Shimsky, Magnarelli, Hevesi, Buttenschon, Fahy, Dickens, McMahon, Glick, De Los Santos, Durso, McDonough, Gandolfo, Simon, Zaccaro, DeStefano, Wallace, Berger, Burdick, Seawright, McDonald, Beephan, Smullen, Manktelow, Ardila, Slater, Sillitti, Darling, K. Brown, Epstein, Levenberg, Weprin, Bichotte Hermelyn, Lupardo, Mikulin, Paulin, Solages, Tapia, Davila, Burgos, Gunther, Taylor, Zebrowski, L. Rosenthal, Jensen, Kim, J.A. Giglio, Rivera, Cunningham, Zinerman, Maher,

Walker, Conrad, Clark, Jackson, Dais, Rajkumar, Fall, Lunsford, Forrest, Lee, Gibbs, Anderson, Lavine, Stern, Gallagher, Dinowitz, Braunstein, Jean-Pierre, Septimo, Kelles, Carroll, Mamdani, Hunter, Barrett, Bronson, Pheffer Amato, O'Donnell, Santabarbara, Cook, Burke, Aubry, Jones, Stirpe, Sayegh, Raga, Gallahan, Thiele, Alvarez, Simone, Eichenstein, Chandler-Waterman, Pretlow, Morinello, Shrestha, Eachus, Meeks, Jacobson, Brabenec, Colton, Otis, Steck.

An act to amend the General Business Law, in relation to enacting the Stop Addictive Feeds Exploitation (SAFE) for Kids Act prohibiting the provision of an addictive feed to a minor.

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

THE CLERK: Assembly No. A08149-A, Rules Report No. 535, Rozic, Reyes, Shimsky, Magnarelli, Hevesi, Buttenschon, Fahy, Dickens, McMahon, Glick, De Los Santos, Durso, McDonough, Gandolfo, Simon, Zaccaro, DeStefano, Wallace, Berber, Burdick, Seawright, McDonald, Beephan, Smullen, Manktelow, J.A. Giglio, Slater, Ardila, Sillitti, Darling, K. Brown, Epstein, Levenberg, Weprin, Bichotte Hermelyn, Lupardo, Mikulin, Paulin, Solages, Santabarbara, L. Rosenthal, Davila, Burgos, Chandler-Waterman, Taylor, Zebrowski, Jensen, Kim, Rivera, Zinerman, Maher, Walker, Cunningham, Conrad, Clark, Jackson, Dais, Rajkumar, Fall, Lunsford, Forrest, Lee, Gibbs, Anderson, Lavine, Stern, Braunstein, Dinowitz, Jean-Pierre, Septimo, Kelles, Carroll, Mamdani, Hunter, Barrett,

Bronson, Pheffer Amato, O'Donnell, Cook, Gunther, Burke, Aubry, Jones, Stirpe, Sayegh, Raga, Gallahan, Tapia, Thiele, Gallagher, Alvarez, Simone, Eichenstein, Pretlow, Morinello, Shrestha, Eachus, Meeks, Jacobson, Brabenec, Colton, Otis, Steck. An act to amend the General Business Law, in relation to establishing the New York Child Data Protection Act.

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

THE CLERK: Assembly No. A08864-A, Rules Report No. 536, Rajkumar, Seawright, Taylor, Tapia. An act to amend the New York City Charter, in relation to public notice and comment for certain contracts; and providing for the repeal of such provisions upon expiration thereof.

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.

THE CLERK: Assembly No. A08918-A, Rules

Report No. 537, Pheffer Amato, Gunther, Zebrowski, Buttenschon, Jones, Sayegh, O'Donnell, Woerner, Stern, Benedetto, Seawright, Burdick, Burke, Santabarbara, McMahan, Williams, Conrad, Hevesi, Lunsford, Colton. An act to amend the Retirement and Social Security Law, in relation to establishing a 20-year retirement plan for members or officers of law enforcement.

ACTING SPEAKER EACHUS: 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. A09261, Rules Report No. 538, Palmesano, Gallahan, Kelles. An act to amend the Highway Law, in relation to designating certain portions of the State Highway System as the "Between Cayuga and Seneca Lakes Wine Trail."

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.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09359-A, Rules Report No. 539, Shrestha. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a school speed zone camera demonstration program in the City of Kingston; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Shrestha, 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 30th 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. A09824, Rules Report No. 540, Lupardo, Jones, Buttenschon, Santabarbara, Lunsford,

Stirpe, Kelles, Hunter, Steck, McDonald, Magnarelli, Bronson, Woerner, Zebrowski, Tapia. An act to amend the Tax Law, in relation to eligibility for the farm employer overtime tax credit.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A09963-A, Rules Report No. 543, Otis. An act to amend the Vehicle and Traffic Law, in relation to implementing a residential parking system in the Village of Port Chester.

ACTING SPEAKER AUBRY: On a motion by Mr. Otis, 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. A10197, Rules Report No. 543, Committee on Rules (Lavine, Santabarbara, Colton, Shimsky). An act to amend Chapter 1 of the Laws of 2023 relating to terms and conditions of employment of certain nonjudicial officers and employees of the Unified Court System and amending Chapter 400 of the Laws of 2014 relating to the terms and conditions of employment of certain nonjudicial officers and employees of the Unified Court System, relating to annual longevity payments for certain employees, in relation to the annual maintenance allowance received by employees who are required to wear an employer-approved blazer.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10287, Rules Report No. 545, Committee on Rules (Stern). An act to amend Chapter 431 of the Laws of 2018 relating to authorizing the State Commissioner of Transportation to convey real property to the Town of Huntington, County of Suffolk, in relation to extending certain provisions.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, 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. A10346-A, Rules Report No. 546, Committee on Rules (Paulin, McDonald, Kelles, Woerner, Solages). An act to enact the "New York Utility Corporation Securitization Act."

ACTING SPEAKER AUBRY: 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 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. A10402-A, Rules Report No. 547, Committee on Rules (Otis, Bores). An act to amend the Election Law, in relation to materially-deceptive media in political communications.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A10413-A, Rules Report No. 548, Committee on Rules (Thiele). An act authorizing the Town of East Hampton to alienate and convey certain parcels of land used as parkland for the purpose of a Suffolk County roadway improvement project.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10434-B, Rules Report No. 549, Committee on Rules (McGowan). An act authorizing Kolel Rachmistrivka to receive retroactive real property tax-exempt status.

ACTING SPEAKER AUBRY: On a motion by Mr. McGowan, 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. A10467-A, Rules Report No. 550, Committee on Rules (Braunstein, L. Rosenthal). An act to amend the Real Property Law, in relation to ground lease contracts.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10533, Rules Report No. 551, Committee on Rules (Clark). An act to amend Chapter 371 of the Laws of 2009 amending the Public Health Law relating to the Residential Care Off-Site Facility Demonstration Project, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Clark, 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. A10540, Rules Report -- Rules Report No. 552, Committee on Rules (Dais, Sillitti, Ramos, Aubry, Jones, Berger, Burdick, Weprin, Pretlow, Thiele, Shimsky,

Paulin, Simone, Lee, Septimo, Bores, Ardila, Cruz, Lunsford, Lavine, Zaccaro, Solages, Braunstein, Dinowitz, Hevesi, Epstein). An act to amend the Family Court Act and the New York City Court Act [sic], in relation to increasing the number of judges in certain courts.

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.)

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker, to explain my vote. Just to preface what I'm going to say, we talk about equity every day in this Chamber across the State. Well, this is an example of inequity. And the reason why I'm saying that is because this gives three Civil Court judges to four out of the five boroughs in New York City, and counties that border New York City get judges as well. The only county is Richmond County, the Borough of Staten Island, that does not get any.

Now, why is this an inequity? Well, let's just look at the case filings for 2024: Manhattan, 25,000; Brooklyn, 20,000; Queens, 29,000; Bronx, 36,000; Staten Island has 30,000 filings as well, they get no Civil Court judges, but those four other boroughs get three. As a matter of fact, Staten Island has more than Manhattan

filings currently, year-to-date. In 2023, Manhattan had 66,000; Brooklyn, 110,000; Queens, 78,000; the Bronx, 95,000; and Staten Island, 68,000 - 68,000, two more thousand than Manhattan but, yet, they still do not get a Civil Court judge in this bill.

So there are about -- approximately 130 Civil Court judges in New York City, Staten Island has four. Staten Island represents 6 percent of New York City's population, yet, they represent only 3 percent in the Civil Court judges in New York City. In 1968, that was the last time a Civil Court seat was assigned to Staten Island; they had a 300,000 population. Today, the population is approximately 500,000 and, yet, we still only have four Civil Court seats.

Equity, this is about equity. Unfortunately, every county that's around New York City has gotten judges in this bill, as well. I guess Perth Amboy, New Jersey had a better shot of getting a judge than Staten Island. That is just unacceptable. It's time that we need to really talk about equity and keep equity for what it really means. These numbers I shared with you are real. You can look them up right on the Court Administration's site, that's where I got them from.

So I hope the Governor hears this and she tells everybody in this Chamber we are a State about equity. We want judicial and justice equity for all New Yorkers. This bill does not do that for all New Yorkers. Thank you, Mr. Speaker. I will be in the negative.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mr. Tannousis to explain his vote.

MR. TANNOUSIS: Thank you, Mr. Speaker. You heard from my colleague the numbers that he just read aloud. Staten Island, just like the rest of the boroughs, just like the rest of the City, also has a backlog in connection to Family Court and to Civil Court. Ask yourselves, four seats each for each of the boroughs except for Staten Island, elected seats. What could be so different about Staten Island than the rest of the City of New York? Ask yourselves that question. We talk about fairness, we talk about equity. I guess not when it comes to Staten Island. They're left out.

I vote no.

ACTING SPEAKER AUBRY: Mr. Tannousis in the negative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I just want to mention that we had a lengthy debate yesterday about changing the New York State Constitution to eliminate guardrails, and one of the -- one of the things I raised was that it's gonna lead to a lot of legislative dealmaking that's gonna give some -- it's gonna be inequitable because that's how politics works sometimes. So I think we're seeing that today. We can expect more of the same if that -- if that change to the New York State Constitution occurs.

I'll be voting in the negative with my colleagues who



are upset from Staten Island.

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.

THE CLERK: Assembly No. A10543, Rules Report No. 553, Committee on Rules (Braunstein, Rajkumar, Simone). An act to amend the New York City Public Works Investment Act, in relation to authorizing the use of certain alternative project delivery methods.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson [sic], 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. A10544, Rules Report No. 554, Committee on Rules (Santabarbara, Fahy, Jones, Jacobson, Zaccaro, Septimo, Solages, Dinowitz, Levenberg, Benedetto, Pretlow,

Conrad, McDonald, Bronson, Gunther, Buttenschon, González-Rojas, Thiele, Carroll, Lunsford, Lavine, Simon, McMahon, Stern, Sayegh, Sillitti). An act to amend the Education Law, in relation to protecting library access to electronic literary materials.

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

THE CLERK: Assembly No. A10570, Rules Report No. 555, Committee on Rules (Zebrowski, Pheffer Amato, Colton). An act to amend the Retirement and Social Security Law, in relation to authorizing beneficiaries to choose pension benefits or a death benefit in certain circumstances.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes for an introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing me to interrupt our proceedings for the purpose of an introduction. On behalf of our colleague Mr. Weprin, he has the father of his legislative director here. His name is Thomas Avellaneda. Thomas and his wife moved to the United States over three decades ago from Mexico in search of the American Dream. They found that "dream" in New York State, New York City. They have lived there for 30 years. They are eternally grateful for this great State and this country, and for everything it has given them.

Mr. Speaker, will you please welcome this gentleman to our Chambers and offer him the cordialities of the House and the privileges of the floor.

ACTING SPEAKER JONES: Certainly. On behalf of Mr. Weprin, the Speaker and all the members, we welcome you, Mr. Avellaneda, to the Chamber, extend the privileges of the floor and hope you enjoy the proceedings, and thank you for all your work and thank you for being here. We hope you enjoy your trip here to Albany and have a great time.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09234, Rules Report No. 556, Lunsford, Bronson, Jensen. An act to amend the Tax Law, in relation to taxpayers, and combined groups including members, engaged in providing professional employer organization services.

ACTING SPEAKER JONES: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER JONES: 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. A03132-A, Rules Report No. 557, Lupardo, Thiele, Stern, Bendett, Manktelow, Barrett, Lunsford, Santabarbara, Magnarelli, Otis, Zinerman, Durso, Palmesano, Maher, Brabenec, Smullen, Simpson, Flood, Simon, Clark, Fahy, Davila, Raga, Lavine, Dickens, Hevesi, McDonald, González-Rojas, Shimsky, McGowan, Gallahan, Blankenbush, Hawley, Tague, Angelino, J.M. Giglio, J.A. Giglio, Novakhov, Hunter, Lucas, Norris, Shrestha, Zaccaro, Stirpe, Wallace, Gray, McMahan, McDonough, Seawright, Simone, Reyes, Bores, Bichotte Hermelyn. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the direct intrastate and interstate shipment of liquor, cider, mead, and braggot and relates to direct shipments of wine.

ACTING SPEAKER JONES: The bill is laid aside.

Page 21, Rules Report No. 534, the Clerk will read.

THE CLERK: S07694-A, Senator Gounardes, (A08148-A), Rozic, Reyes, Shimsky, Magnarelli, Hevesi, Buttenschon, Fahy, Dickens, McMahan, Glick, De Los Santos, Durso,

McDonough, Gandolfo, Simon, Zaccaro, DeStefano, Wallace, Berger, Burdick, Seawright, McDonald, Beephan, Smullen, Manktelow, Ardila, Slater, Sillitti, Darling, K. Brown, Epstein, Levenberg, Weprin, Bichotte Hermelyn, Lupardo, Mikulin, Paulin, Solages, Tapia, Davila, Burgos, Gunther, Taylor, Zebrowski, L. Rosenthal, Jensen, Kim, J.A. Giglio, Rivera, Cunningham, Zinerman, Maher, Walker, Conrad, Clark, Jackson, Dais, Rajkumar, Fall, Lunsford, Forrest, Lee, Gibbs, Anderson, Lavine, Stern, Gallagher, Dinowitz, Braunstein, Jean-Pierre, Septimo, Kelles, Carroll, Mamdani, Hunter, Barrett, Bronson, Pheffer Amato, O'Donnell, Santabarbara, Cook, Burke, Aubry, Jones, Stirpe, Sayegh, Raga, Gallahan, Thiele, Alvarez, Simone, Eichenstein, Chandler-Waterman, Pretlow, Morinello, Shrestha, Eachus, Meeks, Jacobson, Brabenec, Colton, Otis, Steck.

An act to amend the General Business Law, in relation to enacting the Stop Addictive Feeds Exploitation (SAFE) for Kids act prohibiting the provision of an addiction feed to a minor.

ACTING SPEAKER JONES: An explanation has been requested.

MS. ROZIC: Thank you, Mr. Speaker. This bill limits access to addictive feeds on social media platforms by requiring parental consent for minors to access addictive feeds on a social media platform. It prohibits users under 18 from viewing addictive feeds without parental consent and it's just one specific type of algorithm that we are targeting here. These users will receive a chronological feed of content from users they already follow or feeds of generally

popular content. The same way that social media use to exist and function before the advent of the addictive algorithm. Users may also search for specific topics of interests, connect with friends and join groups. The bill also prohibits social media platforms from sending notifications to minors from these addictive algorithms between the hours of 12:00 a.m. and 6:00 a.m. without verifiable parental consent, and it also authorizes the Office of the Attorney General to bring an action to adjoin or seek damages or civil penalties up to \$5,000 per violation. To provide for maximum clarity to stakeholders, we provided a legislative intent section that speaks to our vision of this bill and how it will work in practice, and we include a set of mandates from the Legislature on the Office of Attorney General for the rule promulgation process to ensure that the Office of the AG has a clear sense of the Legislature's points of concern.

ACTING SPEAKER JONES: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

Will the sponsor yield, please?

ACTING SPEAKER JONES: Will the sponsor yield?

MS. ROZIC: Yes, and if I can ask for some quiet that would be great.

ACTING SPEAKER JONES: Ladies and gentlemen, could we quiet the Chambers. We are on debate here.

MR. BLUMENCRANZ: So I just want to start off by saying I appreciate this effort. It is an incredibly important issue that

we're all facing. But I want to hone in on some of the specifics within the bill. Could you talk to me a little bit about how you arrived at the definition of "addictive feed" to start?

MS. ROZIC: The addictive feeds? Yeah. So, an addictive feed is a very specific definition laid out in the bill. It is any website, online service, online application or mobile application in which multiple pieces of media generated or shared by users, either concurrently or sequentially are recommended, selected or prioritized for display to a user based in whole or in part on information associated with the user or the user's device.

MR. BLUMENCRANZ: It goes -- it goes on so just --

MS. ROZIC: Sure.

MR. BLUMENCRANZ: -- my -- my question was more at -- at how you came to this conclusion. So you used the term "addictive" for both addictive feed and addictive social media platform where mental health professionals consulted in the addictiveness was -- who was involved in this process of defining an addictive algorithm feed or an addictive feed as defined here?

MS. ROZIC: We met with various stakeholders throughout the process including, you know, industry organizations, mental health associations, and we arrived at what we believe is the best definition of that.

MR. BLUMENCRANZ: So under your definition here, though, an addictive feed and also an addictive social media

platform, would include a very large umbrella, correct? So under this -- under this under umbrella, would Spotify and music streaming platforms be considered addictive?

MS. ROZIC: No. It has to be a significant part of their platform.

MR. BLUMENCRANZ: I think anyone objectively can consider the fact that a music recommending platform, using an algorithm to provide you with various options based on existing data and information surrounding you as a user is an algorithmic feed that would meet the standard here, both the industry and I think anyone reading the language here would consider most audio streaming platforms as an addictive feed under this definition.

MS. ROZIC: It's specifically for social media platforms. Again, if a specific application or a specific website has an issue, the Office of the Attorney General is empowered to create regulations around this bill and this legislation in order to clarify some of that.

MR. BLUMENCRANZ: Okay. So just in basic reading, basically reading the language here, so it has to be an application, mobile, online, whatever it may be that provides sequential order information including all of these various points here who or would not be included. That would include those audio platforms. Would it also include news updates? I use, and I know I have --I base a lot of my information throughout this debate in consulting my important consultants, my 11-year-old sisters Charlotte



and Emerson, who have given me a lot of thought and consideration in this bill, *Apple News*. *Apple News* uses an algorithm to provide information in a sequence that would be covered under this legislation. Do you not agree?

MS. ROZIC: No, I do -- I do not agree and --

MR. BLUMENCRANZ: Why is that?

MS. ROZIC: If you look at page 3, line 32, it specifically says -- or I guess line 34, it specifically points to an addictive feed as a significant part of the services provided by such website, online service, online application or mobile application. So --

MR. BLUMENCRANZ: Yes. So --

MS. ROZIC: So -- so let me finish answering. So I believe that, you know, if you were to go to a news media website and look at the content following a story or the comments in the story, that does not qualify under significant part.

MR. BLUMENCRANZ: You define an addictive social media platform as a platform that the addictive feed, which we've previously defined and would categorize these websites, uses it as a significant part. If I'm *Apple News*, I don't know if you use *Apple News*, I do sometimes, it agglomerates articles from various different sources, and based on what I have read in the past or someone under 18 has read in the past will provide me new articles. Of course it provides me some of the most pressing, urgent breaking news, but it also provides me a ton of information on tech policy because I read

articles on tech policy because of the job that I currently hold and other factors. The same with a child who might have interest. I'm just curious how they wouldn't be defined if you pretty specifically define them as an addictive feed and then define addictive feed an addictive social media platform as one that uses an addictive feed in a significant services provided.

MS. ROZIC: Right, but -- and it's hard to follow and hard to hear you, but if you're going to *Apple News* for the news, that is why you're -- you're actively seeking information on that website. That is not kind of ancillary to why you're on there.

MR. BLUMENCRANZ: It is -- it is presented --

MS. ROZIC: It's presented --

MR. BLUMENCRANZ: -- I don't get -- I don't go on to *Apple News* and receive the *New York Times*. I go on there and I receive *Axios* and *New York Times*, I'm not subscribed, it presents that through an algorithm understanding my behaviors, habits and reading to provide me that information. It would -- it would -- it would be classified as an addictive feed under this definition. I -- I mean I'm not sure how you --

MS. ROZIC: I just --

MR. BLUMENCRANZ: -- could make the justification.

MS. ROZIC: I would -- I would just have to disagree with that and I don't believe that it's a significant part to their social media platform.

MR. BLUMENCRANZ: It's important to hone in on that, though, because you do talk about legislative intent here and that is important because the AG's Office can make a determination later, but under the definition, a addictive feed, again, is a mobile application yada, yada, yada, that is based in part or whole and the information associated with the user or the user's device. It goes on to list exceptions, but not exceptions that would exempt a news platform like that using an algorithm. But let me move on to another example, Netflix. Netflix provides information based on the user, some information surrounding the user age, preferences, prior watch history. If I am under the age of 18, would Netflix be considered an addictive feed under this definition?

MS. ROZIC: I do not believe so. I'm not going to go through and specifically say yes or no to every single example, but I will say if there are certain platforms or websites, again, that feel that they are concerned that they might fall under this definition for one reason or another, the Office of the Attorney General is empowered to create regs and rules around this legislation to clarify some of that. But I do not believe that Netflix, in this particular case, would qualify.

MR. BLUMENCRANZ: So then let's talk about advertising to minors under this piece of legislation, because I find that is a particularly tricky section of this bill considering it's not there, but algorithms are utilized by social media platforms to make a profit. If -- let's use TikTok for an example, and I'm sorry to keep using real life examples, but these are the universes in which the application of

these definitions and the labeling of the addictiveness comes into play, but on TikTok while the feed may not necessarily be able to be non -- nonsequential or information not based on past prior watch history, the advertisement still can be, correct?

MS. ROZIC: I don't believe that this legislation speaks to the actual content. We don't try to regulate speech, we don't try to regulate --

MR. BLUMENCRANZ: I'm sorry. Can you just say that again? I can't hear.

ACTING SPEAKER JONES: Ladies and gentlemen, I know we're all excited for the last day of Session here but if we can have some quiet while we're on debate. The debaters are having a tough time hearing each other. So if we can clear the aisles and find a seat and keep it quiet, please.

MS. ROZIC: Thank you, Mr. Speaker. I would say that this legislation regulates a specific design feature, the delivery mechanism, which is the actual algorithmic feed. It does not speak to content. It does not speak to advertisements. It is content neutral and I hope that answers your question.

MR. BLUMENCRANZ: I mean -- what's -- on certain social media platforms, Instagram, any of the ecosystems in which you are experiencing the platform with friends that you have already interacted with and that would not meet -- that would not meet the standard because it would be persistently associated with, correct? So they wouldn't qualify. So an Instagram makes a lot of sense.

When it comes to platforms like Goodreads, right? I use Goodreads. My little sisters, they use it. It is a platform that allows you to see novels based on prior reading history. It is a platform that allows you to see recommendations, reviews, that would be an addictive feed under this definition because I'm not -- I'm not experiencing it with friends, yet with the greater internet and I'm presented information and data based on myself for a personalized experience. It's not a bookshelf. It's a book that's presented to me, right? It's not the same as it was in older versions of social media, but I think the entire context of the internet has changed.

So my question is, when it comes to platforms like TikTok, which have created an entire algorithmic feeds using TikTok Shop, how would this law label something like that because it can be considered both a marketplace and advertising, but also a feed in and of itself that people are going on there to experience?

MS. ROZIC: You have to reiterate your question.

MR. BLUMENCRANZ: On marketplaces that use algorithms to present you information, products and more, right? TikTok Shop. A very important aspect of their business, for those who don't know, it's sort of like QVC but for people of a certain age group who entertain, you know, whatever products they want to sell. Would this affect them because advertisers are not effected? Can these platforms essentially become giant marketplaces and then not have to abide by the label of addictiveness and also the rules and regs as provided by the AG's Office?

MS. ROZIC: So we're talking about two different things. The marketplace is separate from the social media platform.

MR. BLUMENCRANZ: Not necessarily true.

MS. ROZIC: They can be linked on -- they can be linked on TikTok but they're separate entities, correct?

MR. BLUMENCRANZ: You are in TikTok and there's a -- there is different pages, they're actually fully integrated and many times where you receive and experience TikTok Shop posts on your algorithm feed, right?

MS. ROZIC: Right, but one's a feed and one's a platform, right?

MR. BLUMENCRANZ: I can't hear you.

MS. ROZIC: One is a feed and one is a platform.

MR. BLUMENCRANZ: No, no. It's all -- it all comes through in the same funneled feed unless you choose to move into a TikTok Shop feed.

MS. ROZIC: Right. So what -- let me just take it back because I don't -- again, I don't want to get specifically boiled down to one site versus another site. If the actual content that you're -- if the content that you're being fed or that the minor is being fed is addictive in its nature, then that would be covered under this. If it's general content like on a marketplace, if there's general content that TikTok or another one of these social media platforms wants to put out to the general public, that would not be under here.

MR. BLUMENCRANZ: But what I think is

important to consider here is you and I are (inaudible) using the term addictive. This bill is not, right? An addictive feed has a specific definition that encompasses pretty much anything that uses an algorithm that utilizes information related to the user as part of the way it delivers information. So if you use the pod casting app through Apple, right, it presents you both the information you're regularly interacting with, as well as new information that's recommended information. That would qualify as an addictive feed under this definition.

MS. ROZIC: It's based on what's user-generated.

MR. BLUMENCRANZ: Only user -- user-generated information.

MS. ROZIC: It's in the definition.

MR. BLUMENCRANZ: So it would include the review section on Amazon, correct, when I'm looking at products? That's user-generated feeds.

MS. ROZIC: No, because it's not a significant part of their social media platform.

MR. BLUMENCRANZ: I think a very compelling argument that user-based reviews are a significant part of the way they deliver their services.

MS. ROZIC: You and I see that differently.

MR. BLUMENCRANZ: Okay. When it comes to the -- would you be open to narrowing the scope of the definition to not necessarily encompass such a wide variety of marketplaces and

staying silent when it comes to issues such as advertising?

MS. ROZIC: No.

MR. BLUMENCRANZ: No. So we have --

(Buzzer sounded)

I'm going to use my next 15. So what we're doing here is we are creating a basic definitional guideline and then asking the AG's Office to create a framework, correct?

MS. ROZIC: Correct.

MR. BLUMENCRANZ: And you're not open to our Body having any oversight as to what that might look like in the future or in Chapter Amendments --

MS. ROZIC: The legislative intent is very clear on what mandates the Legislature is imposing on the Office of the Attorney General.

MR. BLUMENCRANZ: I'm sorry. I can't hear you.

MS. ROZIC: I said the legislative intent section of the bill is very clear on the mandates that are set from the Legislature on to the Office of the Attorney General.

MR. BLUMENCRANZ: Intent is one thing, but application is another and I think the ramifications of that are worth trying to hash out in the Legislature, right? So, when it comes to the verifiable parental consent, for instance. Many of these websites we are seeking to create these regulations for perhaps some existing parental consent application. Some do not, especially the ones that fall under addictive feed under this broad definition, but what will that



look like under this bill? It seems a little silent to that.

MS. ROZIC: The Office of the Attorney General will figure out the rules and regulations surrounding a lot of them.

MR. BLUMENCRANZ: So you said we're not willing to revisit this. So if the bill leads to biometric tracking of individuals based on age, we wouldn't be revisiting this question.

MS. ROZIC: That's not what I said. What I said is you asked me if I would redo the definition and I said I'm currently not open to that. Now if the Office of the Attorney General puts out rules and regs to clarify some of this language, that's a whole other ball game and we have another legislative Session next year.

MR. BLUMENCRANZ: So yes, there is a world in which we as a Body may feel so uncomfortable with the regs that they create that we'd be willing to look --

MS. ROZIC: We -- we as a Body do all sorts of things and subsequent --

MR. BLUMENCRANZ: Some good, some bad, right? When it comes to the enforcement mechanism, so some of these platforms they do make pretty good attempts. I mean most of them are following the existing Federal law surrounding individuals under the age of 13 needing parental consent to use these platforms. With the application of the legislation, does this bill recognize good faith attempts at compliance from social media platforms and will the provisions of this bill and the resulting rules and regulations by the Office of Attorney General be strictly constructed? It is your belief

that they are going to create guidelines in which we'll be able to know exactly who is in good faith making an attempt or not?

MS. ROZIC: Yes. I have tremendous trust and respect for what the Office of the Attorney General does.

MR. BLUMENCRANZ: Okay. So who in the Office of the Attorney General's -- who in the Office of the Attorney General or elsewhere would determine if an addictive feed is actually concurrently or sequentially recommending selected or prioritizing certain content?

MS. ROZIC: I'm not sure that that's germane to the actual bill language.

MR. BLUMENCRANZ: That doesn't relate to the intent?

MS. ROZIC: The person who will craft the rules and regs.

MR. BLUMENCRANZ: Is there a specialist in the AG's Office who can answer these questions related to what exactly a feed would look like that's categorized as addictive?

MS. ROZIC: The Office of the Attorney General is full of well-respected lawyers and technologists who understand this part of the law and I entrust them to figure that out.

MR. BLUMENCRANZ: Okay, all right. Thank you very much.

On the bill, please. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Mr. Blumencranz on

the bill.

MR. BLUMENCRANZ: This effort is an extremely important attempt at being first in the nation at tackling a very problematic issue within our society. Any of us who have children, who have siblings, who have family members who are underage, I grew up with sisters who grew up in this age of algorithmic feeds, social media being a part of their life from a young age. We see how it changes and alters behavior. But we take bold steps in this piece of legislation in the way we define and umbrella the term "addictive feed" and thus, addictive social media platform as someone who uses or a company that uses an addictive feed. It is very much so all encompassing and we are letting the Attorney General's Office take the wheel when it comes to the way in which we will see the application of this piece of legislation without revisiting what that may look like in the future and the ramifications for multiple groups that might be at risk under this bill. But, I think it's important we make an attempt and we do something about such an important issue for children. I hope and I pray that the Attorney General's Office will do so in a way that respects New Yorkers and allows for this problem to be mitigated in some way but that is a question for time. But I'm looking forward to seeing how those rules will work in the future. Thank you very much.

ACTING SPEAKER JONES: Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER JONES: On the bill.

MS. ROZIC: So I just want to reiterate a couple points and also clarify sort of the intent and the reason why we're passing this legislation today. In 2000, the Federal Government passed something called COPPA, the Children's Online Privacy Protection Act specifically aimed to protect the privacy of kids under the age of 13 and that's what we're talking about today, kids. So let's think about that for a moment, right. We talked about all sorts of different websites and platforms today, but in the year 2000 in Y2K, the extent of our social media was chain e-mails and downloading music off of LimeWire. I was very young. That was 24 years ago. There were no iPhones. There were certainly none of the apps that we talked about like Facebook, Instagram, Snapchat or TikTok. That law is clearly outdated and our online world is drastically different from then. The cost of using social media in particular are very high for minors. Spending time on social media is ten times more dangerous for kids than any other kind of screen time. Multiple studies demonstrate direct correlation between the explosion of social media and a rise on the rates of self harm, anxiety, depression and suicide amongst kids and teens. As evidence mounts that social media makes our kids mentally unhealthy, socially isolated and deeply, deeply unhappy, we have left kids unprotected online. Many are frazzled, scattered and exhausted. They show up to school too tired from being up all night due to scrolling. Too many get exploited and harmed and so are we okay with that? That's the real question today. And it

doesn't have to be that way. This bill and the subsequent bill that we'll talk about targets the problem by going to the root of why minors spend so much time online. The algorithmic feed. It was designed specifically to keep users engaged as long as possible so that platforms can maximize their own revenue and keep users hooked. The bill prevents social media platforms from sending the specific algorithmic feed notification to minors from 12:00 to 6:00 a.m. without parental consent. It provides the Attorney General with a clear mandate to regulate and enforce compliance ensuring that our kids are not battling these algorithms alone. Unlike bills from other states, this bill addresses it in a content neutral way. We don't limit the type of speech or the speaker, or regulating the vehicle that supercharges the feed and makes it more addictive. We know our kids are bombarded by content. We have more than a century of experience making the real world safe for kids. Over the course of many decades we found out -- we found ways to do that. We mandated seat belts and car seats. We have age restrictions on things like smoking and alcohol. We don't let kids gamble in casinos. As we learn about the harmful and often deadly impact of social media on kids, it's our responsibility as legislators, as parents to provide the necessary protections and ensure a safe digital space for them. Let's let kids go through their most vulnerable period of brain development before connecting them to a firehose designed to create social comparison and algorithmically chosen content. I am so grateful that hopefully we'll be passing this bill today and the one that comes after it because so many different

advocates and orgs got together with teacher unions and spent time, energy, organizing, meeting, calling and sending out messages to get people to understand how important this is. We realize that as we did in years past that sometimes we need to protect kids from harm even if it inconveniences big companies. So to all the parents who've stopped me in elevators and hallways, reached out on social media, to over 100 colleagues sitting in this Chamber who signed on as other -- as cosponsors, I really want to say thank you. And there are so many people who helped us get here like Speaker Heastie and his team, the entire Consumer Protection and Science and Tech Team for making sure we got this right, and to the Governor and Attorney General who have been incredible leaders on this issue. They lent not only their support early on but also the full force of their offices. I just want to say thank you. And also to my partner in the Senate, Senator Gounardes, who is actually watching. He is the best kind of issue champion. You guys should all do bills with him because this would not have happened without him. And of course our respective staffs who worked tirelessly to advocate for this bill at every step of the way. I just want to say thank you. I'll be voting in the affirmative and I really encourage and hope that my colleagues will join me and do the same.

ACTING SPEAKER JONES: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER JONES: On the bill.

MR. LEMONDES: Thank you. We have many crises afflicting us socially in our country, in our State, in our communities right now and this is -- this is one of them. The childhood depravation that results from these social media feeds, regardless of the platform, is ever present in everything our children do. It contributes to loss of sleep, exposure to disruptive habits, diversion of time from healthy, social, physical, emotional and intellectual development. And it's about time that we're addressing it. I want to say this bill is I think well-intended. It will start the process, but there's a lot more that needs to be done. Look at any group of kids and you see their childhoods being taken away from them by these stupid phones. Their faces are in these phones, they can't separate themselves from them and parents go mad like me trying to get my kids to put them down to eat dinner. And so this is real and it has to be dealt with. These plat -- platforms like TikTok additionally contribute to significant compromise of personal identifying information and biometric data all of which contributes to the subtle erosion of national security as well. Something that people don't necessarily associate this kind of technology with. This national security risk is subtle. It's very subtle the way information is being gathered on us socially, on our children, and it has to be watched. This is called the information warfare domain, and it's as I said, the most important thing about this bill is it's a start. It's a good start and it's something we have to pay strict attention to. So recognizing these risks, this bill is a step in the right direction and I think I want to say

thank you to the -- to the sponsor and I sure hope all of us can make even better improvements upon this in the very near future. Thank you, Mr. Speaker.

ACTING SPEAKER JONES: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER JONES: On the bill.

MS. WALSH: So when I was growing up in the '60s and early '70s and you can all do your math. I -- you know, my dad called the television set the boob tube, you know. He threatened he was going to take that tube to work with him. He was disgusted with the Brady Bunch and the Partridge Family and all the shows that I couldn't stop watching and, you know, I think it's a mistake to equate that with what we're going on right now with the smart -- with cellphones and with smartphone use. I mentioned it before, I have a blended family of six kids. They go from 31 down to almost -- just shy of 18, and I see such a difference in the younger children in their -- because they had exposure. Despite our best efforts to limit it and to try to really review what their habits were, to try the fishbowl at dinnertime, to put the phone in the fishbowl so that we could -- with no water in it, so that we could actually sit and have dinner where we actually had conversation. Kids that are up most of the night who if you even try to take the phone away to charge it downstairs, we find in the morning that it's been brought back up to the rooms to charge it or to use it. You know, and I don't think that my experience is really that



uncommon as a parent as compared to other parents that I know. We talk about it a lot in our friend groups, especially with kids in that -- in that range. So, you know, as has been said by some of the previous speakers, I think that this is one of those votes for me where if I really wanted to get out a magnifying glass and really go over each and every line of this bill, there are -- there are issues that concern me with the bill. Things that I think are going to have to maybe get cleaned up later and more work to be done after this bill, but I -- I support it. I think that we need to start here. I will just say, I guess for the record, that what -- what concerns me is that we're passing a whole series of bills it seems where we're vesting so much power, discretion, authority in the Attorney General's Office. And I can separate the office from the individual. I don't have a problem with that, but I do think that we have to be careful, we have to be careful when we place so much responsibility in one office. And I know that there are great people that work there that are on staff and that they'll -- they'll make it their best effort, but that -- that does concern me. That is an aspect about this bill that does concern me. I think that when we've seen bill after bill that has arguably taken a considerable amount of discretion away from the Judicial branch, to see it all kind of coagulating in the Attorney General's Office is something that I do worry about, but I really do commend the sponsor for taking a step up and I think that if you look at who all the sponsors and cosponsors and multi-sponsors are in this Chamber, we know that there is a tremendous amount of overall support for the legislation so I will be supporting it. I

encourage any of my colleagues that didn't already get on the bill to support it here in the Chamber and -- and I want to say thank you. I think that this -- I think we're going to look back at this piece of work and realize that this is really like in this moment what we needed to do. So that's it. I'll be voting in the affirmative. Thank you.

ACTING SPEAKER JONES: Mr. Goodell.

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

ACTING SPEAKER JONES: Will the sponsor yield?

MS. ROZIC: Sure.

ACTING SPEAKER JONES: Sponsor yields.

MR. GOODELL: I just want to make sure I understood this. An addictive feed is when they prioritize content for display to the user based in whole or in part on information associated with the user, right?

MS. ROZIC: Yes. It's from the user.

MR. GOODELL: From the user, yep. And that would then trigger an addictive social media platform definition. Now this says that in order to identify whether the person who is using the phone or the tablet or computer, the platform must use commercially reasonable and technically feasible methods. Is there any description in this bill or do we just leave that up to the Attorney General to figure out?

MS. ROZIC: Commercially reasonable and

technologically feasible is a common term in business contracts, which generally means that a business or an entity will act in good faith to achieve a particular outcome.

MR. GOODELL: And am I correct that that those would be fleshed out by the Attorney General in regulations?

MS. ROZIC: It requires the AG to create rules and regs identifying commercial and technically feasible methods, yes.

MR. GOODELL: I see. Is there a reason why we have the Attorney General determine what's a commercially reasonable and technically feasible method on these very sophisticated platforms rather than, for example, our IT Department? I mean the State has a fairly sophisticated IT Department itself, don't we?

MS. ROZIC: Technology changes so rapidly that it is easier to kind of figure that out and create that within rules and regs.

MR. GOODELL: So it's your view that this rapidly changing technology is better evaluated by the Attorney General than by our own IT experts in the State?

MS. ROZIC: In this particular case, yes.

MR. GOODELL: I see. And then this provides that these addictive feeds can be provided if there's verifiable parental consent. Am I correct that that phrase, "verifiable parental consent" is also going to be defined by the Attorney General?

MS. ROZIC: Yes.

MR. GOODELL: And then what I found interesting is it says, I mean it's likely by the way that or at least I would

anticipate that these platforms would use sophisticated algorithms in an effort to try to verify the user's age. But then the bill goes on to say that data to determine age, quote, "shall be deleted immediately after the attempt to determine the user's age," correct?

MS. ROZIC: Correct. And just so we're also clear. Under COPPA, the Federal law, they have to do this anyway for kids under the age of 13.

MR. GOODELL: Now the penalties are \$5,000 per violation. Would that be per user or per user access? What's meant by violation, per violation?

MS. ROZIC: It's per violation.

MR. GOODELL: Is that per user?

MS. ROZIC: If they violate the same user or the same user violates it multiple times. I mean if the same platform does it multiple times to the same user.

MR. GOODELL: So as an example let's say the Attorney General using definitions that she comes up with makes an evaluation using definitions she comes up that there wasn't verifiable parental consent or adequate in a particular platform and let's say it's a big platform. Let's say it's TikTok or Facebook or something like that. You could be looking at hundreds of thousands of violations; would that be correct?

MS. ROZIC: If they made an attempt to verify age under the commercially reasonable and technologically feasible framework that's one thing, but the Office of the Attorney General just

like any other consumer violation or issue, she will bring what cases she sees fit.

MR. GOODELL: Now if that action is brought against a platform, this bill requires the platform to immediately delete all the data it used to make that determination. How is the platform suppose to defend itself?

MS. ROZIC: They're supposed to delete the data and not the process by which they arrived at the data.

MR. GOODELL: I apologize. If you would please speak a little louder. It's just hard to hear.

MS. ROZIC: They are charged with deleting the actual data, not the process by which they determined the age or the process by which they got there.

MR. GOODELL: I see. But -- but the fine is based on per violation. That per violation, as you mentioned, could be per user. And this bill requires them to eliminate all data that they would use to verify or make commercially reasonable efforts to verify that that particular user was a -- was an allowable user. So then my question again comes back, how do they defend themselves? Aren't we by statute eliminating all the data they would need to defend themselves in an action by the Attorney General?

MS. ROZIC: I would say that through the rules and regulations there will be a process that most of these social media platforms probably already follow and they will use that in determining the violations or whether they are in compliance or not.

MR. GOODELL: Now I want to shift just a little bit. What -- what is the role of parents in raising their kids and controlling their internet access?

MS. ROZIC: If a parent provides consent, then the minor can have access to the algorithm, the addictive algorithmic feed and it's not a problem.

MR. GOODELL: And how is the platform to verify parental consent, because to be honest with you some of my grand kids are a lot more sophisticated than I am and they are remarkably capable of producing a false idea on the internet or -- or something along those lines. How is the internet provider to verify that parental consent has been made for a web page that might itself be fraudulent?

MS. ROZIC: Yeah, so COPPA speaks to all sorts of methods that a parent can use or a platform can use to get parental consent. Parental consent can be done through various different methods. None of them actually involve parents accessing or using their child's phone. But -- but again, COPPA delineates all sorts of ways to do that.

MR. GOODELL: Now this bill doesn't require any notice to be provided by these platforms to parents, for example, if they sign up for a site. It doesn't require the distributors of phones or apps to have any warning?

MS. ROZIC: No.

MR. GOODELL: It doesn't require any notice to parents themselves about the importance of controlling the internet

access?

MS. ROZIC: No.

MR. GOODELL: It's just focused on the platforms themselves.

MS. ROZIC: It is just focused on the design feature.

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

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you, sir. I share the concerns raised by my colleagues about the pervasive impact of internet and these handheld apps. I have seen parents wheeling their kids in baby carriages with the kids holding what would appear to be like a cell phone watching some game, whether it's some version of Super Mario or something like that. And there's no doubt, by the way, that these devices can be extraordinarily helpful for kids learning their colors and numbers and there's a lot of educational programs that are out there that are really pretty cool and really helpful. But I'm a little concerned on the ambiguity of this bill coupled with very high fines. So we're told that an addictive feed occurs when the internet provider gives us information that we are looking for. And I'm sure this has happened to all of you. If you're interested in what's happening in Ukraine and you pick up the first story, right below it will be all the rest of the stories about Ukraine. If you're interested in buying a new blender, you know it's phenomenal, you all of a sudden see a whole

bunch of different ads for different blenders. Whatever it is, they're very, very sophisticated in helping you find what you're looking for, which means that virtually every program out there in Google or Facebook Marketplace or whatever would fall within the definition of an addictive feed, because that's what we want them to do. If you're looking for information about what's happening on global warming, they'll help collect it all. And they are becoming increasingly sophisticated with artificial intelligence in helping you find what you're looking for. So if everyone in this room, you know, gets a high five and appreciates the fact that all these programs are working the way they're intended to in helping us find what we're looking for very quickly, then we recognize that under this definition almost every single platform out there is quote, "addictive". So then, for the internet provider, who is doing exactly what we hope it would do when we're on it, has to identify who is under the age of 18. How would they identify who is under the age of 18? It's not like they can ask for a driver's license for users. All of us would oppose that, and the answer is they probably use very sophisticated algorithms to try to track the very activity of the user in an effort to associate their activity with their age. So if the user is looking up cartoons, unless they're on the floor of the Legislature, presumably that is an indication of their youth. Maybe if they are on there until three in the morning, well past my bedtime, that might be an indication. But this doesn't tell you any really effective way to determine how these kids are, who these kids are. And then there's an exception if it's a quote, "verifiable parental



consent" and again, excuse me, no definition. And then we're told that after they use these sophisticated algorithms to determine whether or not a person is young or not, they're immediately to delete all the data. And if the Attorney General subsequently determines that they weren't effective, by law we eliminate their ability to even defend themselves. That's an unusual approach to due process, isn't it? And then we charge \$5,000 per penalty which my colleague acknowledged would mean per individual, per day, per hour, per minute huge, huge fines. So I am absolutely, completely in support of parents in their efforts to control the use of the internet and that is extraordinarily difficult as my colleagues have acknowledged. And I am supportive of efforts to try to reign in the worst of the internet. The concern I have is all of this rests on the Attorney General, not on our IT experts that we employ here in the State and we expect the Attorney General, who is an elected politician, to be on top of the most sophisticated technology while we're excluding the platforms from keeping any information that they might use to defend themselves, and then I am sure we'll all express shock and dismay when the Attorney General brings multimillion dollar lawsuits on front page headlines as a champion of children after we, by law, direct the companies, eliminate all the information they could use to defend themselves. I certainly support this process. I certainly support those efforts. I certainly have deep reservations over the due process and the rationale of this. Thank you very much, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I first want to start with thanking the sponsor and the entire team of advocates that she has been working with, including those from the Attorney General's Office to put this piece of legislation together. Is it to the end all to be all? I really doubt it but I think it's a great start. And at least we're going to be able to do some in depth looks at some of the unscrupulous people who are taking advantage of young people because they can. I realized that since 1960 when everybody started to have microwaves in their home, everything had to happen at a fast pace. Everybody wanted to move at a fast pace. And then cell phones came out and we probably should not have given our children cell phones. Why do they need a cell phone in school? Well, a lot of things are strange in our society. We got people who go into schools with guns and, you know, you want your children to be able to call you if something is happening. And so things have changed a lot and we have to adapt to that change in order to protect not just our children but our citizens in general. So, again, thank you for your work on this piece of legislation.

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

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. I want to thank the sponsor for her good work. This bill was worked on also by the staff of our science and technology committee. Certainly a lot of involvement with the Attorney General's Office. The important thing to remember here is that kids are exposed to a lot of things that they should not be exposed to by the seductive nature of what occurs on the internet today. And so around the country, states and hopefully the Federal Government will look at this issue as well, we need to provide better level of protection for kids for the kinds of seductive material that is on the internet. The kinds of tools that are used to suck them in to spending more time on and all sorts of rabbit holes that are -- are not safe for them. So my compliments to the sponsor of the bill. This is an important step, I see we have very strong support here. That's good. We're taking a step that's really needed around the country on this issue. I vote aye.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 21, Rules Report No. 535, the Clerk will read.

(Applause)

THE CLERK: S07695-B, Senator Gouardes (Assembly No. 08149-A -- Rozic, Reyes, Shimsky, Magnarelli, Hevesi, Buttenschon, Fahy, Dickens, McMahon, Glick, De Los Santos, Durso, McDonough, Gandolfo, Simon, Zaccaro, DeStefano, Wallace, Berger, Burdick, Seawright, McDonald, Beephan, Smullen, Manktelow, J.A. Giglio, Slater, Ardila, Sillitti, Darling, K. Brown, Epstein, Levenberg, Weprin, Bichotte Hermelyn, Lupardo, Mikulin, Paulin, Solages, Santabarbara, L. Rosenthal, Davila, Burgos, Chandler-Waterman, Taylor, Zebrowski, Jensen, Kim, Rivera, Zinerman, Maher, Walker, Cunningham, Conrad, Clark, Jackson, Dais, Rajkumar, Fall, Lunsford, Forrest, Lee, Gibbs, Anderson, Lavine, Stern, Braunstein, Dinowitz, Jean-Pierre, Septimo, Kelles, O'Donnell, Cook, Gunther, Burke, Aubry, Jones, Stirpe, Sayegh, Raga, Gallahan, Tapia, Thiele, Gallagher, Alvarez, Simone, Eichenstein, Pretlow, Morinello, Shrestha, Eachus, Meeks, Jacobson, Brabenec, Colton, Otis, Steck. An act to amend the General Business Law, in relation to establishing the New York Child Data Protection Act.

ACTING SPEAKER AUBRY: An explanation is requested.

MS. ROZIC: Thank you, Mr. Speaker. This is the New York Child Data Protection Act. It requires privacy protections in place for minors online because kids are having their personal data including their location data used or sold to third-parties without their awareness or consent. The platforms often use significant data they

collect from minors to target advertising to them in ways that are highly personalized to their demographics and usage patterns. All of this occurs without any oversight or consent. To protect the kids' privacy, this bill will prohibit all online sites from collecting, using, sharing or selling personal data of anyone under the age of 18 unless they receive informed consent or unless doing so is strictly necessary for the purpose of the website. For users under 13, this informed consent comes from the parent. From 13 to 18, the user can provide consent. The bill also authorizes the Office of the Attorney General to enforce the law and again seek damages or civil penalties of up to \$5,000 per violation.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. ROZIC: Yes.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. GOODELL: Thank you, Ms. Rozic. I -- I see that this bill applies to internet operators that quote, "actually know that the user is under the age of 18." Looking at page -- line 2, I'm sorry, page 2, line 12, right, that's the standard, it's triggered based on the covered user being actually known to be under that age, correct?

MS. ROZIC: Yes.

MR. GOODELL: And this applies to information that's quote, "primarily directed to minors." What does that mean? When you say "primarily," do you mean more than 50 percent, 90

percent?

MS. ROZIC: It's defined in the bill. So page 2 at the top, line 6, primarily directed to minors. That section.

MR. GOODELL: I'm sorry. Could you speak up? I can't hear you.

MS. ROZIC: That section -- it's defined in on -- page 2, line 6, where it says primarily directed to minors shall mean a website, online service, online application, mobile application or connected device or a portion thereof that is targeted to minors. A website, online service, online application, mobile application or connected device or a portion thereof shall not be deemed directed primarily solely because such website, online service, online application, mobile application or a connected device or a portion thereof refers or links to any other website, online service, online application, mobile application -- I lost my place -- or connected device directed to minors by using information, location tools, including a dictionary, index, reference, pointer, hypertext link --

MR. GOODELL: I actually -- thank you. I actually read the definition before I asked the question. I was hoping you could clarify what's meant by the word "primarily"?

MS. ROZIC: I mean primarily means primarily.

MR. GOODELL: Well, does that mean like more than 50 percent, 90 percent? Is there any definition in the bill?

MS. ROZIC: There's no spelled out definition of primarily in this bill.

MR. GOODELL: I see. But -- but in the bill language it has to be primarily -- primarily directed.

MS. ROZIC: Yes.

MR. GOODELL: I see. And then we'll just use the normal definition of primarily to mean focused or --

MS. ROZIC: Correct.

MR. GOODELL: Thank you. The -- the penalties are still 5,000 per violation?

MS. ROZIC: Yes.

MR. GOODELL: Thank you.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: What I find interesting is the distinctions between this bill, which I will be supporting, and the prior bill, which I did not. And this bill, the internet provider is liable only if the person who is using it is actually known to be under the age of 18. "Actually known" is a very, I think straightforward and appropriate standard as opposed to the prior one which was commercially reasonable and technically feasible to identify. You know, one is this amorphous concept that is yet to be developed by the Attorney General that none of us has seen and read. This bill, compliments to the bill sponsor and the draftsmen, is a very simple phrase "actually known" to be under age 18. I'm a little bit mystified by what's meant by primarily attracted to minors but as the bill sponsor pointed out, primarily means exactly what we think.

Certainly focusing on minors and I think that's a reasonable definition and a reasonable approach. So I appreciate the draftsmen's and sponsor's apologies. I appreciate the sponsor's effort to make this bill more precise. I hope to see Chapter Amendments do the same to the prior bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Page 30, Calendar No. 43, the Clerk will read.

THE CLERK: Assembly No. A01432-C, Calendar No. 43, Aubry, Cruz, Darling, Epstein, Jackson, Seawright, Simon, Weprin, Zinerman, Kelles, Walker, Mamdani, Burgos, Gallagher, Taylor, Hevesi, Raga, Reyes, Cook, Gibbs, Septimo, Forrest, L. Rosenthal, Glick, Wallace, Simone, Cunningham, Lucas, Meeks, Shrestha, Anderson, Davilla, Bichotte Hermelyn, De Los Santos, Shimsky Solages, Burdick, González-Rojas, Rivera, Levenberg, Jean-Pierre, Zaccaro, Lee, Bronson, Clark, Carroll, Benedetto,



O'Donnell, Hyndman, Stirpe, Dinowitz, Dickens, Bores, Tapia, Mitaynes. An act to amend the Judiciary law, in relation to removing the lifetime ban on jury duty for convicted felons.

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

An explanation has been asked for, Mr. Aubry.

MR. AUBRY: This bill will remove the lifetime ban on jury duty for convicted felons. It will provide the opportunity for those who can vote and who can serve to also - and that is serve in an elected office - and also serve on juries.

ACTING SPEAKER EACHUS: Mr. Tannousis.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MR. AUBRY: Mr. Tannousis, I'd be please to yield.

ACTING SPEAKER EACHUS: Sponsor yields.

MR. TANNOUSIS: Thank you, I appreciate that. I just had some very few questions. So Mr. Aubry, our understanding of course and I think you just said it, but I just want to confirm for everyone. This bill will allow an individual convicted of a felony in New York State to serve on a jury, correct?

MR. AUBRY: You said it absolutely correct.

MR. TANNOUSIS: And that would be a criminal

jury or a civil jury, correct?

MR. AUBRY: Yes, you're right again.

MR. TANNOUSIS: Now something else this bill would do is when an individual is convicted of a felony, they could -- they could serve on a jury up until the time they are not incarcerated, correct?

MR. AUBRY: They can serve -- they can offer themselves to serve. First of all, there's no guarantee, as you know, that if you are offering yourself for service, responding to the request to come and serve on a jury, you know, you're not guaranteed to serve. No one is, obviously. So there are -- but the completion of all aspects of their sentence, which includes parole, probation, whatever the things, as long as they no longer have any obligation to the State related to their previous sentence.

MR. TANNOUSIS: I'm sorry. It's a little bit difficult to hear, but I just want to confirm. And maybe -- I just want to confirm this part of the bill, because my understanding in regards to this bill was that the only thing that would preclude somebody from serving on a jury or responding I should say to serve on the jury is if they were incarcerated. If they were on parole, or if they were on probation, that would not preclude them from serving on a jury. That was my understanding of the bill. I just want to see if I'm correct in that understanding or perhaps I'm mistaken in that understanding.

MR. AUBRY: It is not.

MR. TANNOUSIS: So I am correct in that

understanding?

MR. AUBRY: You're correct -- no. They need to -- as I said, they need to have completed all their obligations to the State.

MR. TANNOUSIS: Okay. So that would include probation or parole.

MR. AUBRY: Yes.

MR. TANNOUSIS: Okay. Understood, thank you. Now, of course, during a jury process, correct, each round of what they call voir dire, which is basically a potential jury pool coming into a courtroom and while that jury pool is in the courtroom, they'll be questioned by a judge, by a prosecutor, for example, in the criminal action or by defense counsel. It is obviously in New York State the law that in that situation, the parties, whether it be the prosecutor or the defense, each have what they call peremptory challenges, correct --

MR. AUBRY: Absolutely.

MR. TANNOUSIS: -- which is removing individuals non for cause, correct?

MR. AUBRY: Yes.

MR. TANNOUSIS: And in addition to that, they also have an opportunity to remove people for cause; is that correct, Mr. Aubry?

MR. AUBRY: Yes, yes.

MR. TANNOUSIS: Okay. And during that process, sir, when they are asking questions of the juries -- of the jury --

potential jury members, the goal and one of the questions that they're asked is that if they will be fair and impartial to either side in the situation, whether it be the prosecutor, the defendant, the police department or any type of witness; is that correct?

MR. AUBRY: Yes.

MR. TANNOUSIS: Okay. Do you think that there's a potentiality when an individual is convicted of a felony that there is a likelihood or even a strong likelihood that they may be more partial to one side over the other? Meaning, they'll be more partial to perhaps the defendant over the District Attorney's Office or even the -- or even experience some kind of prejudicial view towards the police department?

MR. AUBRY: Right. Obviously we're talking about an individual by individual circumstance. And from my experience and working in this field for many years, I have found no indication that someone under these circumstances is guaranteed to be one side or the other. And having some experience in corrections, I -- I can say that with fairly definite assurance.

MR. TANNOUSIS: I appreciate that. So I appreciate you bringing your experiences in. So I just thought it would only be fair that I bring my experiences in as a prosecutor, as an attorney and as a litigator. And given my experiences both as a prosecution side and even somewhat potentially on the defense side is that attorneys have a tendency to -- or are more inclined I should say to try to put individuals on a jury that do not have history with the

criminal justice system, whether they be as defendants or victims or even police officers, because the last thing the attorneys would want to happen is that they're going to take the case that is before them, listen to the evidence and start thinking about their own case, their own facts, and perhaps try to draw comparisons. And that's one of the reasons why prosecutors are even reluctant to put police officers on a jury and that even defense attorneys are even reluctant to put defendants on the jury --

MR. AUBRY: Are we going to end in a question or --

MR. TANNOUSIS: Yes, yes, I am, thank you. I appreciate it. So given that reason, don't you think that this law potentially could create an issue where you're bringing a potential jury pool that would have some kind of prior relationship with the DAs Office, perhaps even the same DAs Office that may have prosecuted them or the same police precinct that prosecuted them? Do you see that as an issue in any way?

MR. AUBRY: So here in -- in this State -- let me answer by saying this. In this State we allow individuals who have been felons to serve in office and pass laws, propose laws, (inaudible) on laws. We allow them to vote in elections for candidates on either side of the spectrum. We have no indication that a individual under those circumstance is going to vote one way or the other. We understand the diversity of human beings and their reactions to their circumstances. So I think it would be somewhat illogical to determine

that just because someone has been in a circumstance, that they are going to be one way or the other. In fact, many -- again, many individuals that I have met over the years, and I have met quite a few, quite frankly tend to go more to the right than the left because of their experience. So a keen prosecutor like yourself or defense attorney I think is capable of figuring that out when they engage in the process of selecting a jury.

MR. TANNOUSIS: And I appreciate the -- your response, but just the point that I want to make is, you know, as an attorney, whether I'm a prosecutor or a defense attorney or even as a judge, whatever experiences that individual may have, I think the goal of an attorney is to try to pick someone that's not going to use that prior experience to make a determination on that case. Rather -- they rather pick someone that basically is going to listen to the evidence, listen to the law, applied adequately without thinking about anything else but I appreciate that response.

I just want to go through two or three more questions. Mr. Aubry, is there any type of cap as to the amount of felonies a person -- perhaps a certain amount of felonies would make them ineligible to serve on the jury duty?

MR. AUBRY: Say that again. I'm sorry.

MR. TANNOUSIS: Is there a cap on the -- perhaps if there's a certain amount of felonies a person can be convicted of.

MR. AUBRY: No.

MR. TANNOUSIS: So no matter how many felonies

they're convicted of they could still serve?

MR. AUBRY: As long as they've completed all the sentence owed to the State under the circumstances that we described, they would be eligible to offer themselves up to a jury.

MR. TANNOUSIS: Is there any type of limitation on -- in regards to what type of felony the person can be convicted for that perhaps would effect what kind of jury they could serve on?

MR. AUBRY: Right. No, no.

MR. TANNOUSIS: And finally, is there a limitation on the type of case someone convicted of a felony could be seated for?

MR. AUBRY: No.

MR. TANNOUSIS: Perfect. Thank you very much for your time.

On the bill, Mr. Speaker.

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

MR. TANNOUSIS: Thank you to the sponsor for answering my questions. And as an attorney, as a former prosecutor, as someone that has tried countless jury trials to verdict, in my experience whether on the criminal side, as a prosecutor or on the civil side, attorneys typically and for the right reasons, of course, try to seek jurors that do not have experience any related to the subject matter at hand. That is why as a prosecutor I was reluctant to actually put police officers on a jury, I was reluctant to put defendants on a jury, I was reluctant to put victims on a jury because as people

potentially may think that one type of witness is better than another, at the end of the day you do not want a juror on the -- on the trial that's going to bring any type of personal experience or bias into it. You want a juror that's going to listen to the facts openly, listen to the judge and apply the law accordingly without applying any type of personal experience on the matter. Now I would note, this bill does not include any type of changes into the amount perhaps of peremptory challenges where an attorney could ask someone -- or ask to remove someone without cause or even any type of changes to the for cause requirements for removal of an individual. In my time in both in the Bronx County District Attorney's Office and in the Richmond County District Attorney's Office, you know, people convicted of felonies were still getting jury summonses because, of course, criminal records are sealed sometimes, correct. So even though they would have had a criminal conviction, if the voter registration -- if they -- if the criminal charge was not given to the right authorities, they would still get a thing in the mail to show up for jury duty. And when they show up to jury duty and it was then found out that they had a criminal conviction, upon questioning they would basically reveal that they would have some kind of bias, whether it was the District Attorney's Office, because they were prosecuted or to the police department, perhaps it was the same precinct that was involved in this case. So it ended up that those individuals could not be fair and impartial. I think this bill will create a little bit of chaos in regards to the jury selection process, and I have a lot of respect for the



sponsor in this case. I understand this is well-intentioned, but I think that this bill at this point would not be good for the criminal justice system and will not do right by the people of the State of New York. I cannot support it and I will be voting no. Thank you very much.

ACTING SPEAKER EACHUS: Mr. McGowan.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MR. AUBRY: Certainly, Mr. McGowan. I'd be happy to yield.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. MCGOWAN: Thank you, sir. I appreciate it. I just want to pick up on a couple of questions that my colleague was posing to you just a few moments ago. Is there any -- does this bill speak to any restrictions in a juror who is a convicted felon serving on a jury in a criminal case involving the same office that prosecuted that felon?

MR. AUBRY: That the prosecutor did what?

MR. MCGOWAN: That felon. That perspective juror who's a convicted felon.

MR. AUBRY: No.

MR. MCGOWAN: So, for example, in my home county, Rockland County, if somebody was convicted of a felony by the Rockland County District Attorney's Office and then after serving

his or her sentence, completing the obligation to the State, was then called as a perspective jury in a criminal case could sit on a jury in a case being prosecuted by the Rockland County District Attorney's Office in that example.

MR. AUBRY: Right. So the question is more about whether or not the prosecutor or the defense would have the opportunity to object, right, and we know that that exists. So the -- the ability to serve is not a guarantee to serve. It is the ability to go through the process to serve. If you're objected to by either side, you don't serve as you have said. So we would suspect that those are the natural processes that they go through and it would hold case in any of the cases that you're going to provide.

MR. McGOWAN: Sure. So I think - and I appreciate your response and I think in some of your responses to my colleague's questions, this bill has no effect on the ability to qualify that juror through questioning and examination by the attorneys and the ability to challenge for cause or peremptory, correct? There's no changes to that process through this legislation.

MR. AUBRY: No, it is not.

MR. McGOWAN: Okay. So I guess then just so I'm clear, there is no prohibition into what type of case or the venue or the other side being the prosecutor, who previously prosecuted that defendant, there's nothing restricting that person from serving.

MR. AUBRY: As I think you know in your own profession, asked and answered.

(Laughter)

MR. MCGOWAN: And with that as I've learned, no further questions.

MR. AUBRY: Thank you.

(Laughter/Applause)

MR. MCGOWAN: Mr. Speaker, on the bill if I may.

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

MR. MCGOWAN: Well, thank you so much and I -- I -- I very much appreciate the sponsor's willingness to engage in -- in discussion and debate on this topic and -- and I do appreciate the intention of this bill. Certainly somebody who has been convicted and served their obligation to the State by way of whatever the punishment is - period of incarceration, probation, post-release supervision, whatever it may be. We want, I think as a -- as a Body and as a society, we want those individuals to have productive lives and to be civically engaged and to be able to participate in all aspects of their life once they have served their time or completed their obligation. So I appreciate that, I really do and I -- I find it somewhat funny that in all my time as a prosecutor and -- and then as an attorney, it was always hard to get people to want to serve on a jury. Most people want to find any excuse to get out the door rather than to sit in that courtroom and be a perspective juror. So it was always a challenge to get people to be engaged civically. And certainly I appreciate the idea of we're going to find more eligible voters. But I think there's -- I

really feel fundamentally that -- that there's an imbalance in this. And I really think it's in the criminal justice side with -- with the criminal trial, criminal case perhaps more than a civil case, someone who has a prior felony conviction, because as we all know in this State every crime, the caption is the people of the State of New York against the defendant. Now on a civil case if let's say there was a litigation involving a, you know, an entity and a perspective juror had sued that entity, had been a party to a prior litigation involving an entity and then came before as a perspective juror, I'm pretty sure there'd be an issue there, and perhaps there would be a challenge, whether a preemptory challenge, it doesn't require a reason or challenge for cause, but I'm pretty sure that would create an issue. And here we have set up the same party, the plaintiff, the people of the State of New York against a defendant who can then later serve, who can later serve and there are no restrictions on serving in the same venue and involving the same office that had prosecuted that person previously. I think they're just set up into that despite best intentions, despite the laudable goals that I -- that I do believe this bill sponsor has in proposing this legislation. I do believe built into the fabric of this isn't -- is a fairness issue that really can't be resolved. There -- what we -- what we want to do is to preserve the integrity of our criminal justice and our justice system in general whether it's on the civil side or the criminal side. We want to preserve the integrity of jurors, and when you have a perspective juror who is allowed and permitted to sit in a case where they previously lost in some way, whether through a jury

process of themselves or a trial and verdict or through accepting a guilty plea, they were convicted. And now we're going to let that person come in and sit as a juror. And I think the foundational reason of why this has been prohibited previously is a sound one. And I don't think that this legislation is something that -- that we want to do. Once again, there has to be consequences to criminality. There have to be. And to me this bill just creates an imbalance that, in my opinion, goes too far. So again, where I appreciate and I respect very much the sponsor's experience in this field and his comments, I just, for me, this -- this is a bridge too far and should be something that is not supported by this Body and I would encourage my colleagues to vote in the negative on it. So with that said, Mr. Speaker, I will be in the negative. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Gibbs.

MR. GIBBS: Thank you, Mr. Speaker. I am proud and I rise to speak on this part of 1432-A sponsored by Speaker Pro Tem Aubry which will repeal the lifetime ban on jury service for people convicted of a felony. The premise of this bill is simple. Once you have served your time and repaid your debt to society you should be able to serve on jury duty. This is not a new concept. We have recognized that people should be able to reestablish themselves post-incarceration and enjoy the rights that other citizens do. In recent years we have banned the box by outlawing asking about prior convictions on employment applications. We have repealed the lifelong voting ban and restored voting rights to millions of New

Yorkers as we passed Clean Slate to remove the myriad of restrictions and obstacles that come with a criminal conviction, but still people convicted of a felony are barred from serving on a jury. So often we hear of folks who want to get out of jury duty, many of whom do not realize the significance of being on a jury. When you serve on a jury, you are the last check of the prosecutors to assure they are properly applying and enforcing the law. People who have experienced the criminal justice system, many of them through plea deals that never even make it to a jury, understand the supreme road that a jury plays in determining someone's fate. My own story, which many of you know, would have looked a lot different if I had a lawyer to take my case in self-defense in front of a jury of my peers. I want to thank the Assembly sponsor, Speaker Pro Tem Aubry, for sponsoring this legislation and his decades of work on behalf of incarcerated individuals as we near his retirement at the end of this year. Aubry, you're a hero to me and to many of the others who over the years listened and watched your legislation. Majority of the mail that I get today in my office is in regards to your legislation and the women and the men thank you. I encourage all of my colleagues to vote in favor of this long overdue piece of legislation. Mr. Speaker, I will be voting in the affirmative proudly. Thank you.

(Applause)

ACTING SPEAKER EACHUS: Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. I rise to commend the sponsor on a lifetime achievement of breaking

generational curses not just here in the State of New York, but in our country. There is a statement that was made by John Adams in 1744 which indicates that a trial by jury is the heart and lungs of liberty. We know that it is essential to due process as air, food and water is to life. We understand that there has been a number of exclusions from full American participation in life and many of these things are rooted in citizenship. When you are a convicted felon, you lose the right to possess and bear arms. You lose the essential right to vote. You at one point in time lost the right to be counted in the Census because you weren't even considered a citizen. You were restored back to slavery by the mere connection that you have with the criminal justice system. And so this is a liberation moment and I proudly support the fact that we are doing an automatic restoration of the right to serve on a jury because people deserve to be brought before a jury of their peers. Why is this so important? I remember that there was a case where there was a young man who was being tried for robbery, and the one thing that he utilized as his defense was that I could not have been in this place because I was at the Chinese restaurant getting an order of chicken wings and french fries. And the jury could not understand that you could go to the Chinese restaurant to get chicken wings and french fries because they don't have chicken wings and french fries in every Chinese restaurant across America. That is the level of cultural competency that so many individuals are robbed from when they are not allowed to be able to have access again to a jury of your peers. Quite frankly, there was a lawsuit where 25 percent of the

black population equaling over 38,000 people were disqualified from serving on a jury, and it's a crazy cycle that gets set up because if you don't get a jury of your peers, if you're in a criminal case and you're subsequently convicted and then you come back around and you're not allowed to serve on a jury and then we keep putting people into that same system that keeps us out, it keeps us down and denies us all of the rights and the responsibilities and the liberties of being an American. And as some of our colleagues talks about the fact that we don't want people who are tainted who may be biased to serve on juries, but guess what? That's the reason why we have voir dire, and you have an opportunity to be able to say you know what? There might be a situation where this person might have been robbed before and maybe this person might serve as a good person on this jury, but there may be also an opportunity for the jury to also have people who have real lived experiences who can be able to say hold on a second, take a look at this because this happened to me and this wasn't right and so maybe this is something that we can take a look at again. And so again, to the sponsor, I appreciate you for taking this opportunity to restore my confidence in a fair and just jury that has integrity that we know that whenever it is that there's a person who comes up before a criminal court scenario again, that they are able to look at our jury that has the cultural competency that would be required to have an accurate juris prudence and be able to deliberate in fairness and honesty and integrity. Congratulations on your bill and I encourage each and every one of our colleagues to vote in support of it. Thank



you, Mr. Speaker.

ACTING SPEAKER EACHUS: Read the last section.

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

ACTING SPEAKER EACHUS: A party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Minority Conference will generally be in the negative, with all due respect to the sponsor of this legislation. And if there are individuals who'd like to vote in the affirmative, they can certainly do so at their desks. Thank you.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Majority is generally going to be in favor of this piece of legislation; however, there may be some that need to be an exception. They should feel free to vote at their seats.

ACTING SPEAKER EACHUS: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Wallace.

MS. WALLACE: Thank you, Mr. Speaker. I rise to briefly explain my vote. First of all, I want to commend the sponsor

for this very important piece of legislation. I also want to correct a couple of things that I think were misstated earlier. One of the things that was misstated is that as jurors you're not supposed to bring your prior experiences to the jury room. I would say that I think that's wholly inaccurate. In fact, the whole concept behind a jury of your peers is that we're supposed to have people from all different walks of life with all their different experiences, backgrounds come into the jury room and bring those experiences to their decision-making. In fact, we just had a discussion a couple days ago, what seems like weeks ago, about whether we should have people who are not judges -- who are not lawyers bring their -- who bring their personal experiences and their background to judge people in criminal cases. I think it's no different as long -- because prior experiences is not the same as bias. As long as you can be fair and impartial, you can serve on that jury. I want to clarify, by the way, that that doesn't mean that there still couldn't be a preemptory challenge, there still could be a challenge for cause, but we're just saying just because you've touched the criminal justice system doesn't mean that you should be wholesale excluded from serving on a jury because you've served your debt to society. I also want to say as somebody who spent 15 years in the Federal court system, I've seen people who have had car accident cases, have served on juries where there was a car accident issue. People who have had discrimination cases against their employers serve on cases where there was an issue about employment discrimination. Just because you had an experience in that regard

doesn't mean you can't be fair and impartial. And to that point, about a year ago after we left this Session, I was selected to serve on a criminal jury notwithstanding the fact that I have 15 years of experience and know the law probably as well as many of the people in the courtroom and notwithstanding the fact that the judge, the prosecutor and the defense attorney in that very case have all donated to my campaign, but I was elected because all three of them asked me whether I can be fair and impartial and I said that I could. So I want to commend the sponsor, thank him for this extraordinarily important legislation. I vote in the affirmative.

ACTING SPEAKER EACHUS: Ms. Wallace in the affirmative.

Mr. Anderson, on your vote.

MR. ANDERSON: Thank you, Mr. Speaker, to explain my vote. I want to take a moment to thank the sponsor for this particular piece of legislation that moves us away and moves us forward from the tough on crime era that gave us so many failed policies that did not meet the needs of the moment and address the solutions at their core. This legislative Body under the leadership of the Speaker Pro Tem (inaudible) and all of the members of this Majority Conference have been successful in helping to repeal the TAP ban to allow TAP assistance for individuals, supporting less is more, HALT solitary and now we're saying in this moment that we can have juries that include peers. Individuals with diverse backgrounds and experiences to give opinion on cases. I think one

thing that's particularly important about this legislation today is that we're opening the door for individuals who no longer have a lifetime ban, a lifetime conviction. This bill says that they have served their time, they have done their duty in that regard and their service to the State in regards to paying for their crime and now they're eligible with the passage of this law to serve on a jury.

As I close, Mr. Speaker, I think also one thing that's important now is that there's a former resident of 1600 Pennsylvania Avenue that now will be able to serve on a jury. I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER EACHUS: Mr. Anderson in the affirmative.

Ms. Cruz to explain your vote.

MS. CRUZ: Thank you, Mr. Speaker. A jury of New Yorkers of all walks of life to judge New Yorkers of all walks of life. That's the only thing this bill is doing. It's making sure that if I step into a courtroom and I am to be judged, those who are judging me understand the experiences that I've lived. And as much as we want to say that we understand what someone who's been formally incarcerated has lived through, we don't. And so ensuring that someone who is being judged can have that experience, can have that understanding before they make a decision, I think it's key to the fairness of our system, and I want to thank the sponsor for bringing this bill forward, for his years of love for our community, love for justice, for fighting for fairness, for ensuring that many of us learn

every day what it looks like to be a legislator with integrity, with love, with understanding, with patience and man this man has a lot of patience. I'm going to miss you. I hope we all make you proud. And I will be voting in the affirmative.

ACTING SPEAKER EACHUS: Ms. Cruz in the affirmative.

Ms. Bichotte Hermelyn to explain your vote.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to thank the sponsor of this very, very important bill that removes a lifetime ban to jury duty for convicted felons. This bill addresses the ability of individuals with felony convictions to vacate their judgment if their offenses have been subsequently decriminalized. This is a significant step forward in recognizing and connecting the wrongs of past legal practices. One critical aspect as you have heard today is the impact on jury service. Currently many individuals with felony convictions are banned and barred from serving on juries even if their offenses are no longer considered crimes. This exclusion not only disenfranchises a significant portion of our population, but also undermines the diversity and representativeness of our juries. A fair and impartial jury is a cornerstone of our judicial system, and excluding individuals who have paid their debt to society from participating undermines this principle. Justice Sonia Sotomayor has said, the dynamics of the jury room always fascinate me. Jury duty is a privilege. It is one of the best aspects of our democracy. It's a direct participation in the process

of justice. It's like no other role in our legal system. And by restoring civil rights of these individuals will make our civic identity the core of who we are as a country more whole. Everyone deserves the opportunity to fully reintegrate into society and contribute our community including through jury service. As a recent law school graduate, I commend the sponsor, Mr. Aubry, for dedicating his legislative years and career in fighting for the civil rights of the people, especially those who are formally incarcerated and for our overall criminal justice system. We thank you, Mr. Aubry. We love you and we will miss you. God bless. I will be voting in the affirmative.

ACTING SPEAKER EACHUS: Ms. Bichotte in the affirmative.

Mr. Meeks.

MR. MEEKS: Thank you, Mr. Speaker, for an opportunity to speak on this bill. I want to commend the sponsor on this bill. It's truly representative of what democracy looks like. Truly representation of what restorative justice looks like. I just want to say thank you Pro Tem Aubry for your leadership in the space and continue to inspire us all in this work that we do. And I commend those of you and urge each and every individual here to vote on this legislation, to vote in the affirmative on this legislation for it's really speaking about a jury of one's peers. And this should not be a life sentence because of a person's past or a person's one mistake. They should have an opportunity to have opportunities as citizens and one

of those opportunities should be the right and the power to participate as a juror in a trial proceeding. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER EACHUS: Mr. Meeks in the affirmative.

Mr. Dilan, on your vote.

MR. DILAN: Thank you, Mr. Speaker. I just want to say very briefly that I'm -- I'm proud of the -- the sponsor and his work here because I think as a society we still want to punish people beyond the debt that they owe to this State and to society. This is another step into further full reintegration into society and it's something that these folks have worked on to improve their lives post-felony or post-incarceration. You know, felons look like everyone here. There's no constant description of what a felon looks like. They come from all parts of the State, they come from all races, they come from all walks of life. But when you've paid your debt to society, the restorative measures, that participation in civics society, were not allowed to folks without a career's worth of legislation that the sponsor has passed. I want to say to the sponsor that you were before your time. You were needed during that time, and I'm proud of your life's work. I want to say thank you for being a mentor to me and a mentor to many of us in the Assembly. But really the stuff that you did for every day New Yorkers just trying to put their lives back together and just made the process of -- of doing that a lot easier by making the system more fair. So I want to thank you for that and, Mr.

Speaker, with that I will vote yes on the bill.

ACTING SPEAKER EACHUS: Mr. Dilan in the affirmative.

Mr. Goodell, on your vote.

MR. GOODELL: Thank you, sir. I think it's reasonable to understand the reluctance of some people to think that a person who spent years behind bars might not harbor some ill feelings against the prosecution and I think that's the genesis of this concern. And I can understand that if you spent a lot of time of your life behind bars as a result of a particular group of people, the prosecution you might logically and understandably be less inclined to agree with them, which is why we have the lifetime ban. But I would support my colleague's desire to lift the lifetime ban as it relates to civil cases where that's not a factor at all. And so I hope in the future we see lifting the lifetime ban as it relates to civil cases and still recognizing that those who have been prosecuted might not be happy with the prosecution. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Goodell in the negative.

Mrs. Peoples-Stokes, to explain your vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I've always wanted to be on a jury. As a county legislator it wasn't possible because elected officials weren't allowed to serve on juries. By the time I reached the State Assembly, you guys had changed the law here and



so I was allowed to serve and I went proudly into that courtroom to take my opportunity to serve and ran right into a judge that I knew very well. Unfortunately for me, it was around the end of December and that judge knew that I was about to be in Albany most of the time. So she was like no, you're not going to be able to serve, and I'm okay with that because that's reasonable. I would have to not come to Albany in order to serve on that jury. Had it been in September, she probably wouldn't have said that, and so I understand when there are reasons why either the judge or the attorneys in the case don't want someone to serve. I understand that. But what I don't understand is when you have served your time, all of your time, and you still are being denied the rights of citizens, there's a conflict in that American Dream. That can't be real if it's still true that you cannot even serve on a jury it's not real. So thank you, Mr. Aubry, for trying to make it real. Trying to make the American Dream real for all people. And I'll tell you the history will write you down as a hero, because I've watched you in this Body serve for people that you don't even know. Their lives are different because of you. Thank you. I vote yes.

(Applause)

ACTING SPEAKER EACHUS: Mrs.

Peoples-Stokes in the affirmative.

Mr. Zaccaro, on your vote.

MR. ZACCARO: Thank you, Mr. Speaker.

(Audio cut out)

MR. AUBRY: If you don't mind. I just wanted to

share one story with you, a quick story that submitted my understanding of how this particular process was good. We get a jury pool by those who can vote. We have given those who were privately convicted the right to vote, so they're now in our jury pool and if they -- because they have to fill out a form and in that form they have to check whether or not they're eligible to serve. What's happening to some of our folks is they are being questioned as to why they are marking un-eligible, and so they're required to go back and get proof that they were convicted in order not to serve. Justice comes in a lot of ways. Justice is required in the society I live. We have to be just to all. And if someone chooses to decide that they need to be a part of this process and we want them to be a part of this process, then we have to open up the door and allow them to be that. And if they have problems like any other person who has a problem on a jury because of conflict or any of those things, the system needs to figure that out and to provide the opportunity for them not to be on a jury. But we can't deny them the opportunity to give that service. I vote yes.

(Applause)

I apologize. I told my colleagues that we shouldn't be holding up talking all the time. That we should vote and get out of here but -- so I didn't keep my promise.

(Laughter)

ACTING SPEAKER EACHUS: Mr. Aubry in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

ACTING SPEAKER AUBRY: Page 6, Rules Report No. 194, the Clerk will read.

THE CLERK: Assembly No. A09478-A, Rules Report No. 194, McMahon, Lavine, Sayegh. An act to amend the State Administrative Procedure Act and the Civil Practice Law and Rules, in relation to use of an affirmation of truth of statement in an administrative proceeding; and to repeal certain provisions of such law relating to making a technical correction thereto.

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

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: Okay, so I'm gonna try to make this fairly quick, I don't see a need for a really extensive debate. Last year in 2023 - which seems like a long time ago now, doesn't it - we passed a bill that amended the CPLR, the Civil Practice Law and Rules, Section 2106, to allow a statement by any person wherever made, subscribed and affirmed by that person to be true under the penalties of perjury, to be used in any New York court action in lieu of and with

the same force and effect as an affidavit. What this bill -- this bill does two things: This bill, first of all, expands what we -- what was passed last year to apply to all administrative hearings under the SAPA, the State Administrative Procedure Act, and then the second thing it does is it goes and it repeals existing language which had previously said that attorneys and physicians - or medical professionals, I should say - could use the affirmation because now under the law it will be anybody. It wouldn't be just an attorney or a medical professional that could use an affirmation, anybody could.

So for the -- for the non-lawyers in the crowd, you're probably wondering, *Why do I care about any of this*, but there is a difference. So, an affirmation, for example, if -- if I, as an attorney, did an affirmation I would say that I'm an attorney duly admitted to practice before the courts of the State of New York, and that I affirm the following under the penalties of perjury. A medical professional would make something similar, just reciting that they're duly admitted to practice medicine or whatever their medical credential was that was allowing them to make the affirmation. The reason why the affirmation was allowed where we didn't have to go, I as an attorney or a medical professional didn't have to go out and get a notary to actually notarize our statement is because we're licensed. So if we perjure ourselves, our license is hanging in the balance. So we -- we know that we -- well, we know that we should be truthful anyway, but we had that special additional risk or incentive to be truthful in our statements that we were affirming because we had a license, a

professional license riding on it. An affidavit, by contrast, says an affiant first being duly sworn deposes and says, and then, *It's sworn to me before...* So the person makes a statement and then they have to go before a notary, verify who they are, swear that the -- the information that they're giving in the affidavit is true. And the idea, I think, of going in front of the notary, aside from the part about verifying who they were, making sure that they were really the person that they said that they were, was to, I think, create kind of - I don't know how I want to put this - kind of make you understand that what you're making, this affidavit, needed to be truthful. You didn't have a license or anything that was gonna maybe trip you up if you didn't say something that was truthful. But it was to -- it was to kind of underline for you, as the affiant, that you needed to be truthful. So it kind of gave an extra, not a guarantee, but an extra level of awareness of what you were -- what you were saying. So that's what this bill does.

Now, last year for the bill that -- that I was talking about that eliminated the use of the affidavit in New York court proceedings, there were 48 no votes, basically -- basically it fell -- I think it fell along party lines. So on this bill, which expands it to administrative proceedings, if you were against it last year you're probably not gonna like it to be extended to cover even more court actions. So for that reason, I will continue to be in the negative, and I think that it might not seem to non-lawyers to be very important, but it is a difference. And I do think that it really could be argued that this

provision should be limited to attorneys and medical professionals because pro se, or unrepresented litigants, may present veracity issues, truthfulness issues. So I -- I do think that the affirmation should be special, this makes it so everybody can do one.

So for these reasons I'm gonna vote in the negative, and I think probably we'll have a similar vote to last year; that would be my prediction, we'll see how it -- we'll see how it goes. But I will be in the negative, Mr. Speaker, and thank you.

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 is generally opposed for the reasons mentioned by my colleague. Those who support it should certainly vote yes here. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Assembly Majority 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 vote at their seats.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. McMahon to explain her vote.

MS. MCMAHON: Thank you, Mr. Speaker, to explain my vote. It's been shown that the New York State Notary requirements are unduly burdensome and pose a barrier to access to our legal system for many groups, including low-income people, the elderly, the disabled, people who live in rural areas, perhaps, who might find it difficult to find a notary. This bill clarifies that affirmations, which are made under penalty of perjury, are admissible in administrative proceedings, making it possible for all people to better access our legal system. And I would simply note also that this legislation is based on the Federal rule that does allow -- that has eliminated the need for notarization in court proceedings for many decades.

So for that reason, I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. McMahon 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, if we would now bring our attention to Rules Report No. 472 by Ms. Bichotte Hermelyn; followed by Rules Report No. 416 by Ms. Glick;

and then Rules Report No. 458 by Mr. Hevesi. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Page 14, Rules Report No. 472, the Clerk will read.

THE CLERK: Senate No. S09785, Rules Report No. 472, Senator Cleare (Committee on Rules- Bichotte Hermelyn, A10411). An act to amend the Real Property Tax Law, in relation to the appropriate tax year for assessing income requirements for certain real property tax exemptions in a city with a population of one million or more.

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 11, Rules Report No. 416, the Clerk will read.

THE CLERK: Assembly No. A10140, Rules Report No. 416, Committee on Rules (Glick, Burdick, Weprin, Simon). An act to amend the Environmental Conservation Law, in relation to prohibiting the taking of horseshoe crabs for commercial and biomedical purposes.

ACTING SPEAKER AUBRY: Ms. Glick, an explanation has been requested.



MS. GLICK: Thank you, Mr. Speaker. The bill does two things: It is an extender 'til December 31st of 2026 for the taking of crabs -- this is the -- one of the extenders that provides authorization to DEC to -- to provide permits. The other thing it does is that it excludes from that permitting process the ability to take horseshoe crabs. And the reason for either commercial or biomedical purposes, although it does leave the door open for educational and scientific research possibilities. And the reason is that there has been a precipitous drop in the population of horseshoe crabs that make them now near threatened, and the ancillary impact on other species, fish and migratory birds that are dependent upon horseshoe crab eggs to survive. So there are other species that are either near threatened or endangered as a result.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker. Will the sponsor yield for some questions in a non-crabby --

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

MS. GLICK: Well, I like the crabby you, so it's okay.  
(Laughter)

MR. JENSEN: Well, crabby for me -- it's about crabs, but I won't be crabby while I'm asking such questions.

MS. GLICK: And -- and I appreciate that.

MR. JENSEN: Okay. Thank you very much, Madam Chair, I appreciate it. So just to ensure clarity, so this would

be an extension on set limits for all crabs.

MS. GLICK: Yes.

MR. JENSEN: With a new addition that prohibits the taking for baiting purposes and biomedical purposes --

MS. GLICK: Yeah.

MR. JENSEN: -- of horseshoe crabs exclusively.

MS. GLICK: Yes.

MR. JENSEN: Okay. So I want to focus on the biomedical uses of the blue -- of the horseshoe crab, specifically their blood. My understanding is the horseshoe crab which, by the way, is a magnificent creature that is amazing, but my understanding is that the uses of their blood and the taking of them for their blood is done in a manner in which does not kill the crab itself, that the blood is only taking around a third, 30 percent, and then they are placed back into the ocean.

MS. GLICK: Well, let me just say two things: One, we've looked back, there is no permit request on file this year or for the last several years for this purpose, so we don't believe we are in any way interfering with that aspect. I will also say that it is very problematic when you drain a third of the blood of an animal and then put it back into the wild and think that it's just fine, that's -- that is usually -- they say that, but they don't follow up to see what the survival rate of those that they have returned to the wild, and that is clearly not here in New York because they haven't done it for a very long time. But where they have done it, there is -- there was, for a

long time, no -- it is used. People should understand, like, why are they taking their blood, it is used because there is an element in their blood which is referred to as LAL. I'm sure it's a very complicated chemical or biological name, but it's referred to as LAL, and it is used for endotoxin testing because it -- it's a re-agent and it acts with -- reacts with certain bacteria. And so for testing of vaccines and injectable medicines, it's -- it's important. However, there is a study that demonstrates that there is a synthetic that Eli Lilly has been using for some number of years now, RFC - again, I'm sure that stands for something long and complicated - and it is used -- Lilly has converted -- we began to implement RFC testing in 2016, so it's eight years, they now use it for all of their injectable manufacturing facilities and for all our new injectable medicines. So their testing is now totally used -- uses this synthetic. So we believe that we are not in any way interfering with the uses.

MR. JENSEN: And -- and I can understand that, so -- but I think to the part about the harmful nature of how they're being taken for the bloodletting, which is a sentence I never thought I'd say in elected office because it's not 1472 in England, but for the bloodletting of these crabs, my understanding is that the Atlantic States Marine Fisheries Commission has a best practices guide to ensure for the five LAL producers that are on the East Coast, that they can retrieve this blood without any undo harm and the continued survival of the crab once they're reintroduced to the ocean and their natural habitat. Additionally, with Eli Lilly and other synthetics that

are being used, those synthetics are not yet -- have not yet received widespread FDA or Federal approval for usage. They have to be approved on a case-by-case basis and cannot be used ubiquitously, like the blood of the horseshoe crab. And that case-by-case approval is a costly and lengthy process. So to your point about how their blood is currently being used on vaccines, one of the vaccines that was used for heavily and very quickly was the COVID-19 vaccines. And so if we would have not had the blood of the horseshoe crab, the COVID-19 vaccines may not have made it to market quite as soon as they did. So do you have a concern that the biomedical infrastructure that we have in place in this country could be harmed with this legislation?

MS. GLICK: I don't. I would just say to you that if they have best practices, they haven't worked well because the species is now near threatened, so...

MR. JENSEN: Well, but how much is that from the baiting prohibitions? And I think if this legislation was just saying that we're forbidding the baiting of the horseshoe crab, because if you're using the animal to bait other animals, that's obviously going to be detrimental. But for the -- and we're already allowing them to be taken with the exception for research purposes, certainly there would be research purposes that are attached with the biomedical development process. So I guess we've already having -- we have a carveout for one purpose in the taking of this -- of this amazing animal, but why would we not extend that to something that is

preventing endotoxins from being potentially fatal to humans through vaccines and other medicines?

MS. GLICK: Well, the fact that they have not issued any permits or request for permits this year, last year, the year before that or the year before that or the year before that or the year before that or the year before that says to me that we are in no way endangering the biomedical field in New York State because they have not been requesting permits unless they are engaged in illegal processes by which they are taking these incredible living fossils. I assume that they are acting within the law, and so they have not in any way attempted to apply for a permit for years, and so I don't think this is in any way endangering the biomedical field.

MR. JENSEN: So could there be, because there's no -- there's been no -- to your point, there's been no permits on file for the last handful of years. Could it be because of the misunderstood nature of the horseshoe crab? Because in its scientific backing, they're actually more closely related to spiders than they are other crabs and lobsters. So are they even -- is it even appropriate to lump them in with other crab species when they're more closely related to other types of arachnids, if you will?

MS. GLICK: I -- I refrained from laughing; no.

MR. JENSEN: Okay.

MS. GLICK: I think anybody that's looking for a horseshoe crab can discern that -- its difference from a spider, but that's just me.

MR. JENSEN: Well, I would -- I would agree. I -- I think I could -- yeah. But I can also tell a horseshoe crab from a lobster, too, so that's --

MS. GLICK: Yes, well good; good --

MR. JENSEN: Thank you.

MS. GLICK: -- because you would not want to eat the horseshoe crab.

MR. JENSEN: No, I would not. They -- they do not look delectable at all. So I guess with the permitting process for the taking of crabs in general, would you have to apply for a permit if you're using them for medical uses, if you're doing any sort of commercial operation? Or because you're not using them for resale and you're putting them back into the ocean, would you have to get a permit?

MS. GLICK: You would -- you would absolutely have to apply for a permit for the taking, that is what is required. It doesn't matter what you do with the creature afterwards, it is the -- the permit is for the taking. And, yes, you would have to if you are operating within the law, and I assume that all of these fine institutions are doing that, or would do that, they would have to have a permit.

MR. JENSEN: Okay. Thank you very much, Ms. Glick, for answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JENSEN: I just -- once again, I want to thank the -- the Chairwoman for answering my questions. And certainly for species that are in vulnerable or worse conditions, certainly want -- we want to ensure the ongoing protection, as well as the impact that they have on other aspects of the animal kingdom. However, I do have some concerns about the -- the broadness of the increased expansion in the statute that would prohibit the taking of the horseshoe crab for biomedical, pharmaceutical uses. Certainly these are amazing animals. I've learned a lot today and I have to say that they are tremendously cool; however, part of their coolness is in their -- their copper-based blood and the interesting way it has in determining endotoxins to ensure the safety of very important medical uses.

And so I think when there is a concerted effort from advocacy groups and Federal oversight to ensure that these animals can be taken, have their blood used for this very important purpose, placed back into our oceans to continue to survive and thrive, thus for their own longevity and all the other animals that rely on them, especially migratory birds that -- that need the eggs of the horseshoe crab for their migratory journey. I think that we should be looking at ensuring greater protection of them and ensuring they can get back in to where they are, but not limiting the ability to advance medical research to ensure the safety of the biomedical industry and the pharmaceutical industry and ensuring that the next generation of medicines that could be lifesaving are unencumbered. Certainly, synthetics are on the rise, but until there is widespread Federal FDA

approval on those, it is not going to be a feasible utilization as well as the blood of the horseshoe crab.

So certainly I would -- I am supportive of most of this bill, but would love to see a change allowing for an exemption for the biomedical uses of the -- of the crab itself. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

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

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

MS. GLICK: Certainly.

ACTING SPEAKER AUBRY: Ms. Glick yields.

MS. GIGLIO: Great. So, are you familiar with the Atlantic States Marine Fishery [sic] Commission and the law that they created 15 years ago?

MS. GLICK: Yes.

MS. GIGLIO: Okay. So where do commercial fishermen have to get their bait?

MS. GLICK: Well, it depends on what they're fishing.

MS. GIGLIO: Okay. So if they're fishing conch or (inaudible) fish and they're fishing the eel, where do they have to get their bait? Do they have to get it locally? Do they have to get it --

MS. GLICK: Well, one would presume that people



who are engaged in fishing do not travel great distances in order to obtain their bait.

MS. GIGLIO: But they'll have to if this bill is passed.

So my next question for you is, has the horseshoe crab population declined over the last 15 years since the New York -- or the Atlantic States Marine Fishery [sic] Commission came into play?

MS. GLICK: Yes.

MS. GIGLIO: It has? Okay.

MS. GLICK: And that's why it's list -- that is why it is listed as near threatened because it has dropped precipitously, and the use of these living fossils for bait is regrettable and inexplicable, in my opinion. But also, there has been a major drop in the near collapse of the eel fishery. So that seems to be more of a problem.

MS. GIGLIO: So is there an alternative to the bait for conch and for eel?

MS. GLICK: Well, I think that it -- it that has been, one, that has been the argument that this is the best bait, I would suggest that if a species that is in -- isn't threatened is being used for bait that it probably should no longer be used for bait if it is near threatened, A. And, B, if it is also resulting in threats to other species, the loss of that species, then it is all the more reason why it should not be used as bait.

MS. GIGLIO: Okay. So does the DEC issue permits to commercial fishermen in order to use the horseshoe crabs for bait?

MS. GLICK: Currently, they do.

MS. GIGLIO: And are those permits limited as to the commercial fishermen and how many can actually harvest horseshoe crabs for bait?

MS. GLICK: There are limits on the amount and also attempts to -- it limits it at different times in an attempt not to have the horseshoe crab completely go extinct, but that is, in my humble opinion, not the best way to proceed. So...

MS. GIGLIO: Actually, that's -- thank you very much, but actually, the DEC issues permits for people that can harvest horseshoe crabs, and it's not based on the number of horseshoe crabs that are there, it's based on the full moon where they say you can't fish when there's a full moon, which is happening right now, for a period of ten days so that they can spawn. And do you know how many spawning closures, enacted spawning closures and sanctuaries there are in New York State to allow for the spawning of horseshoe crabs?

MS. GLICK: I don't know the exact number, but these protections that have been in place, and we, of course, have talked to DEC about this, we -- our humble opinion, and that's why the bill is before us, is that they -- these protections are no longer sufficient.

MS. GIGLIO: Okay. So they're -- one of the sanctuaries is in the Fire Island -- Fire Island National Seashore, and that is a complete closure of harvesting the horseshoe crabs. Do you know how many horseshoe crabs New York State can harvest in a

year?

MS. GLICK: I think it's under 155,000.

MS. GIGLIO: There's 360,000. And do you know how many have been harvested over the past four years?

MS. GLICK: I don't have that -- I don't think I have that number here, but I'm sure you do because --

MS. GIGLIO: Yes.

MS. GLICK: -- you asked the question.

MS. GIGLIO: Yes, it's 150,000.

MS. GLICK: I would just simply say that there are a number of problems facing this species, including -- because you mentioned Fire Island -- sea water rise that is limiting their habitat and where they can actually spawn. So going forward, DEC may have to do further closures along the South Shore anyway because of sea level rise, which prevents these creatures from finding a place that is an appropriate habitat for them to spawn. We are trying to get ahead of the near extinction of this remarkable creature that has existed since dinosaurs walked the Earth and should not be used so carelessly.

MS. GIGLIO: Do you have an opinion from the DEC saying that they're borderline extinct?

MS. GLICK: We have a -- a listing of threatened, and that was...

(Pause)

Well, the Atlantic State Marine Fisheries Commission indicates that three out of four of New York regions were

deemed poor. The population is deemed poor, meaning that they had dropped dramatically since their 1998 Census.

MS. GIGLIO: So do you think that it would be prudent to ask the DEC where those three regions are and maybe have the DEC limit the permits even further in those areas --

MS. GLICK: No.

MS. GIGLIO: -- rather than throughout the whole State, which I'm being told is going to put commercial fishermen out of business, especially on the East End which is a big -- it's a big career on the East End of Long Island.

MS. GLICK: We've -- we've talked to DEC and, clearly, the protections that have been provided thus far have, in fact, been insufficient. And that may be for many reasons, but it -- including habitat loss. But it -- certainly, their limitations are not working to maintain or, better, to help the species rebound. It is on the decline. And rather than see these creatures go extinct in our area, we have this bill before us.

MS. GIGLIO: Okay. Thank you, Madam Sponsor.  
On the bill.

ACTING SPEAKER ZACCARO: On the bill.

MS. GIGLIO: Thank you, Mr. Speaker. So the -- to date, during the Spring season when horseshoe crabs can be harvested, and there's a limit of 150,000, which is half, half of what the Atlantic States Marine Fishery [sic] Commission told New York State you can have. You can have 360,000 horseshoe crabs a year, New York State

DEC limited it to 150,000. They're very restrictive as to who they issue the limited permits to that can actually harvest these horseshoe crabs, and to date for this Spring, out of 150,000 that could be harvested, only 40,000 have been harvested.

Also, I'd like to add that shoreline hardening is spawning areas for horseshoe crabs, because nobody can get to them, and that's where they go to spawn. So the spawning is happening. The number of horseshoe crabs on the East End of Long Island has increased over the last four years, not decreased, the permits are still limited, and this bill is going to put commercial fishermen out of business that serves communities in Upper Western New York such as Queens, Flushing, those areas. Those people come to East End of Long Island to get the conch, to get the eel for their restaurants. So not only is this bill going to hurt the commercial fisher -- fishermen on the East End of Long Island, it's also going to hurt restaurants up West in the Queens area, which these people come to Long Island twice a week to get their fish from these fishermen. And there has not been an alternative, although there have been many attempts to find an alternative as to what you can use to -- for bait for that type of species, which there is ample of, and I -- I just feel like we are turning the ecosystem around, and I think the New York State DEC is doing a good job with the limited permits that they issue. And you're not only gonna put commercial fishermen out of business, but you're going to hurt restaurants up West on Long Island that serve conch and eel.

So for those reasons, I'll be voting in the negative and

I encourage my colleagues to do the same. We do not want to put commercial fishermen out of business. Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Ms. Glick.

MS. GLICK: And not to prolong this, but just to say that you can't have it both ways. You can't say that they're hardly taking any and then you're going to take -- just put every fisher -- commercial fisherman out of business. They just -- those two things cannot exist in reality.

This is a very important species not just in the ecosystem, but because it supports other species and it is near threatened. It is important for us to understand that the limited fishing, the use for bait, is to -- for eel and conch, most of which is shipped overseas and is not served widely in -- in Eastern Long Island. But I appreciate the passion, but this is an important protection, clearly what DEC has been doing. As good as DEC has tried to be, it is insufficient for the protection of this very important species.

And so I urge everybody to vote in -- in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. This will be a

party vote. The Republican Conference will be generally in the negative. Those that feel stung by the desire to vote in the affirmative can do so at their desks. Thank you.

ACTING SPEAKER ZACCARO: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Democratic Majority 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 do so at their seats.

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Williams to explain your vote.

MS. WILLIAMS: Thank you, Mr. Speaker. I rarely ever get up to speak, but I feel as though this bill is really important, in particular for my district in the South part of Brooklyn, especially Plumb Beach, where every year we see hundreds and hundreds of horseshoe crabs coming -- coming to our shores to reproduce, and we take that opportunity to have our schools -- we offer school trips so that our students can actually go and see the horseshoe crabs and to learn about them, because they've been around for such a long time. And this bill will really help to -- to facilitate that for future generations to be able to see and know what the horseshoe crab does. It's really a species that provides so many different purposes medicine-wise. And I, too, am a fisherwoman, I fish all summer long in

Jamaica Bay. So it's -- it's really important. But I understand, you know, with the overfishing and using it as bait, but we also have to preserve them for future generations to come.

Thank you, Mr. Speaker.

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

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 458, the Clerk will read.

THE CLERK: Assembly No. A09321-B, Rules Report No. 458, Hevesi, Clark, Steck, Ardila, Burdick, Reyes, L. Rosenthal, Epstein, Tapia, Seawright, Kelles, Simone, Simon, González-Rojas, O'Donnell, Burgos, Kim, Dickens, De Los Santos, Walker, Paulin, Davila, Dinowitz, Beephan, Stern, Bores, Bronson, Lunsford, Cruz, Shrestha, Levenberg, Taylor, Gibbs, Lavine, McDonald, Raga, Carroll, Gallahan, Bichotte Hermelyn, Gunther, Gallagher, Mamdani, Pretlow, Meeks, Forrest. An act to amend the Family Court Act and the Special Services Law, in relation to enacting the "Safe Landings for Youth Leaving Foster Care Act" or "Safe Landings Act."

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

Read the last section -- oh, sorry.

Ms. Walsh.



MS. WALSH: Thank you very much. Mr. Speaker, on the bill.

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

MS. WALSH: Thank you. So this bill has to do with the foster care system. So in foster care, kids used to be able to stay 'til 18 and then it became 21. What this bill does is it would extend it to the age of 22. So I just want to briefly talk about what that -- what that means in the overall system. It does something else, too, which I really do agree with. So right now in family court, you can have an attorney for the child appointed to represent a foster care kid up to the age of 18, but we know that they can -- even under current law they can be in until 21, but they -- they -- they can't get an attorney assigned to them. So what this -- this bill remedies that, which I completely agree with. I think that that's important that if there are motions, or if there are proceedings in family court that if that youth is still in the family court system past the age of 18, they should get legal representation. So I commend the sponsor for that portion of the bill, that's -- I think that's great.

So, right now if you're in foster care, you can be placed with a family, you could be in a residential placement as well. And local examples that at least some of the local members would -- would recognize would be like -- like LaSalle School or Vanderheyden Hall or Northern Rivers. They all have residential placements. And those residential placements can be -- it -- it

depends place to place, but just for a rough idea, around \$500 a day per -- per person in foster care. So it's not an insignificant amount of money, and that cost is borne by the counties. So by this bill extending foster youth to the age of 22, that is -- it does present an unfunded mandate on our counties, and it also does present an additional caseload onto our already very overworked caseworkers.

So that all being said, the title of this bill talks about a soft landing for foster youth, and I absolutely agree that there needs to be a soft landing. That's what everybody in the foster care system is working towards. I mean, really, when you think about it, to have a foster youth in until even the age of 21, represents, I don't know, I'm not gonna say a failure of the system, but we don't want kids to have to be in that foster care system until even 21. If they -- if they can achieve permanency with their birth family, I mean, that really is the gold standard. And as I spoke the other day on the reunification resolution at the close of Session, I talked about that, that the entire foster care system is working towards trying to set a permanency goal for that young person to hopefully, ideally, if we can get the family repaired and ready to receive that young person back into the home, that's what we -- that's really what we want, ideally. So -- but there are gonna be instances where foster youth are gonna need to stay, even to the age of 21.

So, you know, I think if we're talking about what is supposed to happen, then, if you have one of the kids that are maybe 18, 19, 20 and -- and approaching 21, what happens with them in

terms of programming? Well, every six months there is a permanency hearing in family court where -- and as the kids get older, I think -- I want to say it's 14, but I might be wrong about that, they start to be able to participate in their own permanency hearings and come before the family court and -- and express what -- what their wishes are; if they wish to stay with the foster family, if they wish to be freed for adoption, if they wish to be continued in their current placement, and they get to voice what they would like -- would like to do. But altering this period of time, really on a weekly basis with -- with a well-functioning system, there are -- there's lots of work being done to try to create a plan for that young person, to transition that person out of foster care, either, as I said, ideally, back to the home if that is something that could work, or possibly into some type of a transitional housing, education is always considered, work. So there -- there should be a lot of planning going on. So when I saw this bill and I saw that it's extending to 22, to me, that kind of represents something they we really don't want to see, because we -- we hope that certainly by the age of 21, a -- a good transition plan has been created, because that's what everybody's been working for all along. So it's expensive to extend kids for an extra year. And I use the term "kids", but I just want to point out that by 22 -- well, backup. So at 18 -- at 17 you can sign up to join the military, right, at 18 you can sign a contract. At 21 you can purchase marijuana, alcohol, cigarettes. So to -- at what point -- I think we have to ask ourselves, at what point do we still define a youth as being 22 years old? You know, I think -- I find it interesting

that in our work here in the Legislature, that answer really depends on what we're talking about. It seems to me that for some things, we don't seem to have any problem saying that a very young person can make choices, you know, choices like birth control, choices like -- things like that that, you know, one might argue should be reserved for somebody maybe a little older, a little bit more mature, but we don't do that there. But then when it comes to other policy choices, we talk a lot about, you know, I've heard it a million times and you have, too, about frontal lobe development and not really having complete ability to reason until -- mature reasoning until 26, and it just kind of depends. But I would say that we do want a soft landing for our kids in foster care, but it certainly comes at price. That price is borne by the counties. It is an unfunded mandate, it is a -- will represent a continued strain on the foster care system in terms of casework. And it also, really by then, certainly by 21, there should be a really good transition plan in place. I would rather -- if we're gonna be appropriating additional monies, I would much rather see a significant investment be placed into really good transitional housing. Because from what I can understand from talking to caseworkers and directors in my area, that's something that there really is a lack of. So I'd rather see the work go there, have really good work being done while the individual is in foster care placement up to the age of 21, rather than seeing it extend to 22. Because then what I am afraid of is that next year it could be 23 and then 24 and 25 and so on. I mean, we've seen that with other bills and other initiatives within the -- within the State,

within our -- our Body here. I think at some point we do have to draw the line and say at some point we need to provide that soft landing, but also make that good transition plan so that the young person can really get started with the rest of their lives.

So thank you very much, Mr. Speaker, I appreciate that.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons mentioned by my colleague. Those who wish to support it should certainly vote yes on the floor. Thank you.

ACTING SPEAKER ZACCARO: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Hevesi to explain his vote.

MR. HEVESI: Great. Thank you, Mr. Speaker, and thank you to my colleagues, and thank you to Ms. Walsh. I appreciate your comments on this bill.

A couple of issues for -- for my colleagues to understand. Number one, this bill does not extend foster care up until 22. What this bill does is allow the family court to maintain jurisdictions for orders they gave for the kid before the kid was 21. So this is for the circumstance when an agency, a local social services district, or a different agency was supposed to already provide services for these kids, but they weren't doing it. And as a result now the way the law is written, family court has no jurisdictions over kids who are 21. So that's -- that's number one, it doesn't extend it to 22 years old.

The other point I'd like to make is there's no new money here. So number one, we are trying to allow the family court to enforce services that are required that have already -- they should have been paid for, the county should have paid for it. If by circumstance, those services have not been provided when the kid becomes 21, there are a couple of things that happen that kick in with this bill. Number one, is the kid is appointed an attorney. That money is gonna be coming out of the State fund only, the AFC, attorney for the children. So that's number one. Number two, the local services, as I said before, should be able to have been provided by those agencies, so there's no new cost there. And if perhaps one of those kids has to come back to foster care, there is an argument to be made

that we will not be able to use Federal Title IV-E money for that because that only allows funding to go up to 21; however, we believe that you can use a different Federal pot, Chafee money, which allows services for those kids up to 23. So from our estimation there is no new cost to counties, let me make sure we're clear on that. No new cost to counties, and we need to make sure that these kids are not falling into homelessness or getting into other difficulties later in life because the services that the court mandated had not been provided.

I vote in the affirmative for this bill. Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Hevesi in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. First, let me commend the sponsor for this piece of legislation. I think a lot of us don't understand the depth of what this means to some young people who could still be needing services but couldn't get access to them. And as was stated by the sponsor, the resources are there, so there's no new resources. I think the other thing people may lose sight of is that sometimes as a society with the policies that we create, the laws that we make, the criminalization of people that we do, we literally have set some of our young people up for -- to be in the foster care business. We lock their parents up inadvertently or on purpose or however you want to choose to use it, and now they're in foster care being abused by other people. Now

they get out and they're abusing other people and there's this vicious cycle of traumatic experiences that people living their life by some of the policies that we in government often implement. And so you can see why we spend a lot of time trying to correct those policies because at the end of the day, if we can get them corrected, perhaps we can get to the point where we're actually decreasing tax dollars for people because we won't need as much to spend on people's lives because they'll be strong enough and healthy enough to take care of themselves.

So again, thank you for this bill, Mr. Hevesi, and I'm grateful to have the opportunity to vote in support of it.

ACTING SPEAKER ZACCARO: Mrs. Peoples-Stokes 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, there is an A-Calendar on our desks. I would ask, please, if you would move that Calendar. Motion to move the Calendar A.

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

MRS. PEOPLES-STOKES: Thank you. If we can now go to page 3 and begin our work with Rules Report No. 558 by Mr. Magnarelli.



ACTING SPEAKER ZACCARO: A-Calendar on consent, page 3, Rules Report No. 558, the Clerk will read.

THE CLERK: Assembly No. A00146, Rules Report No. 558, Magnarelli, Hunter. An act to amend the Public Authorities Law, in relation to commuter passes on the New York State Thruway in the Syracuse area; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER ZACCARO: Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02050, Rules Report No. 559 is on by error.

Assembly No. A05248-A, Rules Report No. 560, Hunter, Wallace, Kelles, Lupardo, Ramos, Otis. An act to amend the General Municipal Law and the Public Authorities Law, in relation to including providing onsite child daycare facilities by a project into a uniform tax exemption policy.

ACTING SPEAKER ZACCARO: On a motion by

Ms. Hunter, 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05681-A, Rules Report No. 561, Otis, Thiele, L. Rosenthal, Simon, Lunsford, Shimsky, Simone. An act to amend the Public Authorities Law, in relation to establishing the Electric Landscaping Equipment Rebate Program; and providing for the repeal of such provisions upon expiration thereof.

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

THE CLERK: Assembly No. A05822, Rules Report No. 562, DeStefano. An act in relation to authorizing the Assessor of the Town of Brookhaven, County of Suffolk, to accept from the Post-Morrow Foundation, Inc. an application for exemption from real property taxes.

ACTING SPEAKER ZACCARO: 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06500-A, Rules Report No. 563, Curran. An act authorizing the Town of Hempstead to transfer ownership of certain parkland to the Village of Freeport.

ACTING SPEAKER ZACCARO: On a motion by Mr. Curran, 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06508-B, Rules

Report No. 564, Pheffer Amato, Stern. An act to amend the Retirement and Social Security Law, in relation to the retirement of county correction officers in Suffolk County.

ACTING SPEAKER ZACCARO: 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06776-B, Rules Report No. 565, Slater. An act to amend the General Municipal Law, in relation to permitting the Town of Putnam Valley, Putnam County, to lease certain sports field fences for advertisements.

ACTING SPEAKER ZACCARO: On a motion by Mr. Slater, 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06782-A, Rules Report No. 566, Bronson, Lunsford, Sillitti, Clark, Slater, Jensen, Ardila, Epstein, Sayegh, Shimsky, Otis, Morinello, Stirpe. An act to amend the Education Law, in relation to including a faculty or staff member on the board of trustees of community colleges.

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

THE CLERK: Assembly No. A07652, Rules Report No. 567, Steck, Santabarbara. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a school speed zone camera demonstration program in the City of Schenectady; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07748-B, Rules Report No. 569, Shimsky. An act to amend the Real Property Tax Law, in relation to enacting the "Climate Change Property Tax Relief Act."

(Pause)

Assembly No. A07653, Rules Report No. 568, Steck, Santabarbara. An act to amend the Vehicle and Traffic Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the City of Schenectady; and to amend the Public Officers Law, in relation to accessing records; and providing for the repeal of certain provisions upon expiration thereof.

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

Read the last section.

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

ACTING SPEAKER ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07748-B, Rules Report No. 569, Shimsky. An act to amend the Real Property Tax Law, in relation to enacting the "Climate Change Property Tax Relief Act".

ACTING SPEAKER ZACCARO: 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 ZACCARO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08131-A, Rules Report No. 570, Fall. An act to permit accidental death benefits to be awarded to the beneficiary of Anthony Varvaro.

ACTING SPEAKER AUBRY: On a motion by Mr. Fall, 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. A08595-A, Rules Report No. 571, Zebrowski, Jacobson, Otis, L. Rosenthal, Thiele. An act to amend the Public Authorities Law, in relation to authorizing the New York State Energy Research and Development Authority to administer a program to provide grants related to switching residences to electric heat pumps.

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

THE CLERK: Assembly No. A08892, Rules Report No. 572, Gray, Byrnes, Lemondes. An act to authorize the Village of Clayton to offer an optional twenty-year retirement plan to a certain police officer employed by such village.

ACTING SPEAKER AUBRY: On a motion by Mr. Gray, 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. A08931, Rules Report No. 573, Bronson, Hunter, Shimsky, Tapia, Ardila, Hevesi, Levenberg, McMahon, Jacobson, Davila. An act to amend the Workers' Compensation Law, in relation to extending paid family leave benefits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09011-A, Rules Report No. 574, Eachus, Dinowitz, Shimsky, Alvarez, Taylor, Walker, Cunningham, Jacobson, Gunther, Conrad, Lunsford, Wallace, Seawright, Otis, Paulin, Levenberg, Shrestha, Zebrowski, Jensen, Slater, Brabenec, Smith, Barrett, Morinello, Lupardo, Burdick, Miller, Durso, Fall, Jean-Pierre, Lavine, Sayegh, McMahon, Curran, Steck, Sillitti, Hyndman, Hunter, Woerner, Pheffer Amato, Meeks, González-Rojas, Gibbs, Zinerman, DeStefano, Stirpe, Gallahan, Reyes, Bores, Gandolfo, Clark, Colton, Burgos. An act to amend the Education Law, in relation to establishing a maximum temperature in school buildings and indoor facilities.

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: November 1st, 2025.

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. A09539, Rules Report No. 575, Eichenstein, Weprin, Gallagher. An act to amend the Insurance Law and the Public Health Law, in relation to providing insurance coverage for rare diseases, life-threatening conditions or diseases, degenerative and disabling conditions, or diagnoses involving medically fragile children.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09540, Rules Report No. 576, Pheffer Amato, Santabarbra. An act to amend the Retirement and Social Security Law, in relation to eligibility for retirement benefits for certain members of the unified court system.

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.

THE CLERK: Assembly No. A09665, Rules Report No. 577, Gallahan, Palmesano. An act to amend the Public Authorities Law, in relation to enacting the "Seneca County Water and Sewer Authority Act."

ACTING SPEAKER AUBRY: On a motion by Mr. Gallahan, 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. A10075, Rules Report No. 578 Fahy, McDonald. An act to amend Chapter 693 of the Laws of 1980, enabling the County of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany County, in relation to the applicability thereof.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10146, Rules Report No. 579, Committee on Rules - Barrett (Colton). An act to amend the Real Property Tax Law, in relation to providing an exemption from taxation for capital improvements to residential buildings to reduce carbon emissions.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10224-C, Rules Report No. 580, Committee on Rules - Simone (Glick, L. Rosenthal, Fall, Thiele, González-Rojas, Epstein, Carroll). An act to amend the Hudson River Park Act, in relation to the rights, powers, duties and jurisdiction of the Hudson River Park Trust and the boundaries and uses of the Hudson River Park.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10324-A, Rules Report No. 581, Committee on Rules - Septimo. An act to amend the Executive Law, in relation to reciprocal minority and women-owned business enterprise certification.

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

THE CLERK: Assembly No. A10358-A, Rules Report No. 582, Committee on Rules - Fahy (McDonald). An act to amend the Public Authorities Law, in relation to creating the Albany County Pine Hills Land Authority.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10405, Rules Report No. 583, Committee on Rules - Levenberg. An act to amend the Tax Law, in relation to authorizing an occupancy tax in the Town of Ossining.

ACTING SPEAKER AUBRY: On a motion by Ms. Levenberg, 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. A10525, Rules Report No. 584, Committee on Rules - Pheffer Amato. An act to amend the Civil Service Law and the State Finance Law, in relation to compensation, benefits and other terms and conditions of employment for members of the collective negotiating unit designated as the agency police services unit; to implement an agreement between the State of New York and the employee organization representing members of the collective negotiating unit designated as the agency police services unit; making an appropriation therefor; and to repeal certain provisions of the Civil Service Law relating thereto.

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.

THE CLERK: Assembly No. A10526, Rules Report No. 585, Committee on Rules - Pheffer Amato. An act to amend the Civil Service Law and the State Finance Law, in relation to compensation, benefits and other terms and conditions of employment of certain state officers and employees who are members of the security services collective negotiating unit; authorizing funding of joint labor-management committees; implementing an agreement between the state and an employee organization; making an appropriation therefor; and to repeal certain provisions of the Civil Service Law relating thereto.

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.



THE CLERK: Assembly No. A10527, Rules Report No. 586, Committee on Rules - Pheffer Amato. An act to amend the Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment of state officers and employees who are the members of the security supervisors unit; to amend the State Finance Law, in relation to the employee benefit fund for all members of the security supervisors unit; to authorize funding of joint labor-management committees; to implement an agreement between the state and the employee organization representing the members of the security supervisors unit; to repeal certain provisions of the Civil Service Law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof.

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.

THE CLERK: Assembly No. A10528, Rules Report No. 587, Committee on Rules - Pheffer Amato. An act to amend the

Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment for members of the district Council 37 rent regulation services unit; to amend Part A of Chapter 361 of the Laws of 2022, amending the Civil Service Law and the State Finance Law relating to compensation and other terms and conditions of employment of certain state officers and employees, to authorize funding of joint labor-management committees, and relating to implementing agreements between the state and an employee organization, in relation to location pay for certain state officers and employees; to implement a collective bargaining agreement between the State of New York and the district council 37 rent regulation services unit; making an appropriation therefor; and to repeal certain provisions of the Civil Service Law relating thereto.

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.

THE CLERK: Assembly No. A10565, Rules Report

No. 588, Committee on Rules - Woerner (Jones, Buttenschon). An act to amend the Environmental Conservation Law, in relation to electronic identification of hunting license holders and the tagging of deer and bears.

ACTING SPEAKER AUBRY: On a motion by Ms. Woerner, 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now continue on our debate list. We're going to go to Rules Report No. 557 by Ms. Lupardo, that's actually on the main Calendar. And then we're going to follow that with Rules Report No. 265 by Ms. Wallace, Rules Report No. 401 by Mr. Bronson and Rules Report No. 473 by Mr. Simone.

ACTING SPEAKER AUBRY: Page 26, Rules Report No. 557, the Clerk will read.

THE CLERK: Assembly No. A03132-A, Rules

Report No. 557, Lupardo, Thiele, Stern, Bendett, Manktelow, Barrett, Lunsford, Santabarbara, Magnarelli, Otis, Zinerman, Durso, Palmesano, Maher, Brabenec, Smullen, Simpson, Flood, Simon, Clark, Fahy, Davila, Raga, Lavine, Dickens, Hevesi, McDonald, González-Rojas, Shimsky, McGowan, Gallahan, Blankenbush, Hawley, Tague, Angelino, J.M. Giglio, J.A. Giglio, Novakhov, Hunter, Lucas, Norris, Shrestha, Zaccaro, Stirpe, Wallace, Gray, McMahan, McDonough, Seawright, Simone, Reyes, Bores, Bichotte Hermelyn. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the direct intrastate and interstate shipment of liquor, cider, mead, and braggot and relates to direct shipments of wine.

ACTING SPEAKER AUBRY: Ms. Lupardo, an explanation has been requested.

MS. LUPARDO: Certainly. So I'm -- I'm happy to give you a -- a short explanation and answer as many questions as you have. So in short, the bill authorizes direct-to-consumer shipment of distilled liquor, cider and mead to a private residence both in-state and out-of-state. The authorization would provide parity with existing direct-to-consumer shipment of wine, which has been authorized since 2005. It is helpful in several main ways. It's going to help support the growth of our micro distilleries and our cideries by allowing them to have this type of shipment. It's worth noting that the vast majority of these products are not currently on New York State liquor shelves. It's going to help them grow these small businesses so that they may

eventually be large enough to wind up on liquor shelves and be part of the wholesale system. And it also helps our farmers, which is why it's the Farm Bureau and many of us are -- are very keen on this because it helps our farmers who provide them with the grain, the potatoes and the fruit for the products that they make. It was done safely during COVID, and we'd like to give them a shot to not only grow their business, but it's honestly going to be a lifeline as many of them need this to grow.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. LUPARDO: Yes, I will.

ACTING SPEAKER AUBRY: Ms. Lupardo --  
Ms. Lupardo yields.

MR. RA: Thank you, and thank you for the -- for the explanation. So I know the general intent of this bill, which is what I think we would all support is to open up a market for products for a lot of our in-state, you said cideries, meaderies, distilleries, but I do have some questions in terms of how this is all going to work. As you mentioned, you know, we have a lot of direct shipping of wine for many years but not these other specific licenses. So let's start there, because I know there's a number of different types of licenses our State issues to these various type -- types of entities. So how many different types of licenses are there that would now be able to ship directly to a consumer under this bill?

MS. LUPARDO: Sure. Just give me a second to find that page. So we're talking about six licenses. One is Class A1, which is for microdistillers. These are for microdistillers who are instilling 75,000 gallons or less. Class B1, which are micro rectifiers. These are folks who are just essentially creating a base spirit that then others can use to be infused with products for their own distilleries. Class C, which is for fruited brandy. Class D, which most of us are familiar with, which is farm distilleries. Many of our farm distilleries also have A1 licenses. The farm distilleries is defined by the percentage of the New York State farm products that they use and that would be 75 percent. They also have an A1 license, those farmers, in case they would like to try a product that is a little bit different and doesn't have that -- that type of percentage. We're also -- I think there's -- are there two more? Of course. And then all cideries and all meaderies. So we're talking six licenses all together.

MR. RA: Okay. And am I correct, so the -- the limit on annual production to qualify for these, you know, the microdistillery, the micro rectifier, farm distillery is 75,000 gallons.

MS. LUPARDO: Correct. It's capped at that. If they were to go above that, then they would wind up being in a different category and that would be more of the larger -- the larger producers that would put them into a Class A.

MR. RA: And they would not be able to ship direct under this bill.

MS. LUPARDO: No. They would not be able to

ship direct.

MR. RA: Okay. Now --

MS. LUPARDO: I might add if you just anticipate a potential question. If a large producer out-of-state or out-of-state with a Class A license, a big alcohol producer were to purchase one of these smaller distilleries, they would have to identify themselves on the license, thereby disqualifying themselves from participating in direct-to-consumer shipping because the State Liquor Authority would look at the aggregate of all of their production. So the fear that they would come in and somehow wind up buying up distillers, they would have to disclose who they are; therefore, they would disqualify themselves because they collectively make way more than 75,000 gallons.

MR. RA: Okay. So that -- that was going to be my next question. But so -- so how does that work in terms of license, though. I mean obviously if -- if one corporation buys the other and now it's -- it's completely part of the corporation now that's who's applying for the license so that makes sense that you're going to look at the total amount of -- of gallons, but what if they form -- just form a new company that is going to be a smaller producer and they create a new label for, you know, a microdistillery? Would they be able to ship into New York State?

MS. LUPARDO: So the ability to ship out-of-state, we talked about in-state shipping.

MR. RA: Yup.

MS. LUPARDO: These classifications would be able to ship out-of-state to similarly -- to similar licensees. So the farm distiller -- the State Liquor Authority would come in and say ok, farm distillery A wants to ship into this particular state. They would only have reciprocity with another farm distillery.

MR. RA: Yes.

MS. LUPARDO: So it's got to be on the same par.

MR. RA: Yes.

MS. LUPARDO: So if a -- if a company from out-of-state wanted to ship in here, they would have to also be below 75,000 gallons. There's not a way for a big company to game the system unless they wanted to get into the craft industry and buy stuff from our farmers, which we would actually welcome. Farmers are looking for -- for customers. So there's nothing inherently bad about a large alcohol company, but if they want to create a small niche brand that people can enjoy and employ our farmers in the process, I don't think that's an issue.

MR. RA: So are you saying then if a brand were to, you know, a major brand that we're familiar with, you know, that has very big market reach that we see, you know, advertising for all the time. If they wanted to get into, you know, a microdistillery, you know, license, what -- you know, what do they have to -- you're saying if they -- if they were to do that to say they create a new company, a new label and want to do that, part of that would've required that they're buying New York State products as part of their operations for



producing whatever that might be, that spirit I guess?

MS. LUPARDO: Well, if they received a farm distillery license, which is Classification D, they would have to use 75 percent of --

MR. RA: Okay. But what about a --

MS. LUPARDO: Or no. Of course if they went with an A1, they'd still have to have a limited number of gallons, 75,000, but they wouldn't be obligated to purchase.

MR. RA: Okay, but is that based on the applicant, is it based on the corporate ownership, individual? Like how -- I think there's so many different ways that somebody can structure something from a corporate standpoint that it's not difficult for me to imagine a major national brand being able to come up with a corporate structure that -- that now goes and gets an A1 license and can now ship into New York State.

MS. LUPARDO: I'm sort of -- it might be helpful if you were to tell me what your concern is. What are you driving at? Then I can maybe walk myself --

MR. RA: I'm driving at exactly that. A -- a major national brand creates a new corporation and, you know, creates a -- creates a microdistillery brand and applies for a Class A1 license and now has kind of upped the food chain the -- the backing of that major brand and -- but is operating in direct competition to our -- our really local, smaller producers.

MS. LUPARDO: I've talked to our local, smaller

producers and that does not bother them. I mean they feel like they are producing world-class spirits and cider, especially New York cider and New York apples and the products that the rest of these folks are making. So I've been assured by them that they -- they're not worried about that in the slightest having another niche brand to compete with, it just adds to the interest in the field.

MR. RA: Okay. Now that -- I don't want to belabor the points because I do have some other questions, but that 75,000 gallon cap I am not familiar with -- with this industry. Obviously, I -- I enjoy, you know, these products and trying them, particularly from -- from, you know, our State brands, but do you know what -- like what does that number look like in comparison to, you know, the -- the local brands we see whether they're distilleries, cideries, is that a fairly large number or -- or is that around where some of these types of smaller distilleries and cideries are in terms of production?

MS. LUPARDO: I don't know any that are actually -- there may be a couple of cideries that are getting near that particular number, but most of the distilleries are at a far lower number than that. Like it's hard for me to do the math to tell you what 75,000 -- 75,000 gallons looks like on a liquor store shelf exactly, but it's -- it's nothing that they're reaching. And if they reach it, then they are disqualified from that -- that benefit.

MR. RA: Okay. Because I would -- I would just point out from -- from the information I have, 75,000 gallons equate to about 1,450 barrels. To my knowledge, one of the largest farm

distilleries in New York makes about 80 barrels, which is 4,200 gallons and some of the largest ones are about 19,000 gallons. So that -- that -- that seems to be a much larger. Now I know that --

MS. LUPARDO: So they're not anywhere close to this.

MR. RA: Yeah. So that's the function I think of the, you know, the size of -- of where this cap is. Now I -- I want to get into a couple of other -- of the issues here. So in terms of age verification. So an individual purchases, whether it's online, I guess a lot of them in this day and age would be probably through some type of website, they purchase from -- from a particular entity. It gets shipped by a UPS, a postal service, a FedEx, whoever.

MS. LUPARDO: Actually, only common carriers are allowed and that would just be UPS or FedEx. There's no -- the Federal Government does not allow shipment --

MR. RA: Okay. That makes sense. So what happens? The -- the UPS or FedEx driver upon delivery makes an age verification?

MS. LUPARDO: Well, if anyone here is a member of a wine of the month club, because we do ship wine, they will not leave it behind. I mean the box is clearly labeled and they will not leave it behind without a signed verification by someone who is 21 years old.

MR. RA: Okay. So -- so the person needs to basically identify themselves.

MS. LUPARDO: Yes.

MR. RA: Does the driver have to check ID or is it --

MS. LUPARDO: Yes, yes. They have to show ID.

MR. RA: And then -- and then they have -- that person of legal age has to sign for that shipment.

MS. LUPARDO: Correct. And we checked with the State Liquor Authority that during that time period in COVID when they were granted this privilege, there were no incidents of any problems whatsoever in this occurring. So we've been trying to do this for a number of years, but it wasn't until the COVID experiment that we found out that it can be done safely through these common carriers and there was minimal if no impact on liquor stores that weren't carrying the vast majority of these products in the first place. Place.

MR. RA: Okay. I -- I -- I would -- I would tell you -- I mean this is anecdotal, but I -- I did take advantage of that at one point during COVID and I do recall that the shipment was just left at my house and -- so somebody did not do the right thing in -- in that regard.

MS. LUPARDO: Might I ask was it a car delivery service or was it through the mail?

MR. RA: It was through -- it was through a UPS or whatever. It -- it was a direct from a New York State cidery so... I -- I hope that -- I -- I mean not that I -- I think that, you know, the entities aren't going to do their job properly, and as you said, I hope that, you

know, many of them are used to perhaps delivering wine and -- and things of that nature. And I have -- I have gotten wine by the mail and have had the experience of -- of having checked. Usually I end up calling UPS and saying hold it at the place because, you know, they'll come at 4:00 in the afternoon when I'm not home.

MS. LUPARDO: Yeah. The -- the State Liquor Authority has assured me that if we go down this road, that they are going to be very, very diligent of this. Of course they're going to have to issue regulations around this and I -- I expect this to be very, very well monitored.

MR. RA: Okay. So the other thing -- and -- and you mentioned this earlier in terms of the opposition to this that has come about in particular from liquor stores and other types of stores that -- that currently, you know, sell products, whether it's these direct products or others having -- having concerns with this. Now I know that obviously you mentioned COVID, right. Our liquor stores they think were thriving during COVID for various reasons and we did loosen some other laws to allow this. But they I guess have a little bit of a concern that as you know we have a system that I would say overall needs some modernization in -- in many different ways and we've done I think bits and pieces of that. We have alcohol-to-go now and -- and this is another bit of that, but I guess the overall question is we have this three-tiered system right now that seems to work pretty well. So what is the reason for -- for this drastic change with regard to that?

MS. LUPARDO: Well, the -- the whole point of having a microdistillery or small batch operation is that you are your own contained three-tiered system. I mean you are manufacturing, you're selling out of your tasting -- tasting room, you're -- you know, you're doing your own publicity or marketing on this. So the point of all this is to graduate those small businesses into the larger three-tiered system. They can't grow their customer base right now because the customers change -- consumer habits have been changing, especially since COVID where they're used to buying something online. We travel all the time and if you buy a bottle of say a particular spirit in Lake Placid and you go home, you're not going to be able to find that in your liquor store. It's a niche bottle that you want to buy and have it shipped to you. So the point is to try to get enough people to have an interest in this particular product so they can get into the larger three-tiered system. Some of them don't want to be that big. Some want to just be a local tourist anchor in a little place, and others would like to be able to at least boost their business with online sales and eventually some -- for example, we have a distillery here in Albany that is now the Well Vodka for the Yankees. They've got a new bottle with Yankee stripes on it and it's gotten a lot of interest. People would like to buy one as a gift, and it might eventually wind up in a lot of stores, and they may wind up actually going over the 75,000 gallon for all we know. But I think it's a -- I think it's a great opportunity to support local business and local farmers in a safe way that it has been proven in the past.

MR. RA: Thank you, Ms. Lupardo.

MS. LUPARDO: You're welcome.

ACTING SPEAKER BENEDETOO: Thank you,  
Mr. Ra.

Mr. Morinello.

MR. MORINELLO: Thank you. Will the sponsor  
yield for a couple questions, please?

MS. LUPARDO: Yes, of course, Judge.

MR. MORINELLO: Thank you. I've listened  
intently and we know the purpose is to attempt to assist our small craft  
brewers.

MS. LUPARDO: Not brewers if I might add.

MR. MORINELLO: I'm sorry. Distillers.

MS. LUPARDO: And cideries and meaderies, too.

MR. MORINELLO: Currently, is hard liquor  
allowed to be shipped without this bill, and I'm talking about spirits.

MS. LUPARDO: Yes. Liquor stores can ship all the  
time.

MR. MORINELLO: Liquor stores, okay. So there is  
a -- a vehicle that these distillers can utilize to move their products.

MS. LUPARDO: Well, only if they're in those liquor  
stores, mind you.

MR. MORINELLO: Okay. But what is the issue  
with them going to a liquor store to carry their product?

MS. LUPARDO: They're not big enough. And

certainly in small places they're in their local community's liquor stores because they can get in the car or in their truck and deliver them. But in terms of getting into the larger wholesale system, you have to have volume and you have to have a lot of capacity that they don't currently have at the moment. So they're just not in the systems. Some of them are, but not very many. Or if they are, the liquor store carries one of their products when they in fact have ten at their tasting rooms.

MR. MORINELLO: Now, the volume -- the definition of a craft distiller is based on volume; is that correct?

MS. LUPARDO: Correct.

MR. MORINELLO: Seventy-five. So let's -- let's go to an out-of-state distiller, okay.

MS. LUPARDO: Okay.

MR. MORINELLO: And I do know this, that Jim Beam has hired lobbyists to come into New York to lobby for this. So my question is --

MS. LUPARDO: I'm sorry, Judge. What did you say about lobbyists coming into the State?

MR. MORINELLO: Jim Beam has -- Jim Beam which is an out-of-state distiller is utilizing lobbyists to push for this bill locally within the State --

MS. LUPARDO: Okay.

MR. MORINELLO: -- which gives me pause as to why would an out-of-state distiller as big as Jim Beam want to



commit. And so the question is, what is the prohibition, if any, of a subsidiary in their own state calling it a craft distiller?

MS. LUPARDO: So if we get to this point where we're looking at reciprocity, the State Liquor Authority will look closely to make sure that whatever out-of-state distillery is going to ship into New York State meets the exact same license classification that they're shipping -- that they're shipping to. So if they are only a farm distillery, would be able to ship into New York under that farm distillery classification. You're going to be dealing with 75,000 gallons no matter what you're doing here.

MR. MORINELLO: Correct.

MS. LUPARDO: But Jim Beam attempts to do this under their name, they would be disqualified because they're not allowed to be an a small license. We're talking about large companies somehow wanting to create little niche operations. I'm not sure for what purpose unless they wanted to develop a high-end bourbon or a high-end -- high-end spirit for some reason and, you know, we're not quibbling with them, if they want to do something small batch-based like the rest them of do.

MR. MORINELLO: Would it be a fair statement in response to your response, the fact that if the local distillers want to expand their base, wouldn't that be the same for an out-of-state distiller to want to expand their market share?

MS. LUPARDO: I'm not -- run that one by me again, Judge. I'm not sure where you're going with that.

MR. MORINELLO: All I'm getting at is this: If Jim Beam has hired lobbyists and they want this, okay, then -- and there's no prohibition against a subsidiary, okay. What would prevent them from opening up with their money and backing a distiller in their home state that could produce up to 75,000 gallons?

MS. LUPARDO: Sure. They could do that.

MR. MORINELLO: Okay. And then ship it into our state, okay, which would almost frustrate what the purpose is for. The purpose of is this --

MS. LUPARDO: Well --

MR. MORINELLO: -- I'm sorry.

MS. LUPARDO: Sorry.

MR. MORINELLO: I understand the purpose of this is to expand and help our small distillers, distilleries, our farm distilleries; am I correct?

MS. LUPARDO: Yes.

MR. MORINELLO: And I guess where I'm heading mostly is, I feel there might be better ways to help expand them then going this route for the following reasons, okay. And number one, competition. We talk about the small distiller. Well, if you have someone out-of-state that has resources, they could come in and almost shut out the local distiller that we're trying to help here.

MS. LUPARDO: I mean we're talking about a free market and we're also talking about people who put a lot of time and energy into their craft and into their microdistilling purposes. For

some reason they are going to create a business in another state that would potentially compete. Our guys are ready to take that on.

MR. MORINELLO: Okay.

MS. LUPARDO: The majority of people want to buy New York products because New York has the best apples. The states that have reciprocating relationships on cider can't wait to get their hands on New York's products. We stand to gain in this whole thing. We're the ones with the award-winning bourbons and the award-winning ciders and so, you know, there's going to be a call for, you know, some product that's based in Nebraska, you know, good luck with that, and then we can -- you know, we can see how our guys compete. They welcome the competition because they think their products stand up because we're using New York farm -- farm goods and -- and are very proud of what they're doing.

MR. MORINELLO: I -- I can accept that, but the concerns that have come to me -- I'm sorry. The concerns that have come to me have been from MADD -- Students Against Drunk Driving, Mothers Against Drunk Driving, the counselors that deal with alcoholism. And the fear is we know we have wine, we know they can do beer. Wine averages about 18 percent alcohol. Beer, normal beer is 3.5 and then it can go up to 7.

MS. LUPARDO: Right.

MR. MORINELLO: When you get a bottle of liquor you're adding 40 -- 40 percent or 80 proof. The differential there if somebody under 21 or the youth have access to it, this is the main

concern from those that have to deal with alcohol for youth, the -- the training and the potential of drunk driving.

MS. LUPARDO: I -- I understand what you're saying, but I mean let's be honest. I'm sure there's one or two people in here who, you know, might have known someone who was an underaged drinker or might have been one yourself back in high school. I cannot imagine a youth contemplating ordering a bottle of bourbon and having it delivered to their parent's home where they would have to sign for it. Kids have no shortage of access to -- to alcohol, and certainly mailing it to your home is probably the last method anybody I know would think of to try to disguise their underaged drinking. You know, they would get somebody to go to the liquor store and buy it for them or any other method. So I don't see this as the -- the vehicle for promoting underaged drinking to be honest with you.

MR. MORINELLO: Well, the vehicle is more accessibility. Now, there's a limitation of -- and nobody's going to buy as much as the limitation is --

MS. LUPARDO: No.

MR. MORINELLO: -- but it's per 21-year-old. So if you have five 21-year-olds in a home, each of them can go to that maximum; am I not correct?

MS. LUPARDO: This is true, but keep in mind. For most people they are using their local liquor store if they're going to be buying that much. The vast majority of these purchases is the

single bottle or maybe a larger amount that will be given as gifts, but mostly these are people who've tried a product and just want to buy a bottle of this or want to be part of a club that receives something. They're connoisseurs of a particular type of spirit or a particular cider. I am not seeing five people in a household over 21 ordering at that level of expense. It's not cheap shipping a case of spirits, I can tell you that. But yes, they could.

MR. MORINELLO: They could, thank you. There was an article in the *Washington Post* in the -- from 2020 when they analyzed the check-in at the delivery point. And the study determined there was an 80 percent failure of the delivery company to check proof at 21 when they brought it to the house, and most of those instances they found they just left the case at the doorstep. And let's not go (inaudible), let's go to a small case, okay. Just one -- one case of the product and we'll bring it down to the level it should be, okay, that we're talking and that's the kind of... So because of the increase in volume and the potential for not signing at the location, what considerations is there for that, okay, because it's my understanding there's no liability on that ship -- on the delivery company and they're not under the dram shop definition.

MS. LUPARDO: I understand your worry. I've got that part, but we've only got a couple of ways we can come at this. We can do better at that if that is in fact the case, although the State Liquor Authority assures me that that is not a widespread issue here. We can either address that issue or we can take away shipping all

together, because we've got liquor store shipping, wine shipping, beer is now shipping if they have a kitchen associated with their brewery. So we've either got to make parity and fairness across these product lines or we've got to really dig into whether we have a problem here in New York State and do better with our common carriers. We don't see there is a problem here in New York State, but I can assure you the State Liquor Authority is very committed to making sure this goes right.

MR. MORINELLO: Very good. That's all. Thank you for being so kind with your answers.

MS. LUPARDO: As always, Judge.

MR. MORINELLO: And it was more of a discussion and I appreciate that.

MS. LUPARDO: Likewise.

MR. MORINELLO: All right, because we have two sides. We want to help the small distillers and the farms, but then we have those that have to deal with the alcohol and the alcoholism and the kids, and with a higher volume of product there is some concern out there having it accessible. The second is the three tier system. Even though in a minor way you can say it's the three tier, but I'm talking about the three tier that employs thousands of workers, thousands of Teamsters, they pay taxes to this State, they have highway taxes that they pay to this State and that the fear is that this may be the beginning of the breaking into and the end of a system that has responsibility. They have to take care of the product, they have to

take back bad product so --

MS. LUPARDO: I gotcha.

MR. MORINELLO: And it's something that I think that if we see a problem that I'm sure we can talk about it.

MS. LUPARDO: If I just could add one more thing --

MR. MORINELLO: Sure.

MS. LUPARDO: -- when you mentioned the Teamsters. Our distillers guild, for example, has an exclusive agreement with UPS, which is a fully Teamster organization. And they do that on purpose because they are -- they want to support union jobs and -- and our Teamsters. So that group of Teamsters who work for UPS are pretty excited about this because they see the opportunity for -- for more businesses.

MR. MORINELLO: Thank you for allowing more of a conversation --

MS. LUPARDO: Of course.

MR. MORINELLO: -- rather than a back and forth debate because I think this is a more of a conversation that we need on this concept rather than --

MS. LUPARDO: Likewise.

MR. MORINELLO: And I do appreciate the sponsor. Thank you very much.

ACTING SPEAKER BENEDETTO: Thank you, Mr. Morinello.

Mr. Slater.

MR. SLATER: Mr. Speaker, will the sponsor yield just for a few short questions?

ACTING SPEAKER BENEDETTO: Will the sponsor yield?

MS. LUPARDO: Absolutely.

MR. SLATER: Thank you so much. I just wanted to piggyback off of what my colleague was just asking in regards to the three-tiered system. And so we're in agreement that they're currently is a three-tier system. Do we know how this proposal will impact that three-tier system?

MS. LUPARDO: It won't impact that three-tiered system whatsoever. The idea is if these companies get large enough they can graduate into the three-tier system. They're not able to participate in this because they're too small. They're not on shelves, some of them are self-distributing and they're doing quite fine with that. Many -- many don't want to get much bigger. They like the opportunity to send their -- their products out to those who want it. For example, a local company just won a large award and 80 percent of her phone calls are people who are connoisseurs who'd like to just receive one bottle to try as part of their, you know, to put on their bar and they're unable to. So that's the kind of thing that's not involved with the three-tiered system whatsoever. We honor the three-tiered system and -- and -- and understand the value of it but not when it comes to this level of production.



MR. SLATER: So then it really doesn't pose a threat to the three-tier system. It actually embraces and expands it is what -- what your goal is.

MS. LUPARDO: It does -- it -- it provides an opportunity to eventually become part of that.

MR. SLATER: Understood.

MS. LUPARDO: But they can't even become -- they couldn't even look at that. Some of them don't want to be that big, but some of them have insights set on something larger. They get the place that they -- the role that they're playing, but at this moment they don't have much shelf space.

MR. SLATER: Understood. I appreciate that. Thank you. And it seems pretty obvious to me that you've spent a great deal of time, and I know how complicated the -- the system can be. Has there been any studies that have been done to understand the -- the impact overall economically? You know, when we talk about standing at a three-tiered system, how long do you expect that to take?

MS. LUPARDO: Well, I mean we're talking about 175 distillers. We've lost 20 in the last year because they haven't had this opportunity. Fifty percent of them are at risk of closure because the consumers' behaviors have changed. They're estimating, I don't have the dollar figures in front of me, substantial increase in state sales tax from out-of-state buyers who want to purchase New York State's award-winning products. So we do see a value to the State in terms of sales taxes. We see far more shipment going out of the State

than going in. And as far as the three-tier system, I'm not sure I could project how many would eventually wind up in that system or what that might mean. I'm more interested in how it's going to protect our farmers and the crops that they're selling and how we can make sure they don't go out of business because they don't have this option.

MR. SLATER: And I completely understand that and I recognize that. But there's also the issue of balancing protection of our farmers with the protection of existing small business owners and employees. So have you spent time and do you have any data that shows how we can kind of meet that middle ground of allowing our farmers to grow and thrive but also protecting the existing small business owners who invested considerable dollars into their existing stores?

MS. LUPARDO: Which small business owners are you worried about being at risk here?

MR. SLATER: Well, I think there's considerable concern regarding the existing infrastructure that we have with distribution specifically with our liquor stores. So if you're cutting out the liquor store distribution, there seems to be concern from that industry that they're going to have a negative impact economically and unable to continue to operate at the same level that they currently have. Unless you have data that you can share with me that counters that.

MS. LUPARDO: Well, the -- the obvious data is that the products we're talking about are not in liquor stores. That's the big

data. I guess the data would be zero impact because -- well, not zero, but my understanding is that 95 percent of the products aren't on liquor store shelves. If you go into a liquor store and you say where are the New York spirits, they'll say well, we've got a few bottles of gin and a few bottles of vodka but they're spread around, but there's no huge section in the store like you might have with New York wine now. So there's not -- it's curious that they're saying this when they carry so few of the products.

MR. SLATER: And is that choice by the individual storeowner not to carry an extensive New York spirits collection?

MS. LUPARDO: No. It's because the distilleries aren't that big. They've got this limit of what they can -- can -- can produce. Most of them are small tourist anchors. That's why the hospitality association, tourism industry is very, very protective of them. People come to town to visit them. They want them to stay alive. It's this one little ability to send that tourist that bottle or to help a wedding or a corporate -- corporation locally who would like to -- to receive some of these things in the mail. That's the kind of thing that would keep them afloat and to potentially help them grow into this larger system, but there's just not -- there's just not enough volume, there's not enough capacity, they don't have the marketing dollars. They're just not set up for this type of thing.

MR. SLATER: I appreciate that. So just to make sure I'm clear, what you're envisioning and what we believe is going to happen here is that we're going to be able to meet this balance of

allowing our farms to thrive in a -- in a new sector or expand in a new sector. They'll have minimal, if not any, impact on the existing retailers throughout New York State. That's -- that's what you're telling us today.

MS. LUPARDO: Correct.

MR. SLATER: Okay.

MS. LUPARDO: We would hate to see our farmers who are providing so much -- so many of these products to lose out, because as you know they're -- they're struggling in a lot of ways and we just want to protect this, but also protect these small businesses in -- in our communities --

MR. SLATER: And I appreciate that.

MS. LUPARDO: Come off the highway to visit these places.

MR. SLATER: Fantastic, thank you. And one of the things that I'm always curious about, I live in a border district. Five minutes from my district office is Danbury, Connecticut. So are the policies that we're implementing here on par with what some of the other states surrounding New York have already implemented?

MS. LUPARDO: There are only about a dozen states that have reciprocity and I don't believe any of those in anywhere near us are one of them. I know there's Arizona and there's South Dakota or North Dakota, Kentucky is one, but definitely not Connecticut, or Pennsylvania, or New Jersey, for that matter.

MR. SLATER: And so when you say reciprocity,

what do -- what do you mean by that? So we're saying that the --

MS. LUPARDO: Similar license types.

MR. SLATER: I'm sorry?

MS. LUPARDO: Similar classification of licenses.

MR. SLATER: And so Connecticut, to your knowledge, does not have that in place. So Connecticut cannot mail wine or liquor to their consumers?

MS. LUPARDO: I don't know about wine because wine is way more accessible. We can have California wine shipped to us because we have a reciprocal relationship around that.

MR. SLATER: Specifically liquor, then, I suppose, right?

MS. LUPARDO: I'm sorry?

MR. SLATER: Specifically liquor, then, to your knowledge, Connecticut doesn't allow that at this point in time?

MS. LUPARDO: Correct.

MR. SLATER: Okay. I appreciate that. And in regards to the mechanism for tax collection, one of the other issues that I've heard relates to how we plan on making sure that the correct tax revenue collection is executed. Does your bill speak to that at all?

MS. LUPARDO: It does. And it would be like any other business, we'd have to register with the Department of Taxation and Finance and follow all the same rules that they're currently following. Only now it would have to do with this.

MR. SLATER: Fantastic. I really appreciate you

taking the time to answer my questions. Thank you so much. Thank you, Mr. Speaker.

ACTING SPEAKER BENEDETTO: Thank you, Mr. Slater.

Mr. Tague.

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

MS. LUPARDO: I will yield to the Ranker.

MR. TAGUE: Well, first of all, I want to thank you for bringing this bill forward. It's a long time coming, and I think that some of our colleagues just do not understand exactly about this bill. And number one, I think that this bill is mirrored kind of after some of the other programs that we've done with farm-to-table programs across New York State that have been very successful. Would you say that that's an accurate statement?

MS. LUPARDO: I would not argue with you on that, Mr. Tague.

MR. TAGUE: And that this is more of a niche business, this isn't somebody that is gonna go out and produce gallons and gallons and gallons in their distillery to send -- for people to come in. This is a place where -- this is a situation where tourists come in --

MS. LUPARDO: Yes.

MR. TAGUE: -- and they go to your specialty shop and they leave there and they go home and they like the bottle that they bought and decided that they liked that so much that they want to

order another one, but now instead of them having to drive 2- or 300 miles back into New York, now they can have it directly shipped to their place. Or if they come to the Schoharie Valley where I'm from, and they go to -- go to one of the farms in the Valley that are doing distillery now and they live in Buffalo. Now they can have that bottle that they like shipped to Buffalo; am I correct?

MS. LUPARDO: Absolutely. If they're in -- if they're in another state, it would have to be a state that has a reciprocating relationship with New York, and many of them do not.

MR. TAGUE: Right. And this is also a situation -- and we had mentioned it earlier, this is a situation where it's very close to our farm-to-table stuff, but this has also been a diversification for a lot of our farmers that are growing other crops that had to find other -- other means of income for their farm. You know, I know in my district one of my farmers that has been in the produce business for longer than I've been alive, just in the last few years they now make vodka out of some of their potato products. So is -- am I -- am I accurate with saying that that's taking place all across New York State?

MS. LUPARDO: All across the State. We used to have 200, we've lost 20 and we want to maintain the ones that we have, yes.

MR. TAGUE: So this gives -- to me, to sum it up, this gives an opportunity to our farmers or those that have a niche for the distilling or for cider, for them to now be able to bottle their

product and directly ship it to customers that are fond of their -- of their product. Anybody can go to the -- anybody can go to the liquor store and get a bottle of Jack Daniels.

MS. LUPARDO: And they still will.

MR. TAGUE: That's right. But if you like that farm that you went to when you took a little vacation or two days to visit, and you enjoyed what you got there, now if you don't get the opportunity to drive back there six months from now but you want another bottle you can have it directly shipped to you, correct?

MS. LUPARDO: Correct. But what's even better is that because New York's producers are winning so many awards, those very same people who haven't even gone to the place will order one because they want to try it as part of their niche.

MR. TAGUE: Well, you know, and I'll -- I'll sum it up here and I --

MS. LUPARDO: You're helping me; you're helping me, though, please go on.

MR. TAGUE: I think I said it yesterday in another debate having to do with agriculture, we're so lucky in New York State. We have four different unique growing seasons. We have the greatest farmers in the world right here in New York, we have the best quality control of agriculture right here in New York, we have the best agricultural education right here in New York with at least four or five of our SUNY and Cornell. New York State should be leading not just America, but the world in agriculture, and I believe that this right here



is the beginning of that, along with other programs that we have done in the last ten years in the State of New York. I commend you on this bill. I urge all my colleagues to support this bill, and let's keep moving forward with our agriculture in New York State. Thank you, Chairwoman.

MS. LUPARDO: Thank you, Mr. Tague.

ACTING SPEAKER BENEDETTO: Read the last section.

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

ACTING SPEAKER BENEDETTO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Novakhov to explain your vote, sir.

MR. NOVAKHOV: Thank you, Mr. Speaker, to explain my vote. So, it is probably not a perfect bill, right, and I agree with my colleagues with the comments, many comments of my colleagues, but it is a necessary bill and I'll try to explain why. So, I walk into my neighborhood liquor store, do I see any products from the small distilleries? Absolutely not. And -- and -- but if I'm lucky enough to see those, they will be in the far corner in the far shelf. So the only way to connect the consumers and the small distilleries is to connect them via direct ordering online. So -- and I've talked to their consumers, they're -- they're missing the products, they want the products. They want more unique alcoholic beverages, they -- they

want those products. I spoke with the distilleries. They want to, you know, the new customers, they need the new customers to survive. And it is not their fault that their liquor stores are not buying these products. I don't know, at least -- I -- I saw a few in -- in -- here around Albany, but not in my district, not in Brooklyn.

So I think this is a very necessary bill, and I believe there, you know, could be amendments to the bill to make it perfect, but I commend the sponsor of the bill. Thank you very much, I think it's a great bill and I'm -- thank you.

ACTING SPEAKER BENEDETTO: Thank you, sir.  
How do you vote?

MR. NOVAKHOV: I vote yes.

ACTING SPEAKER BENEDETTO: In the affirmative.

ACTING SPEAKER AUBRY: Withdrawing the roll call and on a motion by Ms. Lupardo, the Senate bill is advanced -- Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could have the Majority Conference go immediately to the Speaker's Conference Room for the purposes of a meeting.

ACTING SPEAKER AUBRY: Majority Conference room -- Speaker's Conference Room immediately.

We will stand at ease.

MRS. PEOPLES-STOKES: Mr. Speaker, I'm sure you're gonna put us at ease as a result of us going to conference. Thank you, sir.

(Whereupon, at 6:48 p.m., the Assembly stood at ease.)

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ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Excuse me.

Excuse me, sir, but could you call the Ways and Means to the Speaker's Conference Room?

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We're going to work where we left off with Member Lupardo's bill -- I'm sorry, Member Wallace's bill, No. -- Rules Report No. 265, it's on page 8 --

ACTING SPEAKER AUBRY: Certainly.

MRS. PEOPLES-STOKES: -- by Ms. Wallace.

ACTING SPEAKER AUBRY: Certainly, ma'am.

Page 8, Rules Report No. 265, the Clerk will read.

THE CLERK: Assembly No. A09230-B, Rules Report No. 20 -- 265, Wallace. An act to amend the Banking Law, in relation to establishing multiple-person accounts; and to repeal certain provisions of such law relating thereto.

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

And, Ms. Wallace, an explanation is requested.

MS. WALLACE: This legislation amends the Banking Law with regard to multiple-person accounts at State-chartered banks and credit unions. The bill updates New York's antiquated Joint Accounts Law to eliminate the moiety rule and replaces it with the net contribution rule, which is followed by the vast majority of states. It requires that banks provide all accounts with two or more persons with a signature card that requires the account owner to clearly articulate who owns the account, whether it -- whether there's any authorized signer on the account, and how the funds should be distributed upon the death of an account owner. It sets forth the

specific language of the signature card form, and it clarifies the ownership rights and liability of the bank under the new law.

ACTING SPEAKER EACHUS: Mr. Curran.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. WALLACE: Yes.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. CURRAN: I appreciate it. And, listen, nobody wants to hear me or you talk tonight, so I'm gonna try to make this as quick as possible. But let me just ask you, the intent behind this bill. It really comes out of the distribution of assets when a person dies, and I believe the Surrogate's judges were up here about a year ago pushing a version of this bill. But that -- that was really the main push behind going forward with bill; is that -- is that correct?

MS. WALLACE: Yes. So, most people do not realize that under existing law in New York State -- you know, we've heard of a lot of situations where you -- where there's an elderly person, maybe they put a cousin or a neighbor or a relative, or maybe even one of the siblings, but not all the kids, on the account. And under New York's law, automatically, that half of the amount of money in that account is irrevocably gifted to that person you've added to the account. And then automatically -- unless you know to check otherwise, when the owner dies, the person you put on the account

basically inherits the entire account. And a lot of people -- a lot of elderly people, in particular, don't realize this and they wind up losing their, you know, entire estate.

MR. CURRAN: Right. And I -- I actually -- and you're right. Listen, when we first -- we were talking about this bill for the last two days, and there -- you're absolutely right, there is a problem. As -- as a former public administrator of Nassau County, there is a problem with regards to what could happen to assets once a person dies. And I think that the goal of this bill is absolutely needed, I think you're correct in that. It's just -- my concerns are how you go about it. And what you were referring to there with regards to the funds transferring over to the other joint account holder is a presumption of survivorship in New York State. So we'll get to that in a second. But let me, again, in -- in -- for the hope of being brief tonight, so I'm just gonna ask you, and correct me if I'm wrong. A person walks into a bank with whoever, their -- their spouse, their daughter, their son, and they want to open a joint account.

MS. WALLACE: Yes.

MR. CURRAN: And they go into the bank and they say they want to open a joint account and they might do it for a variety of reasons, and there's a lot of reasons to do it. Banks do not offer convenience accounts, and you are -- we spoke about that and you're absolutely right. Here in New York State they don't, and a convenience account for everybody is an account that where there is an additional person on the account to sign for checks or bills, to take

care of a person who may be elderly and can't do it themselves. So this -- under this law, that would actually deal with a version of that, it kind of backdoors it a little, but we'll get to that in a second. But when you go into the -- to the bank, you -- you -- you're not offered a convenience account, but you have to fill out a -- you have to fill out a card that will list both owners. And whether or not they're told at that time to seek, you know, legal advice as to whether or not a joint account is good, or apprised of what could happen -- and you said it yourself, it was absolutely right -- under a rule here in New York State, you know, they are entitled to 50 percent. That other owner of that account, regardless of one owner, it's a \$10,000 account, that one owner puts in all \$10,000, that other owner is entitled to 5,000 of that automatically, and that -- and that is a rule here in New York State. But then as you said, the presumption of survivorship is that if that person who put in that \$10,000 passes away, then all of that \$10,000 automatically goes to that other holder, that joint account holder. And under a lot of circumstances, especially when regards to the administration of the probating of an estate, that causes a lot of problems. And I -- and again, like I said, I can't stress it enough, I think you're right. This is an issue that we have to deal with, we have to figure out a solution to it. But under your bill -- and -- and a person, they open the account and, like I said, whether or not they were told or not about the legal ramifications, that's -- that is in dispute depending on who you talk to. But under this bill, under your bill, two people walk into a bank, what would happen?

MS. WALLACE: Well, what they would need to do is they would get this form that we have clearly outlined in law which articulates what their different choices are, right? And this form is really drawn from the Uniform Probate Code which was also attempting to solve this problem. Similar -- other states have also a version of this, I think we've tried to even clarify it beyond those forms. So I think our form, of course, is -- is very clear. It gives the person who's at the bank, you know, options and tries to articulate in plain English, *Okay, who's owning this?* You lay out the names of the owners. The owners are the people who have the right to the money and they own it in net, you know, in proportion to their net contributions which are then, you know, defined under the statute. That's number one. It asks them, *Is there somebody on this account you want to be an authorized signer*, and it clarifies the authorized signer has no right to the money, but they would be signing on behalf of the person who is the owner. And then it also says if one of these owners die, where does the money go? Does it go to the estate -- let's say, you know, A and B own an account and A dies. Does it go to A's estate or does A want it to go to B? So it basically gives -- empowers the person who's walking into the bank and gives them these choices that the banks should have been giving them a long time ago.

And I just want to mention one thing. You mentioned about how the banks don't offer convenience accounts. This legislative Body in 1990, before I was even out of law school, basically created a convenience account statute, but banks are just



refusing to offer them and they're not giving the owners of the accounts any really choice. So this is trying to, like, force them to provide the information they need so that they can make their own informed decision.

MR. CURRAN: So -- and -- and you're right. After we spoke yesterday I tried to get an answer with regards to whether or not convenience accounts are being opened and I was told point blank they're not. So you're absolutely right there. But again, it's not the problem we're trying to solve. My issues then revolve around how we're going about to solving it, and it's those two aspects; it's the third-party signer, and then it's the document itself that we're sending out. So just let's start off with a couple of preliminary things. Does this deal -- does this cover every single bank in New York State?

MS. WALLACE: No. Right now it only covers State-chartered banks and credit unions. It does not cover national Federally-chartered banks.

MR. CURRAN: So I guess the first question would be, then, if this legislation doesn't cover all of the banks, then would it fair to say that we're not actually solving or completely solving the problem that is presented by the Surrogates with regards to the asset collection and distribution after a person passes away?

MS. WALLACE: Well, I'd say yes and no. First of all, Federally-chartered banks actually do have to provide a version of an account form, and I don't have all the different account forms that they use, so some of them may use very, you know, similar to the

Uniform Probate Code because I do know that other states do use language similar to the Uniform Probate Code, so maybe they do. And to the extent that they don't and we do find that that's a problem, interestingly enough, last week the United States Supreme Court issued a decision that really kind of outlined the relationship and our authority and our jurisdiction to regulate nationally-chartered banks, and I think based upon that decision --

MR. CURRAN: Right, it's --

MS. WALLACE: -- we could potentially regulate them if we think we should.

MR. CURRAN: It's -- it's the *Cantero* decision --

MS. WALLACE: Yes.

MR. CURRAN: -- which leaves open the question or at least remanded the question back to whether or not the Federal -- Federal banks, Federally-chartered banks can fall under New York State law or regulations, but that's yet to be determined. But -- but tonight we pass this, it goes into law as of right now, it would only cover State-chartered banks, not Federally-chartered banks, with the exception of what you said, if, by chance, some of those Federally-chartered banks have a process in place to dictate where those funds are going once a person passes away.

MS. WALLACE: So yes with regard to requiring this specific form, but actually eliminating the moiety rule and creating the net contribution rule, I believe that would apply because it's property law. So I actually do think that it would ultimately apply to all the

banks.

MR. CURRAN: Well, that's yet to be determined, but --

MS. WALLACE: Okay.

MR. CURRAN: -- that's a discussion for a later day. So as you discussed, the process now will be that two people come into a bank, they want to open a joint account, or -- and under this legislation, a bank would also be required to not only present those people with banking cards, signature cards, that will outline exactly what you said, but they're also required to go back and then send signature cards or that form, like you're talking about, to every single joint account that they have currently in their bank; true?

MS. WALLACE: Yeah. I -- I think a good analogy for that is think of it as a recall notice, right? It requires the bank to send two notices to their customers on each account to say, Hey, we'd love you to fill out this form so you can tell us exactly how you meant for this account to be distributed upon your death and, you know, who owns what, right? If the bank -- and the bank can do that, by the way, you know, electronically, they could send it with their normal statement, they could send out a separate letter. We're trying to make it as easy as possible. But if the owner -- under the law, we've clarified it that if the -- if the person, just like a recall notice, if you ignore it, if the owner of the account ignores it, then the account would still be governed under the previous law.

MR. CURRAN: Right. So --

MS. WALLACE: Until such time as they come and then bring in the signature card.

MR. CURRAN: So the first notice goes out, six months later the bank has to send out a secondary notice. If they don't hear within what time period, can they then assume that the -- the account will be governed under the old joint account rules?

MS. WALLACE: If they don't hear after the second notice, it would continue to be governed by the existing law until such time as they get a signature card telling them otherwise.

MR. CURRAN: All right. Now, you were nice enough to provide me with a semi-sample of what that card would look like, and on that card, as -- as you previously described, would be, you know, obviously, you know, the person's name, the account holder's names, anybody that they want to be a third-party authorized signer on it. They also have a section that says, you know, do you want survivorship rights to exist, which would mean that the funds go to the other joint owner when that person passes, or no, you don't want survivorship rights and it's gonna go to your estate. That notice, that notice, does it have to be notarized?

MS. WALLACE: The -- the -- the account signature form is supposed to be notarized if it's not filled out at the bank. If it's filled out at the bank it doesn't need to be.

MR. CURRAN: All right. So then let me ask you, currently there is a power of attorney?

MS. WALLACE: Yes.

MR. CURRAN: And the power of attorney is usually a one-page document that lists the person's name, the person that you're granting the power of attorney to, it is notarized. It is usually describes in detail what you're providing that power of attorney authority over, whether it be a financial account or anything. Is it fair to say, or isn't it really true, that a power of attorney could accomplish the very same thing that you want to accomplish by not adding a third authorized signer on, but rather having a person fill out a power of attorney?

MS. WALLACE: Yeah, a power of attorney could accomplish this, but the problem is that many people are not getting a power of attorney and they're making assumptions about the way their assets are gonna, you know, be distributed that is -- are not accurate. So if there is somebody that fills out a power of attorney, we've made very clear in the law that power of attorney would supercede any -- any signature card, but this is really because most people are not filling out the power of attorney form and we have so -- we've seen so many instances of injustice.

MR. CURRAN: Okay. Because originally, it was -- it was described to me that a power of attorney, one, was either too complicated or too legal to understand, whereby this process would actually make it easier. But I -- but I have to say in looking at the sample -- and -- and I -- and I -- I like everything in the sample except for the third authorized signer -- everything in the example is exactly straightforward and says, with regards to the distribution of assets

either you want it or you don't, and you get it notarized, which is basically -- which is really the same exact thing that you can accomplish in a power of attorney, except for maybe a \$3 notary charge which you would have to actually get for the signature card anyway.

So I guess my point being is if a power of attorney, if a power of attorney accomplishes the same thing, or -- actually, let me just word it this way. If the goal is to make sure that we know where the assets are going pursuant to what the desire and wishes of the decedent is, why do we need a third -- an authorized third-party signer on that card?

MS. WALLACE: Well, you don't. You don't need to, but -- but this -- this clarifies when you go into the bank and you come in with your cousin and maybe you intend your cousin to be a coowner, or maybe you intended your cousin to be, you know, just helping you out with paying the bills. This form would help you fill it out correctly so that you're clearly articulating are you really just paying the bills or are you a coowner. Right now that's not happening. And people are not filling out power of attorneys, so what happens is they get their cousin on the account, then, you know, maybe, you know, there's half-a-billion dollars in the account and that could be all or most of their money. The three kids think they're gonna inherit it, they live out-of-State so they really weren't the person on the account, and then the money doesn't go to them because, you know, under law this is outside the estate.

MR. CURRAN: I agree with you. And -- and like we said, me and you agree on that. But -- but then you take it to the next level and you -- we can accomplish exactly that, making sure that the assets of that decedent, that account holder, goes exactly where they want it. By cutting your form off right after, do you want -- do you want your assets in this account to go to your estate or do you want it to go to the joint owner, and -- and that would accomplish what the main intent of this bill is. And I don't understand why we have to go further and then including a third authorized signer because that's what really, then -- because that's the majority of my questions. That's where we open avenues of fraud, confusion and misallocation of those assets.

MS. WALLACE: So I'd say respectfully, the -- -- the -- that's saying that there's really no problem under the existing law, but there is. So, you know, there already is a problem which is why I believe we need this form. If the power of attorney solved it all, there would be no reason for this legislation.

MR. CURRAN: No, and again -- and like I said, I think you mis -- you mischaracterized what I said, I agree with you, there is a problem --

MS. WALLACE: Okay.

MR. CURRAN: -- we have to figure it out with regards to making sure their intent is clear of where those funds are going. But we don't need a third party authorized signer to do that. Your -- your sample signature card accomplishes that, but then you

decide to actually add in legislation that's gonna add a third-party signer, which is not legal.

MS. WALLACE: There's no requirement that they put an authorized signer on there. It's up to the -- it's up to the depositor if they want to do that.

MR. CURRAN: Okay. Just with regards to the signature cards. So that's gonna go out -- a signature card is gonna go out to every joint owner of an account that has an account at a bank. So that could include checking accounts, include -- include IRAs, it can include savings accounts; that's fair, right?

MS. WALLACE: Yes.

MR. CURRAN: So a person can be getting, you know, up to ten, 20 cards, depending on how many accounts they have, to fill out and send back to the -- to the bank, right?

MS. WALLACE: Sure.

MR. CURRAN: Right. What happens in a situation where you have a joint account and on that joint account you specify how you want your -- your assets divvied up after you pass away, but it also includes that third authorized signer. What if the two joint owners don't agree on those cards, what happens?

MS. WALLACE: They wouldn't fill it out. I mean, they wouldn't -- you know, the -- it requires that they agree, and if didn't agree I guess they'd take their money out and do something else with it.

MR. CURRAN: Well, but there's multiple areas of



questions on that card, and -- and we already discussed about it, how you want your assets disbursed, if you want a third-party signer. What if they agree, they agree and they want to specify how they want their assets disbursed but they can't agree on a third-party authorized signer? What happens in that case?

MS. WALLACE: They don't put a third-party authorized signer on there, or they find somebody they agree with. That's -- I mean, you don't have to put an authorized signer on there, there's nothing that requires them to do it.

MR. CURRAN: No, I know that, but what I'm saying is --

MS. WALLACE: I -- I guess I'm confused, I don't -- yeah.

MR. CURRAN: -- if one person does put an authorized signer on there --

MS. WALLACE: No, they both have to agree under the law.

MR. CURRAN: Okay.

MS. WALLACE: Yes.

MR. CURRAN: So if they can't agree --

MS. WALLACE: Yes.

MR. CURRAN: -- then there is none.

MS. WALLACE: Yes.

MR. CURRAN: All right, great. Thank you.

Also, under this bill, as you talked about, the rule

with regards to joint owners, one getting 50 percent, the other one getting 50 percent, gets completely changed. Under your bill, you actually have a formula that determines how much each owner owns of that money in that account; fair?

MS. WALLACE: Yes, net contribution.

MR. CURRAN: Right.

MS. WALLACE: So if I put -- just hypothetically -- if we have an account together and I put in 80,000 and you put in 20,000, under current law we each own now 50,000. This changes it so that I still own my 80- and you still own your 20-.

MR. CURRAN: So can you just tell me how that's determined? How -- how is that percentage actually determined?

MS. WALLACE: The onus would be upon the account owners to keep track of whose money, how much money they have in the account. If for some reason they don't do a good job and they can't prove it, then the law provides a default that it defaults to the existing law which is half equally.

MR. CURRAN: Okay. So -- so for an example, you know, if -- if -- if Bill -- if Adam and Bill open a joint account without survivorship rights and Adam contributes 60,000 and Bill contributes 40,000, Adam owns 60 percent of that account under that formula, right?

MS. WALLACE: Right, right.

MR. CURRAN: All right. But when Adam dies, the account has \$80,000 in it less than the original contribution rate. It

would be necessary to ascertain how much of that 20,000 was used and spent by Adam. Is that part of the formula?

MS. WALLACE: Yeah, it's really between the account owners to figure it out amongst themselves. Let's say they, you know -- are you saying if he passed or if he didn't pass?

MR. CURRAN: Yeah, he passed.

MS. WALLACE: Okay, he passed. Like, so between the estate and the surviving person to kind of, you know, agree on it. If didn't agree, they'd have to show their records on how much, you know, who owns what, and if that -- if they could -- if whoever want -- you know, could not prove it, then it would default equally.

MR. CURRAN: So if I'm understanding, if there's -- if there is a dispute between the two joint owners, any dispute as to the amount that's arrived at, then it reverts back to the old law?

MS. WALLACE: Well, no. I think if the dispute -- if a court, if you would take -- you know, we take it to -- it provides a right of action, I think. If -- if one person says, *It's all mine* and the surviving person says, *It's all mine* and the State says, *No, some of that's ours*, you know, then the -- the State would have to prove some of that is -- money belongs to the estate. If they couldn't prove it by the standard that they know (inaudible) presumably preponderance, then it would default to half, to equal.

MR. CURRAN: But this is all in court. This is -- this is after a person --

MS. WALLACE: In that rare situation where I think

they don't agree and they can't provide -- you know, they can't work it out.

MR. CURRAN: Okay. But the assets are theoretically frozen from the time person dies until that's worked out?

MS. WALLACE: Or, I mean, quite frankly, the assets could be pulled out by one party and, you know, the -- that party, you know, the State goes after that party for their share of the assets, the way it could -- exists in current law.

MR. CURRAN: Right. Well, but that leads me into my next line of questions for you, and that is the possibilities that exist with regards to that third-party signer. So, under the law it says that this type of account that has a third-party signer, it supercedes a will insofar as it's not considered an estate asset, it would be considered an asset that passes by operation of the law before any estate probate or administration has taken place, right?

MS. WALLACE: Yeah, as it is under current law.

MR. CURRAN: All right. So in this case, if you have a third-party signer, you have a third party signing, you have two joint -- you have two joint owners, and let's just say for hypothetical sake, it's a husband and wife and the wife passes away, she's a joint owner on the account. She said within your card that she was -- she did not want the rights of survivorship, she wanted her assets to go into the estate, and then -- which would be doled out through a will. And say in her will she wanted to give all her money to Slater, which was the worst idea based upon her husband.

(Laughter)

Her husband can't stand Slater. So what happens --

(Laughter)

-- so -- so what happens is -- what happens if you have a third-party authorized signer, you have a third-party authorized signer, the wife passes away but the grandfather can't stand where that money is going?

MS. WALLACE: I'm sort of confused on who all the different people are. Okay, so --

(Laughter)

MR. CURRAN: Sorry, so you have a husband and wife.

MS. WALLACE: Okay.

MR. CURRAN: You have a husband and wife.

MS. WALLACE: So husband and wife. And then is authorized signer the person who is getting in the estate? I was confused about that.

MR. CURRAN: No, I'm sorry. There's an authorized signer on the account, it doesn't matter who it is.

MS. WALLACE: Okay.

MR. CURRAN: Authorized signer. And she wants to give the money -- forget about Slater -- wants to give the money -- wants to give the money to the grandson.

MS. WALLACE: Okay.

MR. CURRAN: But -- but the joint owner, the

grandfather, doesn't like -- like the grandson.

MS. WALLACE: Okay.

MR. CURRAN: So is it possible under those circumstances that once the grandmother passes away, the authorized signer has the ability, who is a non-party to that account, has the ability to transfer all of the grandmother's assets to wherever they want, whether it be back to the grand -- the joint owner, the grandfather, or anywhere else because his ability to make that transfer survives that grandmother passing.

MS. WALLACE: Yeah. Well, because if the other person is still alive so yeah, that's right. So let's say hypothetically that happens --

MR. CURRAN: Yep.

MS. WALLACE: -- and the authorized signer gives more than he's supposed to to the grandson. Then the grandfather would have a right to go after that balance that should not have been given to the grandson, or if -- you know, or the grandfather can challenge it but then the money is still there, you know, whereas there's no cause of action at this point. That's part of the problem.

MR. CURRAN: Right, but that's -- but that's my problem with the third-party signer. So the third-party signer first -- if it was a power of attorney situation where a person was handling as opposed to a third-party authorized signer on that account, that power of attorney's ability to do any transfers, to do any transactions ceases to exist at the moment that the grandmother dies, but under your bill

the third-party authorized signer can make whatever transfers they want, as long as the other joint owner is still alive.

MS. WALLACE: Right. Well, because the joint owner will have agreed to that condition --

MR. CURRAN: Yep.

MS. WALLACE: -- when the person signed it and, you know, the reality is like right now under existing law the authorized signer can clean out the account -- well, the joint owner can clean out the account even if that wasn't what -- and, you know, and there's no right of action to get that money back. So I guess what I'm trying to say, you know -- yeah, okay.

MR. CURRAN: I was just going to say, but on two counts. One, if the bank was notified and the accounts -- accounts are supposed to automatically be frozen to prevent the grandfather from -- from closing out that account and raiding the account, but here's the other bigger point. The bigger point is with the power of attorney that person has a fiduciary duty to that grandmother who passed away. He has to make every transaction in the best financial interest of the person that he is responsible for under that power of attorney. Under your bill that third-party authorized signer has no status as a fiduciary and could do whatever they want, and I understand that there still may be a cause of action in your example. The grandfather could go against the estate and get the excess money that the estate was given, but in this case if this grandson was cheated out of that money and the authorized signer transferred that money back to the grandfather or

somewhere else, he has a much more -- he might have a cause of action against him, but the problem is he has to prove it and there's no fiduciary duty between your third-party authorized signer and that grandmother and makes the case ten times harder.

MS. WALLACE: Well, I would say that there -- you know, when you say "fiduciary duty" there is a duty to act in the benefit of the authorized -- the owners of the account, right? Now there may be a situation where it happens where they don't have, you know, a unified interest as in that situation, but I also want to clarify. This -- this legislation is also telling the Department of Financial Services to put forth regulations. I mean there's probably a lot of hypotheticals that, you know, haven't yet been anticipated but the reality is under existing law there's a complete injustice and I think that this on the balance of everything is going to make most cases much more clear. There might be those few cases that -- that arise and we can provide regulations to address that situation, but I think that, you know, in terms of the balance of the hardships, right now under existing law, there's no protection for these people and this would create protection in most of the cases, especially if you fill out the card correctly.

MR. CURRAN: But, again, that gets back to my earlier point. You're absolutely right, but you provide that protection just by that one section in -- in that card or that form by saying, *where do you want your assets to go?* But you're needlessly adding a third-party authorized signer into an account, which I think creates a host of



possibilities and opportunities for people to commit fraud, illegal transactions without real consequences that currently exist. I think this creates more opportunities for people to get defrauded than less. Like I said, that doesn't take away -- I think you're absolutely right that that one part of your form that says, *tell us where you want your money*. Let me just ask you this, because I'm running out of time.

MS. WALLACE: Yeah.

MR. CURRAN: So there's another aspect that I just talked about being worried about fraud, and especially with regards to seniors, and -- and you're right, a lot of people, especially elderly people they -- they invite another person to come into their account so that they can either write bills for them, take care of bills, or they could afford taxes or they can go over the FDIC limit and actually have \$5,000 in that account and still be covered because you have two owners on it. Either way, in your bill, it says that unless there is clear and convincing evidence of a different intent, an authorized signer's authority shall survive the disability or the incapacity of an account owner. So that leads to the first question with the concern of fraud. Who determines what is clear and convincing evidence?

MS. WALLACE: Well, ultimately that would be a court.

MR. CURRAN: Okay. So -- so you're talking about clear and convincing evidence significantly after a time period where an illegal transaction, possibly a legal transaction, has already occurred and that money's gone.

MS. WALLACE: Well, if I may, you know, the authorized -- the -- the person doesn't have to, they can say I don't want it to survive my disability so there's, you know, there's nothing requiring it. And again, I just want to say and this kind of answers the question you just had before this. You know, this is not something that we're creating out of the blue and just completely made it up wholesale. This is based upon the Uniform Probate Code, which is followed by 22 other states and many of these states also have forms that are very similar and have these convenience account -- you know, what do we call them, authorized signers in our -- so there is -- also, we can look to what they're doing in those other states for clarity in the regulations if this is really a problem.

MR. CURRAN: I'm glad you brought that up, but just -- if -- if I could just finish this one line. So -- so can you give me any examples of clear and convincing evidence that would supercede the authorized signer's ability to -- to act in a -- in a case?

MS. WALLACE: Like -- well, I guess -- yeah, a power of attorney.

MR. CURRAN: Okay.

MS. WALLACE: That power of attorney that says otherwise.

MR. CURRAN: All right. Any others?

MS. WALLACE: Off the top of my head --

MR. CURRAN: I'm not talking about --

MS. WALLACE: I mean I just haven't -- you know,

every scenario has not been imagined.

(Buzzer sounded)

MR. CURRAN: Was that my second? Thank you.

MS. WALLACE: Thank you.

ACTING SPEAKER EACHUS: Thank you for being so brief, Mr. Curran.

(Laughter)

Mr. Goodell.

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

MS. WALLACE: Yes.

ACTING SPEAKER EACHUS: She yields.

MR. GOODELL: Thank you. Under the current system it's pretty straightforward from a bank if there's two people on the account and one dies the other can continue to access the account, correct?

MS. WALLACE: Yes.

MR. GOODELL: And if there's only one person on the account, of course, when they die nobody can access the account, right?

MS. WALLACE: Yes.

MR. GOODELL: Under this scenario if there's two people on the account and one dies, the bank has to figure out how much the second person can access, correct?

MS. WALLACE: No. The bank does not need to

figure that out. The other person still can take out all the money. It's just the estate -- if they're doing something wrong, the estate now has a cause of action.

MR. GOODELL: Unless -- unless the first person who died said I want all my assets to go to my estate, correct?

MS. WALLACE: Well, assuming that to be the case, husband and wife, wife wants the assets to go to, you know, her favorite child, husband thought it was going to him and husband takes all the money out. The bank could pay the husband all the money. The favorite child who is the beneficiary under the -- now goes after -- goes after the -- the -- the husband and says, you didn't have the right to that money, this card clearly states otherwise. The bank doesn't really need to be involved in it.

MR. GOODELL: And does this bill relieve the bank of any financial liability under that circumstance?

MS. WALLACE: Yes. If the bank follows the card, the bank has no liability.

MR. GOODELL: You say if the bank follows the card, so if the card says person A, when I die I want mine to go to the estate. Person B says when I die, can the person B have a different direction?

MS. WALLACE: Yeah, but -- but it's not really up to the bank to figure that out --

MR. GOODELL: Well --

MS. WALLACE: -- well, because the bank is allowed

to pay to either party and even an authorized signer during the lifetime of the parties, and then if -- if the person is committing malfeasance, then the person that is owed the money has a right of action to go get that money back.

MR. GOODELL: So, just so everyone can follow us on this simple discussion. Let's assume no money is taken out while both parties are alive, and there's two people. Can person A say upon my death I want it to go to my estate?

MS. WALLACE: Yes.

MR. GOODELL: And can person B on the same account say if I die I want all the money to go to person A?

MS. WALLACE: No, no. It's either right of survivorship or not.

MR. GOODELL: I'm sorry?

MS. WALLACE: They have to agree. I think they have to agree. Just let me double check that, I think they have to agree to one. Yeah. Okay. See the form says when it's two people on the account you have to answer this question: How do you want your share to be distributed? Do you want it to go to the other person or do you want it to go to your estate? So regardless of who dies, they're both stuck with that choice.

MR. GOODELL: So they can't make separate decisions?

MS. WALLACE: No.

MR. GOODELL: Okay. So let's say they both agree

that if either dies, the account of the person who dies goes to their estate, right?

MS. WALLACE: Yes.

MR. GOODELL: And it's up to the bank or someone to figure out how much the decedent's value was based on how much they deposited minus how much they took out?

MS. WALLACE: Right. It would be up to the estate to say, you know, let's say the money's -- , you know, nobody's taking any money out, the money is there --

MR. GOODELL: And so --

MS. WALLACE: -- the -- the estate would be like *hey, we're owed this amount*, if everybody agrees there's no issue. If one party disagrees, the party who says *no, no, that's my money*, then they got to take it to the court. It's not really -- the -- the bank is not involved in these decisions.

MR. GOODELL: I see. And so does the bank freeze the account upon getting notification that A died?

MS. WALLACE: I didn't hear that.

MR. GOODELL: So does the bank have an obligation to freeze the account when A dies awaiting a court determination of what the respective share is?

MS. WALLACE: If they're notified that the person has died I think they might have to freeze the account. That might be something we can clarify in the regulations.

MR. GOODELL: So does this bill require any party

to notify the bank of the death of any other party?

(Pause)

MS. WALLACE: I don't know the answer to that.

MR. GOODELL: That's kind of important, isn't it?

MS. WALLACE: Well, the -- the current law doesn't -- the current law doesn't require that they provide notice under this draft, but I don't know if that's normally what happens, like we're not changing. Whatever that law is now, is -- is not being changed.

MR. GOODELL: Well --

MS. WALLACE: -- if there's a requirement somewhere in law that provides somebody notice that they died that law continues.

MR. GOODELL: That's because under the current law the bank doesn't care, right?

MS. WALLACE: Right. And they really shouldn't care under this law.

MR. GOODELL: Except that under this law the account should be frozen upon notification of death until the court can decide who owns how much, right?

MS. WALLACE: That's true of any account that has more than one person.

MR. GOODELL: So you think banks are freezing accounts upon notification of death under the current law? I mean under the current law the bank knows automatically that at least half is -- is the other person's.

(Pause)

MS. WALLACE: I think under current law - and I'm not a hundred percent positive of this - I think under current law, you -- you know, we've been saying that there's a -- a presumption of joint -- of survivorship, but I do think that even under current law the person could say no, I don't want it to be survivorship. And if that's the case this -- this isn't changing anything. And if this isn't the case then we can provide, as I said, clarifying regulations.

MR. GOODELL: Okay. So we're being asked to adopt a statute we're not sure how will act but we're hoping that somebody will figure it out by regulations?

MS. WALLACE: Well, I think that as I've said repeatedly, this statute follows a Uniform Probate Code that has been adopted by 22 other states and, you know, I think that it answers more questions than are left open. I know there's a lot of hypotheticals about what if this situation, what if this situation. There's also a lot of situations that currently exist now where there's absolute injustice. So, you know, there might be a couple cases where -- that we need to clarify a few things, but at the same time at least we're avoiding the situation that we have now where we have district attorneys and elder law legal service organizations and -- and surrogate's judges telling us that the current law is extremely problematic and there's absolute injustice and we need to do something to update New York's antiquated law.

MR. GOODELL: And I -- I think my colleague



agreed with all that but had specific issues whether or not this solution was the right solution. Um --

MS. WALLACE: But again, this solution is consistent with the solution by the vast majority of states that follow the Uniform Probate Code.

MR. GOODELL: So let me just give you an example. Let's say you have a husband and a wife. Wife puts all the money in, one hundred percent, but names husband on the account. While they're alive the husband can use the money, they can have a joint debit card or -- right? No issue, correct?

MS. WALLACE: Mm-hmm.

MR. GOODELL: And let's say in that scenario wife says, *upon my death I want the money to go to my estate*.

MS. WALLACE: Mm-hmm.

MR. GOODELL: Then since she put in all the money and since it's all based on net input and output, she dies, all the money goes to her estate, right?

MS. WALLACE: Mm-hmm.

MR. GOODELL: Because husband didn't put in anything, right?

MS. WALLACE: Mm-hmm.

MR. GOODELL: Of course the bank doesn't know when she's died unless someone tells them.

MS. WALLACE: Right.

MR. GOODELL: And until they're told the husband

can use whatever he wants.

MS. WALLACE: Yes.

MR. GOODELL: Okay. So now let's say the husband at some point starts putting some money in, taking some money out. They may have joint accounts, right? Many of us have joint telephone accounts, utility accounts, all kinds of joint accounts. House -- we hire a forensic accountant then and go back through the entire 20-year history to see who put in what and who took out what?

MS. WALLACE: No. The estate -- the person who is benefitting under the estate could say -- you know, let's say there's \$100,000 left. That's my \$100,000. You -- you're not entitled to it. He says oh, no. I'm entitled to \$20,000 because we have these outstanding joint bills. The court would say yes or no, whatever. And if they could agree on it there wouldn't really even need to be anything. If they needed it to take it to court, the judge would say, you know, it's not your money, you have to give either 100,000 or 80,000 or whatever the court determines back to the -- to the estate.

MR. GOODELL: Thank you very much for those clarifying comments.

Sir, on the bill.

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

MR. GOODELL: I agree with both of my colleagues that it would be helpful if the signature cards when we open up these accounts clearly specify what each party wants. The challenge that we

have is if you have a situation where we abandon the concept I guess of cotton trust or required it to be put in place and for those who don't know, New York State led the nation in 1904 with a cotton trust that defined how some of these accounts are addressed. If we abandoned that 120-year history and come up with a new approach, we need to recognize that when someone dies often with a joint account, often the other account holder needs to have access to that money right away. I mean if you have a husband and wife and they put all their money into this. A husband needs access to that money if the wife dies first or vice versa, the wife needs to access to that money if the husband dies first. And so the husband dies and we don't know how much she can access? There's no obligation to notify the bank? And if you do notify the bank and they have some -- one of them or both of them say "my estate" and we have to hire forensic accountants to figure out what percent of the estate they own, and if they've owned the account together for 40 years, we're supposed to go back 40 years and say hey, wait. You put in \$10, yeah, but you took out 7, yeah, well, you put in 1,000, you put, you know, it's impossible. And in the meantime the account could be frozen and the husband can't pay the utilities or the wife can't pay the utilities or pay for the funeral expenses, and who's going to go back and count how much each person's Social Security or 401k was? So we have -- we have a problem that everyone here agrees on. We all agree that simplifying these cards and making it clear is a good idea. The problem is with the rest of the bill that creates more very difficult issues that we should figure out before we

make it the law. And for that reason I appreciate my colleague's desire to make this clear. I appreciate my comments from our Ranker who understands this better than I do, but we need to solve these very, very serious issues before we change the way we handle these accounts. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. McGowan.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. WALLACE: Yes.

ACTING SPEAKER EACHUS: Yes, the sponsor yields.

MR. MCGOWAN: I promise I will not -- I'll really try not to go into topics or any areas that were already covered. I just -- I have a couple of clarifying points. I want to ask you about the card. So the card is going to be required for each account where you have more than one owner of every bank account in New York State?

(Pause)

MS. WALLACE: Yeah, if there's more than one owner or if there's an owner and somebody wants to put an authorized signer on it.

MR. MCGOWAN: Okay. So the authorized signer, that's somebody for convenience purposes?

MS. WALLACE: Correct.

MR. MCGOWAN: Who would have access to the account, who can draw from the account, can utilize the account?

MS. WALLACE: Correct.

MR. MCGOWAN: But is actively selected by the owner to not have right of survivorship, correct?

MS. WALLACE: They don't have any rights. They're only supposed to use that money for the benefit of the owner.

MR. MCGOWAN: Okay. And essentially under current law, you can have a joint account where effectively, you know, one owner has contributed 100 percent of the funds to that account and may have another -- another account owner that hasn't contributed anything but can write checks and can utilize those funds and essentially act in a convenience capacity for the owner, correct?

MS. WALLACE: No, no, that's the problem. There isn't -- that doesn't happen under current law. So right now under current law, I might think that I'm putting somebody on for the convenience, but under the law I'm automatically gifting them half the money in that account and I'm giving them the right of survivorship.

MR. MCGOWAN: Well, an argument can be made and in fact that is litigated in courts whether an account truly is an account of joint survivorship or a mere convenience account. That is an issue that is litigated in New York courts today; would you agree?

MS. WALLACE: No. Well, the problem is there is no convenience account being offered. The banks don't offer it. We actually created a statute, they gave them the option to do it, but they

had told us unequivocally we don't offer it, we don't want to be bothered with it and this provides almost like requires them to give somebody that option because people are doing a convenience account or what they intend to do (inaudible) a convenience account but it's not. It actually is this moiety rule with a joint with the right of survivorship which is -- results in injustice because then what happens is, you know, the kids say *hey, you know, we want the money that's in the account* and then the person who has inherited says *no way, I'm not giving it up* and the courts are powerless to do anything about it.

MR. MCGOWAN: Well, understandably, but someone could still claim on behalf of the estate, for instance, of what --

MS. WALLACE: They would lose.

MR. MCGOWAN: Well, I'm not sure they would. I --

MS. WALLACE: They would because it passes outside the estate, that's the problem. That's the problem we're trying to solve.

MR. MCGOWAN: I agree with you, but someone could, under current law, start a turnover proceeding on behalf of the estate to try to recover those funds if in fact making a claim that it was not a true account with right of survivorship. It was utilized merely for convenience purposes. That -- that cause of action, that claim does exist under New York law; would you agree with me?

MS. WALLACE: According to surrogate's judges

this is a problem that has repeatedly happened because people -- many times they are without the ability, you know, they know that that's not what the person has intended --

MR. MCGOWAN: I agree.

MS. WALLACE: -- but they were without the ability to, you know, pull the fund -- pull the money back into the estate.

MR. MCGOWAN: Right, and I agree with you that it's a problem and it does need to be addressed. I think all of my colleagues who spoke agree with that. But let me -- let me ask you about the -- the card itself. I understand from the bill language it has to -- it requires a notary of both whether it's an authorized -- either one or more owners or the owner and the authorized signatory, correct?

MS. WALLACE: Well, the account -- you know, it's just a simple form that you would fill out when you're opening an account. If you're opening it at the bank you don't need a notary.

MR. MCGOWAN: Okay.

MS. WALLACE: The reason for the notary was to give protection if you wanted to, you know, do it outside the bank so that we know who was actually signing it.

MR. MCGOWAN: Got it. So executed outside the bank, need a notary, if it's done within the bank it's witnessed by a bank official?

MS. WALLACE: Yes.

MR. MCGOWAN: Is there any document or notation that the bank official executes?

MS. WALLACE: I would imagine they would. I mean I'd imagine they would make clear because they wouldn't accept it without a notary if it wasn't done right there at the bank. They shouldn't.

MR. MCGOWAN: Okay. So it's (inaudible) in the bank. No notary. No notary required.

MS. WALLACE: Right.

MR. MCGOWAN: Is there any indication either on this signature card or on another document perhaps or anywhere else, does the bill speak to witnessing via bank official or employee?

MS. WALLACE: Well, it just --

MR. MCGOWAN: Does it just say that it was signed at the bank?

MS. WALLACE: So if it's signed at the bank, the bank doesn't need to notarize it and the bank knows that --

MR. MCGOWAN: I understand that.

MS. WALLACE: -- the bank knows it's being signed at the bank, knows it's being signed at the bank. If they want to put something on the form, they certainly can do that to protect themselves, but there's nothing requiring it and the bank shouldn't be accepting a card without the notary under the law, if it was done outside the bank.

MR. MCGOWAN: Hang on. There's a lot -- there's a lot here. There's a lot to unpack in this bill --

MS. WALLACE: Okay.



MR. MCGOWAN: -- which I think is why all this discourse and I really do appreciate your time and indulgence in these questions. If signed at the bank, the signature card, no notary, so it's just -- the signature card would bear the signatures of whoever, either the both owners, or the owner and the authorized signatory, correct?

MS. WALLACE: Yeah. Well, right now there's no -- when you fill out any account form at a bank there's no requirement for a notary. The bank, you know --

MR. MCGOWAN: I understand.

MS. WALLACE: Okay.

MR. MCGOWAN: I'm not -- I'm asking about this bill. That's all I'm asking. So I'm saying there's an extra requirement if executed outside the bank which is a notary, correct?

MS. WALLACE: Yeah, but that's for the protection of the owners.

MR. MCGOWAN: Okay. And there's nothing, there's no other -- are we -- under this bill, under this legislation that's being discussed right now, do we know the identity of any witnesses from the bank who witness these signatures?

MS. WALLACE: No more than you would under existing law when you fill out a signature card.

MR. MCGOWAN: Okay. So the answer's no, right?

MS. WALLACE: Doesn't change existing law in that regard.

MR. MCGOWAN: Well, respectfully in the interest

of legislation it does change. So I'm trying to understand if this is -- what's contained in this bill. I'm not talking about existing law, I'm talking about this bill. So the answer is no, there is no indication. So the point I'm trying -- the question I have and what I'm trying to get to, you know, ultimately what if there's a dispute, right, by the estate or by someone else, right. You've got this authorized signatory on the bank who is -- who has the ability, right. Has the ability to use those funds, to make transactions, withdraw deposit, whatever and there could be a dispute from the estate or later on there could be litigation. And I'm trying to get to like, does this card, other than the signatures of again, whether it's both owners or the owner and the signatory, authorized signer, is there any other requirements under this law to essentially establish what the parties were signing at the bank? I understand the notary outside of the bank, but that's all I'm asking. Like, is there anything else that's required under this bill to help establish that the parties essentially knew what they were doing?

MS. WALLACE: Well, it's being filled out at the bank.

MR. McGOWAN: Okay.

MS. WALLACE: And there's -- A, there's nothing prohibiting the bank from, like, you know, putting something on the form if they want to do that. There's nothing required right now, but I would imagine in the bank's, you know, ordinary course of recordkeeping they would have a way to ascertain whether it was filled out at the bank or not.

MR. MCGOWAN: Okay. So that would be up to perhaps regulation later on or up to the banks to decide --

MS. WALLACE: I would imagine a bank would be able to tell you whether it was filled out at the bank or not.

MR. MCGOWAN: Okay. I had another question but I think we've done -- I think we've done enough. Thank you for your time. I appreciate it.

MS. WALLACE: Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCGOWAN: There's -- there's certainly an issue that has been addressed by the bill sponsor and I appreciate her willingness to answer my questions. This is a complex piece of legislation that is going to result in significant changes of New York Banking Law and the State law. I have litigated this issue about right of survivorship on -- on joint accounts, and there absolutely can be a claim made that there is no right of survivorship, there's a presumption of survivorship and that certainly needs to be addressed. People need to understand what they're -- what they're doing, what they're agreeing. But it doesn't appear from this bill, the legislation as currently drafted, that the account owners or authorized signatories are necessarily provided information or told or made known of what they're doing and now you're having a card signed at a bank or in front of a notary outside the bank that's really just validating that the person signing is in fact the identity of the person who is signing the

document, but you're dealing with an estate planning document, essentially is what it is because it's talking about the conveyance or transfer of assets upon the death of a person that is outside what, you know, the requirements that have to go into a will or other type of trust or state documents -- estate planning documents. So I think there's -- there's several pieces to this legislation that I think need a bit of a closer look. I think it's well-intended. I think there is an issue that needs to be addressed here, but I think there are so many areas that -- that have to be dissected a little further before this -- this bill can go forward, because I don't think this is going to result in less litigation or clarity as to who gets the assets upon the death of a person, one of the account owners. This is going to result in -- in further litigation from my colleagues raising additional issues with the authorized signature, you know, potentially disagreeing with the account owner and where the assets should go and there's a myriad number of things that can come up from this, which I guess happens with any legislation. Litigation is -- is often the result of what we do in this room. But this so complex and I think there's just several pieces that need to be perhaps worked out a little further before it can go forward.

So I appreciate my colleague. It certainly is -- we do need this, some version of this, but I'm not sure this quite hits the mark based upon my review and the comments and discussion shared this afternoon. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the sponsor yield for two questions? I promise two questions.

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

MS. WALLACE: Yes.

MR. JENSEN: Okay. Just want to make sure we're understanding correctly. Did you say that both owners of the joint account would have to agree as to where they want their money to go after they die?

MS. WALLACE: Both owners would have to agree that either the money would go to their estate or their money would go to each other, okay?

MR. JENSEN: Okay. So if they don't agree, would that entire form be disqualified?

MS. WALLACE: I guess you'd fill out -- you'd do a different account.

MR. JENSEN: Okay. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

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 should 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 generally in favor of this; 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 AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker. With this bill, we are bringing New York's antiquated Banking Law regarding joint accounts to be consistent with the vast majority of states across the country and the Uniform Probate Code. In doing so, we are seeking to eliminate an injustice that has occurred under current law where owners of the bank accounts who might add a neighbor, a friend or a relative to their bank account for their convenience inadvertently wind up gifting half of that money to that person and then all of that money upon their death. Most folks in New York State who go to a bank to set up a joint account don't realize the legal implications of their -- of adding someone to the account. This has led to terrible injustice particularly with regard to elderly individuals naming someone for convenience purposes, not realizing that they had just gifted half of the money in the account

during their lifetime and all the money in the account when they pass, and banks have not been informing these folks of the legal implications. So this legislation requires banks to use a form that we have drafted that clearly spells out what the owner intends when he or she sets up the account. Everybody in this room agrees that there's a problem and 22 other states have agreed on a solution and this is the solution that they've agreed upon. This legislation empowers and protects account owners to make knowing decisions for themselves and clarifies that when someone is added as an authorized signer that person can write checks for the benefit of the owner but they have no legal right to the property. This legislation was crafted in response to complaints from surrogate's judges, civil legal organizations that assist seniors and district attorneys, all of whom have seen existing law leaving owners vulnerable to theft and fraud. I'm so proud to have worked on this legislation. I'm confident that it will spare many seniors and their families the heartbreak and injustice that has occurred under the current law and provides them with the information that they need to protect their assets during their lifetime and upon their death. And I just want to take a moment to thank the amazing staff who helped me work on this comprehensive bill - Michael Sullivan, Kirsten Nunez and Matt Henning. Thank you, Mr. Speaker. I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Mr. Curran.

MR. CURRAN: Thank you, Mr. Speaker, to explain my vote real quickly. First off, the sponsor did reference other states that have tried to do certain things and two of the states that were most proactive, that's Texas and North Carolina. They actually did part of what the sponsor is trying to do and what I spelled out and that is have a form that says, make your determination where you want your assets to go. Those two states affirmatively did that. They did not include in that document third-party authorized signers, which is the real problem to this bill. It allows a third-party who is not a fiduciary to the joint owners to make decisions on transferring funds after a person is either incapacitated, deemed incapacitated or dies and their ability to make transactions on that account survives both of those, which opens up tremendous opportunities for fraud and illegal transactions. For those reasons and the reasons stated by my colleagues in the debate, I would recommend that I would be voting against this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Curran in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 401, the Clerk will read.

THE CLERK: Assembly No. A08907-A, Rules Report No. 401, Bronson, Levenberg, Steck, Shrestha, Seawright, Simon, Lupardo, O'Donnell, Brabenec, Otis, Shimsky, Glick, Tapia,



Ardila, Hevesi, Burdick, Burgos, González-Rojas, Eachus, Cruz, Rozic, Santabarbara, Hunter, Davila, Taylor, Kelles, Reyes, Raga, Braunstein, Dinowitz, Cook, Colton, L. Rosenthal, Lucas, Jacobson, Ramos. An act to amend the Labor Law, in relation to establishing the warehouse worker injury reduction program.

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

Mr. Goodell -- an explanation is requested, Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker. This bill would require certain employers of warehouse workers to establish an injury reduction program to identify and minimize the risk of injuries among workers involving and performing manual materials handling task.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. BRONSON: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Bronson. I see this legislation requires a number of steps. First, a written work site evaluation by a qualified (inaudible) for risk factors, obligation to correct any identified issues and entry reduction training program. It

also talks about on site medical officer first aid station. Is the on site medical office or first aid station mandated or is it simply optional?

MR. BRONSON: It's -- it's optional. It's only if the warehouse already has one. It requires medical professionals.

MR. GOODELL: So you can't have one unless you meet these standards?

MR. BRONSON: No. If you have one, then it has to have medical professionals who are involved in that on site medical service.

MR. GOODELL: I see. We already have, of course, several other statutes dealing with safety including the 2023 Warehouse Worker Protection Act.

MR. BRONSON: This is -- this is an extension of that.

MR. GOODELL: And we also have OSHA, of course.

MR. BRONSON: Of course.

MR. GOODELL: And is it your belief that OSHA standards are inadequate?

MR. BRONSON: Well, I will share some statistics with you to suggest that perhaps we need more, and that is with the rise of e-commerce New York's warehousing industry is growing rapidly, and in connection with that so are the injuries. One in 11 New York warehouse workers are injured every year. New York's warehouse injury rate is 54 percent higher than the national average

and the crisis is even getting worse. So 89 percent of injuries require missed work or job transfers which cost employers a lot of money compared to 60 percent in 2017. So the industry is expanding and clearly given those kind of statistics we need to do more both to protect the workers, but also to help to reduce cost to the employer because of absenteeism, because of Workers' Comp and things of that nature.

MR. GOODELL: Thank you, Mr. Bronson.

On the bill, sir.

MR. BRONSON: Thank you, sir.

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

MR. GOODELL: No doubt our employers want to reduce their cost and I have great confidence that they're very sensitive to these costs and are acting in an appropriate manner by and large. I am concerned about the statistics mentioned by my colleague and I think that a lot of provisions of this bill make sense including work site evaluations, training programs and safety protocols. My concern is that typical New York, we don't just say you ought to have appropriate safety protocols. We say if you have a first aid station you have to man it with expensive professionals. And sometimes our quest to be the best gets in the way of being better. Warehousing is an important industry in New York and we want to be careful that we don't drive it out. The Business Council in their memo of opposition stated that this bill imposes a significant administrative and financial

obligations on employers that duplicate OSHA standards and Federal safety standards and will not -- will only contribute to the perception of New York not being business-friendly.

So I expect that many of my colleagues will be supporting it and there are, as we mentioned, several good points. We need to be sensitive that we don't solve warehouse injury issues in New York by driving warehouses out of New York. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

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 14, Rules Report No. 473, the Clerk will read.

THE CLERK: Assembly No. A10461, Rules Report No. 473, Committees on Rules - Simone. An act to amend the Insurance Law, in relation to co-payments of pre-exposure or post-exposure prophylaxis.

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

Mr. Jensen asked for an explanation, Mr. Simone.

MR. SIMONE: Yes, Mr. Jensen. This bill -- the purpose of this bill is to clarify under the Insurance Law that insurers cannot impose co-payments on pre-exposure prophylaxis PrEP under certain circumstances.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will Mr. Simone yield for some questions?

MR. SIMONE: Yes, of course, I'll yield.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. JENSEN: Thank you, sir. So this legislation in covering or waiving co-pays for PrEP as long as the drug is an A or B recommendation from the United States Preventative Service Task Force would only pertain to fully insured policies, which are purchased by either individuals who purchase their coverage on their own or receive it through a small or medium-sized business, correct?

MR. SIMONE: Yes, that's correct.

MR. JENSEN: Okay. With 50 percent of the market enrolled in a self-insured plan, which is governed by a Federal program ERISA and it's not covered by State-mandated benefits, how truly impactful will waiving the co-pay for this PrEP actually be?

MR. SIMONE: I mean it's just a start. That's an idea for another bill to waive all co-pays. As we know HIV AIDS is still among us and affects many people in my district. Many constituents, many openly gay men and men have sex with men, many communities of color, anything that would end the epidemic which is

the goal of New York State in making PrEP readily available and affordable is a great piece of legislation and hopefully we can expand on this eventually.

MR. JENSEN: And I could not a hundred percent agree more about the need to take steps to end the HIV and AIDS epidemic, but with it being PrEP and a prophylactic for taking before exposure, there's other maintenance drugs that currently have a co-pay. So if this is being taken before an exposure, how does it differ than other maintenance drugs that are currently on the market that do have co-pays?

(Pause)

MR. SIMONE: Yes. This would just eliminate the co-pay for --

MR. JENSEN: No, and I understand. So are we creating an unequal mandate environment where we have some maintenance drugs require a co-pay but other maintenance drugs, in this case PrEP, not having a co-pay where we have some people for, you know, just trying to maintain and ensure ongoing health, we're creating an unequal system of where we have co-pays and where we don't have co-pays.

MR. SIMONE: I don't agree and this is a start and that's why I support the Health Act and insurance that would cover everyone.

MR. JENSEN: Fair point.

MR. SIMONE: So, you know, look. There are

co-pays for many medications like heart medications, I'm for that as well. If you introduced a bill like that I'd gladly be a cosponsor to it.

MR. JENSEN: I appreciate your willingness to cosponsor a bill. But is there a concern -- when certainly talking about when we're talking about co-pays that it doesn't completely eliminate the cost. It just shifts the cost rather than a co-pay being paid at the time of the prescription, it gets shifted to the premiums that are then being picked up by all policyholders under that insurance plan. So even the -- the policyholders who may not be meeting this medication.

(Pause)

MR. SIMONE: Just -- just the -- right now co-payments are already not -- most people with PrEP don't have co-payments. We're just clarifying that in this bill to ensure that folks are not being charged co-payments.

MR. JENSEN: Okay. So to that point, this is already covered by current law that were under the Affordable Care Act and the provisions in that law. If the Federal level prohibit the cost-sharing for preventative care that meets the United States Preventative Service Task Force recommendations. So hasn't this already been put in place followed by health plans and covered through a circular letter by the Division of Financial Services on a clarification? And I issued that letter, that circular letter in 2019 making it clear about the co-pays making this legislation unnecessary.

MR. SIMONE: Yeah, your statement is correct, but

we just want to make sure we clarify and make sure it's enforced. I often get calls including from -- including this happens to me and staff where you still go to the drugstore and you're still being charged co-pays and you're not supposed to be.

MR. JENSEN: So could some of that confusion for the constituents you mentioned and maybe other constituents of members in this House be because of the difference between the fully insured policies that this would apply to rather than the self-insured policies where companies are purchasing on their own and granting that coverage? Could that be part of the confusion that you're hearing from the folks you represent?

MR. SIMONE: Yes.

MR. JENSEN: Okay, all right. Thank you very much, Mr. Simone. I appreciate your time and answers.

MR. SIMONE: 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.)

Mr. Simone to explain his vote.

MR. SIMONE: Mr. Speaker, to explain my vote. Ending the HIV epidemic has rightly been a priority of our State. Pre- and post exposure prophylactic drugs, PrEP, have done so much to turn the tide and stop the spread of HIV AIDS. For every barrier we



tear down towards access to lifesaving preventative drugs we are one step closer to ending the epidemics once and for all. It often effects many communities of color and many men who have sex with men, specifically in my district. The bill would ensure that co-pays are explicitly banned from PrEP and PrEP prescriptions. Co-pays are a barrier to care for the most vulnerable among us. We learned during COVID that the best way to keep yourself safe is everyone around you is keeping safe. I'm proud to sponsor this bill. I commend my colleagues who also have made a future without HIV/AIDS our priority. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Simone in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As the sponsor noted this bill doesn't change apparently how we currently deal with the subject so I'm not sure why we're here debating or discussing it. I'm voting no nevertheless because I think it's inappropriate for us as a Legislature to direct that insurance companies cannot write policies that require co-pays -- require co-pays for some drugs but allow them to charge co-pays for other drugs. So if you're taking a heart medication or blood pressure medication or in my case I take drops in my eyes every day so I don't go blind, all those people have co-pays and it's reflected in the premiums that we pay, and so I don't ask all of you to contribute to my co-pays for my glaucoma. But this bill requires all of us to pay for the co-pays for somebody else for an

activity that they're engaged in or their condition. And so, you know, our constituents repeatedly complain to me and I'm sure to you about the cost of insurance; yet every time we turn around we make those costs higher by shifting costs from those who want to use these drugs to everyone else who neither wants to nor needs to. So maybe we should let the insurance industry does -- do what it does and help keep our rates lower and let people pay a modest co-pay for the drugs they need and not ask the rest of us to pay it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 24 -- Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker -- actually could have continued. We are going to page 24, Rules Report No. 547 by Mr. Otis.

ACTING SPEAKER AUBRY: Thank you.

Page 24, Rules Report No. 547, the Clerk will read.

THE CLERK: Assembly No. 10402-A, Rules Report No. 547, Committee on Rules - Otis (Bores). An act to amend the Election Law, in relation to materially deceptive media in political communications.

ACTING SPEAKER AUBRY: On a motion by Mr. Otis, 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.)

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. This is an important piece of housekeeping legislation to address in -- in statute of a language correction we needed to make for a bill having to do with material deceptive media in political communications that was included in the State budget. What this legislation does is make sure that we are properly protecting broadcasters and other media from falling under the rules for deceptive media that should not apply to them. We're doing the right thing by making this correction. Good work on behalf of the Senate, the Assembly and the Governor's office and working out the details. We're solving it here. I vote aye.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you. I appreciate the sponsor's desire to clarify this bill. The original which was one of probably hundreds of substantive bills that were snuck into the budget originally could hold a publisher liable if they should had known that an advertisement was materially deceptive and this changes it to having actual knowledge, which is a more appropriate First

Amendment standard. I would note, though, that there's still several challenges on this because it's not clear what's meant by "materially deceptive" and even though this is now triggered by actual notice, presumably if a candidate doesn't like what his opponent is publishing he could send a letter to a newspaper and say, please initiate an investigation and that would trigger this actual knowledge perspective. And then there's exceptions for satire or parody. And, of course, that's an inherently difficult and sometimes subjective standard. And then finally it requires this notice to be added to any ad or other text and it says quote, "this image, video or audio has been manipulated." So a very interesting First Amendment challenge to decide what is materially deceptive as opposed to satire or parody and how that interfaces with First Amendment rights and the right to say something or not say something. Clearly all of us as candidates or former candidates do not like or support materially deceptive campaign material and hopefully this is a step that we can clarify as we move forward to try to clean up some of that campaign material that is clearly inappropriate. Thank you, sir. And thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you please recognize Mr. Norris? He's in the row right behind me toward the end.

ACTING SPEAKER AUBRY: And good evening, Mr. Norris. How are you?

MR. NORRIS: I'm very well, Mr. Speaker.

ACTING SPEAKER AUBRY: And what do you have to tell us?

MR. NORRIS: I would like to announce an immediate Republican Conference in the Parlor for a legislative briefing.

ACTING SPEAKER AUBRY: The Republicans are to go to conference in the Parlor as per Mr. Norris's notification.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please put our House at ease?

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease at 9:10 p.m.)

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we are going to continue our work on the debate calender, but prior to doing

that, I want to ask you to please call the Rules Committee to the Speaker's Conference Room.

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

MRS. PEOPLES-STOKES: Thank you, sir. We're going to begin with 506 by Ms. Solages. These are all Rules Reports, sir, followed by 511 by Ms. Simon.. then 522 by Ms. Zinerman and then 528 by Mr. Simone. To conclude on this debate list with 182, which is a Calendar bill by Ms. Glick. In that order, Mr. Speaker. Thank you, sir.

ACTING SPEAKER EACHUS: Thank you.

Page 17, Rules Report No. 506, the Clerk will read.

THE CLERK: Assembly No. S08479-A, Rules Report No. 506, Senator Myrie (Solages, Simon, Thiele, Darling, L. Rosenthal, Simone, Cunningham, Sayegh, Steck, Ramos, Shrestha, Ardila, Burgos, Sillitti, Meeks -- A09862A). 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 EACHUS: An explanation has been requested, Ms. Solages.

MS. SOLAGES: Thank you, Mr. Speaker. This bill requires payment card networks to use certain merchant -- merchant category codes, which we call MCC for short, for firearms and ammunition merchants.

ACTING SPEAKER EACHUS: Mr. Goodell.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. SOLAGES: Yes.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. GOODELL: Thank you very much. Would you explain to us what are these specific merchant category codes or MCCs?

MS. SOLAGES: So MCCs are -- it's a code required by the IRS and usually they are four digit codes that classify a business within a certain category. So, for example, if you swipe your card and you're at Target, you know, it's qualified as a, you know, a store, a grocery store would be qualified as a grocery store if you're buying food at a grocery store and so every business and every entity has a merchant code.

MR. GOODELL: I see. And is that -- is it one merchant code for the entire store?

MS. SOLAGES: So most stores have its own merchant codes, so it depends on the type of store, the store location and category. For example, a store that many people love, for example, Target, Target superstores are classified as grocery stores and regular Target that you go to are classified as like discount stores.

MR. GOODELL: Now this bill would require certain stores to use a specific merchant category code that identifies the store

as a store that sells ammunition or guns; is that correct?

MS. SOLAGES: Correct, because currently right now if you go into a store they are classified as sporting goods. So right now if you go into a, you know, a firearm store to purchase, you know, firearm ammunition, they'll be qualified as a sporting good. And so we just want to clarify it and make it known that this is firearms or ammunition. So the credit -- the payment networks will be required to create a code specifically for firearms and ammunitions.

MR. GOODELL: Well, certainly that classification is relatively easy to understand if you go into a store that only sells guns or -- or ammunition. How would this apply, for example, at Walmart where a small fraction of their total sales are related to guns or ammunition? Would they still be using their regular Walmart code?

MS. SOLAGES: Yeah. So MCCs are classified where the store is -- the type of store is being purchased at. So it doesn't do it at like a product level, and so if you were to purchase a firearm or an ammunition from a Walmart or a store such as that, this MCC code wouldn't -- wouldn't qualify. We're just focusing -- we're just focusing on, you know, merchants, firearm merchants.

MR. GOODELL: So this law as a practical matter will not likely effect any of the Walmarts or Dick's Sporting Goods or other big box stores that sell ammunition and guns but sell a lot of other products that are unrelated?

MS. SOLAGES: Yeah. It's as you said, yes.

MR. GOODELL: Were these MCC codes -- where



are they used? Or how are they used?

MS. SOLAGES: That's an excellent question. So they are used with the -- the payment network. So, you know, the -- for example, Mastercard, Visa has these codes and they within their financial institution use it to classify purchases. So this is very important, especially when you're talking about fraud and other illicit activity that happens. For example, if a merchant, a payment network sees that there's an individual who's going to a lot of hotels, purchasing a lot of fast food, the -- the algorithm can predict that that person might be doing human trafficking. And so what happens is that if there's like, for example, let's do just an example with firearms and ammunition. So, for example, if this law were to pass and a payment network sees that there is a person buying large amount of ammo and we're talking about a large amount of ammo, it kicks in with suspicious activity report. And so this is a report that the financial institution sends to a Federal agency. It's completely private. It's not done on an individual level. It's only done with you see like massive amounts of illegal or supposed illegal fraud that may be happening, and it's a private investigation is done. And so it's not -- it's not tracked on individual purchases. It's not -- it's not compiling personal data. It's just -- it's looking at unusual purchasing patterns that are happening that might, you know, indicate illegal -- illegal activity.

MR. GOODELL: Are there any circumstances under which these MCC codes are available on a disaggregated manner?

That is it would identify the individual that was using the credit card.

MS. SOLAGES: So this information would go to like authorized governmental bodies such as the Financial Crimes Enforcement Network and it's strictly used for law enforcement and regulatory purposes. So it's not accessible to the public. It's not really accessible for general surveillance. It's really just used -- if it were to rise to that level for it to be suspicious, it would be -- it would be used for information for an investigator to look at. So if they see that this person just buying a bulk amount of firearms and ammunition in such a short period of time, it may raise a flag and, you know, the algorithm and payment network will kind of see what's going on there.

MR. GOODELL: Does this data come to any New York State agency?

MS. SOLAGES: So that is a good question. So according to my research it's really done -- they coordinate with all law enforcement. So under the assumption if they find that there's suspicious activity, they will probably coordinate with local law enforcement but typically, you know, it's -- it's -- from what I'm seeing it's done on a -- on a Federal level, and this also helps firearm merchants as well because --

MR. GOODELL: If I can interrupt you. You said "they". Who's they?

MS. SOLAGES: So I'm saying like the Federal agencies. So --

MR. GOODELL: You're saying the Federal agencies

would contact local law enforcement?

MS. SOLAGES: If -- if it comes to the point where if it arises where there's great suspicion, I'm sure they would contact local law enforcement if their needs to be further action.

MR. GOODELL: Now in financial transactions, the specific or activity reports, suspicious activity reports are typically triggered by transactions involving more than \$10,000. Is there a similar threshold for these MCCs?

MS. SOLAGES: Correct. It applies all the same rules and regulations. All we're saying in this bill is that you have to make an MCC firearm ammunition code and that's pretty much it.

MR. GOODELL: So if this bill was enacted, you could go to a Walmart and purchase unlimited amounts of ammunition and it would not be picked up by the MCC code, correct?

MS. SOLAGES: So we are targeting the -- the -- the firearm merchants for now and I'm sure that we can find a remedy in the future to tackle that. But I'm sure Walmart and other institutions as well have a protocol, but right now we are just focusing on this methodology.

MR. GOODELL: So my question goes to why are we asking for it if this information is not disclosed to the State or any State agency absent a --

MS. SOLAGES: Oh, I didn't -- I didn't say that.

MR. GOODELL: Oh. So is this information then disclosed to the State or a State agency?

MS. SOLAGES: No. This -- this is strictly done -- from my research it's shared only with authorized governmental bodies such as the Financial Crimes Enforcement Network, FinCEN. And it's strictly for regulatory purposes and it's not for like, you know, like I said, it's not for the public consumption or for surveillance purposes.

MR. GOODELL: And I -- from what you indicated before and correct me if I'm wrong, it is not shared directly with any New York State agency; is that correct?

MS. SOLAGES: So are you talking about the -- the payment network so Visa, Mastercard directly contacting a New York State agency?

MR. GOODELL: Correct.

MS. SOLAGES: So typically from what my research says it goes first to these Federal agencies that -- that, you know, further investigate the -- the -- the purchases.

MR. GOODELL: But only if it's a suspicious activity.

MS. SOLAGES: Yes. Only if it triggers --

MR. GOODELL: So then I come back to my basic question. If this information is only reported to the Federal Government if it's a suspicious activity and it's not reported by the credit card companies or financial institutions to any State agency, why are we requiring State retail outlets, certain ones to use certain codes?

MS. SOLAGES: So if it rises to the point to where there's a suspicion and a concern, then it will probably trigger other law enforcement agencies including local law -- coordination with local law enforcement agencies.

MR. GOODELL: But as you pointed out, this is easily circumvented by just simply buying all your guns or ammunition in a box store, right?

MS. SOLAGES: So I believe that they also have their own protocols, but, you know, this is always a continuing conversation. You know, I'm tackling it at -- at this point and maybe if we can with further legislation look at making sure we tackle it through other merchants, but, you know, we want to make sure that we start with MCC codes with firearm merchants.

MR. GOODELL: Now what percent of ammunition or guns are purchased through big box stores like Dick's Sporting Goods or Carbella's [sic] or -- or Walmart compared to stores that are just dealers in ammunition or firearms?

MS. SOLAGES: I don't have that exact information but I know that many of those stores are disinvesting into firearms and ammunition. And so I'm sure that people are purchasing their guns more through firearm merchants than through a Walmart. But I know that, you know, the big box stores also have limits on how much firearms and ammunitions that you can buy. You know, you can't really buy a bulk of that.

MR. GOODELL: So do most of the small stores,

because of inventory limitations. This doesn't -- this doesn't apply at all -- this law would not apply at all on purchases made in Pennsylvania or New Jersey, Connecticut, Vermont, New Hampshire.

MS. SOLAGES: We're a New York Legislature so the laws that we pass impact the Empire State.

MR. GOODELL: So why are we asked to adopt a law that only targets one set of stores?

MS. SOLAGES: So I don't find this as a means of targeting, you know, the stores. It's actually helping, you know, identify if there's any fraud or illicit activity. If people are buying, you know, if you look at the -- the mass shootings between 2007-2018, at least eight of those major mass shootings included -- at least -- sorry, excuse me. Credit cards were used to finance at least eight of the major mass shootings including the two deadliest ones in the United States which is Pulse nightclub and also the Las Vegas -- the Harvest Festival at Las Vegas. Right before they created those mass -- or did those mass shootings, they actually purchased a huge amount of ammunition and firearms with credit cards. And so if we had something like this -- if this were to happen in New York and we had this law implemented, we would be -- may be able to flag this huge amount of purchase in such a limited time.

MR. GOODELL: Were any of those purchases that you mentioned made at stores that sold exclusively or primarily ammunition or firearms?

MS. SOLAGES: Yes. That's why I was able to -- to

come up with that --

MR. GOODELL: I see. But as you noted, that information would not be automatically reported in any way to the State Police or local law enforcement in New York.

MS. SOLAGES: Because we want to protect peoples' ability to purchase, you know, firearms and ammunition. You know, if a person wants to buy it that's fine, but we want to ensure that there's protocols in place that in case someone is doing illicit activity or fraud -- because remember, it's also not about the individual person. If someone steals someone's credit card and starts purchasing, you know, all these -- these products, we want to be able to flag that and prevent those purchases from happening or at least flag it to know that these purchases are happening. So this is about --

MR. GOODELL: And using that as a scenario, you envision then that this information can be used to identify specific individuals.

MS. SOLAGES: No, well -- but remember there's an algorithm that can identify and look at purchases. So the algorithm can see whether this is usual purchasing that is done by an individual or if this is, you know, abnormal purchase being done by -- by a person. So, you know, if -- if the algorithm identifies it, then it goes to the (inaudible), the report, and then, you know, it's investigated and then from there if it needs to be, you know, further investigated, you know, it happens.

MR. GOODELL: Now as you know the Federal fire

-- Firearm Owners Protection Act of 1986 bars the creation of any gun registry. But wouldn't this be a backdoor way of acquiring that registry because you would have a list of name, address, credit card number, date of purchase, amount of purchase by everyone who purchased any ammunition in a New York State store that deals in ammunition and firearms. Isn't that exactly what database would be created by this law?

MS. SOLAGES: As I said, this is not about the individual purchase level --

MR. GOODELL: I understand that, but I'm just saying but isn't that the database that would be created?

MS. SOLAGES: No, it would not because this -- this information is not aggregated for the purposes of -- of determining, you know, how -- how, you know, people are -- are -- it's -- it's not tracking individual purchases or compiling like these purchases into data. It's just looking at the purchasing patterns of -- of a person. So it's not like you know you're just building up a database. You know we make purchases all the time and so, you know, this would just ensure that if there's suspicious activity, that we are able to identify it, investigate it, and peoples' information are held private.

MR. GOODELL: Thank you.

ACTING SPEAKER EACHUS: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER EACHUS: Will the sponsor



yield?

MS. SOLAGES: Yes.

ACTING SPEAKER EACHUS: Yes, she will yield.

MR. MANKTELOW: Thank you, sponsor. Just a couple questions. I was listening to the -- to the debate just now and maybe you can help clarify a few things for me. So let's say you're the store owner. I come to your store with my credit card --

MS. SOLAGES: Which -- what is the store?

MR. MANKTELOW: What's that?

MS. SOLAGES: What type of store is this? What type of store do you own?

MR. MANKTELOW: A dealer -- an arms or a gun dealer. I come to your store, okay. So I come there, I buy a thousand rounds of ammo. I like shooting, I like target shooting, I come to buy a thousand rounds. I swipe my card to pay for that. So tell me what happens to that information then.

MS. SOLAGES: It goes on your credit card statement and....

MR. MANKTELOW: That's it?

MS. SOLAGES: Yeah.

MR. MANKTELOW: Okay. So I had my family over this week, next week, and we want to go shoot some more. I come in again and buy another thousand rounds of 7.62 ammo. I --

MS. SOLAGES: How much -- how much are you buying?

MR. MANKTELOW: How much what?

MS. SOLAGES: How much ammo or firearms are you buying?

MR. MANKTELOW: Like I said, I'm going to buy another thousand rounds.

MS. SOLAGES: What is -- what is the market? Like, how much are you buying those thousand rounds at, because it depends on how, you know -- it depends on, you know, like all ammunition cost different price so you gotta just tell me a price. Look at your receipt.

MR. MANKTELOW: So it's around \$500 for a thousand rounds, okay?

MS. SOLAGES: Okay.

MR. MANKTELOW: If I go across the Pennsylvania line it's probably \$300.

MS. SOLAGES: Okay.

MR. MANKTELOW: All right. So I come in next week and I buy another thousand rounds for \$500.

MS. SOLAGES: Okay.

MR. MANKTELOW: So there's \$1,000 I spent in two weeks. What happens?

MS. SOLAGES: Your wife might be upset, but --

MR. MANKTELOW: I'm not going to tell her.

MS. SOLAGES: I think you're fine. You're well under the threshold. What really arises to suspicion is about \$10,000

worth of purchasing? Yeah. When an individual -- it's a really high threshold, so if the person is buying, you know, thousands upon thousands of dollars worth of -- of ammunition, it -- it -- it triggers it. So, for example, if you look at other sectors of -- of MCC codes, what happens to that, you know, the algorithm helps identify and prevent activity. So, for example, as I mentioned, if there's like a bunch of -- someone using hotels, they're going to hotels every day, every day, every day to every day or buying items or products that might yield to them assuming that it's money -- money laundering, you know, the algorithm that they have can identify these unusual practices and purposes and then from there it arises to suspicion, but if you're buying \$500 worth of ammo and that's a regular purchase, let's say that's what you regularly do, that's not going to trigger any, you know, you know, suspicion, it's not going to trigger anything. Remember this is not done on a product level. This is about the, you know, massive amounts of purchasing that you're doing.

MR. MANKTELOW: So what I hear you saying is a massive amount is \$10,000 or more?

MS. SOLAGES: So on average, yeah. It depends on, you know, Mastercard, Visa, you know, the payment networks have their different, you know, threshold, but it's a -- it's a high threshold.

MR. MANKTELOW: And is that 10,000 per credit card or is that 10,000 per --

MS. SOLAGES: So MCC codes are strictly like credit cards, they're -- they're payment networks. So it's not -- like a

debit card doesn't have really MCC codes. It's really like, you know, like, you know, your Citibank card, you know.

MR. MANKTELOW: So if I use a -- if I use a Visa card, a Mastercard, are they going to link together?

MS. SOLAGES: Their two competitive companies so I doubt that they would link together.

MR. MANKTELOW: So if I buy this week, I'll buy my -- my 10,000 rounds with my Mastercard, two weeks down the road I'm going to buy the next 10,000 rounds with my Visa card. That's going to kind of skewer of what you're looking to do, correct?

MS. SOLAGES: You know, so you're buying \$10,000 worth of ammo on your Visa and then you move over to your Mastercard and buy \$10,000 worth of...

MR. MANKTELOW: Yeah. I'm just saying that's the number you gave me.

MS. SOLAGES: On your Mastercard? So then what would happen is that if you reach the threshold on those two credit cards than a SARs report would be triggered. Well, the first, it depends on the credit card algorithm and the credit card company, their threshold. So after that it would trigger the SARs report and they would do -- internally they would do an investigation and look at your -- your payment history, you know, what you're doing. And then from there they go on to that -- that other entity, like the other law enforcement entities and they have conversations there. If they -- they see something unusual or they see illicit activity that's -- that would

cause someone to, you know, take a second look, then it would -- then it would trigger more like law enforcement and all that.

MR. MANKTELOW: Okay.

MS. SOLAGES: Am I being clear? Do you understand the process?

MR. MANKTELOW: No, I understand. I'm just trying to play this out in my mind.

MS. SOLAGES: Oh no. No problem.

MR. MANKTELOW: So I guess my next question would be then, it's going to take a while to trigger all that stuff before it's even looked at. Right now when I --

MS. SOLAGES: Yeah. I -- I -- I think it would --, you know, like I said there's protocols in place. It's not like a gotcha thing. This is, you know, this is -- I think the credit card companies, you know, we're talking about billion dollar entities. Mastercard, Visa, they have protocols and they -- they, you know, they have sophisticated algorithms that can identify whether it's suspicious. So for -- for the threshold to be met where, you know, you're triggering law enforcement is -- is very high. But like, for example, you know, these mass shootings where these people are just going in and buying, you know, a bunch of ammo, that, you know, that -- that could've triggered that.

MR. MANKTELOW: In those mass shootings you said a bunch of ammo. But what is a bunch of ammo?

MS. SOLAGES: So, for example, in the, you know,

excuse me. So at the Route 91 Harvest Festival in Las Vegas, 60 people were left dead, hundreds injured, so hundreds -- hundreds of people were injured. So that's a huge amount of ammo and I remember from the article, the gentleman had a -- I shouldn't call him a gentleman, the monster had, you know, huge amounts of guns and weapons all over the hotel room. It was probably -- I would -- I couldn't even -- I can't enumerate how many were around, but even after he inflicted all that damage to people on the ground, he had more ammo and weapons in the room. So I'm talking about this is, you know, these people are, you know, they're purchasing so many guns.

MR. MANKTELOW: So how long do you think it took that monster, as you put it, to acquire all that ammo?

MS. SOLAGES: That I don't know. I'm -- I'm -- I'm trying to recall what I read. But again, I mean I think from -- from what I remember it was purchased in a -- in a short amount of time. I want to say --

MR. MANKTELOW: Okay. So I guess my next question is, in New York State now when I go to buy ammo, I have to be clear to buy the ammo, they already know how much ammo I buy in New York State. This is only for New York State. So tell me why do I need to do this when the State's already doing this?

MS. SOLAGES: Well, the individual New Yorker is not doing anything. This is the credit card, the payment --

MR. MANKTELOW: No, no, no. But we're trying

to get this information to get to police officials or to get to someone if they see Mr. Brian buying thousands and thousands of rounds, I'm going to probably be red flagged and say we better go take a look at Brian. Well, right now when I buy ammo at an ammo store, they already know and already track the ammo that I've already bought. So why are we duplicating this?

MS. SOLAGES: So this -- this creation of the MCC code would be the first step in facilitating the collection of -- to help really law enforcement counter any sort of, you know, terrorism efforts. And it also ensures that we're looking at suspicious activity including the straw purchases, unlawful bulk purchases that could happen, or -- or any sort of gun trafficking scheme. So like you said before, if you are -- if you are a person who's doing illicit activity, you know, I steal a wallet and there's multiple credit cards in the wallet and I start just swiping and buying weapons, now law enforcement upon investigation can see that, look, we were able to identify that. And this is through -- obviously this information's not readily available. They have to be, you know, a warrant has to be given, you know, you know, it has be, you know, subpoenaed, this or that so there's protocol to protect peoples' data, but at least you can be able to identify okay, this merchant code was able to -- like this merchant sold this and we can now, you know, coordinate with them to make sure that the people are held accountable for the straw -- the -- the unlawful bulk buying of firearms.

MR. MANKTELOW: So in today's world if you

found my wallet with my credit card and you took my credit card to go buy a gun in New York State or ammo, you have to have my -- you have to have a -- a pistol permit or a long rifle permit. You have to have a picture ID. You have to have the information that -- so that's the thing. We've already put these stop gaps in place to make this happen. What I'm concerned about is these stop gaps to a law-abiding citizen like myself, they work. My concern is to the individuals who don't do the right thing, and let me give you a couple of examples. If I was a bad person and I didn't want you to track my ammo, I'm probably either to go out-of-state and buy it. Secondly, if I know you're tracking my credit cards, I'm probably going to go buy it with cash or I'm going to have a friend go buy it for me. So I just again, I -- I agree with what you're trying to do. I think we have those stop gaps in place. And, you know, you want to notify the individuals, you want to notify the agencies if Brian's buying way too much ammo. My concern there, again, as well is if that's the case, that won't prevent it.

MS. SOLAGES: And, you know, there are, you know, fraud that happens with credit cards, there are illicit activities that happens with credit cards, but to say that -- that, you know, this is -- and I understand but, you know, we have to make sure that we are coordinating and, you know, making and ensuring that we are stopping any illicit activities. So I understand what you're saying and this would just streamline a process so that if there are any sort of suspicious activity or fraud that's being -- that's happening that we can tackle it at its root and we can coordinate with payment networks in



order to stop, you know, guns from coming into our communities. You know, today is Gun Violence Awareness Day and, you know, our communities are being ravished by gun violence. And it's important that we, you know, prevent illegal guns from proliferating. But also coordinating and using all our tools in our toolkits to stop, you know, gun violence in our communities.

MR. MANKTELOW: All right. Well, I thank you for taking the time to answer my questions.

And Mr. Speaker, on the bill.

ACTING SPEAKER EACHUS: On the bill.

MR. MANKTELOW: So discussing this with the sponsor, again as I said a little while ago, a law-abiding citizen is going to do these things the right way. If I'm a bad person and I wanted to accomplish a mission of, like she said, take some people out at the -- I forgot where she said the event was out of, out west or wherever. If I'm going to do that I'm just going to go out-of-state and get stuff, or I'm going to buy it with cash. And or I'm going to buy it on the streets. Again, this slows the process down to a law-abiding citizen. And why should I be tracked of what I buy, where I buy it, how much I paid for it when I've done nothing wrong? Why should that ability be given? Why should my records, why should what I buy be given to anybody that wants to challenge me? Maybe I have a big family. Maybe I have ten children, we like to target practice. Maybe we like to do lots of different things. We practice with different guns in our home. Again, we're not really targeting the issue here. The

issue again isn't the Visa card, the issue here isn't the bullet, the issue isn't the gun, it isn't how many guns we have, it goes back to the individual and I've said this on this floor before. I have lots of guns in my house. They're locked up now not because of what we've passed here, but not one of my guns has ever shot anyone. Not any piece of any round of my ammo has ever been discharged to -- at someone. And I am a law-abiding citizen and I hate again to have my rights dwindled down because we think that's the right thing to do. It's not. The Bible even talks about this. Making sure *spare the rod, spoil the child*. When someone does something wrong they need to be held accountable. Not me, not the gun, not the storeowner. I met with the storeowner a few weeks ago, a gun store and ammo store. He grabs my arm and he says Brian, I'm going to lose my business that I've worked for for 40 years because of all the rules and regulations. I don't want that to happen. He's done nothing wrong. The guns and the ammo in the store have done nothing wrong. This isn't the way to make this happen. Again, it's going to punish the law-abiding citizens and the ones that want to skirt around it are going to find ways to do that and I just gave a few prime examples on how they can do that.

So again, I understand what the sponsor is trying to do. I don't agree with the way we're doing it. So thank you, Mr. Speaker, for allowing me to speak on the bill and Ms. Solages, thank you for answering my questions, I appreciate it and I'd be more than willing to sit down and talk to you about some of this at any time, of course. Thank you.

ACTING SPEAKER EACHUS: Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Would you ask the sponsor yield to yield, please?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. SOLAGES: Yes.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. ANGELINO: Thank you, sir.

I was listening as my colleague and you were talking, and you were mentioning things about triggering, or I think he said flagged, you said triggered - the -- no pun intended - but you said the word if somebody bought bulk ammo. Is buying ammo in bulk illegal?

MS. SOLAGES: So I -- I believe in New York State we do have limits.

MR. ANGELINO: What is the limit?

MS. SOLAGES: I -- I don't have the direct number of -- of the limits but, you know, at the end of the day, there was a prime example of the gentleman before saying that, you know, I could take two different credit cards and go to two different stores. And so someone could take that same credit card and go to multiple dealers and -- and merchants and purchase firearms.

MR. ANGELINO: Is that against the law?

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

MR. ANGELINO: Is that against the law?

MS. SOLAGES: Yes. But things, you know --

MR. ANGELINO: It is against the law?

MS. SOLAGES: Yes.

MR. ANGELINO: To go to multiple dealers and buy multiple firearms?

MS. SOLAGES: Yes. But, you know, things do happen so, you know, it -- it -- it happens and it's a realm of possibility. Error happens, human error happens, you know people sometimes don't look, you know. Again, I could -- I could -- I could use fake IDs, you know, and --

MR. ANGELINO: I think you misunderstood. Is it against the law to buy multiple firearms on multiple days from multiple dealers?

MS. SOLAGES: In New York, yes, there's a limit on the amount of ammunition.

MR. ANGELINO: What law is that?

MS. SOLAGES: Actually, I'm -- I'm not going to misspeak. I'm not sure.

MR. ANGELINO: And when I asked -- my first was bulk ammo, I think you might be confusing New York City has certain rules on storing bulk ammo, but is there any law in New York State that says I can't buy ammo in bulk?

MS. SOLAGES: I said bulk -- bulk purchases.

MR. ANGELINO: Yeah. Is that against the law?

MS. SOLAGES: So it's not just ammo. I believe you can go to -- to -- so with the MCC code we're looking at --

MR. ANGELINO: Right.

MS. SOLAGES: -- so it triggers, when you buy multiple, like, bulk ammo like a multiple round or - excuse me - amounts of ammo --

MR. ANGELINO: Right.

MS. SOLAGES: -- we're saying that -- so I was giving the example what triggers it, what -- what, you know, flags the -- the -- the SR -- the SAR from happening. So I guess that is the example I'm saying.

MR. ANGELINO: Okay. So you can go out and buy bulk ammo but it might trigger the suspicious activity report.

MS. SOLAGES: Well, the question at hand from the prior speaker was what is the threshold, so I was just answering the response of the question.

MR. ANGELINO: Okay. So if I buy ammo legally that triggers a SAR on the MCC code, what happens next? Do I expect an officer to knock on my door?

MS. SOLAGES: No. So the -- the Visa, Mastercard, the payment networks would -- they have -- one's the algorithm that identifies you, they have certain protocols in-house that would look at the patterns. And they would do an internal investigation as to, you know, the purchases, look at your -- your payment history, if you're -- if you bought them before. And then if it rises to a level of heightened

suspicion, then it triggers a -- a Federal agency that would further investigate. So there's -- there's protocols in place so it's not like you buy it and then the next day you get a knock on the door and there's -- there's law enforcement. You know, there's -- there's an internal investigation because, again, we want to protect peoples' privacies and we also want to have -- let people have their freedom of having weapons, but we also want to make sure that we're eliminating, you know, suspicious activities and fraud. And so there's protocols in place that, you know, ensure that we're protecting the peoples' rights while they also, you know, stop -- we're stopping crime and ensuring public safety.

MR. ANGELINO: So if I buy an item in New York State that is legal but does get flagged and an officer does show up at my door, what prevents me from telling him it's none of his business or exercising --

MS. SOLAGES: I don't -- yeah, that is not the enforcement, you know, mechanism. You know, there's investigation agencies that investigate this so it's not like, you know, for example I live in Nassau County, it's not like if I were to purchase a large amount of ammunition, you know, a Nassau County Police Officer is going to knock on my door. There's a thorough investigation that happens with multiple agencies to ensure that, you know, this is illicit activity and then it might trigger law enforcement. But then, you know, it's -- we're talking about law -- major law enforcement agencies.

MR. ANGELINO: Okay. You're talking about -- you said it quite a few times, it might trigger an investigation, but no crime has been committed. If they're buying a lawful item in New York State -- I've personally bought bulk -- I've bought bulk ammo. Luckily, I paid by check, but I bought the ammunition for a high school ski team for a year.

MS. SOLAGES: So like I said, they do internal investigations to determine, so that's -- so if you habitually purchase firearms, then you're fine.

MR. ANGELINO: Okay. And -- I'm not going to keep going round and round, but I read the sponsor's memo on this and it had a lot of statistics on crime and this is trying to help prevent that. But anything that this MCC code does is going to be after the fact, and it will be substantial -- there will be evidence to substantiate what happened after the fact. How is this going to prevent anything?

(Pause)

MS. SOLAGES: So this is similar to any other illicit activities that happens. As I said --

MR. ANGELINO: It's not illicit activity.

MS. SOLAGES: Well, we -- we were -- we were talking about -- what we were talking about before a scenario, so if we --

MR. ANGELINO: Okay.

MS. SOLAGES: -- if you are doing regular purchase you have nothing to worry about, because the algorithm within the

credit card company will not identify as a suspicious purchase. But when we're looking at other patterns of -- of any sort of illicit activity, and this is what the purpose of -- so we're talking about if it goes to a level of SARs, correct?

MR. ANGELINO: Yes.

MS. SOLAGES: So if it triggers a SARs report, that means that the algorithm and the internal investigations said that this is an activity that might be of concern. And that means that it's -- it must be something, you know, Visa, Mastercard is not going to be -- is not going to put themselves in a situation where they could be held liable. So it has to be something that is triggering some type of suspicious activity. So it's -- you know, we've seen that example when it comes to like, for example, I said human trafficking. The algorithm can identify that, you know, there's a lot of, you know, mysterious things going on, a lot of fraud activity. There's an investigation that's done by the credit card company and then it goes through the trigger to the protocol. So, you know, we're not talking about every day purchases. We're not talking about, you know, as the prior speaker said, you know, enjoying buying ammunition to do activities. We're talking about like high suspicious activities, activities that's like bulk purchases, you know, strong donations. We're talking about major, major, major, major, major crimes.

MR. ANGELINO: Okay. Thank you so much, Madam Sponsor.

On the bill, sir.



ACTING SPEAKER EACHUS: On the bill.

MR. ANGELINO: Somewhere, someplace in New York State somebody's just going to get their first shotgun, rifle or their pistol permit and they're going to be excited and go out and buy this gun, that gun, and maybe a third gun, and then they're going to buy all sorts of ammunition to go out and learn how to shoot it and - all of which is perfectly legal - but they may incur a SAR report for doing completely legal activity in the State. So think long and hard about this because I'll be voting no and I would urge others to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Simpson.

(Pause)

MR. SIMPSON: There we go. I pushed it.

Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER EACHUS: Will you yield?

MS. SOLAGES: Yes.

ACTING SPEAKER EACHUS: She yields.

MR. SIMPSON: Thank you. I -- as I was listening, I became even more confused.

MS. SOLAGES: I'm going to stop standing now.

MR. SIMPSON: So I really apologize to, you know

--

MS. SOLAGES: Yeah.

MR. SIMPSON: -- to lengthen this conversation.

There was a question about whether bulk ammo, whether there was a

law, whether Federal or State, limiting the amount of ammo that a person could purchase.

MS. SOLAGES: So this -- so that -- so this bill is just making a merchant code.

MR. SIMPSON: Correct.

MS. SOLAGES: So this -- this -- you can purchase what you want --

MR. SIMPSON: Right, but you were asked a question --

MS. SOLAGES: -- and Visa -- okay, go ahead.

MR. SIMPSON: -- prior to me, and you said that there were laws --

MS. SOLAGES: No, I actually said I -- I don't know the answer and I -- I said that -- I clearly said that.

MR. SIMPSON: Okay, but --

MS. SOLAGES: But what I'm saying is that the -- go ahead, Mr. Simpson.

MR. SIMPSON: I just want to say you also referred to unlawful bulk ammo purchases, or illegal. I think you used both terms. So I'm a little -- I was a little confused and I needed clarification whether you, in your estimation or opinion, thought that there were laws pertaining to how much ammo a New Yorker could purchase at any time, accumulative or a single purchase.

MS. SOLAGES: So with the MCC code, we're talking about identifying the algorithm within the credit card company

will have a certain threshold, and they're talking about bulk purchases.

MR. SIMPSON: Right, and that leads me -- my next question was going to be pertaining to -- I think there's a little confusion about what is going to trigger the SARs. SARs is going to be tied to a specific dollar amount, right? Not -- not the item purchased, but the dollar amount. At least that's the way I understood it, correct me if wrong.

MS. SOLAGES: Could you repeat the question?

MR. SIMPSON: Would -- what triggers the SARs? Is it a dollar amount, a specific dollar amount, or is it the product that someone buys? Because I know that in certain circumstances if you deposit so much in cash it triggers a report -- it triggers something.

MS. SOLAGES: So each payment network has their own --

MR. SIMPSON: Okay.

MS. SOLAGES: -- protocol. And so when we're talking about Visa, Mastercard, these are, you know, billion dollar businesses organizations, so they have their own protocol and they have their own threshold. And this is really about making sure they -- within their -- their organization, their algorithm can identify what's considered bulk -- or what's considered suspicious amount.

MR. SIMPSON: Okay. That clears it up for me, because I think they probably -- I would think they're looking at dollar amounts, they probably are not digging in to, until there's a further investigation of something that --

MS. SOLAGES: As I said, this is not about product level, you know --

MR. SIMPSON: Right.

MS. SOLAGES: -- purchases. This is about, you know, the -- the -- the bulk or the frequency that could be tied to, you know, domestic terrorism or, you know, illegal activities.

MR. SIMPSON: So in that case if a credit - and forgive me if you've already answered this - a credit card company decides that this looks suspicious to them. Who do they report that to?

MS. SOLAGES: So it would trigger a SARs. So there's currently, you know, a Federal process --

MR. SIMPSON: So it would go to the Federal government.

MS. SOLAGES: -- called SARs that --

MR. SIMPSON: Correct. And that's based on the dollar amount.

MS. SOLAGES: That's -- well, it depends on the --

MR. SIMPSON: The code and --

MS. SOLAGES: -- what, you know, the payment network decides using algorithm, using internal investigation, you know, they look at, you know, the -- the -- the -- the -- the purchases, the frequency, and they determine whether it's criminal, and then it triggers the SARs and that's another process. Like I said, these are major organizations so they are -- I know that they are -- are careful

at, you know, making sure that they don't, you know, criminalize normal activity.

MR. SIMPSON: Right. Okay, I think you've answered my questions. Thank you.

MS. SOLAGES: Thank you.

MR. SIMPSON: Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will the sponsor yield for a quick question?

MS. SOLAGES: Yes.

ACTING SPEAKER EACHUS: She will.

MRS. PEOPLES-STOKES: If a person who lives in New York and goes to a gun show in I'll say Ohio or Pennsylvania, as I live in Buffalo so I can be in Cleveland or Pittsburgh a lot quicker than I can be in New York City. But if they go to one of these places to a gun show and they purchase large amounts of ammunition and/or weapons, will these MCC codes pick that up?

MS. SOLAGES: So first you would have to purchase the item with a credit card company -- with a credit card, excuse me, and then they would also have to be a dealer of -- of firearms and -- and -- and guns. So they would have to be a firearm --

MRS. PEOPLES-STOKES: So there are gun shows in Ohio and Pennsylvania, very large ones.

MS. SOLAGES: Yeah, but this is -- this is only for

the dealers within New York State.

MRS. PEOPLES-STOKES: Okay, so this is only for dealers within New York State.

MS. SOLAGE: New York State, yeah, this particular law, but they do have MCC codes in other states.

MRS. PEOPLES-STOKES: Does this particular law apply anywhere else in America?

MS. SOLAGES: So there are several states who have passed the MCC codes within their jurisdiction.

MRS. PEOPLES-STOKES: Which ones are those?

MS. SOLAGES: Excuse me?

MRS. PEOPLES-STOKES: Which states are those?

MS. SOLAGES: California, a few other states, I don't have them listed, but there's several states that -- that have this.

MRS. PEOPLES-STOKES: Okay. Thank you.

ACTING SPEAKER EACHUS: Ms. Byrnes.

MS. BYRNES: Thank you. Would the sponsor yield?

ACTING SPEAKER EACHUS: Will the sponsor yield?

MS. SOLAGES: Yes.

MS. BYRNES: Thank you.

ACTING SPEAKER EACHUS: She yields.

MS. BYRNES: My question is if you're looking at a dollar amount, and you've talked about a couple things, both bulk

ammo purchases, but also a threshold dollar amount of \$10,000. And I guess my question is that obviously I presume you're aware that some shotguns and firearms can easily cost more than \$10,000. Could the purchase of just one legally purchased shotgun automatically trigger this investigation where we're trying to help law enforcement find bad guys, when it could be a shotgun totally used for sport where there's target loads that aren't even used to be designed to do anything except kill clay targets, and I'm curious as to why a purchase of that nature would -- would trigger, and it sounds like because of the dollar amount it would automatically trigger an investigation.

MS. SOLAGES: So we leave it up to the payment card -- the payment card network to determine that. But again, as I said, this is not about a product level and this is not about one or two individual purchases. We're talking about massive amounts of purchases done at a short time that's unusual. So if you are an individual who's purchasing such firearms such as one that's, you know, \$10,000 like you -- like you're saying --

MS. BYRNES: Ten, 15, 20, 40 --

MS. SOLAGES: -- 15, 20, you are --

MS. BYRNES: -- it all depends how much they're engraved --

MS. SOLAGES: You are a student of firearms so you probably have a habitual cultural of purchasing firearms, so that won't trigger the algorithm. So the first level of defense is first an algorithm that can identify purchases.

MS. BYRNES: Right.

MS. SOLAGES: Then there's internal investigation. And if they find unusual purchases or if they find, you know, that -- the activity is setting off an alarm, then it triggers more -- more protocols. But again, if you -- if you are just purchasing a firearm and you have habitually purchased firearms, it's not going to create any - sorry for the word - but create any red flags, it's not going to, you know, the term -- it's not going to trigger any sort of, you know, suspicion. If you are -- if you are someone who is just, you know, someone who is a connoisseur of -- of -- of guns, it's -- the algorithm is not going to be triggered. We're talking about people who are, you know --

MS. BYRNES: Well, you're saying it wouldn't be triggered, but you've also indicated, and the bill indicates a dollar amount or a bulk ammo, and we all know -- I presume all of us know you can't go out and buy a bullet, you're buying boxes of bullets, same as you can't go out and buy a cigarette in a store, you buy a carton of cigarettes. I mean, they are packaged in bulk, in boxes. And so I mean, just the fact that it's automatically purchased in a way that contains multiple rounds, even shotgun shells, you know come in boxes and cases that it just seems like this would trigger, especially like since I've been here, I haven't had an opportunity to go out and partake in my favorite sports very much, so now I'm going to retire, now I'm going to have the time so now I go to the store, boom, I'm being investigated because for the first time in years I'm now spending



money.

MS. SOLAGES: You're -- first of all -- number one, you're exaggerating because if you are now engaging in the activity, you are not going to be identified that way because --

MS. BYRNES: How is -- how is this company, Mastercard, Visa, how are they going to know? You keep talking about algorithms and things that will spur an investigation and a concern. You know, what are the due process rights of the person who is being investigated who doesn't even know they're being investigated? It's just incredible that you don't even know what could trigger things.

MS. SOLAGES: So all your credit card purchases are under investigation. The other day I swiped my card at a local store and I got a fraud alert and they stopped my credit card.

MS. BYRNES: Yeah.

MS. SOLAGES: So there are internal processes by these credit card companies to ensure that they're protecting your -- your money, your credit and your identity.

MS. BYRNES: Correct.

MS. SOLAGES: So to say that this is not happening, when this happens on a regular purchase. We can go down to the store, if it's unusual activity your credit card company can identify that.

MS. BYRNES: Absolutely, which is why the issue of fraud is I believe that you mentioned, is misplaced because if there is

suspicious activity on my credit cards, I will get, same as I've had when I travel out of the area and was putting gas in my motor home which took 100 gallons, and it struck it as a fraud because normally people don't buy 100 gallons of fuel. And it stopped it.

MS. SOLAGES: So your credit card company had an internal process to alert you --

MS. BYRNES: Right.

MS. SOLAGES: -- to ask you if this is you.

MS. BYRNES: Right, but they alerted me --

MS. SOLAGES: Exactly.

MS. BYRNES: -- as the owner of the credit card.

They did not alert some internal technique that would trigger and help law enforcement investigate me. Now, it's different when it's my credit card and they call me and say, did you make these purchases, we want to verify them? Yes, no; we go from there. But when --

MS. SOLAGES: I appreciate your --

MS. BYRNES: -- we're ceding our authorities to another person is where I have problems. I interrupted you.

MS. SOLAGES: I appreciate your line of questioning because you're clarifying the point. See, the credit card company has a protocol so they reached out to you directly to have a conversation. The other scenarios we're talking about was that if it arised [sic] to a level which is grand suspicion, like for example, you know, if someone purchases a large amount of ammo, they call you, you would say I didn't do that, then that would trigger a SARs. So we

were talking about what happens at the end when we identify if there's any illicit activity or if there's any issues beyond a scope. So, you know, your point of example is correct, if you swipe the card, the credit card company talks to you. And these companies, these are -- like I said, these are international companies that don't want -- that do not want to be held liable for any sort of accusations or missteps so I'm sure they're going to have a protocol in place to protect peoples' information and data.

MS. BYRNES: You have indicated that they would have to -- that you would hope -- or that they would put one or have one in place, have one in place, but I thought the way you were talking before, you made it sound like they already have one in place. Are you anticipating that they're going to create something in the future that we don't even know now what protections and rights the credit card holder has?

MS. SOLAGES: We actually worked in concert with the major credit card companies on this legislation. We initially had a draft of the bill and we've talked to entities for their, you know direction, and they helped us, you know, take all the kinks out of the bill. So you know, we were in conversation with the credit card companies how to strengthen this to ensure that we're protecting peoples' information, data, and not -- and making sure that people have the --the right and privilege to purchase firearms, but also creating triggers to protect and prevent fraud or any suspicious activities.

MS. BYRNES: All right. So the only last question I have is, and it had been asked by Mr. Manktelow I believe, also. What constitutes a bunch of ammo, or ammo purchase that would trigger? Because again, I go out and I competitively shoot shotguns at clay targets. And I can easily go out on a weekend and go through 5- or 600 rounds of shotgun shells in a normal course of a weekend. So I mean, that's kind of a bulk purchase, it's also getting very expensive nowadays, also. But I mean, is a fact that I go out just to make that purchase going to automatically trigger? Do you know, or are we relying on the credit card companies in the future to create an algorithm that will support trying to find bad guys and it's going to get good guys, too?

MS. SOLAGES: So the payment card networks would be responsible for that, because they understand people's purchasing history, you know, what's typical. So this bill does not dictate that. It's really up to the -- the payment card networks to come up with a scheme. And really all we're saying in this piece of legislation is that we want to create a merchant credit card code for them. So, you know, all that processing that we were discussing before, that's internally done through the -- the, you know, credit card company, and all we're saying is just create a merchant code. There's actually, as you said before, there's an amount in the bill language and text there's no amount.

MS. BYRNES: I think you were referring to 10,000.

MS. SOLAGES: Well, we were mentioning some -- like, some protocols, but as I said before, it would be up to the credit card company. It was -- that's why I don't like hypotheticals and examples because --

MS. BYRNES: Yup.

MS. SOLAGES: -- at the end of the day it's up to the payment card network to determine that, and there's also many factors that go into it. So, you know, these -- these credit card companies know the business and I want to rely on their expertise and all we're saying is to just create a merchant code so that we can better protect our New Yorkers from, you know, illicit activities, you know -- fraud.

MS. BYRNES: On the bill.

ACTING SPEAKER EACHUS: On the bill, Ms. Byrnes.

MS. BYRNES: Just in the couple moments I have left, every lawful gun owner, be they a handgun owner or shotgun, rifle, every lawful firearm owner does not want bad guys doing bad things with firearms. It gives all of the rest of us a horrible name. And we do everything we can to live by the rules, to do things the right way, to take the training courses, the safety courses, to make sure that we do everything right. But this particular bill which clearly is designed to be able to create a way of monitoring sales, and not just certain types of sales, but sales through specific firearm dealers and firearm ammunition supply places, not Target, not Walmart, I mean, it is specifically going after the local gun dealers in our communities.

And I'm very concerned that, like with many of the other bills that have been passed in this Legislature over the last few years that what's going to happen. Is that this will go after and create a bank of information about lawful citizens, but it will do nothing whatsoever in any way, shape, or form to prevent the illegal use of firearms by criminals that we see in our newspapers everyday. That's what this Body should be looking at and going after. Let's go after the bad guys, let's go after the ones who are illegally in possession of weapons. But I'll be voting no on this bill. Thank you, Mr. Speaker.

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 want to vote for it can do so on the floor. Thank you, sir.

ACTING SPEAKER EACHUS: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally in favor of this piece of legislation; however, there may be some that would need to vote otherwise. They should feel free at their seat.

ACTING SPEAKER EACHUS: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Ms. Giglio to explain your vote.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. So in order for me to go buy ammunition for my gun, I have to go to a firearm store and they immediately make me fill out an STN, which is a State Transaction Number. They take that number, they send it to the State Police who then sends it to the Federal Government to do a NICS code and a background check. And it could be seven to ten days before I can buy that ammunition. Protocols are in place to protect this mass ammunition purchase and gun purchase, gun purchase, if I want to buy a gun, I have to fill out the STN, State Transaction Number, and I have to fill out the Federal Form 4473, and I have to attest on the form that I'm not a drug addict, that I'm not a felon, and then that number is sent -- that form 4473 is sent to the State Police with the State Transaction Number if I want to buy a gun. And it gets sent to the Federal Government and they do the background check on me before I can buy that ammo.

This is true for active law enforcement who have a firearm that is not a State or a police-issued firearm. If they want to buy ammunition, they want to buy a gun, they go through the same process. The protocols are in place, and this MCC code requirement of credit card companies, you know, I have to wonder if when I look at my credit card statement if there's going to be a little pie in the pie chart that says, "ammunition." You know, it's -- it's really very

redundant, all the protocols are in place, and I agree with my colleague, and we will miss her, but, you know, it's the bad guys that have the guns that are getting the ammunition illegally that are killing cops, shooting cops and hurting people throughout the State. And if we really want to crack down on gun violence in New York State, it's not the law-abiding gun owners like myself, it's the criminals. And the criminals need to have consequences.

ACTING SPEAKER EACHUS: Your vote, please.

MS. GIGLIO: So I'm voting in the negative, and thank you, Mr. Speaker, for allowing me to explain my vote.

ACTING SPEAKER EACHUS: Very good.

Ms. Giglio in the negative.

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

(The Clerk announced the results.)

The bill is passed.

Page 17, Rules Report No. 511, the Clerk will read.

THE CLERK: Senate No. S07365-B, Rules Report No. 511, Hoylman-Sigal (A10053-A, Simon). An act to amend the Penal Law and General Business Law, in relation to pistol converters.

ACTING SPEAKER ZEBROWSKI: An explanation has been requested, Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. This bill relates to pistol converters. It would -- require gun manufacturers to use reasonable care to ensure that a converter that tends to be used on



Glock pistols, but other copycat pistols, that can easily become a fully automatic machine gun.

ACTING SPEAKER ZEBROWSKI: Mr. Angelino.

MR. ANGELINO: Will the sponsor yield, please?

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. SIMON: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. ANGELINO: Good evening.

MS. SIMON: Good evening.

MR. ANGELINO: Good morning.

MS. SIMON: Good morning.

MR. ANGELINO: Right at the top. We're talking about Bill No. 10053-A --

MS. SIMON: Yes.

MR. ANGELINO: -- the A-print. Were there significant changes made from the original to the A-print?

MS. SIMON: No.

MR. ANGELINO: Okay. Can you just, was it just wording? Or what -- what was changed?

MS. SIMON: It was some minor, you know, grammatical thing.

MR. ANGELINO: Thank you. So this bill has two parts. The first part, I see it changes a definition in the Penal Law and

it adds a subsection -- Section 265, that's subsection 36, and it defines pistol converter.

MS. SIMON: Mm-hmm.

MR. ANGELINO: And I think that's what you just described in your explanation.

MS. SIMON: Yes.

MR. ANGELINO: Some time ago, I believe it was 2021, we added subsection -- subsection 26 that says rapid fire modification device, which means any bump stock, trigger crank, binary trigger system, burst trigger system or any other device that is designed to accelerate the rate of fire of a semiautomatic firearm, rifle, or shotgun. Is this -- is today's bill different from that section?

MS. SIMON: Yes.

MR. ANGELINO: How is it different?

MS. SIMON: It's different because this is designed to put manufacturers on notice to use reasonable care and ensure that they're accountable. And so in this particular circumstance, this is a particular type of converter that works with a particular type of handgun most frequently, and it is something that, in fact, doesn't exist and can't be used in many other handguns. But because it becomes a fully automatic machine gun that -- which, machine guns, as you know, were banned in 1936, we are -- want to ensure that the gun manufacturer exercises and that the gun dealers or anybody exercises good, reasonable care to ensure that those kinds of converters are not used in New York State, not aiding --

MR. ANGELINO: I think you got --

MS. SIMON: -- abetting, selling, et cetera.

MR. ANGELINO: You got a little ahead of me.

MS. SIMON: Okay, sorry.

MR. ANGELINO: You went to the -- there was two parts, the first part was Penal Law, the second was General Business Law.

MS. SIMON: Mm-hmm.

MR. ANGELINO: Talking about the Penal Law, we -- Section 26 -- subsection 26 of 265 defined the rapid fire modification and then 36 is this pistol converter, which basically it's almost the same definition, it causes a firearm to fire rapidly. And while we're talking about this I'll probably use firearm or pistol, we're not talking about shotguns and rifles.

MS. SIMON: Correct.

MR. ANGELINO: We don't have to worry about that. Just so we're clear and everybody else knows. So it just looks like we've duplicated the section of the Penal Law.

MS. SIMON: Well, it's not quite because, you know, some of these other kinds of mechanisms, converters, et cetera that are modifications that can be made to other weapons to make them semi-automatic weapons, for example, to increase their rapid fire, increase their magazine capacity, et cetera, aren't actually turning things into a fully automatic machine gun. There's a qualitative difference there.

MR. ANGELINO: Okay. And also, I have in my notes that machine guns were banned by the Federal Government in 1934, '36, what's it matter now? They're banned. And that's the next point I was going to talk about.

MS. SIMON: I think they probably brought that -- that bill before the House in 1934 and it took until 1936 to get passed.

MR. ANGELINO: We know that very well here tonight. And which brings up my next point, the Federal law already bans these.

MS. SIMON: Yes.

MR. ANGELINO: So why does New York State need to do this?

MS. SIMON: Well, because we have in New York State the Gun Industry Accountability Law, which is part of the General Business Law 898, as you may recall, and this is designed, this bill is designed to put manufacturers on notice that they produce a weapon that can be made into a fully automatic machine gun. Some manufacturers do that, most manufacturers do not. Those who are doing that need to -- to change their actions so that they are taking reasonable steps to prevent the installation of such a -- of such a converter and to prevent the use of this weapon. And if they don't, then they can be held accountable.

MR. ANGELINO: So that's what we're going to get to now.

MS. SIMON: That was number two.

MR. ANGELINO: We're going to move the General Business Law section, and your bill wants to amend the General Business Law by adding the words "reasonable controls and procedures" at the end of that -- there's a big long product section --

MS. SIMON: Right.

MR. ANGELINO: -- it looks like it could be almost anything, but we're talking firearms. And you're going to add reasonable controls and procedures. So it sounds like we're almost talking about when -- it popped into my head as you were talking about it, they manufacture something. It's almost as if we're talking about product liability; is that what we're talking about?

MS. SIMON: Well, we're talking about product accountability. You have a manufacturer that has one in particular that has, since 1987, known that its weapon can be converted to an illegal machine gun. And it has done nothing to change that. Most other manufacturers, Smith & Wesson, Ruger, do not have handguns that are capable of being so converted.

MR. ANGELINO: Okay.

MS. SIMON: So if you're going to continue to do that, the industry and our laws in New York State say that a manufacturer can be held accountable for that.

MR. ANGELINO: Does 10053-A, does that in any way ban or prohibit any sort of firearm in New York State?

MS. SIMON: No.

MR. ANGELINO: The -- and just so we're clear,

we're talking about one -- you said the word Glock and copycat?

MS. SIMON: Did I say the word Glock?

MR. ANGELINO: I believe you did.

MS. SIMON: I may have previously.

MR. ANGELINO: I think you said Glock and copycats, or -- well...

MS. SIMON: I don't remember saying the word Glock on the floor, but I'm happy to say it now if you'd like.

MR. ANGELINO: I think you did.

MS. SIMON: I think Mr. Glock knows all about this, in fact.

MR. ANGELINO: He died.

MS. SIMON: Well, he did know about it before he died.

(Laughter)

MR. ANGELINO: The -- he died just recently, actually.

MS. SIMON: Because he was afraid of this bill.

MR. ANGELINO: I don't think so.

So -- and just so everybody knows what we're talking about, we're talking about, in street terms, the Glock switch.

MS. SIMON: Yes.

MR. ANGELINO: And the Glock switch is totally illegal, and you can't have it because it turns your weapon into a machine gun.

MS. SIMON: That's exactly right.

MR. ANGELINO: Like I said, it's covered by Federal law. So the Penal Law section we're talking about here isn't as important as the product liability in the General Business Law section of this bill.

MS. SIMON: Well, I have a certain fondness for the bill and so I would think that I don't want to choose between my children, I would say that both sections are equally important.

MR. ANGELINO: Well, the one that concerns me the most is the changes to the General Business Law because it sounds like at some point the striker-fired pistols, which almost any automatic -- semiautomatic pistol is a striker-fired pistol, meaning the spring sets the trigger every time it fires. And when you attach that Glock switch, that's what turns it into a rapid fire. And I gotta tell you, nobody wants -- no gun enthusiast and no law enforcement agency wants one of those because it wastes ammo -- well, it's illegal and it basically wastes ammo. The product liability part in the General Business Law, I believe the Glock pistol, or any of those striker-fired pistols are working the way they were designed to be made; isn't that correct?

MS. SIMON: Actually, you hit the nail on the head, sir, and that is they are designed to be used -- they are designed the way they are designed and they could very easily modify their design so as to not be so easily converted into a machine gun.

MR. ANGELINO: Couldn't I buy a car and swap engines and have a car that would do 120 miles an hour?

MS. SIMON: That may be, but that is not this bill.

MR. ANGELINO: Okay, so this bill says we're taking a weapon that has a patent and it's the most popular handgun in the United States for -- for various reasons, but somebody is modifying that. How is the manufacturer supposed to do something that is, what is it, reasonable -- reasonable control.

MS. SIMON: Reasonable steps to prevent the installation and use of a pistol converter that could turn your weapon, that could turn your product into a machine gun. If I'm a responsible manufacturer, I do not want my product turned into a machine gun.

MR. ANGELINO: The people who own these pistols are responsible people. They've been vetted by New York State and have a permit.

MS. SIMON: That may be true, but if they also then get an illegal switch, they are using that weapon in an illegal manner.

MR. ANGELINO: And that would be a crime.

MS. SIMON: And that would be a crime.

MR. ANGELINO: And they should be held accountable.

MS. SIMON: And the manufacturer is saying, go ahead boys, convert me to a machine gun. And in fact, we have a huge increase in the use of these switches, in the importation, and the ability of people to make these switches with a 3D printer.

MR. ANGELINO: So you --

MS. SIMON: So we have to keep up with the Jones',



right?

MR. ANGELINO: Okay. So you envision that Glock and other striker-fired pistol manufacturers should do something so that the Glock switch or this trigger (inaudible) can't be installed.

MS. SIMON: That would be the easy way for them to ensure that their weapons are not misused in this way.

MR. ANGELINO: Wouldn't that cause them to change their whole manufacturing process?

MS. SIMON: You know what? Gun manufacturers come out with new products, changes to their products all the time. That is what -- you know, this is how they sell more guns. So this in my mind is not remotely limiting of the manufacturer. This is what they do.

MR. ANGELINO: I am sure that some of my colleagues have listened to this and came up with better questions after our discussion, and for that I thank you, and I'd like to go on the bill, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. ANGELINO: Well, first and foremost, thank you to Madam Sponsor.

So she said the magic word first, Glock. Glock is a widely popular handgun for many reasons, most reasons are it's reliable and it's simple. You can break down a Glock into four pieces in about 15 seconds, it's easily cleaned and put back together quickly.

And they basically never malfunction, very, very sought after pistol by law enforcement and target shooting. And apparently, according to the sponsor, gang bangers when they put their Glock switch on them. We've all seen those videos, they're horrendous. I cringe because somebody's on the receiving end, and that's definitely a depraved indifference to human life when somebody fires up to 20-some rounds in a matter of seconds wildly in a street.

I do want to bring to your attention, New York State owns thousands and thousands of these pistols. I believe we have over 5,000 troopers who carry striker-fired pistols made by Glock, and the New York State Office of Court Administration has another 5,000-plus officers, they, too, carry that same striker-fired Glock. The -- the pistol itself is not the problem. It's what somebody does to it to convert it later. And we already know they're breaking New York State law, and they're breaking Federal law since 1934 or '36. And ATF, the Federal agency designed to investigate firearms crimes, they banned the auto sear or the Glock switch before it was even invented because they knew in 1986 that this pistol was so simple that it could be converted. They already realized what a gunsmith, or basically somebody on the street could do with this, and in 1986 they banned it with the Hughes Amendment to the Federal law.

Like I said, serious gun enthusiasts and police officers don't want this. There's no need for it. It's not a combat weapon either. It's a short-barreled handgun that's basically a bullet sprayer, and I don't want them. But I also don't want the product

liability portion of this bill impacting not just Glock, but every striker-fired pistol that you can convert. It's just that the manufacturer we're asking to change their patent, something that's tried and true and reliable, and then somebody's going to figure out another way with a 3D printer to get around it. And it's not going to be the gun enthusiast, it's going to be a criminal on the street.

(Buzzer sounded)

And with that, I'll leave it to somebody else. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you, Mr. Angelino.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. If there are -- those who wish to support it they can do so here on the floor. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER ZEBROWSKI: 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, to explain my vote. The Glock switch is a device that's used to convert semiautomatic Glock pistols into fully automatic machine guns, allowing someone to fire rounds continuously at a rate of up to 1,200 rounds per minute with a single pull of the trigger. It's about the size of a quarter, can be easily installed and easily created through a 3D printer.

Imports of these trigger mechanisms have increased dramatically. Since 19 -- in 2021, the ATF field office in Dallas recovered 36 Glock switches. In 2022 they recovered 1,026, a 2,750 percent increase year over year. Throughout our country and even in New York State, we are finding Glock switches in the conduct of criminal activity in increasing amounts. And so what this bill would do would make very clear what it is that we mean by such a switch, and it would add that we would have to take reasonable controls and procedures to the list of things that gun manufacturers must take reasonable steps to prevent the installation and use of a pistol -- a pistol converter. Meaning they would need to design their guns in such a way that would make them not easily converted into a machine gun. That is very, very reasonable. If a manufacturer does not do that, then they can be held accountable either by the Attorney General, by survivors of gun violence harmed by that particular product, or by

cities.

This is very reasonable, safe gun policy and now, God willing, it will become law. I will be voting in the affirmative. Thank you.

ACTING SPEAKER ZEBROWSKI: Ms. Simon in the affirmative.

Mr. Angelino to explain his vote.

MR. ANGELINO: Thank you, Mr. Speaker. I wish we could focus on the people that do this, not the object that is inanimate. The Glock pistol is -- and other semiautomatic pistols, are working just as designed and they're used by thousands of people, particularly our law enforcement in this State. I just don't see the reason that we're going after the -- laying the groundwork for future lawsuits on a product that works just as it is supposed to. What we should be focusing on is when the person changes that design and makes in into something that it was never supposed to be, and we're going to play cat and mouse with this forever. If we can convince the Glock Corporation and all the rest of the pistol manufacturers to change something on their pistol, the 3D technology and other manufacturing go-arounds are going to happen and these pistols are going to be able to be turned into that. It's criminals doing this, it's not the company and it's not the law-abiding citizen. For those reasons, I'll be voting in the negative. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Angelino in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Rules Report No. 522, the Clerk will read.

THE CLERK: Senate No. S09837, Rules Report No. 522, Senator Myrie (A10541, Committee on Rules--Zinerman). An act to amend the Election Law, in relation to curing ballots.

ACTING SPEAKER ZEBROWSKI: Ms. Zinerman, an explanation has been requested.

MS. ZINERMAN: Good morning. This bill would ensure that voters are able to cure their absentee ballots within their allowed time frame. As we all know with the advent of early mail voting, it is expected that more New Yorkers may choose to vote by mail, thus causing a potential for more ballots to need a cure. By supplying voters with a postage paid envelope in which they return their affirmation form and allowing voters to supply their affirmation form via e-mail, this bill would increase the chance of the voter to return their affirmation within the allotted time frame.

ACTING SPEAKER ZEBROWSKI: Mr. Norris.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MS. ZINERMAN: Yes.

ACTING SPEAKER ZEBROWSKI: Yes, the

sponsor yields.

MR. NORRIS: Great. In terms of the affirmation, does that occur following that the ballot is returned to Board of Elections?

MS. ZINERMAN: Yes.

MR. NORRIS: And who processes the information back to to the voter saying there has to be a potential affirmation return?

MS. ZINERMAN: After the -- both party's canvassers review the ballots and the Board of Elections, then it sends it back to the voter.

MR. NORRIS: So the Board of Elections notifies the voter --

MS. ZINERMAN: Yes.

MR. NORRIS: -- that there may be an issue, and they have an opportunity to send back their affirmation.

MS. ZINERMAN: Yes.

MR. NORRIS: Okay. And right now there's no postage paid return for that?

MS. ZINERMAN: No. The only pre-postage paid we have is for voter registration.

MR. NORRIS: And do you know how many of these affirmation forms were sent out last year or previous years, which would get cost then to the Board of Elections?

MS. ZINERMAN: I don't have the exact number, but

it is covered within our budget so there's no new fiscal for this process.

MR. NORRIS: Will the State reimburse the counties for this cost?

MS. ZINERMAN: It's already -- it's already within the State Board of Elections budget, so counties won't be responsible.

MR. NORRIS: I guess my question is just so I'm clear on this. Usually it's a county or a city board expense when you deal --

MS. ZINERMAN: Could you just repeat that?

MR. NORRIS: Yes, I'd be happy to. Typically, it is a city or county Board of Elections expense when they have to provide the voter with this form, and then the return back. So my question to you is --

MS. ZINERMAN: Yes.

MR. NORRIS: -- who actually will pay for that postage? Will it be the local taxpayers, or will that be part of the reimbursement process through the State?

MS. ZINERMAN: Okay. And so as I stated before, it's currently in the -- it's already in the budget, in your county budget, the same way the absentee ballot is mailed, it's contained within that same budget.

MR. NORRIS: Okay. And then can you explain to me this e-mail return system? The e-mail return system, how they'll actually do that?



MS. ZINERMAN: Yes.

MR. NORRIS: I mean they'll send an e-mail back,  
but --

MS. ZINERMAN: Right.

MR. NORRIS: -- but do we know if it will actually  
be that person sending the e-mail back?

MS. ZINERMAN: Oh, absolutely. They will have to  
provide the same information that was on the original absentee ballot  
that they submitted so the signature has to match, the name, the  
address, all the same information would be reviewed by the  
canvassers to ensure that it is, indeed, the voter who is trying to cure  
the ballot.

MR. NORRIS: Does the original form come back  
with the original signature?

MS. ZINERMAN: Does the -- well, we have the  
original form.

MR. NORRIS: Well, when they fill out the form by  
e-mail and it goes back, will there -- will they also have to send to the  
Board of Elections the original form with the original signature for  
verification?

MS. ZINERMAN: No, no.

MR. NORRIS: Just the e-mail?

MS. ZINERMAN: No, but they have to provide their  
signature as well, because that's what we're matching.

MR. NORRIS: And it could be a scan.

MS. ZINERMAN: No, it can't be a scan because it is the original e-mail with your signature.

MR. NORRIS: Okay. Thank you very much for answering my questions.

MS. ZINERMAN: You're welcome.

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

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. NORRIS: This is really a relatively simple bill. What it is is it will provide an individual with a postage-paid envelope when there is a cure affirmation that is requested to be sent back from the Board of Elections. There could also be an electronic form sent back by the voter as well under this legislation.

I have two concerns about it. Number one, the cost. We continue to have costs when it comes to the Board of Elections expenses. As indicated, it may come out of the county line, but the fact of the matter is it's still taxpayers' dollars. And I believe strongly that when someone returns their ballot, it is their responsibility to make sure that their ballot is returned back properly with the proper information and the signatures. And additional costs borne by the taxpayers I don't think is appropriate, it's a burden. It's also a burden on the local Board of Elections who are already trying to process thousands of ballots being returned and, yet, this staff and oftentimes limited staff have to spend countless hours to return this information to the voters, and I do also have a concern about the potential security of a scanned form going back. Do we really know it was that person

who actually sent it back without a real signature, original for verification purposes. It's not a photocopy, it's not a scanned signature, or whatever the case may be.

So for those reasons, I just believe this is costly, way too broad and, therefore, I will be opposing this bill, and I encourage my colleagues to do the same. Thank you very much, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Ms. Zinerman.

MS. ZINERMAN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MS. ZINERMAN: As my colleague mentioned, this is a relatively simple bill. We are 21st Century citizens, we've been using e-mail for quite some time now as a normal business practice, and so we want to just make sure that people with disabilities, our elderly, people who are deaf/blind, have a process and just a little extra time to exercise their right to vote in this State. As taxpayers, we -- we -- especially those who are voters, we spend our money and our tax dollars on a plethora of things. I think that we're okay to cover the cost of postage, especially because it is contained within the State budget and not the municipalities. And so I just think this is a common sense measure for our -- the voters of our State to have the ability to vote with confidence and understand if they -- if they make a simple mistake, like forgetting to write their name on the envelope, that that's something that can be cured by e-mail and in -- or in a prepaid postage. So I vote in the affirmative and yield my time.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect September 1st, 2024.

ACTING SPEAKER ZEBROWSKI: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill for the reasons mentioned by Mr. Norris. Those who wish to support it can vote yes on the floor. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER ZEBROWSKI: Thank you.

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, members

have on their desk a B-Calendar. I'd like to advance that B-Calendar.

ACTING SPEAKER ZEBROWSKI: On a motion by Mrs. Peoples-Stokes, the B-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. If we could now go to Rules Report No. 591 by Mr. Dinowitz.

ACTING SPEAKER ZEBROWSKI: Page 3, Rules Report 591, the Clerk will read.

THE CLERK: Assembly No. A03351-B, Rules Report No. 591, Dinowitz, Paulin, L. Rosenthal, Glick, Benedetto, Simon, Burgos, Tapia, Epstein, Darling, Dickens, Zinerman, Steck, Thiele, Kelles, Reyes, Levenberg, Hevesi, González-Rojas, Fahy, Ardila, Carroll, Raga, De Los Santos, Ramos, Taylor, Colton, Lee, Bores, Cunningham, Gibbs, Otis, Sillitti, Simone, Burdick, Kim, Solages, Zaccaro, Clark, Cruz, Eachus, Seawright, Weprin, Burke, Shimsky, Lunsford, Stirpe, Davila, Bichotte Hermelyn, Lavine, K. Brown, Barrett, Walker, Septimo, Stern, Peoples-Stokes, Aubry, Chandler-Waterman, Sayegh, Alvarez, Jackson, Pretlow, Santabarbara, Gunther, Bronson, Meeks, Cook, Jean-Pierre, Anderson, Jacobson, Dais, McDonald, Rozic, Pheffer Amato, Lucas, Rajkumar. An act to amend the Environmental Conservation Law, in relation to establishing the climate change adaptation cost recovery program; and to amend the State Finance Law, in relation to establishing the climate change adaptation fund.

ACTING SPEAKER ZEBROWSKI: On a motion by

Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced.

Mr. Dinowitz, an explanation has been requested.

MR. DINOWITZ: Certainly. So this bill called the Climate Change Superfund Act, establishes a source of revenue to address the climate crisis, and it would greatly reduce the very costly burden to the New York State taxpayers who are already suffering very much from rising costs, inflation, energy costs, and it's based on the polluter pays legal principle, so it ensures that big oil companies are held financially responsible for the rising costs of the climate catastrophe, specifically for funding climate damage repair and resilient projects.

So what it does is it would raise \$3 billion a year for 25 years, that's 25 times 3, and it would be an assessment against the worst polluters. Those are polluters who have caused -- there's a quantifiable way of determining who caused the most damage, and approximately 35 to 40 companies would fall into the category of those polluters who have caused the -- the damage. And they would be the ones to pay a proportional share of the \$3 billion each year based on how much pollution they caused.

And over the course of -- and I just want to read you some -- a couple of statistics, because this is important to know. The estimated cost for upgrading New York City's sewer system is approximately \$100 billion. A proposal to protect the City from flooding could cost more than \$50 billion, and the price tag for

protecting Long Island, Long Island, a bunch of you from Long Island, is estimated to be at least \$75- to \$100 billion. And so the tremendous costs that are involved, and I think we all understand what's been happening, we see 100-year storms taking place like all the time now, we've seen 500-year storms a number of times in recent years. I know in my own district, and I -- and it didn't just affect my district, but when we had I think it was Hurricane Ida just a couple of years ago, the Major Deegan Expressway, which is the New York State Thruway when it comes south of Yonkers into the Bronx, was flooded like up to here (indicating); it never, ever happened before, ever. And we've seen floods like that. We've seen coastal flooding, events that have never taken place before in the history.

So what is happening? This climate change, it's not just a sort of a -- a blip, you know, not a temporary trend. So we've seen events, whether it's hurricanes or tornadoes in places that have tornadoes, snowstorms, and other events happen much more frequently and much more severely. And the cost of dealing with it is staggering. And by the way, that Hurricane Ida, people died in -- in Queens because their basement apartments were flooded. So we've had one event like that after another. I think in one of my colleague's districts two years ago who represents I guess part of the Hudson Valley, they had an incredible flooding there causing terrible, terrible damage and injury as well.

So what this attempts to do is raise some of the money that's necessary to do the things that we have to do from the

very people who caused the damage -- the very entities, I should say, who caused the damage in the first place, which are the fossil fuel companies, oil companies, and make them pay a little bit of the -- of the cost of fixing the problem that they themselves were responsible for. And it does it in a fair and equitable way, and we should all keep in mind that this damage, which we have to address, has to be paid for. So the question is whether we all pay for it, the taxpayers pay for it, or at least the oil companies pay for a little piece of it, and that's what this bill is about. And it establishes a fund that would be administered by the Department of Environmental Conservation to determine how the money is going to be spent, what it's going spent for, and there are a number of different types of things that the money would be spent for, including upgrading storm water drainage systems, making defensive upgrades to roads, bridges, subways and transit systems, I'm just going to name a few of the many things, preparing for and recovering from hurricanes and other extreme weather events, undertake and preventive health care programs and providing medical care to treat illness or injury caused by the effects of climate change, relocating, elevating, or retrofitting sewage treatment plants vulnerable to flooding. And in my own district, we have the Metro-North Hudson Line Railroad, the railroad tracks are, like, this far (indicating) from the Hudson River, I'm not exaggerating, it's just -- you know, several feet away and it's pretty much on the same level. At some point, the MTA is going to have to figure out a way to prevent those railroad tracks, and it's not just in the Bronx



portion, it's also in Westchester as one example, to I don't know, lift it up, block it off, whatever they have to do, all that stuff costs huge amounts of money. And if the work isn't done, we won't have the railroad anymore. Installing energy efficient upgrades and retrofits in public and private buildings including schools and public housing, upgrading parts of the electrical grid to increase stability and resilience, including supporting the creation of self-sufficient clean energy micro grids, and a bunch of other things. And it also mandates that at least 35 percent of the funds that come in for this will be focused on communities of high needs, poorer communities economically, communities that have been typically adversely impacted in a disproportionate way due to climate change.

So the -- it'll also determine, as I think I mentioned, the proportion of liability of the responsible parties. So if -- if there's a company that -- let's say it's determined that they're 5 percent liable or responsible for the pollution that was caused, 5 percent of \$3 billion is I guess \$15 million which, of course, is a drop in the bucket to these companies because I'm sure you know that many of the oil companies have had record staggering profits in the past few years, and at the very top of the list is Saudi Aramco, but also Exxon Mobil, Shell, BP, Chevron, and a whole host of other companies, and there are about 35 to 40 such companies which would have to participate in kicking in to -- to this fund to help fix the damage which they themselves caused, knew about, in some cases were maybe less than truthful about, denied it, and -- and here we are today and I know we all know what's

going on and anybody who doesn't believe that, well, you just really haven't been paying attention.

So we're really in a big problem now, and this is one way to help address the situation without socking it to the taxpayers. I think that's my short explanation. Would you like to hear the longer version? No? Okay, fine.

ACTING SPEAKER ZEBROWSKI: Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. I'm almost scared to ask if I could ask the sponsor for a few questions.

ACTING SPEAKER ZEBROWSKI: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Of course.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. SIMPSON: Well, I want to say bravo for explaining that bill.

(Inaudible/cross-talk)

MR. DINOWITZ: -- you would ask.

MR. SIMPSON: Excuse me?

MR. DINOWITZ: Is there anything left?

MR. SIMPSON: Yeah, there's a lot, there's an awful lot. All right. So I'm going to start off -- I'm going to rearrange my questions because something that you said really stuck out to me. Is the evidence -- is there evidence that these companies knew --

MR. DINOWITZ: I'm sorry. Speak more loudly, the

camera snapping is actually louder than you.

MR. SIMPSON: Is there evidence that these companies that you named off, these 35 to 40 companies, do you have evidence that they contributed to this, that they knew about it back in 1991 or, you know, the span of time that this bill is covering, attempting to recover damages, is there evidence that they knew and that they hid the fact that they knew what they were doing, because these companies were permitted. They were regulated by the Federal Government as well as the State to drill, to provide fuel and products that we all as consumers created the de -- demand for.

MR. DINOWITZ: Do you really think they didn't know that they were doing something bad? But let me --

MR. SIMPSON: I was asking you the question.

MR. DINOWITZ: Let me try -- well, sometimes some of us answer questions with questions. So I look at this as something similar to what happened with tobacco companies, and I'm not saying it's exactly the same but in many ways it is. For so many years -- I -- I still remember when I was a kid, you know, reading and hearing about all this stuff where first, you know, cigarettes were great, they, you know, some cigarettes were geared towards Marlboro towards men and Virginia Slims towards women and it makes you, you know, whatever people but it was a good thing or it helped keep their weight down or it just was wonderful. Then people started to, you know, as they were dying, they realized that it wasn't so good but tobacco companies knew about that. They kept the information

hidden, they lied about it. Yes, they lied about it which is why they came to these settlements for hundreds of, you know, zillions of dollars and in my opinion, and I think it's been borne out by the facts, many of these companies, they knew all along that they were causing damage to the environment. They kept it hidden, they denied it, but now like everybody knows it. And if -- if you think it's -- that there's any question about it, I don't know how I convince you, I don't have, you know, proof in my pocket. But I think we all know -- we all know that climate change is real. Virtually every scientist believes that and I tend to trust scientists over, you know, you know, YouTube videos and stuff and it's a fact. It's a fact. And what we're doing here is we're designating certain organizations, companies as responsible parties and those are the companies whose products are responsible for the emission of more than one billion tons of what's called GHGs, I'm sorry, GHGs in the covered period. The covered period runs from January 1st, 2000 until December 1st of 2018, and they're able to quantify the amount of pollution that they cause. And it's quantifiable based upon records that exist, upon the companies' own records and so that's how they can figure out these numbers and a proportionate share that each company would be responsible for, and -- and that's how they determine how much to assess each company.

MR. SIMPSON: And who is "they" again?

MR. DINOWITZ: The Department of Environmental Conservation.

MR. SIMPSON: Okay. So that leads me to another

question. The first version of this bill that was presented I think in 2022 estimated they used a number of 30 billion as a total where this bill is at 75 billion.

MR. DINOWITZ: That's correct.

MR. SIMPSON: So the DEC all of a sudden re -- go back and re --

MR. DINOWITZ: No. The DEC didn't come up with those numbers at all. The DEC -- the DEC is not in this yet. We haven't passed this, it hasn't been signed into law. The original bill was talking about \$30 billion per year but it only looked at -- for ten years. What this does it's -- it's -- I'm sorry, \$3 billion a year for ten years, which is \$30 billion. This would be \$3 billion per year but over 25 years, so 3 times 25 being 75.

MR. SIMPSON: Okay. How did you -- you mentioned the damages in your explanation of the bill. You talked about many, many perceived damages, especially in your district or down in --

MR. DINOWITZ: Well, not especially in my district.

MR. SIMPSON: Around --

MR. DINOWITZ: I mean it's all over the place.

MR. SIMPSON: Well, I mean Downstate. I meant, you know, I mean, you know, I live in the Adirondacks and I'm glad I live in a higher elevation from listening to what's happening in, you know, New York City. But my question is --

MR. DINOWITZ: But the damage -- I'm sorry to

interrupt. The damage is everywhere. Extreme weather causes damage. We had a snowstorm in Buffalo just a year or two ago where many people died, and I'm not saying that climate change is responsible for every snowstorm. What I am saying is that climate change is responsible for these severe weather conditions to happen more often and more frequently and more severely, I should say. So a storm that might have produced a foot of snow, might end up producing, you know, three feet of snow. We've just had more of those types of weather events that we've never had happen in our lifetime and in fact have never happened since they've been keeping records going back into the 19th Century, and people are dying and they're not just constituents in New York City or Long Island, it's all over the place.

MR. SIMPSON: So how did the sponsor, you, arrive at the damages assessed by this bill and how will the damages be attributed?

MR. DINOWITZ: How --

MR. SIMPSON: Can you explain? Because you've got to have damages to create a bill like this, you've got to have an estimate of damages.

MR. DINOWITZ: What -- what this bill does is it helps pay for past damages caused by the effects of what these corporations have done. So this is -- this is helping to pay -- and this has been said a million times during the discussion about this bill. If you make a mess you got to clean it up. In this case we're not asking

them to clean it up. We're asking them to help a little bit to clean it up and that -- that's where the money comes in. And \$3 billion spread out over all these companies, it's really not that much, relatively speaking.

MR. SIMPSON: All right, going further. Can you explain the connection between the infrastructure cost, which you've cited, the damages, and the harm caused by each supposedly liable party to the State?

MR. DINOWITZ: Each of the parties did not necessarily specifically cause a specific piece of damage, you know. The -- the -- the one company didn't cause the severe flooding which has taken place in many places. What this is is that these companies that -- that surpassed the threshold, as I mentioned earlier of more than one billion tons of GHGs during the time period that I had mentioned, collectively caused -- help caused so much damage and contribute to the change in the climate that they need to help address the issues that they caused. You know, when we talk about trying to protect the Island of Manhattan from being, you know, basically swallowed up, but it's not just that, that's why I cited the -- the storm in Buffalo as an example of an extreme weather event. But those types of things have happened all over the place. I -- I cited the -- the severe storm that took place in -- in Assemblymember Eachus's district just a couple of years ago. I mean this -- this is just happening all the time. None of us have ever lived through something like this because it's never happened before.

MR. SIMPSON: So who regulates then the GHD greenhouse gas emissions? Is it the Federal Government or is it the State?

MR. DINOWITZ: We're -- we're -- we're not talking about who regulates it here, that's not what the bill does. What the bill does is it -- it indicates a quantifiable way to determine how much of the -- I'll -- I'll say of the blame each of these companies is responsible for and therefore should pay in -- in the assessment that would be levied on them.

MR. SIMPSON: So the reason why I ask that question is, you know, the Federal -- existing Federal law like the Clean Air Act preempts state regulation of GHG emissions. So is that --

MR. DINOWITZ: We're not regulating -- that's not what this bill does.

MR. SIMPSON: No, but there's a responsibility in who permitted, who allowed, who set the standards.

MR. DINOWITZ: We're not talking -- we're not talking about that. What we're talking about is quantifying how much of those GHGs have been caused by, you know, have been admitted by each of these companies, and it's -- the formulas for calculating the emissions is based on production of -- of -- there's records, there's records of -- of that. I assume they all keep their records properly, because I know they would never lie. But they can be accurately measured based on publically-available production records. They



exist. Now I wouldn't know how do it because I'm not the expert on this, but the records exist and you can figure this out, and it's probably not that hard.

MR. SIMPSON: Well I'm not an attorney but I know enough that there has to be responsibility, but there has to be some kind of evidence that -- whether it's 100 million tons of GHG gasses or whether it's 200 million tons of GHG gasses is -- is -- I'm trying to think -- is the evidence that you need to be able to go back to a company and say you're responsible for this, you created this disaster and that's what I'm trying to get at.

You know, this bill is putting responsibility for something on a number of companies, a lot of money. Maybe small in the scheme of adding up all the total business that they all do, especially and that's just in, you know, the impacts to New York State. So there needs to be some kind of nexus, some kind of connection, something that can be proven because I would assume there's going to be challenge and pushback.

MR. DINOWITZ: I -- I have no doubt that this law, once it's passed and hopefully signed, will be challenged and I also have no doubt that it will withstand any legal challenge, because we've been advised by numerous legal authorities presumably defended by the Attorney General, but you have to I think, look at it from the perspective of the people that each of us represent. To me there's a binary choice here. Either our constituents are going to pay for 100 percent of the cost caused by these companies or the

companies are going to help pay for part of the cost. I'm not even saying pay for all of it because they maybe not be able to, but pay for part of it. Help pay to -- to rectify the damage that they caused, and I think if you ask any of your constituents, if you ask them an even -- an even-panned question, who do you think should pay for the pollution and the damages caused by the oil companies? You, the taxpayer? You, the property owner, or maybe the oil companies? And I'm pretty sure that almost all of your constituents would say that the oil companies should pay for part of the cost, because if they don't, these costs are still going to exist, and how does a municipality, how does a town pay for all these things. The way that they're going to pay for it they're going to raise property taxes, and I don't think any of us want to see property taxes raised or any other taxes. So if you want taxes not to go up, vote yes on this bill. But if you are okay with property taxes going up, vote no.

MR. SIMPSON: Are there other states that are considering legislation like this?

MR. DINOWITZ: Well, I'd like to think we are the trailblazer and number one, but in fact, we're going to be number two, because another State has recently passed this very same law and that is the State of Vermont.

MR. SIMPSON: Has it been signed into law yet?

MR. DINOWITZ: I believe it became law without -- I don't think the Governor signed it, but I think the way it works there it became a law without a signature or her -- I'm not sure if it's a he or

she.

MR. SIMPSON: All right. So do you think this law will stand to a constitutional challenge?

MR. DINOWITZ: Not only do I think it'll withstand the constitutional challenge, I'm certain it will. But not being a judge - although I'm an attorney, but not being a judge, I can't answer that. But I -- I believe it will based on everything I've read, based on all the information I've been given and learned about this, I -- I do believe that.

MR. SIMPSON: All right. In -- in the legislation it uses the terms best available science to identify high-emitting entities and apportioned liability among them. Can you define what best available science is, where -- where it's going to come from? I mean where.

MR. DINOWITZ: I'm not sure I can define it, but I'm pretty sure I'd rather have the best available science as opposed to the not so good available science.

MR. SIMPSON: So is that going to come from DEC?

MR. DINOWITZ: DEC would be the -- the lead agency in dealing with this. There might be other agencies involved but DEC would be the lead agency.

MR. SIMPSON: Okay. So there was actually an article in *Politico* where, you know, a member here was commenting on this bill and, you know, the comments that were made, you know,

prompted a question pertaining to how -- have we done anything to evaluate, do an analysis and how this is going to impact the State and all the constituents in New York State, all of our residents? Has -- has there been an analysis --

ACTING SPEAKER ZEBROWSKI: Mr. Simpson, your time has expired. You're going to take the second 15? Okay. Go ahead.

MR. DINOWITZ: Have we -- I'm sorry?

MR. SIMPSON: Have we done an analysis of how -- an analysis of the potential impact to people of New York, whether it's going to result in higher costs, if this is just going to be passed onto consumers, should New York State be successful in attaining these funds.

MR. DINOWITZ: If the bill takes effect, or should I say when it takes effect --

MR. SIMPSON: Positive thinking.

MR. DINOWITZ: -- we will have \$3 billion a year to help address the very problems caused by these companies and that would include many of the things that I read a little earlier, the list of potential things that could be done with that money to help address the climate change issues which have unfortunately accelerated every year.

MR. SIMPSON: Do we think that that cost is going to be passed down to New Yorkers that are still driving gas cars, still heating their homes with fossil fuels, still buying propane?

MR. DINOWITZ: Well, the cost have already been passed down because the cost to address the issues - and I mentioned some of them earlier - have to be paid and are being paid right now. So the question isn't whether the cost is going to be passed down because we're paying the cost now. I think the real question is will this help make sure that at least some of the costs are not put onto the -- all of us, but rather at least some of it onto the companies.

MR. SIMPSON: Maybe I should've --

MR. DINOWITZ: So it seems to me we would be better off having \$3 billion extra to deal with this issue.

MR. SIMPSON: Maybe I should've said additional costs. In the end are we going to be paying the \$3 billion more in higher costs of energy from these people that we're going to take the \$3 billion a year from?

MR. DINOWITZ: I don't see why that would happen because there -- there are many companies that would be assessed this fee and others that won't. And if a company wants to raise their prices at the pump, for example, but the gas station across the street that's not being -- that the company which is not being assessed the fee, I mean the laws -- I mean I don't know about you but I still believe in capitalism and competition. And if one company is -- wants to raise its price but the other one isn't, well, guess what? They're not going to raise their price. But beyond that, when we talk about the price at the pump we're also talking about prices that are set not by, you know, in a particular town or a neighborhood or whatever. It's set more

globally than that because that's just the way things are. And there's no reason to think that those costs could be passed on, but let's say they were passed on. Let's just say for a minute they were, even though they're not going to be, so what then? Then we'll be no worse off than we are now. We'll be paying for the whole thing, but right now all of us are paying for the entire cost of dealing with this issue and they're paying nothing. They're getting away scot -- when I say "they", the oil company. They're getting scot free and I have nothing personal against the oil companies but they should just, you know, kind of kick in a little bit and help us solve the problem that they caused.

MR. SIMPSON: So I agree with you. I believe in capitalism as well, and I also know that if you disadvantage one company over another, which you've talked about, you know, one may be held to a different standard, even though they're paying these fees to New York State or these penalties to -- to New York State, that they're going to be forced by competition to keep their prices at the same level. Do you think this will force any of these companies to go out of business?

MR. DINOWITZ: Let's just take a look at the record here. Saudi Aramco -- well, actually I'm looking at the record of how much they've been assessed. In the past several years, the -- the leading oil companies collectively have had profits in the hundreds of billions. I'm not talking about gross revenue, I'm talking about profits, they're loaded. So the -- the relatively small amount that they are

going to be charged based on this is not going to effect, it's more of a rounding era based on those staggering numbers of the amounts of money that they're taking in. So I don't think we're forcing, you know, Exxon out of business if they're going to have to pay some money in New York State.

MR. SIMPSON: Okay. And defining responsible party. The bill notes, shall not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the United States Constitution. This language suggests that the bill potentially exempts foreign companies.

MR. DINOWITZ: Not at all.

MR. SIMPSON: No? Okay.

MR. DINOWITZ: Not at all. Saudi Aramco, being the number one company with the greatest profit, does have a nexus here in New York.

MR. SIMPSON: So you don't think this is going to have a larger impact on our domestic producers?

MR. DINOWITZ: I think it'll have a larger impact on -- on those producers that have caused the most damage, some may be domestic, some may be foreign.

MR. SIMPSON: Okay. Do you think that any of these fees or costs, these penalties being assessed to these companies is going to have any effect on the industry and their ability to invest in advanced technologies to try to address this issue, the effect?

MR. DINOWITZ: Well, these companies have

plenty of money. How they choose to allocate it, I mean they can choose to invest some of it towards, you know, technology. Although I still remember the gas lines from, you know, Jimmy Carter or I forget what year -- the '70s when we -- when we all talked about oh, they're all gonna -- you know, we're going to develop solar energy. Well, these are the very companies that prevented solar energy from the bill to the extent that it could've been developed, so they -- they've never shown a -- a tremendous interest in these technologies. They -- in fact, in many ways they've suppressed it, but they have a lot of money available. So maybe, I don't know, maybe a little bit less money might go to, you know, for -- for dividends, and they can put the money where it should go.

MR. SIMPSON: All right. If this is held up in courts, which I assume I think you would agree there's probably going to be a lot of pushback and legal fights and there's probably a question of whether we were prepared for that or planned for how much that could cost.

MR. DINOWITZ: Well, there's -- there's always pushback. Anything like this always involves pushback. Anything worth fighting for you have to fight.

MR. SIMPSON: Okay. Well, I just -- I mean we're talking \$75 billion, there's -- there's going to be a lot of money behind from those companies. You talked about how much money they're making. I'm sure they're not just going to roll over for New York State.



MR. DINOWITZ: No. And the tobacco companies didn't roll over either, and the pharmaceuticals -- pharmaceuticals didn't roll over. Yet, they had to pay for some of the damage they caused. And by the way, I'm looking at my notes, Saudi Aramco had a net income of over \$161 billion in 2022, and last year it was over 121-, no small change there. That's a -- that's a lot of money. These are not companies that are withering away or, you know, have lack of profits. They're loaded with so much money they could help a little bit. I'm just asking them to help a little bit.

MR. SIMPSON: So you -- you did mention Vermont has passed the legislation, but there are other states that are looking at it. And, for example, Maryland, their legislative services did an analysis and noted the potential for significant delays and costs that could exceed 2.2 million annually with additional upfront cost. Have we done an analysis to see what this is going to cost from starting going back retroactively and moving forward with this?

MR. DINOWITZ: Cost to whom?

MR. SIMPSON: The cost of this bill.

This legislation--

MR. DINOWITZ: The cost to the State of New York or the cost to the companies? I'm not sure what you're talking about.

MR. SIMPSON: Well, you're going to have upfront cost because it's not going to be from day one, right? There's going to be legal costs. There's going to be science that, you know, you've identified that's going to be needed to -- to assess the responsibility.

We're going to have to spend money.

MR. DINOWITZ: Perhaps.

MR. SIMPSON: Well, it isn't going to be free; would you agree?

MR. DINOWITZ: It's not going to be \$3 billion. The \$3 billion in revenue that the -- that the State would get to -- to do these very important necessary worthwhile things, it's -- it's going to do a lot of good, I think and help. And -- and it's just, as I said, I'll keep saying it, it's just -- it's just a small percentage of what's going to have to be done. I mean unfortunately I wish that weren't the case. But right now there are local governments in New York State that are probably spending half of their budget on dealing with this mess. They're spending a lot of money and what does that mean? It means higher property taxes. It means higher other kinds of taxes, and we -- we have to deal with that because those percentages are going to keep increasing. They're not going to go down if we just -- if we do nothing.

Now there are things that are being done. We've passed various legislation in recent years to, you know, to deal with things going forward, but what this bill does is it looks back over the past almost 20 years and it determines, it comes up with an actual dollar figure that each company would have to contribute. And I don't think most people would find that unreasonable at all whether they're -- no matter what their political affiliation is, I think most people would find that very reasonable.

MR. SIMPSON: So if we're successful with this, is there a possibility that New York State is going to go beyond the period that they're looking at right now on recovering damages?

MR. DINOWITZ: I don't think -- I don't think that's necessary. That's not the point. We're looking at a particular period which would help us assess a percentage of blame. And looking at a longer period probably won't change that, but maybe what you're asking is are we going to go beyond the \$3 billion. I'm not sure if that's what you're asking.

MR. SIMPSON: Or -- or even prior to the beginning of this period.

MR. DINOWITZ: I don't know that that's relevant. I don't know that that matters. These -- these companies have been around for a long time and if you -- if you -- let's say you did factor in a few more years that -- there's no reason to assume that those percentages, those relative percentages would -- would change in a significant way.

MR. SIMPSON: And going forward, are you referring to the Cap-and-Invest program as how we're dealing with the effects of greenhouse -- greenhouse gasses emitted, you know, fossil -- cars being operated by gas? We're still using those fossil fuels, still in demand.

MR. DINOWITZ: We've put in place, like the CLCPA, we've put in place several laws meant to lower the percentage of fossil fuels and all kinds of other bad stuff that we use.

There are goals that -- that the law has. This is not that. You know, lowering those percentages is -- is the goal of -- of some of the other legislation that was passed. What this does essentially is raise money to help fix part of the problem that -- that already exists. It's different. It's not the same.

MR. SIMPSON: Okay. Thank you, Mr. Dinowitz.

MR. DINOWITZ: You're welcome.

MR. SIMPSON: Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MS. WALSH: Well, it's an absolute delight to be debating such an important piece of legislation at 1:15 in the morning. Rather than asking questions I thought I would just point out some of the things that I'm seeing as I'm reviewing and have been briefed on this very important, bill, this \$75 billion over 20 year fund that's -- that's going to be created. One of the points that I noticed is that at least 35 percent of the money collected is going to go to disadvantaged communities, and I wasn't sure whether -- what we meant by disadvantaged communities, whether that was going to be communities that are -- I -- I believe that the sponsor indicated during his rather lengthy explanation of the bill that disadvantaged communities was going to mean poorer communities. I think that

there's an argument to be made that -- that communities that should receive that extra money should be the communities that are most deeply effected by climate change consequences since that's the whole purpose of -- the stated purpose of creating the fund. I think that when you take a look at these steep retroactive fines that are going to be assessed against companies, that could be deemed harsh and oppressive and in violation of the Takings Clause, especially since we're using a strict liability standard. You know, how -- how did we come up with the idea of 75 billion, by the way? You know, that seems rather arbitrary. I mean, even the sponsor agrees that 75 billion barely scratches the surface in his estimation of what this is going to actually cost to do all of these repairs. I mean, New York -- New York has -- being on the East Coast has very aging infrastructure anyway. So how you possibly separate out what's just aging and what's really climate impacted, you know, is going to be interesting moving forward. I think that there are 14th Amendment concerns and due process concerns. You know, the determination that fossil fuel companies have injured New York State without the companies actually being heard on the matter of a nexus of fault existing I think really calls into question due process issues. And that will all have to be sorted out in court. And I think, you know, Vermont, as was indicated, was the first state that just last month was number one and passed mirrored, you know, mirror legislation as this. And when the Governor didn't veto that bill, he still nevertheless expressed some real concern that this was going to be heavily litigated, and I haven't heard

a figure here of what the projected cost of litigation will be in terms of time and in terms of money to the State. So that's a real concern.

There are issues of Federal preemption. There are issues -- there are a lot of issues with this. I think, you know, is the fossil fuel industry solely responsible for climate change? I don't think so. I don't know -- so I think that picking on them specifically with this piece of legislation, I -- I don't know whether that really should be the case. I -- I fundamentally like growing up in the -- in the Northeast as I did and growing up along the Hudson River and seeing what's happened with, you know, GE with the pollution that they put into the river and the cleanup that they had to do, I kind of grew up with those lawsuits and that -- that whole process going on, but in this case, you know, reaching back to a period of time between the year 2000 and 2018 and trying to quantify what these permitted businesses were doing and then assessing a fine of this amount over a 20 year period of time I think, you know, this is going to be very interesting to see how this plays forward. I -- I do have a number of concerns about this legislation, but I'm going to leave a lot of the other arguments to some of my colleagues who know a little bit more about it. I -- I won't be supporting it. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mr. Palmesano.

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

ACTING SPEAKER ZEBROWSKI: Mr. Dinowitz,

will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Dinowitz. So let me take it from this perspective. We're doing this lookback from 2000 to 2018. So we have a company that operated under Federal law, that operated under State law, got approved permits from the Federal Government, State government, saying you were valid, you were justly operating under the legal guidelines of the State and the country, but now we're going back to them, they got these approved permits, now we're going to go back to them and say, now you have to pay more money, correct?

MR. DINOWITZ: Yes.

MR. PALMESANO: Okay. And even though customers, businesses, residents have benefitted from fuel to drive, fuel to operate their manufacturing operations, even though all that, they're going to be paying for this, right?

MR. DINOWITZ: Well, I -- I would argue that while customers may have benefited, all of us collectively may have suffered because of the damage that they have done, that their product has done to the environment, which has contributed significantly towards climate change and the severe weather conditions that we've experienced in recent years.

MR. PALMESANO: Okay. So doesn't existing

Federal law like the Clean Air Act preempt the State regulation of  
GHC emissions and obviously the Federal --

MR. DINOWITZ: I'm sorry, would you mind  
speaking a little more clearly?

MR. PALMESANO: Sure, sure. No problem at all.

MR. DINOWITZ: Thank you so much.

MR. PALMESANO: Right now, doesn't existing  
Federal law like the Clean Air Act preempt State regulation when it  
comes to GHC emissions, so aren't we talking about Federal  
preemption here?

MR. DINOWITZ: No.

MR. PALMESANO: No? Okay. So 75 billion, 3  
billion over 25 years. The same group that's from a business  
accounting the majority of the gas and oil sales from New York. You  
do not believe that this will be treated as a pass-through tax to people  
who get their gas at the gas pump or their home heating cost? You  
don't believe that's going to be a pass (inaudible) through to customers  
and ratepayers?

MR. DINOWITZ: Absolutely not.

MR. PALMESANO: How -- how -- how would you  
say -- well, never mind, okay. Now when this bill was introduced two  
years ago the total was \$35 billion.

MR. DINOWITZ: It was 30 billion.

MR. PALMESANO: Okay. But now two years later  
it's \$75 billion?



MR. DINOWITZ: Well, it's not that the per year amount has changed, it's the number of years that this will be in effect for that's changed from the original bill to this bill.

MR. PALMESANO: Okay.

MR. DINOWITZ: So instead of ten years, it's 25 years. Same 3 billion, just multiply 30 or 75.

MR. PALMESANO: Okay. Is there any legal precedent that you're aware of for retroactively taxing companies who sold a product in the State, which the residents, which the businesses used that caused an (inaudible) industry?

MR. DINOWITZ: Well, first of all, we're not taxing them, and I -- I would disagree with the characterization of it being a tax, but the answer is a Federal Superfund.

MR. PALMESANO: So you don't feel --

MR. DINOWITZ: So there is clearly precedent.

MR. PALMESANO: Now DEC and NYSERDA in their public presentation said that the cap and invest role which we passed last year is expected to be up and running and will generate as much as \$12 billion in gross receipts and the Superfund will be \$3 billion which will largely be imposed on the energy sector. With that, is there any economic impact study or anything like that that should be done or has been done or no?

MR. DINOWITZ: I'm not sure with one has to do with the other but I think the economic impact is that if we can help to start addressing the ramifications of climate change, it'll have a very

positive economic impact on the State.

MR. PALMESANO: Okay. Now you say -- you compared this to a Superfund, but under Superfund the liabilities apply usually to the entity responsible for discharging or disposing of hazardous chemists -- hazardous chemicals into the environment. For greenhouse gas emissions, for GHC, that would mean the entity that combusted the fuel. I mean the cars, the residences, the businesses, the transportation, all of those. So why wouldn't that be shared with them but you're using -- you're passing this under a strict liability, correct, and not using joint and (inaudible)?

MR. DINOWITZ: This is not an assessment on those that have used the product. This is an assessment on those entities that have created, sold, kept -- kept from the public the impact of the product and the damage that it would and did cause. So just cause you drove a car doesn't mean that you should be held responsible for some of that damage, but rather the company that --

MR. PALMESANO: Even though the residents of the State, the businesses of the State, the manufacturers of the State used a product that was used across the country, used for economic development for growth and you're saying it's just we're going to put the spotlight and just the energy sector in and of itself, correct?

MR. DINOWITZ: Let -- let me answer it this way, if I may.

MR. PALMESANO: Sure.

MR. DINOWITZ: As -- as I said earlier, there is a

cost that is going to be paid to address the issue that this terrible disaster, which is awaiting us. And the question is whether our constituents, the 130- or so thousand people in our district should shoulder the entire cost of this or whether the oil companies and the other companies responsible for this that help create the problem in the first place should share a small part of the cost, and I vote for them sharing part of the cost.

MR. PALMESANO: Okay. Hopefully these are yes or no questions for you. You are aware last year that Doreen Harris and Basil Seggos went out --

MR. DINOWITZ: Can you speak more slowly and clearly, please?

MR. PALMESANO: Yes. Last year around budget time you are aware Doreen Harris and Basil Seggos went out and talked about the emission methodology we used. If we did not change it to international and other states to a hundred year, it would increase prices at the pump 63 cents a gallon and increase natural gas home heating costs, they said that, they came from their own numbers. You remember that, correct?

MR. DINOWITZ: Well, maybe --

MR. PALMESANO: Okay.

MR. DINOWITZ: -- but that has absolutely nothing to do with this.

MR. PALMESANO: I will respectfully disagree and I'll explain that when I go on the bill. You're also aware that last year

*Politico* had an article that the PSC did approve future rate increases of \$43 billion to pay for the green energy mandates that are coming down the road. Are you aware of that article or that PSC or no?

MR. DINOWITZ: I'm not going to disagree with you on that, but again, nothing whatsoever to do with this bill.

MR. PALMESANO: Okay, and one more. The Climate Action Council, the Consumer Energy Alliance all did a study showing the cost to electrify their home with natural gas would cost anywhere from \$20- to \$50,000. That was (inaudible) study -- so you might be aware of those studies. I know -- not going to disagree with me but it has nothing to do with this bill, correct?

MR. DINOWITZ: No, nothing whatsoever. But let me just say this: Obviously any company does not want to have to spend more money or in this case be assessed, but I believe that there are many entities, many companies that are spreading fear tactics, scare tactics, trying to convince people that this is going to hurt them when in fact they are the ones that have been hurting all of us for many, many years.

MR. PALMESANO: Mr. Dinowitz, I really appreciate your time.

MR. DINOWITZ: And we should stand up for our constituents.

MR. PALMESANO: Thank you.

MR. DINOWITZ: Thank you.

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

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. PALMESANO: Mr. Speaker and my colleagues, this legislation in my opinion shows really how completely out of touch the Majority is. There's legal and constitutional problems. I'm not an attorney. First, to think we had businesses that were operating under legal and regulatory system State and Federal, individuals and businesses and residents benefited from that, our manufactures did. So businesses go and apply and get State and Federal permits, but then years later we're saying you got to pay a -- you call it a tax fee or an assessment but it's still a tax. There's legal problems with this. The retroactive ex post facto laws, Takings Clause of the U.S. Constitution which prohibits excessive fines, you know, \$75 billion. Due process cause of the 14th Amendment. In fact, the U.S. Court of Appeals 2nd Circuit recently said that greenhouse gas emissions are a matter of Federal and international law and not state law and the *City of New York versus Chevron Corp.* Where the corp rejected State nuisance claims and said that global emissions, because they're Federal, ruled decision (inaudible) Federal. The Commerce Clause to the United States. We had a trucking industry that has helped improved shipped product from one end of the country of the shipping industry, but yet that's -- that's going to violate -- I believe that's going to be a violation of the Commerce Clause. We have other implications down the road. I'm not -- I think the thing I'm most -- I'm not shocked, but I'm not so much surprised is that really we continue to show -- I think this Majority continues to

show how out of touch they are when it comes to the public safety, the affordability and quality of life crisis that's going on in our communities. And to think that a \$3 billion assessment yearly for 25 years will not be passed on to the ratepayers, the customers, people who go to the gas pump and to say that's not going to happen I think is really a head in the sand approach. And in fact I want to quote. Quote, "I've never in my life seen corporations choose ratepayers over stockholder, asking companies to pay more, it's going to be of course taken out on our ratepayers." Our Speaker said that at a press gaggle a couple weeks ago when this bill was (inaudible) put down. Then, another member said, I don't think of your side -- said I don't think there's anything - I quote - "I don't think there's anything worth doing that isn't going to impact consumers. To pretend this isn't going to impact consumers is pretty quite naive." I agree.

In the Cap-and-Invest program, just like the Cap-and-Invest program, we're now going to turn over to the Authority to an unelected regulatory Body to put the impact on our consumers, our businesses. The Cap-and-Invest program we talked about was \$12 billion, the Superfund we're talking about \$33 billion, which is basically getting paid by the energy sector and that's going to be passed on through to our ratepayers and our businesses. So prices at the pump will increase for our residents, home heating costs will increase, but yet you don't want to be accountable to the voter to bring this stuff back up. And if the Cap-and-Invest is such a great idea, whatever recommendations they come forward, we should take for an

up or down vote so we can show to our voters this is where we stand. Same thing on this, whenever they come back with these fees and assessments, what it's going to be, how it's going to impact prices at the pump, we should take an up or down vote. I hear you often talk about affordability and how costs are important, but then we continue to see more and more policies like this that just continue to increase cost and really showcase that we have an affordability crisis in the State of New York. We can go through the cost -- the (inaudible) cost, the \$12 billion for the Cap-and-Invest, \$3 billion for the climate Superfund. If we do not change the methodology that's been documented and proven by NYSERDA's own numbers, if we don't change the methodology from a 20 year to a 100 year methodology, prices at the pump for New Yorkers are going to increase 63 cents a gallon and home heating costs are going to increase 79 percent and the PSC approved \$43 billion to future ratepayer increases. The study showing \$20- to \$50,000 to convert your home over from gas to electric. Of course, the EV school bus mandate, \$8- to \$15 billion in replacement costs above replacing near zero emission buses, the charging infrastructure, billions of dollars, grid improvements that need to be made and our school districts are going to have to pay for it. Shenendehowa School District said they would have to pay \$30 million for a substation, Horseheads \$10 million. One thing after another, and we continue to -- I think where it gets really hypocritical to me is the -- we're saying we got to pay for the damage, we're making the energy policies pay for the damage, but what about the

damage we are doing as we explore other poorer countries to meet our so-called green energy goals? We talk about disadvantaged communities, what about those disadvantaged communities? We talk time and time again about the exploitation of child labor to mine for cobalt. When mining for lithium in African countries, poor countries is very toxic to the environment, but it's okay if those countries are being damaged, it's okay if people are being hurt there, well, where's the Superfund for them? We just want to put our heads in the sand and say you know what? If they're helping us meet our clean energy goals, so be it. And it's just unfortunately -- unfortunate and it's wrong. I know you don't like when I talk about it. It is all intertwined. It's all part of this. I know the sponsor is saying it's not -- not part of this bill, it is because it's part of the Green New Deal that you continue to advance. And I know the only thing I'll say, often you say we don't care about what's going on with the environment. We never said we shouldn't invest in renewable technology, we should and we are, but it's got to be balanced, it's got to be feasible, it's got to be reliable, it's got to be affordable. Your plan doesn't do that. And the fact of the matter is as my colleague Mr. Goodell says, 99.6 percent of global emissions are happening outside of New York State. .4 are only happening here, but yet China is 30 percent of global emissions, India is 7 percent, Russia's 4 percent. That's 41 percent. This bill is not going to impact them. Do we really think they're going to help us meet these goals? No. They're just laughing at us as we here put in place policies that are going decimate our families, our



farmers, our schools, our manufacturers and what we're going to do is continue to see a mass exodus of more of these businesses and families leaving the State of New York, our nation leading outmigration.

For this and so many other reasons, which if I had more time I would explain, I'm voting in the negative and I would urge my colleagues to do the same.

ACTING SPEAKER ZEBROWSKI: Thank you.

Ms. Solages.

MS. SOLAGES: I'd like to make an announcement.

Can we have Ways and Means meet immediately in the Speaker's Conference Room?

ACTING SPEAKER ZEBROWSKI: Ways and Means Committee meeting immediately in the Speaker's Conference Room.

Mr. Durso.

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

ACTING SPEAKER ZEBROWSKI: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. DURSO: Thank you, Mr. Dinowitz. So obviously hearing the debate so far and trying to keep up. You said the DEC will be handling the fund, correct?

MR. DINOWITZ: Yes, I did say that.

MR. DURSO: Okay, and the total fund you said is \$3 billion per year and then it reaches 75 billion after how many years?

MR. DINOWITZ: It's \$3 billion per year. It's not -- they're not going to save it up for 25 years. They're going to presumably spend it, but over -- over 25 years it'll add up to \$75 billion.

MR. DURSO: Okay. So the total amount is \$75 billion, so we're stopping at that point? So this bill only goes for those many years and that's it.

MR. DINOWITZ: That's what this bill does, yes.

MR. DURSO: Okay. So there's no portion of this bill that says basically you could re-up it and do it for another 25 years or be able to look into another fund setup, it would have to be a completely separate bill, correct?

MR. DINOWITZ: Yes.

MR. DURSO: Okay. Now who is going to be deciding on which projects get funded?

MR. DINOWITZ: Mainly DEC.

MR. DURSO: So now will those projects, towns, municipalities have to apply for that money?

MR. DINOWITZ: I believe DEC would have to work out the mechanism for how that would be done.

MR. DURSO: Okay. So there's no commission

created essentially, correct?

(Pause)

MR. DINOWITZ: Okay. It would require DEC. I'm just reading the notes here.

MR. DURSO: Go ahead.

MR. DINOWITZ: In consultation with the Department of State, Empire State Development, Department of Agriculture and Markets, NYSERDA, the Department of Public Service, Independent Power, Independent System Operator to adopt a climate change adaptation master plan and that would assess the needs and vulnerabilities of various areas vital to the State's economy, normal functioning and health and well-being of New Yorkers, identify potential proposed and ongoing climate change, adaptive infrastructure projects throughout the State and would also have to consult with stakeholders including local governments, businesses and representatives of disadvantaged communities, and it would authorize the State Department of Taxation as well as the Attorney General to do enforcement.

MR. DURSO: Okay. So again, so if there's a project for remediation, sewers, whatever we want to call it, who's making that final decision? Is it basically every department in New York State has to have a say in it or is it just the DEC?

MR. DINOWITZ: Well -- want me to read it again? It's what I just mentioned.

MR. DURSO: I couldn't hear you.

MR. DINOWITZ: Wow. It's noisy back there. It's the group that I just mentioned.

MR. DURSO: So it's all those entities have to decide which projects get done with this money that's coming from a Superfund, correct?

MR. DINOWITZ: Those entities, those agencies would develop a plan, and then they would put out request for proposal, like we do with so many projects.

MR. DURSO: Okay.

MR. DINOWITZ: And then it would be evaluated and then different things would be chosen.

MR. DURSO: Well, that's my question. So if there's a project in my district or a town or municipality has a project that they need and they want to essentially apply for it, are they applying directly to the DEC or are they applying to New York State or do they have to fill out 17 different applications for someone to decide which project gets done? And really what I'm asking is, how long is it going to take to get funding to each one of these projects that we say we need so badly, because it sounds like it could take years.

MR. DINOWITZ: No. I don't think it would take long at all but I can't -- obviously I can't give you an exact timeline, but the goal is to do things quickly, smartly, but quickly in order for it to have the impact that we want it to have.

MR. DURSO: So who would they be applying to? I know that's the goal but we don't have anything in place. We have a

bill that's about, you know, we broke it down, it's about ten pages long and we still don't know who they're applying to.

MR. DINOWITZ: It would be -- it would depend upon the specific type of project.

MR. DURSO: Okay. Could you give me an example?

MR. DINOWITZ: Yes. If it was a sewage project they would apply to the Department of Environmental Conservation.

MR. DURSO: And they would decide -- so the Department of Environmental Conservation would have sole discretion on if that project gets done with Superfund money.

MR. DINOWITZ: Well, it would be, as I said, through an RFP process.

MR. DURSO: Well, I understand that, but there's -- there's a certain amount of money that's going to be in this fund.

MR. DINOWITZ: Mm-hmm.

MR. DURSO: If that project costs a billion dollars or \$500 million, does the Department of Agriculture or the Department of, you know, the DEC or a myriad of other groups that you mentioned, 17 other, you know, different organizations throughout the State, who makes the decision? There's a finite amount of money.

MR. DINOWITZ: They would -- they would.

MR. DURSO: Who's "they"?

MR. DINOWITZ: The DEC.

MR. DURSO: So the DEC is the sole group that's

deciding what projects get done.

MR. DINOWITZ: For this particular type of project. I mentioned if it was a sewage project, it would be DEC.

MR. DURSO: Right. So now what if the DEC says yes to that project, and then another group says yes to this project, another group says -- are they going to all be working in conjunction with each other to make sure that this fund doesn't run out of money before all these projects get funded?

MR. DINOWITZ: Well, as I mentioned earlier, they -- they talk to each other, they come up with a plan. So yes, they would have to consult with each other because you don't want ten different groups promising out \$3 billion each, obviously.

MR. DURSO: Correct. Okay. So they're going to work in conjunction with each other to make sure that the money is spent correctly.

MR. DINOWITZ: Yes.

MR. DURSO: Okay. How do we decide which companies are more responsible than the other? I know you had said it came down to greenhouses gasses, the amounts, I think you said it was 100.

MR. DINOWITZ: Okay. Companies -- so let me -- I'll go through it again.

MR. DURSO: You don't have to go through the whole thing.

MR. DINOWITZ: But --

MR. DURSO: I know -- I know but I have a finite amount of time, also. So what I'm saying is --

MR. DINOWITZ: I know, then use it wisely.

MR. DURSO: I'm -- I'm trying to.

MR. DINOWITZ: Companies -- companies deemed to be responsible parties would pay their proportionate share based on their percentage share of the total amount of greenhouse gas emissions of all the responsible parties during the covered period from 2000 to 2018. And the responsible parties are defined as those responsible for the emission of more than one billion tons of GHGs in the covered period.

MR. DURSO: Okay. Now 100 tons of GHG, correct?

MR. DINOWITZ: One billion tons.

MR. DURSO: One billion tons, excuse me. So is there more than -- or how many companies have admitted more than 100 billion tons of GHB [sic]?

MR. DINOWITZ: Well, as I previously mentioned between 35 and 40.

MR. DURSO: Okay. So now each one of those will -- so I don't want to sit there and do the math, but if there's 35 to 40 of them, they're all going to be fined in the amounts that depending upon how much each company has distributed that amount of greenhouse gas, correct?

MR. DINOWITZ: Well, it's not a fine. I would call

it an assessment, it's definitely not a fine.

MR. DURSO: We can call it an assessment, a fine, a tax, whatever you want to call it.

MR. DINOWITZ: Well, I'm not calling it a tax --

MR. DURSO: You don't have to, I did, it's okay. But now once we hit that \$3 billion mark for the year, right, no other companies are going to be assessed, right, because we hit 3 billion.

MR. DINOWITZ: No. You're looking at it, I don't want to say backwards, but you're looking at it the wrong way. The \$3 billion, there's X number of companies, let's say there were 40 of them.

MR. DURSO: Right.

MR. DINOWITZ: Each of those 40 companies would be assigned a percentage of the damage. So a percentage means that all the percentages taken together adds up to one or a hundred percent. So if there's \$3 billion and one company is assessed 10 percent, let's say and I'm making up a number --

MR. DURSO: Sure.

MR. DINOWITZ: -- that's \$300 million. So when you take all the percentages and multiply it against -- on -- on 3 billion, it'll add up to \$3 billion. It's very simple and straightforward.

MR. DURSO: No, I understand that. But now what you're saying is you've identified these 35 to 40 companies already, right, so it's not going to change.

MR. DINOWITZ: No, no, no. That's not the case.



I'm saying there -- there -- we have -- there's a list of companies and but there's no official final designation of companies, but we believe the number is somewhere around 35 to 40.

MR. DURSO: Who's making that final designation and when?

MR. DINOWITZ: That would be DEC,

MR. DURSO: Okay. So the DEC has got a lot of responsibility in this.

MR. DINOWITZ: Yes, that's right.

MR. DURSO: And it's from 2000 to 2018?

MR. DINOWITZ: Yes, that's a 19-year period.

MR. DURSO: Okay, right. I understand that. I'm not that bad at math but I appreciate it. So is it going to be for each year within that time period? So there might be 35 to 40 companies from 2000, but there might be a different 35 to 40 companies from 2001, or is it all the same companies throughout those 18 years?

MR. DINOWITZ: You look at all the companies that exist and those that reach at least 100 billion tons of GHGs during that 19-year period would be the companies that we're talking about. We're not looking at one year at a time. It's cumulative. We're adding it up over that 19-year period.

MR. DURSO: Okay. So that 19-year period is really just the marker for what we're saying happened between that time period, that's it. And then whatever companies fall within that, you're going to get \$75 billion out of those companies that have emitted that

amount of greenhouse gas from 2000 to 2018, correct?

MR. DINOWITZ: Yes.

MR. DURSO: Okay. So now does getting that money, right, into this fund change -- is it going to stop climate change in any way going forward? Is it going to change anything going forward?

MR. DINOWITZ: It's not going to stop climate change. This fund is meant to deal with the damages caused by those companies that resulted in climate change and caused all these other problems that we have. We have other things we're doing to try and diminish climate change in the future, but this is merely an assessment to try to help deal with the problems that were caused.

MR. DURSO: Understood. So you're saying those companies during that amount of time period caused a certain amount of climate change, right, due to their greenhouses gas emissions, right? And they're being held responsible for the amount of greenhouse gas emissions and climate change that this bill is basically saying that they caused, correct?

MR. DINOWITZ: Yes, I would say that.

MR. DURSO: Okay. So now during that time period, right, this is all for a large project. So during that time period if my house flooded during Superstorm Sandy or any other storm or I live near the water and I got flooded, right, do I get money out of this fund?

MR. DINOWITZ: No.

MR. DURSO: Why?

MR. DINOWITZ: Because there would be projects that different entities such as a town, for example, might apply for to address the damage that was caused because of these companies. We're not going to have individual people asking for a check in the mail if that's what you're saying.

MR. DURSO: But my question is, if I'm a homeowner and you're saying that these companies caused climate change, which then may have caused flooding, extreme weather, like you mentioned the snow in Buffalo, which I mean I know it never snows there. You know, other --

MR. DINOWITZ: It never snowed there to the extent that it did a couple years ago --

MR. DURSO: No, I know. A lot of snow, it does happen.

MR. DINOWITZ: -- that 20 people died.

MR. DURSO, I understand that just like during Superstorm Sandy my neighborhood was out of power for six months. We had people that died, passed away, couldn't get out of their homes, I understand that so believe me. But my question is, the amount of damage that Superstorm Sandy caused, you're saying that these companies are partially responsible for them during that time. So why is it that if my insurance company either paid me out or somebody out that had damage to their home, can the insurance company then say I want restitution on the money that I paid out because you're obviously

claiming that there was damages done because of climate change. So if it was climate change during that time, why couldn't I personally sue or get money from this fund?

MR. DINOWITZ: Well, you can put in a bill to do something like that, but that's not what this bill does.

MR. DURSO: But why isn't this one going to do it if you're saying it causes climate change --

MR. DINOWITZ: Because that's not what the bill does. Let -- let -- let me finish.

MR. DURSO: Sure.

MR. DINOWITZ: I would think if -- let's say a town submits a proposal to, I don't know, build a wall around the town so that all the water that's come rushing in -- making that up obviously.

MR. DURSO: Sure.

MR. DINOWITZ: That could be a potential project so that there wouldn't be future damage like that. But it doesn't contemplate individual people getting money because their basement flooded.

MR. DURSO: So -- so this fund is just for a large project. It's not for people. Like, you were saying before --

(Inaudible/cross-talk)

MR. DINOWITZ: -- for people --

MR. DURSO: Well, no. You said before this is to help our constituents. You said the 130,000 people that each one of us represent, but at the same time you just said this fund is not to help

people. This is to help large projects.

MR. DINOWITZ: No. I --

MR. DURSO: Well, you said that before.

MR. DINOWITZ: No. What I said was that it's not to help individual people, it's to help -- I'll say it this way. It's to help us collectively -- the damage. I mean you've got two choices, and I said it earlier. Either you want to help the people or you want to help the companies. It's really that simple. It's a very binary choice. If you want to protect these companies from paying for the damages that they caused all along for many years, vote no. But if you want to try to start helping the people of our district who've been damaged because of what they've done, then I would think you would want to support the bill.

MR. DURSO: See, now I would -- I would argue with the contrary. I think in what you're saying is you're saying I'm saying it that way. I'm saying you want to help large projects but not people, and I can slam the desk, too, like you did.

MR. DINOWITZ: I didn't say I want to help large projects. What I said was --

MR. DURSO: If a -- if a person's house got flooded

--

(Inaudible/cross-talk)

ACTING SPEAKER EACHUS: Folks, guys. Hold, hold, hold, please. Excuse me, excuse me. Question, answer, answer, then question. One at a time, please.

(Buzzer sounded)

MR. DINOWITZ: Oh, your time's up, sorry.

MR. DURSO: That's a shame for you.

Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Ms. Levenberg for an announcement.

MS. LEVENBERG: Mr. Speaker, will you please call the Rules Committee to meet in the Speaker's Conference Room?

ACTING SPEAKER EACHUS: Rules Committee to the Speakers Conference Room immediately.

MS. LEVENBERG: Thank you.

ACTING SPEAKER EACHUS: Mr. Slater.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MR. DINOWITZ: Absolutely.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. SLATER: Thank you very much, sir. And now that my colleague has got you all warmed up and awake, I'm happy to continue with another line of questions here. You spoke earlier about how and why you settled on 3 billion and 75 billion. Can you just remind me what the answer to that question was? Why is it \$3 billion a year, why is it 75 billion in total? Where do we derive that number -- those numbers from?

MR. DINOWITZ: We didn't want it to be too little, we didn't want it to be too much. We wanted it to be just right.

MR. SLATER: Okay. So just like Goldilocks, I got it. So there's really no like scientific reason or economic reason we picked those numbers.

MR. DINOWITZ: No, no. My answer is a -- is a very sincere answer. We wanted it to be enough to at least have some impact, but we didn't want it to be so much that it could possibly adverse these polluters.

MR. SLATER: But do we know --

MR. DINOWITZ: Adversely affect these polluters.

MR. SLATER: I understand, thank you. Do we know -- is there an estimate of what the total cost when it comes to resiliency -- and by the way, I -- I understand what you're trying do here and -- and I think it -- there's -- there's merit to it, I get it. But do we know it's going to help cover 50 percent of the cost overall, 25 percent, 75 percent, do we have any type of estimate for the State?

MR. DINOWITZ: Well, I can't give you an exact number except to say we cover a very small percentage of the cost of dealing with the ramifications of climate change, much of which was caused by these companies. Because as I said at the beginning when Mr. Goodell asked me to explain my vote, I mentioned that the estimates for upgrading New York City's sewage system alone is \$100 billion, and I mentioned some other figures dealing with Long Island fortifying Manhattan, not to mention all of the Upstate areas that --

MR. SLATER: Especially the Hudson Valley, right? You're not going to forget my Hudson Valley, correct?

MR. DINOWITZ: Well, would that be like near Mr. Eachus's district?

MR. SLATER: On the other side of the river. On the other side.

MR. DINOWITZ: So it would be near, which is what I had mentioned I think twice so far --

MR. SLATER: Yep.

MR. DINOWITZ: -- that there were severe problems in that area and --

MR. SLATER: Yep, and I witnessed them and experienced them myself on my side of the river as well so I appreciate that --

MR. DINOWITZ: Absolutely. I mean to have a valley you need to have two sides.

MR. SLATER: Yep, absolutely. So one of the things I was wondering in the previous conversation you had with my colleague, we kept talking about some of the State agencies that are going to be involved in the -- in the process of vetting some of the projects, awarding some of the money. Is there, in this legislation, any type of allocation for additional staff to make sure that our agencies are properly staffed to handle the additional workload associated with what you're proposing?

MR. DINOWITZ: I don't believe that's in this



legislation.

MR. SLATER: Not in the legislation --

MR. DINOWITZ: -- that's something for us to deal with during budget time.

MR. SLATER: Understood. So right now as it stands, then, in your legislation we're expecting the current workforce, the current work -- at the current staffing levels to take on this additional project.

MR. DINOWITZ: I think we have an excellent staff at these agencies and I'm sure they're very capable, but --

MR. SLATER: Is that a yes or no, sir?

MR. DINOWITZ: Well, I can't answer yes or no questions. So --

MR. SLATER: So I'll take it as a yes.

MR. DINOWITZ: I'm also sure that if additional staff is needed that we will make sure that that happens.

MR. SLATER: Thank you. I appreciate the acknowledgement of that. So when you -- when you look at some of the companies that we're focused on. I see things like Saudi Aramco, Coal India, PetroChina. One of the things I'm wondering, has this legislative Body ever passed legislation that -- and we've used the terms surcharge, tax, fine, whatever you want to call it, companies that are really international companies.

MR. DINOWITZ: I -- I believe we have a State Superfund.

MR. SLATER: So that is -- so the answer is yes in your opinion?

MR. DINOWITZ: Yes.

MR. SLATER: So the Legislature has passed measures before that levy these taxes on --

MR. DINOWITZ: Not taxes.

MR. SLATER: -- companies that are surcharges, fines, whatever you want to define it as, on companies that are not -- not only based in New York, but not based in the United States.

MR. DINOWITZ: As long as they have some nexus to New York the answer is yes, we can do that.

MR. SLATER: But have we done that?

MR. DINOWITZ: I believe I said yes already. We have the New York State Superfunds.

MR. SLATER: Okay. Now when you look at the Federal Government Superfund they utilize mostly three revenue streams, three taxes, they actually call them taxes. Why didn't we use that model versus this one?

MR. DINOWITZ: I like this model better. I think it will be more efficient, more effective.

MR. SLATER: In what way?

MR. DINOWITZ: I think -- I think this a smart way to do it. We're assessing a -- a -- a charge on each of these companies and we're not charging any taxes. Makes sense to me.

MR. SLATER: I understand. I'm just trying to -- I

just really don't quite see why the Federal system is inferior to our system.

MR. DINOWITZ: Well, we called it Climate Change Superfund because it's very similar to -- you know, we didn't reinvent the wheel here. The State has a Superfund. This is not -- we're not breaking new ground. We already have a Superfund so we're doing something similar to that.

MR. SLATER: Hmm, okay. You said before that the costs -- any costs that may or may not be associated, but let's just say that there may be costs associated, won't be passed on to consumers. Is there any language in your legislation that stipulates that?

MR. DINOWITZ: There is no language that stipulates that. And in fact it may be questionable as to whether we can even say that in the legislation. But I think it -- it takes common sense to understand and I think most people here have some common sense, that because of the laws of the market that it would be very hard for one company to raise their prices when another company that's not being assessed this -- this money wouldn't have -- wouldn't raise their prices. So as a person who believes in competition and capitalism, I am confident that this is not a cost that would be passed on to anybody and they'll be a tremendous benefit to all of our constituents.

MR. SLATER: I understand. I understand. I think I just frankly disagree just from the sense that the track record of New

York these days, I think this type of language would be very beneficial to consumers, and especially to our voters and especially to our residents to make sure that there's no additional costs that are passed on to them. What about the MTA?

MR. DINOWITZ: What about the MTA?

MR. SLATER: Would the MTA be eligible for any of the funds associated with this?

MR. DINOWITZ: It depends on the plan that the -- that the various agencies that I described earlier come up with.

MR. SLATER: So isn't it a little suspect that here we are dealing with a \$1 billion hole, \$15 billion hole that the MTA is rappelling with this week and out of nowhere we're now dealing with or looking at and examining a proposal that would bring \$3 billion annually. How do we know that that's not going to go right into the MTA to deal with the resiliency projects that they may need versus the rest of the State?

MR. DINOWITZ: Well, first of all, I believe I filed this bill two years ago. And this version of the bill months and months and months before the events of the past few days. So unless I -- I'd like to think I could see the future to a certain extent, but I'm not that good and this bill is just not a brand-new bill.

MR. SLATER: But again, there's nothing that precludes the money that this bill generates from being funneled directly into the MTA to deal with resiliency capital projects.

MR. DINOWITZ: Well, if -- if -- if there was -- if it

was determined that it would be sensible to do something to prevent the subways from flooding the way it did during Hurricane Sandy, to me that would certainly be a very appropriate thing to spend some money on because we want to protect our subway system just as we would anywhere in the State to protect public transit systems. Very appropriate.

MR. SLATER: But again, nothing that precludes all those dollars from going into one authority. I appreciate your answers as always Mr. -- to the sponsor. Thank you so much for the time at this late hour. Thank you very much, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Lemondes.

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

ACTING SPEAKER EACHUS: Will the sponsor yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER EACHUS: The sponsor yields.

MR. LEMONDES: Wonderful, thank you. I promise I won't take long, just a few questions and mostly clarifications. I heard you say and I just want to make sure that we are the cause of climate change here in New York. Is that a true statement?

MR. DINOWITZ: I don't think I said that.

MR. LEMONDES: That's what I heard earlier. That we have to solve this, is that true?

MR. DINOWITZ: Oh, I'm sure that we do have to

help solve it. What I said repeatedly was that the -- these fossil fuel companies have contributed very significantly to climate change, and that affects people in New York as it does everywhere else.

MR. LEMONDES: And thank you for that. And I'm guessing that that's independent of the percentage of effluent of any type that's produced here versus in China, 29 percent of the world's effluence, India and Russia as number 2 and number 3.

MR. DINOWITZ: You know, it's a funny thing about climate and pollution, there are no walls between states, between countries, it goes throughout the world and it impacts us. So something that -- I think it was almost a year ago today, there were those horrible fires undoubtedly exacerbated by climate change in Canada which impacted us here and there were many -- I mean you remember that. You were here when the skies were darkened by the smoke coming from hundreds of miles away. So we're all affected by things that happen beyond our border, no question about it.

MR. LEMONDES: Perfect. I'm glad -- I'm glad you brought that up. Those forest fires were actually caused by mismanagement of the -- of their forests. So that had nothing to do with -- with climate change.

MR. DINOWITZ: You sound like the ex-President.

MR. LEMONDES: That's understory that's unmanaged is what fueled those fires. So that's a -- that's a -- that's a smaller point. Let's move on. Recognizing that, I anticipated your responses. Are you familiar with the -- with the plan that was in the

budget that was the initiative of our Governor called the Million Tree plan?

MR. DINOWITZ: No, I'm not, but I'm not sure what it would have to do with the bill anyway.

MR. LEMONDES: Well, you mentioned -- you mentioned that pollution is - knows no boundary.

MR. DINOWITZ: Pollution knows no boundary, that's true. I also would say trees are good and trees don't cause pollution. I think we had a President that once said that.

MR. LEMONDES: That's right. I'm glad you mentioned that.

MR. DINOWITZ: I'm so happy that you --

MR. LEMONDES: Trees are our greatest carbon sequestration tool. Do you know what the harvest rate of trees is in New York with respect to the forest coverage that we have?

MR. DINOWITZ: No, I do not.

MR. LEMONDES: We are harvesting much less than that which is repopulating many of our fallowed fields because farms are closing. And so our -- perhaps one of our greatest tools available to sequester carbon over the long-term is actually increasing through an initiative that was brought forward in one -- in one case right here by our Governor with this Million Tree plan. I don't know where they're all going to go. In my district we've got so many trees they're -- they're coming out of every corner.

MR. DINOWITZ: I'll take as many as my district

could hold.

MR. LEMONDES: Well, that's a good point. I'm glad you brought that up, because I don't think your district can take too many more. And one of the things I wanted to ask you, do you think that it's possible that this is exacerbated, now I'm talking right here in New York, that this is exacerbated by perhaps over-developments in our -- in New York City, Long Island and the loss of -- and the loss of significant portions of natural drainage? We kept talking about it -- I heard through several of my colleagues we were talking about flooding, flooding, flooding, flooding. So I want to give you the chance to address that, because that's what I heard.

MR. DINOWITZ: Well, I'm glad you asked me that. So I would love to see every possible tree planted everywhere we can do that and that's good for the environment. It's good, period. But again, not much to do with this bill.

MR. LEMONDES: Well, it's got everything to do with this bill.

MR. DINOWITZ: It's got nothing to do with this bill.

MR. LEMONDES: We can -- we can disagree about that. So I -- I wanted to ask, as you -- as you put forth this plan, I'm not going to rehash that which was covered by my colleagues. I think that the fact that the randomness of this doesn't make sense. It's very random. And so recognizing that it's random and that it is setting up simply a means of extraction from companies to fund I don't know what because I'm not -- I'm not clear on where exactly this money is



going to go. I don't think it's laid out well enough at all. But recognizing that, I wanted to ask a simple question. Do you think there's a cost at all to progress?

MR. DINOWITZ: Well, first of all, I don't recognize what you said that we recognize. Is there a cost to progress?

MR. LEMONDES: Yes.

MR. DINOWITZ: There's always a cost to progress. Again, nothing to do with the bill but, yes.

MR. LEMONDES: And do you think that it's possible that as these companies operated in the window that you identify in this bill, that they were doing so with the best technology available at the time within their permitted guidelines, legally, constitutionally, ethically, morally, et cetera?

MR. DINOWITZ: I think that even if all those things were true they were committing egregious harm to the environment and I think they knew it, they knew it from day one. They covered it up, they lied about it and people are suffering as a result of it.

MR. LEMONDES: How are people suffering, could you tell me. I mean health problems I'm sure you're linking that to, correct?

MR. DINOWITZ: Well, not just health problems. I think those people -- those people who died in the basements of a -- of houses in Queens during Hurricane Ida, that affects them.

MR. LEMONDES: Of course. I wouldn't argue that.

MR. DINOWITZ: I think that the unprecedented

severe snowstorm that killed many people in Buffalo, that affected them and I think those and many other examples are a product of the climate change that is in part caused by these companies that were -- that were emitting things into the atmosphere and they knew what they were doing and they didn't care because they wanted their profits to be as high as possible and that was always the number one thing they cared about, and as a result people suffered.

MR. LEMONDES: Do you think that our State invests in any of those companies for the retirement pensions of all of our public workers?

MR. DINOWITZ: I don't know what -- what companies our pension funds are invested -- are invested in, but I kind of have a feeling the answer is no. But I don't know, so I don't want to say.

MR. LEMONDES: We'll check that. And I just want to point out, first of all thank you -- thank you very much for answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER EACHUSI: On the bill, Mr. Lemondes.

MR. LEMONDES: Thank you. I just want to point out that there's a big difference between cost and price and what's being talked about being extracted here will ultimately result in higher prices to someone. And those are the people, the consumers, ratepayers, that -- that -- that use these -- whatever these companies

are producing. I'm also not sure that this will be limited to those currently named in this bill. Additionally and last, this just isn't well thought out at all. You cannot levy destructiveness without any proof. And I'm going to cite the weather cycle at least that I've experienced in Syracuse. Blizzard of '66, Blizzard of '77, Blizzard of '87, we go through approximately a 10 to 15 year cycle where we have horrible weather. I was out of the country for many years, lived in several different states for the next period of time. But in the last ten years the winter of '13 and '14 and '14 and '15 were horrendous. We are now at the bottom of the cycle, and this is just one guy's observation that's out in the weather every single day, and it's easily corroborated. And so if we're going to talk science, let's talk science. Let's really do that, because I don't believe the science that you're citing and I'm a scientist. Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: Mr. Brown.

MR. K. BROWN: Thank you, Mr. Speaker. Will my colleague from Riverdale please yield to some questions?

ACTING SPEAKER EACHUS: Will you yield?

MR. DINOWITZ: Sure.

ACTING SPEAKER EACHUS: He yields.

MR. K. BROWN: I promise to be brief, the hour is late and I just want to just clarify a couple of things. Taking up where some of my colleagues have asked some questions. You mentioned about the companies and there seemed to be where you're going with that there was no problem with these companies staying profitable and

staying solvent. Are you concerned at all that as a result of this the companies won't continue to do business in New York or therefore not have that nexus that they need under this plan?

MR. DINOWITZ: No.

MR. K. BROWN: And why is that?

MR. DINOWITZ: Because they're making a lot of profits, and if we take a little bit of their profits they're going to still be making a lot of profits.

MR. K. BROWN: But let's say as a result of this plan they decide to no longer have that nexus with New York and therefore won't be able to have this -- these fines assessed to them. That is possible, right?

MR. DINOWITZ: I don't believe so.

MR. K. BROWN: Okay. And when it comes to Federal Superfund program under the CERCLA, there is a difference though, right? I mean under that program there's a direct nexus from the polluter pays for polluting the land or water whereas here it's missing that direct nexus; isn't that correct?

MR. DINOWITZ: I -- I don't think that's the case.

MR. K. BROWN: Well, as one of my colleagues pointed out, there's actually a consumer that comes in between, right, because these are the people that are extracting and refining, but they're not actually polluting per se unless they're dumping it like under CERCLA on the land or into the water, correct?

MR. DINOWITZ: I'm -- I'm not sure. What was the

question? I don't --

MR. K. BROWN: Well, for instance, with the carbon emissions, right?

MR. DINOWITZ: Right.

MR. K. BROWN: It's being -- the fossil fuels are being burned, and it's being emitted into the air and that's where the pollution is coming from.

MR. DINOWITZ: It's a different kind of pollution, yeah.

MR. K. BROWN: But it's not that company that's actually performing. The company that's being assessed, this fine is not actually the one who's actually polluting; isn't that correct?

MR. DINOWITZ: No. The -- the companies here in this bill that would be assessed the fine are indeed companies that are polluting.

MR. K. BROWN: Well, I guess I could ask it a different way that the extraction or the refining itself -- sorry, strike the refining. The extraction itself does not pollute, correct?

MR. DINOWITZ: The extraction?

MR. K. BROWN: The extraction itself let's say of -- of -- of fossil fuels in the form of oil or coal does it pollute, per se?

MR. DINOWITZ: It might be polluting in a different way then -- then we're talking about here, but we're talking about -- but we are talking about pollution that's based on the standard that I recited a few times earlier, one billion tons of GHGs in the covered

period, these are emissions.

MR. K. BROWN: Right. I guess what I'm saying is that there seems to be causation that's missing there, that the polluters that are being -- the companies that are being assessed under this program do not directly cause greenhouse emissions per se. They're -- they're not burning anything, right?

MR. DINOWITZ: Well, I'll -- I'll use an analogy that I kind of alluded to earlier. When there was legal action taken against the tobacco companies, we went against the producers, the sellers, not the people who smoked.

MR. K. BROWN: Right. And I think there's still a distinction there. I'm not sure that -- I think there are other actors that have to go -- be included in this in order to make that nexus, and I think there might be something missing in there. But that being said, so I represent a coastal community in Long Island. I have 60 miles of coastline and this is where I really wanted to clarify that I understand this bill correctly, because I want to be sure that my community is going to be able to avail itself of the money that might be created by this. And it's not -- as you said, it's not -- it's potentially just to make a comparison, the Bond Act that we just did last year, that was 4.2 billion, right?

MR. DINOWITZ: Yes.

MR. K. BROWN: And this will generate 3 billion in one year.

MR. DINOWITZ: Right, but every year.

MR. K. BROWN: Right. So now I've been doing a lot of grant work because I have some significant project needs in my community and lo behold found out that a lot of the Bond Act money, a lot of that 4.2 billion is not really available for the projects that I need necessarily. Although they are environmental projects under the general sense. Because of the way the Bond Act has now been crafted, at least two of my communities, two villages, small villages, can't access that money and that concerns me about this bill. That's why I want to clarify it. So, for instance, with the Bond Act, I'll make the analogy in just one second. Just follow me, right, for a second. With the Bond Act there was a commission that was created. Yet, no Long Islanders have representation on that commission. And myself and the senator who represents the area had to write a letter to the Governor basically demanding that we had some type of representation from Long Island on that Statewide commission. And here, the concern I have is similar to my colleague from Massapequa who just said before that he would like to see a commission created and not just have DEC have all the authority of where this money is disbursed. Do you share his concern? Because I do see that there is a problem there with this.

MR. DINOWITZ: I -- I don't share the concern. I had mentioned earlier that there were a number of agencies which would work together like a planning commission so-to-speak. I -- I don't know what the composition is of what you were just discussing with respect to the Bond Act, but this isn't that. And I would think

that every place has an opportunity to -- once they set up the whole system to apply for the money that may be available to fortify your community, for example, so that you don't have coastal flooding coming in, but these are two different things, and the way it will work may be two different things.

MR. K. BROWN: Well, while I was waiting for my opportunity to ask questions I took a look and correct me if I'm wrong, there are no parameters built into this proposed bill relative to how that money is being expended; is that correct?

MR. DINOWITZ: It would be determined by the agencies that I had mentioned earlier working together.

MR. K. BROWN: Right, but there are no specific parameters of how those decisions are being made, correct?

MR. DINOWITZ: That -- that would be done. I mean if we -- if we put every last detail into a bill then there wouldn't be no flexibility for the determinations to be made that may be very appropriate to be made.

MR. K. BROWN: I understand that. But we often talk here about having Minority representation on commissions and here we don't even have a commission. We just have one -- we have one State agency, right, the Department of Environmental Conservation that's going to be making all of these decisions. I'm just saying, that concerns me, Mr. Dinowitz.

MR. DINOWITZ: Well, no, but as I mentioned earlier there are several State agencies, a number of them in fact, and I



read the list a little earlier. So it's not just one agency. It's a bunch of agencies that would be involved.

MR. K. BROWN: Okay. So let me talk about the retro-activeness of the fines, right? I heard my colleagues talk about concerns about the ex post facto argument and the lookback. Could I just ask, I'm just trying to understand and clarify, why 2000 was selected and why 2018 was selected?

MR. DINOWITZ: It's a very measurable -- we can use that period of time in order to measure and get the numbers that we need. The fact is -- most of the increase in greenhouse gas concentration really since the Industrial Revolution has happened since 1950, but the amounts have really accelerated significantly and so using the year 2000 as the beginning, we were able to get a quantifiable number. Now it could've been let's say 19 -- 1990 through 2018, the results probably wouldn't be any different.

MR. K. BROWN: Is that because that -- that was a -- like during that period the data was being captured?

MR. DINOWITZ: There's data as I mentioned earlier, there's data that's readily available and you can use the data from those years in order to come up with the numbers to assess each of the companies.

MR. K. BROWN: So were there any studies done to determine the -- the need for this and -- and how much these -- these projects will cost?

MR. DINOWITZ: The need for raising money to

address --

MR. K. BROWN: Yes.

MR. DINOWITZ: I think there have been countless studies and papers and you name it, that would indicate that we are going to have to spend a huge, an enormous amount of resources just to counteract the effects of climate change and especially taking into account that this has been accelerating and it's not slowed down and, you know, we don't obviously know what's going to be many years from now. Hopefully it will slow down because of some of the other measures that we have -- that we've taken.

MR. K. BROWN: No doubt, but has there been any total costs allocated to this? What we think it's going to -- what the price tag will be?

MR. DINOWITZ: Well I -- I -- well, we know how much money will be raised if this bill is --

MR. K. BROWN: Right, right --

(Inaudible/cross-talk).

MR. DINOWITZ: -- put into --

MR. K. BROWN: -- but there's been no cost-analysis done.

MR. DINOWITZ: I -- I mentioned a few times that there's been studies that would suggest that upgrading New York City sewer system, the sewer system of New York City, that's one thing, \$100 billion. Long Island, the price tag for protecting Long Island is estimated it would be between \$75 and \$100 billion, billion.

MR. K. BROWN: I appreciate that. Just let me -- because I feel like I'm running out of time. So in terms of New York Harbor, I've heard plans that there's an engineer out there who's floating an idea as a result of Superstorm Sandy to do a sea gate. Now I don't know whether or not a sea gate, closing off New York Harbor is a wise idea. I'm not an engineer, right, but the price tag to that is enormous, right? And so my concern is who decides what projects are done when we have this unlimited price tag, right? We know we only have 75 billion over the next 25 years to use it on. So without any parameters, right, without any cost estimate, you know, it just seems like we -- we need to kind of dial in this stuff in order to figure out. You know, we said that we're going to give 35 percent to disadvantaged communities, but there's 65 percent of communities that won't be disadvantaged that will need that money and how are we going to allocate this money Statewide to such a huge state? How much money goes to Buffalo, how much money comes to Albany, how much money goes to Long Island, how much money goes to New York City? We don't know that.

MR. DINOWITZ: What -- what we do know is that there would be an open public planning process. There would be an RFP process and then money would have to be allocated. Could I say that all the money is going to go to Long Island? Of course I cannot say that, but -- and by the way the amount of money that would be taken in by this is but a fraction of what's needed, which is why the State and local governments would still have to cough up a lot of

money but hopefully a little bit less. The hope is that we would ease the burden on local governments in New York through these funds.

MR. K. BROWN: I totally get that. My concern is really how -- since we know how to (inaudible) the money, we know where the money is coming from, right, but we don't really have a clear picture on how this money is being spent. And let me just give you an example. I have a community within my district, right, that's in need of a \$20 million seawall. We have a roadway that leads out on a (inaudible) out to a peninsula that has 3,000 residents, right, and this seawall is failing. It's beyond its life period, right, by ten years, right, and I got them a little bit of money to help shore it up for now, but they need to start working on it now. And also part of that is we need to raise the roadbed immediately, right, because every Nor'easter that comes into this area pounds this roadway, pounds the seawall and it's only a matter of time before somebody gets hurt or worse. So I have a real need for that and I want to make sure that that 60 miles of coastline that I'm truly, you know, doing right by my constituents to make sure that some of this money is going to (inaudible). Can you assure everyone in this room that this money is going to be allocated equitably based on some type of parameters and some type of priority level?

MR. DINOWITZ: There -- there certainly will be parameters, there will be an RFP process. Sadly I'm not going to be the one to determine where the money goes, because if it was me I would certainly support your project, but obviously no one is going to

commit to supporting any project in advance. That has to be done in an open fashion through a process that -- that everybody has a chance to compete in.

MR. K. BROWN: I understand. But one of my colleagues just brought up a second ago, I didn't even think of this until just now, but you mentioned, we all know, Amtrak, the MTA, the lines run along the sides of the Hudson River. Very low (inaudible), right? The Cross Island Parkway runs right alongside of the bay. These areas were selected years ago because they were easy places to construct, either the rail lines or these roadways, right? How do we know that this money -- because that 15 billion that we're all concerned about, right, how we're going to fill this budget hole, right? We're all concerned -- let me just finish my question, that that 15 billion was for capital projects and that some of this money will now be reallocated and sent into to our communities to the MTA. That's my concern. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you, Mr. Brown.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you. Will the sponsor yield for a few questions?

MR. DINOWITZ: Yes.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. BLUMENCRANZ: An awful lot of the

questions I had have been, you know, asked and answered so far so I'm going to be pretty brief. With regards to the healthcare funding provided within this piece of legislation if, you know, God willing this somehow manages to make it through the -- the judicial process and litigation it may go through. What will that look like from the fund to the healthcare system as it stands in your -- in your mind?

MR. DINOWITZ: One of the ways some money could be spent is undertaking preventative health care programs and providing medical care to treat illness or injury caused by the effect of climate change. And again, how money is allocated would be up to somebody other than the Legislature.

MR. BLUMENCRANZ: You understand how I can have a reason for concern or question. How -- I mean it is a substantial sum of money but you listed about \$400 billion worth of projects that need happen to actually remediate physical damages due to (inaudible) for climate change and yet we're also including fixing housing and healthcare in some capacity as part of this process. In the -- in the healthcare space in particular, I'm just really not sure what that might look like. Is this going to be like you said an RFP for the projects that everyone might want? Are we just going to provide free preventative healthcare for everybody in case they get asthma or...

MR. DINOWITZ: Well, that -- that -- that wouldn't be up to me, obviously. I mean, the bill --

MR. BLUMENCRANZ: Who is it up to, DEC?

MR. DINOWITZ: It'll be up to the group of agencies

that I talked about. It would be up to I guess reviewing different proposals. I mean, there may be a proposal to air condition schools, for example, as an example -- because there were -- when I went to school we didn't have air conditioning, we managed to survive, but, you know, things are different now and it's -- it's much more difficult so I think -- I personally think that little kids deserve to be in a school that's not 100 degrees inside. I mean, that's like one possible type of thing we're talking about, but there were many others, as well. I mentioned earlier that in my district and I know it's very true in other areas, that the Metro-North Railroad is like right next to the Hudson River. So there are -- there are so many things we have to do and with this funding we're going to have to prioritize what makes sense at a particular time, and there'll be other, you know, some of these projects are also things that the State or even the local government or the MTA, as the case may be, will have to address, as well. But this will help all of -- all of us, meaning the various towns, areas of the State, the MTA will help them do that.

MR. BLUMENCRANZ: Has an organization like the -- the Rockefeller Foundation, have they played an instrumental role in the -- in the introduction and passage of this piece of legislation?

MR. DINOWITZ: If they have, I'm not aware of it.

MR. BLUMENCRANZ: I am aware that this has been foundational to implement in every state. I just -- I'm curious if you find it a little bit ironic that a foundation created and funded by the original historic polluter is creating a list of historical polluters that

obviously does not include them or their legacy fund, but it does include all the legacy businesses they have created.

MR. DINOWITZ: Well, as I said, I'm not aware of that but, you know, if that were the case maybe there -- maybe penitence is important in life.

MR. BLUMENCRANZ: All right. Thank you very much for your answers.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mr. Tague.

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

ACTING SPEAKER ZEBROWSKI: Mr. Dinowitz?

MR. DINOWITZ: Yes, I'd be happy to.

ACTING SPEAKER ZEBROWSKI: The sponsor yields.

MR. TAGUE: Well, Mr. Dinowitz, I had some York Peppermint Patties to share with you but because we've been here so long I ate them all.

(Laughter)

MR. DINOWITZ: Well, I've been saving mine.

(Laughter)

MR. TAGUE: Mr. Dinowitz, I just was wondering, what type of evidence do we have in these properties or from the ownership of these companies that we know have caused climate change?



MR. DINOWITZ: Let's see; hurricanes, tornadoes, floods, blizzards, coastal storms like we've never seen before and flooding --

MR. TAGUE: Well --

MR. DINOWITZ: -- that's unprecedented.

MR. TAGUE: -- well, let me ask you along with that question, haven't we had those before we had petroleum products? Didn't we have those types of storms before --

MR. DINOWITZ: We don't -- I think the National Weather Service has records only going back to a certain point in time, which I believe is in the late 19th Century. And the -- the -- the number of hurricanes, the severity of hurricanes and other weather events like blizzards - I know we've had some big blizzards, the Blizzard of '47 and all that kind of stuff and '88 and whatever - the -- the frequency and the severity of these extreme weather events is unprecedented, the frequency of -- and I said all this earlier, maybe you were out of the room, of -- of so-called 100 year storms is unprecedented. The average temperature that we've experienced year after year now, this isn't like a one-shot deal, it's every year is breaking records all the time and it is virtually universally agreed by scientists that the -- that this severe weather -- and severe weather is not just hot, it can be cold, it can be, like I said, blizzards, is virtually universally agreed that this severe weather is caused by climate change, much -- most of which is a direct result of fossil fuels, and the -- and the companies that we're talking about are the ones that emit these

pollutants.

MR. TAGUE: But wouldn't you -- wouldn't you agree with me that we have much better technology and better way to monitor the weather now than we did 200 years ago? And I'll tell you, there are reports in my community back during the Revolutionary War times that there was flooding across the Schoharie Creek as bad as 2011 back in the late 1700s and 1800s. And I, again, assure you that we probably did not have petroleum products, definitely not petroleum bulk storage back in those days.

MR. DINOWITZ: No one said we never had floods or hurricanes or anything or like that. What I've said is that the frequency and severity of these weather events is unprecedented in -- since records have been kept for weather, unprecedented, the frequency and the severity.

MR. TAGUE: Well, I'm not saying you, sir, but I hear an awful lot every time there's a weather event we blame it on climate change, and I guess my question to you is, how long has the climate been changing?

MR. DINOWITZ: Well, first of all, the climate always changes from time to time, there were warm periods, there were cooler periods, for example, but what we've seen is a sustained level of warming that's gone on for a substantial period of time and has been unprecedented in terms of -- I mean, the heat, the average temperature on the planet, on the planet, is the highest in recorded history, and this is not some temporary spike, it's not a blip. This is

what's happening and if we fail to recognize that and I think most people have, then we'd be making a dreadful mistake.

MR. TAGUE: Well, here's my other question, because now I -- now -- every time we hear something or we do something in this Chamber, we hear how bad the climate is and this climate change, but I know for a fact that since the late 1980s, we have started to make changes, environmentally in things that we do, many different activities that we do, especially in the business world. So if we're making these changes, is there any evidence that we are reversing climate change by these investments that we've made, or some of these changes that we've made, because all I ever hear of is the bad. I mean, you can only invest in something so long until you finally figure out you're really not doing anything, so do we have any evidence on things that we've done that we actually are reversing climate change?

(Pause)

MR. DINOWITZ: We've taken a lot of steps, especially in recent years, which hopefully is slowing down the negative -- the terrible change that is taking place. At some point, hopefully these changes can start to be reversed. Are any of these measures that you've alluded to helping? I would hope so; I -- I can't answer that. We just know what the temperatures are, we know how many storms we're having, we know how severe the storms are. You know, whether things would have been worse had there been no measures taken such as the ones you mentioned, I don't know the

answer to that. But what I do know is that I have four grandsons and I don't want them growing up in a horrible world, and I think many of us have children or grandchildren and if we just let things go in the same direction they're going in now, then we are -- we are basically committing a crime, in my opinion. And so this relatively modest proposal in this bill that would help the people in this -- in the -- in this State by assessing the companies who would then pick up a little bitty part of the cost of the damage which we all know, whether you want to admit it or not, that they caused is not an unreasonable thing to do.

MR. TAGUE: Now, this question may have been asked earlier and I don't remember because I think we started this debate yesterday and it's now this morning, but what is the definition - and I've asked this several times - what is the definition to disadvantaged communities? I've asked this question here, I've asked it with regards to agriculture. It's a word that we continue to use in all kinds of legislation but nobody has been able to give me an actual definition as to what a disadvantaged community is.

MR. DINOWITZ: Well, let me be the first.

MR. TAGUE: Well, I appreciate it.

MR. DINOWITZ: We're hunting it down.

MR. TAGUE: As long as you give me one of those York Peppermint Patties.

MR. DINOWITZ: Well, I -- I -- I believe in sharing, up to a point, but it's actually defined in the Environmental

Conservation Law. But I think we know what a disadvantaged community is. And I will say this, without -- before we even get to the definition. When we're talking about communities that are, I'll say lower income than average, it is an undeniable fact that those communities have suffered disproportionately, and I can tell you as an example in my home of the Bronx, the communities that are in the poorest neighborhoods are the very communities that have the most projects, power plants, things like that. Is that a coincidence? I don't know. But what I do know is that less well-off communities have suffered disproportionately and are we still looking for --

MR. TAGUE: Well, I would actually make the argument that in rural Upstate New York we have the same exact situation.

MR. DINOWITZ: There can be disadvantaged communities in Upstate New York.

MR. TAGUE: And that's one of my concerns, and I think that if you would talk to any of my colleagues that represent rural Upstate New York, one of the biggest problems that we have is water and sewer and the infrastructure and being able to maintain it. So the reason why I asked the question is I'm hoping that the disadvantaged communities don't just refer to one area of the State of New York and that if this legislation moves forward, that areas that many of my colleagues and I represent will also be considered for some of the money.

MR. DINOWITZ: Well, I -- I think you're absolutely

correct. I mean, I know some people perceive a disadvantaged community as being, you know, in the heart of the City or something not -- that's not the way it's defined. And I will refer you to - I don't have the words here, but I have the -- the citation - in the Environmental Conservation Law, Section 75-0101, it's defined, so I would urge you to look it up and I'm sure that once you read that, it would satisfy you.

MR. TAGUE: Well, I appreciate that. Have any actual violations been determined by any of the folks that are in business now? Have there been any violations determined. And if this legislation goes through they will be assessed for those violations?

MR. DINOWITZ: This legislation is not about violations. This legislation is about determining a proportionate of share of liability to the worst polluters and then using the funds to help repair some of the damage that's been caused by climate change.

MR. TAGUE: That's right, I forgot. I remember you mentioned a couple times tonight that you're all about capitalism, I had forgot earlier, but now I remember you mentioning it.

MR. DINOWITZ: All about it.

MR. TAGUE: Yes. Is any money going to be used for remediation of any of these -- where any of these companies are located?

MR. DINOWITZ: Well, again, that would be part of what these -- is determined by the agencies, but this is about like mitigation. It's about addressing the damage that's already been

caused.

MR. TAGUE: Will any of these companies have the opportunity -- you know, are they going to be offered legal due process to challenge?

MR. DINOWITZ: Of course. Everybody gets due process.

MR. TAGUE: Okay. I think that -- I think that pretty much wraps it up, sir. I'm going to be coming over for my York Peppermint Pattie and I appreciate you answering my questions.

MR. DINOWITZ: Okay.

MR. TAGUE: To my fellow capitalist, always a pleasure to talk to you. Thank you.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mr. Ra.

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

ACTING SPEAKER ZEBROWSKI: Will the sponsor yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER ZEBROWSKI: Sponsor yields.

MR. RA: All right. Thank you. So I have a few questions and I know this has been spoken about a little bit, but just generally in terms of how we're going about this. We're looking back to a time period that began over 20 years ago, correct?

MR. DINOWITZ: Yes.

MR. RA: And apportioning to these entities some share of a sum of money that they're going to have to pay into. Now, we have some full instances of things that we've tried to do in recent years in completely different areas that have not worked out for us. In particular, we had the -- the opioid - I forget what you called it - you know, that fund that -- that we had and the State was actually -- has been in court even recently and may have to pay back some sum of money because we were looking back, and that was only looking back a couple years, we're talking 20-plus years. So why are you confident that some of those constitutional issues that came up in that and come up when you're trying to, after the fact, basically put a penalty on -- on a -- on a corporation or -- or an entity isn't going to be a problem here?

MR. DINOWITZ: I'm confident because I think this is a well-thought-out and well-structured piece of legislation and I'm -- I'm quite confident that we're going to get the results that we're hoping for in order to alleviate the costs to our local governments.

MR. RA: Okay. But I -- I think some of these constitutional provisions, we can debate whether it's a good idea or not all day long, whether what we think the impacts are on the climate, all of these things, but a lot of these things are really just procedural obstacles and pieces that are in our Federal Constitution that stop us from going backwards and assessing basically fines on an industry for something that happened 20-plus years ago.

MR. DINOWITZ: Nah, I don't look at it that way. This is modeled after the -- the State Superfund Law which has been a



smashing success and there's every reason to believe that this likewise will be a tremendous success.

MR. RA: Okay. So -- so you mentioned the State Superfund Law. Now am I correct that the standard of liability we're utilizing here is different than it is in the State Superfund Law in terms of basically strict liability for -- for these entities?

MR. DINOWITZ: I don't think the standard is different.

MR. RA: Well, do we not allow that, you know, those entities pay for perhaps their portion but, you know, we're looking at a very specific set of, I'll call them actors in -- in this context. While there's any number of other entities that have, you know, consumed this energy and been part of this, weren't necessarily producers but have consumed that the energy over the years that has contributed at least based on your theory here to this impact on our environment.

MR. DINOWITZ: The DEC, they assess liability, and we're doing it in a way that's proportionate and to the worst actors, not everybody, not every corporation, but the worst ones, the ones that have contributed the most and then just divvying it up based on those proportions.

MR. RA: Okay. Now, those particular actors, again, when I think about the fact that we're going back, the length of time that we're going back. What -- what happens if we look at that time frame and there's an actor that is no longer in business?

MR. DINOWITZ: I'm sure DEC can figure that out. If they're not here anymore it's going to be pretty hard to assess something against them I would imagine, but...

MR. RA: Okay, so then --

MR. DINOWITZ: I'm not sure that we have an example of that, though.

MR. RA: But would -- so in that circumstance, does that mean that some other actors is going to pay a larger portion because somebody ceased to exist?

MR. DINOWITZ: We're going to include the -- the companies that produced more than a billion tons of GHGs and divide it proportionately. If there's a company that doesn't exist anymore, then they don't exist anymore.

MR. RA: Okay. What -- what if there has been a change in corporate ownership? It's not uncommon for, you know, companies in this industry to purchase one another and -- and things of that nature. What if there's a corporate owner who now owns an entity that we may identify under this, but they didn't own it during this time frame?

MR. DINOWITZ: Well, DEC would have to figure that out. I mean, that's what they do. They -- it's not like we're reinventing the wheel here, this is stuff that they do.

MR. RA: Well, I -- I -- I don't think it's fair to say this is stuff that they do. We're, you know, we have some analogies to some existing laws, but I think this is different.

MR. DINOWITZ: Well, we have a Superfund and that is exactly what they do.

MR. RA: Well, I -- I think when we look at what we're -- what we're going to do here, I -- I think it is a different context. We're -- we're really looking at a very specific subset. Now, you know, let me -- let me ask you this: When we look at all of these energy producers, you know, they were essentially producing a product that was in need by New Yorkers. I assume wherever you live currently, wherever you grew up, I know this time frame goes back to when I was in college. You know, you had heat, right, in wherever you've lived over -- over that time period?

MR. DINOWITZ: Can I be honest with you? I have the heat turned off in my apartment, I can't stand it. But we have the opportunity to use it if we so choose.

MR. RA: Okay. Probably cooking appliances, right?

MR. DINOWITZ: That gets some use.

MR. RA: Did you drive a car at any point during this time period that we're looking at?

MR. DINOWITZ: I got my license at a pretty advanced age, but I think during this time period I had a license, that's -- yes.

MR. RA: Okay. So I mean, theoretically you, me, anybody have some level that we have been responsible for this, have we not? It's obviously smaller than -- than a major corporation, but you know, we all consume energy, maybe drive cars, do other things

that have had some contribution to greenhouse gas emissions.

MR. DINOWITZ: Well, I wasn't making billions of dollars when I was driving my car. These companies were making billions or hundreds of millions as the case may be of profits during this time period. The people who drive a car, that's not the same thing any more than as I mentioned earlier. The person who smoked the cigarette is not same as the company that produced the cancer-causing product.

MR. RA: Agreed, it's not the same, but the point being that when we look at in any legal context liability for things, oftentimes we look at apportioning out that liability. So there are -- there are plenty of, you know, legal theories and situations where there may be, you know, a tort that -- that is, you know, brought forward in a -- in a court of law and there may be an entity that's 80 percent responsible or 90 percent responsible for what happened, but there could be some other level of causation of 10 percent, and we might hold that entity responsible for that 10 percent. I -- I think that we're picking a very specific set of companies and holding them responsible where there -- or any number of businesses, individuals, they were producing this product because it was in demand for the people of this State and the businesses of this State so that they could operate, so that we could heat our homes, so that we could get around to our jobs and school and everything else.

MR. DINOWITZ: You know, cigarettes were in demand, GE paid a lot of money not so many years ago, their products

were in demand, a lot of things were in demand; the people who consumed those products were not making money, it was the companies that were making money. And they were making money at a time when they were fully aware of the damage that they were causing and nonetheless, continued to do it and continued to maybe deny it, maybe not let anybody know about it, but they were making lots and lots of money; in fact, they still are. And we're just trying to recover from the damage that they had a major hand in causing, and the small -- relatively small amount of money that this bill calls for pales in comparison to their profits, but the damage they caused is not only ongoing, it's getting worse as time goes on and -- but the damage that was caused in the past, we need to try to address that because we -- you're from Long Island, I don't know what part of Long Island, but I'm sure that your community has had -- has suffered through some of these problems as many other communities on Long Island and people throughout the State. So the bill simply tries to help our local communities so that they don't get stuck with the entire bill and I think the beneficiaries are the -- are the local taxpayers.

MR. RA: Thank you. So just because I know time is ticking off here. Now you said and you've used the analogy of cigarettes, and I understand there is obviously a past in that and we can talk about the fact that obviously there have been lawsuits and court of laws finding liability as opposed to us basically sitting here and basic -- we're -- we're acting as the judge, the jury and, you know, levying what they're going to be paying, all of that, we're doing that

for them. We're not -- we're not actually evaluating the level of blame they have or their liability. We're -- we're deciding that by -- by legislation. But I -- I -- I would say, too, the reason why I think that cigarettes aren't a great analogy to this, yeah, there was a demand and people would purchase cigarettes and they still do, and I'll be honest, I think -- I think you'd have to be crazy today to be somebody buying and -- and smoking cigarettes knowing everything we know and everything we've known for years about them, but cigarettes don't heat people's homes in the winter, stop -- preventing them, you know, from dying of the cold. Cigarettes aren't, you know, what people need so they can get to work everyday in a -- in a car. So I -- I don't think that is a very good analogy to what we're doing here.

MR. DINOWITZ: You're right, the damage caused by these companies while maybe not as specifically individual as the damage caused by cigarettes has caused society as a whole incredible damage, incredible damage, as evidenced by the climate change that is a direct result of their actions and that continue to get worse and worse. So I -- I just think that there are two sides here. Either on the side of our constituents or on the side of the big oil companies. I don't think there's any in between.

MR. RA: I would -- I would vehemently disagree with that because our constituents are going to end up paying for this. They're going to pay in higher energy costs. They're going to -- they're going to -- I -- I -- I don't agree with that. Thank you for answering the questions.

MR. DINOWITZ: They're already paying for it.

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

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. RA: So quickly, you know, number one from a legal standpoint, the idea that we're going to go back basically 25 years and try to proportion this out. We can talk about DEC knows how to do this, all of these things. On the idea that we can accurately apportion this is out amongst these companies from -- from 25 years ago I think is ridiculous. I don't think we can accurately do that. I think there are serious constitutional obstacles coming in after the fact and putting a fine for something that happened 25 years ago. I think that ultimately our constituents are going to bear the cost of this in the rates of heating their homes, at the gas pump, all of those things. And -- and I think that while this State is trying to do things to get greener, and I've supported many imitatives to do so and try to have cleaner energy, we just continue to have these blinders on, and we don't think about anything else but just full speed ahead, this is what we're going to do, and we don't worry about any of the other impacts of it. We -- we don't think about the fact that -- that really some of these things that we think are so green aren't so green. I know many of my colleagues talk about it often and we may roll our eyes, but at the end of the day it doesn't change the facts. And -- and the facts are that we are going full speed ahead to something in so many different ways that is going to cost our constituents lots and lots of money in the things that they need to survive every single day. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you.

Mr. Gandolfo.

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

ACTING SPEAKER ZEBROWSKI: Mr. Dinowitz?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER ZEBROWSKI: Sponsor yields.

MR. GANDOLFO: So one thing that I keep hearing come up during this debate is that these companies shouldn't have did what they did; is that correct? What -- what are you alleging that these companies did to deserve this fine retroactively?

MR. DINOWITZ: It's -- I wouldn't call it retroactively, nor would I call it a fine, but in any case, what they did was they caused severe damage to our environment and they knew they were causing damage and they still continued to do it for the sole purpose of making massive profits, that's what they allegedly did.

MR. GANDOLFO: So what could they have done differently to not cause that damage? Should they have just stopped producing the energy they were producing?

MR. DINOWITZ: Well, if -- if it were up to me, these companies would have acted at a much earlier stage to produce more environmentally-friendly energy, I don't know, solar power as an example, but instead what some of the companies did over the years was they made it more difficult to produce clean energy, and they also got all kinds of tax benefits, I don't know how they managed that.



MR. GANDOLFO: Well, how is it their fault that they received so-called tax benefits? How does that increase their liability?

MR. DINOWITZ: I'm pretty sure they don't get tax benefits without asking for it, but in either case they -- they thought it was more important to make huge profits rather than find a better way, but they knew they were causing damage and they hid it, I believe, and they denied it, I believe, and they continued doing it. And anybody - I'm sorry if I'm offending anybody here - but anybody who believes that these companies didn't cause severe damage to our environment and didn't cause climate change is just not paying attention.

MR. GANDOLFO: Right, but these companies didn't invent the internal combustion engine that the fuel powers. The energy was in demand, this is the kind of energy that most of us use, most companies use. How come a big company, let's say like Amazon, which is shipping things all over the world, trucking things all over the place, actually combusting the fuel that is being produced, why wouldn't they be held liable for something like this?

MR. DINOWITZ: Again, we are not penalizing driving -- you know, people who drive cars or trucks as the case may be. We are assessing some of the companies that have contributed significantly to climate change.

MR. GANDOLFO: Right, okay. So let's go back. Let's say that in the year 2000, these large companies just stopped

producing the fossil fuels. What would have been a result? They would have avoided this retroactive assessment, fine, but would that not have been catastrophic for the entire economy?

MR. DINOWITZ: Well, perhaps they might have considered finding a better way, a more efficient way, a more environmentally-friendly way, but the fact is they didn't stop and they continued and they tried -- I think some of these companies tried to suppress any development that doesn't fit in with the type of product that they have.

MR. GANDOLFO: Okay. So let's say this goes back to 2000, according to Exxon Mobil, they started investing -- I think they invested \$15 billion since the year 2000 in green technologies. Should that lessen their liability since they were clearly looking for alternative sources of energy that were cleaner burning?

MR. DINOWITZ: Oh, I think they should have invested a lot more than that. I don't know what their profits --

MR. GANDOLFO: Right, but they took an action to try to get to cleaner energy sources back in 2000.

MR. DINOWITZ: Well, that sounds relatively token to me. I don't know what their profits were in the year 2000, I don't have the data on that. But I do know what their profits are in more recent years. And considering all that, it would have been good if they were investing a lot of money into alternatives to the type of product -- damaging product that they have. But the problem is is that generally, as far as I know, favor profits over -- and nothing wrong

with making profits, by the way, but there's got to be a limit, they favor the profits over the welfare of the people in the -- in the State and in this country.

MR. GANDOLFO: Okay. So what fuel source did we have enough abundance of back in 2000 that could have replaced the fuel that they were extracting, refining?

MR. DINOWITZ: Again, that -- that -- that's just not what this -- this bill is.

MR. GANDOLFO: But that's the only way they could have avoided liability.

MR. DINOWITZ: It's not liability. It's -- we're assessing them.

MR. GANDOLFO: Responsibility, the term in the bill is they are largely responsible for the --

MR. DINOWITZ: Well, responsibility is a different word than liability, a very different word legally, and otherwise. And we're trying to alleviate some of the costs that all of us as individuals or as communities are going to have to pay as a result of the damage that they caused.

MR. GANDOLFO: Okay. But I don't see how there's any alternative that they could have taken that would have prevented them today from being assessed with this -- assessed with this fine, tax, whatever you want to call it.

MR. DINOWITZ: Well, I mean, I guess we'll never know, we're not in the position to know. We don't know how much

money they're putting into research and development. We don't know what they were doing to look for alternative sources of energy.

MR. GANDOLFO: Well, would it have mattered either way even if they were investing, let's say, \$50 billion a year to green energy sources but just couldn't get there to -- to meet the demand? Would they still be -- would they still have this responsibility? How come we didn't start passing clean energy tax credit sooner than we did? Are we partially reliable -- responsible here for climate change? I mean --

MR. DINOWITZ: Oh, as I alluded to earlier, this is something that should have been done many, many years ago on a -- on a national level, both in Democratic and Republican administrations, but again, that's -- that's not this. We are here talking about this particular piece of legislation which apportions responsibility to companies that exceed the certain level of -- of damage based on the number that I said numerous times already today. And it's a very sensible, very fair, very even-handed way of doing things. It doesn't charge the companies or assess the companies an intolerable amount of -- of money, but it'll help us in New York to deal with the problems that we've been having. And -- and no one's here going to deny that the problems have been severe and in some communities it's been catastrophic.

MR. GANDOLFO: Okay. And just going back to a point one of my colleagues made before. So the language in this bill, we're declaring these companies responsible for climate change from

the years 2000 to 2018. Is the implication there that the emissions from 2000 to 2018 caused all of the climate change?

MR. DINOWITZ: No.

MR. GANDOLFO: Why wouldn't they be assessed earlier on?

MR. DINOWITZ: No. The reason that was chosen, it was I guess a representative period of time, we can't really go back 30 years. I don't know what kind of records exist going farther back than -- than this, but it's a reasonable period of time. It's a long period of time. So, you know, if we looked at one year, that one year might have been -- it might have been an anomaly where one company, you know, did much more and one company did much less, but looking at it over a 19-year period, it gives us the opportunity to look at all the companies in a really even-handed way because if there were differences from year to year within a company, it'll average out. So -- and it's a relatively recent period of time. It also is a period of time when there were records that were easily accessible to make these determinations.

MR. GANDOLFO: Okay. So with this legislation, we're declaring them responsible for this. We're putting that in statute, and something one of my colleagues alluded to before was if we're declaring them responsible via legislation, ordering them to pay this assessment, why -- could -- could that open them up to any lawsuit from a homeowner who had their house flooded or their home destroyed, because now in statute we're saying these are the

companies responsible for the climate change that caused, you know, the high -- the high water table that flooded out your basement and we're putting it in statute.

MR. DINOWITZ: I don't think we're holding them responsible in a legal liability sense. We are -- we are apportioning responsibility during that period of time based on the numbers that we have. It doesn't mean that all of a sudden that every individual homeowner is going to start suing these companies based on this legislation.

MR. GANDOLFO: Okay, even though they were responsible for the damage?

MR. DINOWITZ: There may be other ways that a company wants to sue somebody, but this would not be that.

MR. GANDOLFO: Okay. Thank you for indulging me.

Mr. Speaker, on the bill.

ACTING SPEAKER ZEBROWSKI: On the bill.

MR. GANDOLFO: Mr. Speaker, this bill is strictly aimed at punishing companies for legal actions taken in the past, they were acting within the bounds of the law to produce the energy that our entire economy needs, that consumers need, that governments need, that large organizations and businesses need. To go back in time and essentially fine them for producing the energy that was in demand, and as we heard from the sponsor, there's nothing they really could have done differently to avoided being fined, assessed, taxed

whatever you want to call it, today. There was no abundant alternative for them to have changed their course of action to avoid where we are today. In the end, the assessment, the tax, the fine, that's going to result in higher energy costs for our constituents at a time where our energy costs are already up. It's just the wrong thing at the wrong time. I'm going to be voting no and I urge all my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons that have been explained over the last three hours, the Republican Conference is generally opposed to this legislation. Those who support it can wake up and vote for it.

(Laughter)

ACTING SPEAKER ZEBROWSKI: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Democratic Conference is generally going to be in favor of this environmentally-friendly piece of legislation; however, there may be some that would desire to be an exception. They should feel free to cast their votes at their seats.

ACTING SPEAKER ZEBROWSKI: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Novakhov to explain his vote.

MR. NOVAKHOV: Thank you, Mr. Speaker, to explain my vote. So the Earth is about 4.5 billion years old, and the weather monitoring is about 150 years old. We're making decisions based on a micro fraction of time. However, scientists have proven that sudden climate changes have already happened in Earth's history, which had, of course, nothing to do with the Industrial Revolution. And speaking about the Revolution, this legislation reminds me of expropriation in Russia in 1917. The Socialists took just a little bit of money and then just a little bit more of money and then they nationalized these companies. This is what happened in Russia 1917.

Mr. Speaker, those who support this bill are trying to make money by punishing those who allegedly damaged the climate by completely killing the business climate. No company wants to do business with the risk of expropriation and in the long run, our State will lose both, money and reputation. I'm voting no on this Socialistic bill. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Mr. Novakhov in the negative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. After several hours of debate, it's hard to imagine there are facts that have not yet



been disclosed or discussed, but I share my colleague's concerns. So this bill starts out and imposes liability, and the bill itself says that these assessments of 3 billion a year, shall be, quote, applied to a responsible party, quote, without regard to fault. It's right in the legislation. So here's the legislation saying, hey, these companies don't have any fault, but we're going to charge them 3 billion a year. Well, we tried to scheme back about seven years ago with the opioid companies. The State said, hey, we have this opioid crisis, it was because the opioid companies so we're going to bill them retroactively based on the volume of product they sold in New York State. And that was struck down by a Federal court, and it's been struck down by State courts, and just two weeks ago, the State Court ordered New York State to refund 57.4 million to the drug companies. And when they did, they said the surcharges were levied after the fact and it closed class of persons who were deliberately targeted by the State and had no opportunity to alter their behavior to avoid liability. That's just two weeks ago. Just two weeks ago this exact concept was ruled unconstitutional and the State was ordered to send back millions of dollars. Raising 3 billion a year is the equivalent of adding 40 cents a gallon for every gallon of gas you and your residents will buy, that's what it means. We're here being asked to vote on an unconstitutional bill that will raise all of the gas prices across New York State, substantially. It's not something I can support. Thank you, sir.

ACTING SPEAKER ZEBROWSKI: Mr. Goodell in the negative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker, to explain my vote. Tonight, there's been a lot of conversation with regards to disadvantaged communities. I want to tell my colleagues and others, let me tell you something, if this Body and the Body over across the hallway continue on with these types of policies, every community in the State of New York will be disadvantaged. Mr. Speaker, I vote no.

ACTING SPEAKER ZEBROWSKI: Mr. Tague in the negative.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. So just to point out again, right, we're talking about how the DEC is going to have all this data, information, and they're going to figure this out because they know what they're doing. Who gave out the permits for all of these companies to operate in our State and produce the energy that was needed by New Yorkers? The DEC? So they decided that there was a need for what they were producing, that New Yorkers needed, again, to heat their homes, to allow them to cook to feed their families, and now we're going to say that those same people, those same scientists, those same experts are going to come and say shame on you, you did a bad thing, we're going to tell you how much we owe you -- you owe us. Doesn't make a lot of sense to me. And again, as my colleague said, at the end of the day all of our constituents are going to see this at the pump, in their home heating bills, at a time when we know New Yorkers are struggling with the cost of everything having gone up in

recent years. I cast my vote in the negative. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Ra in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the main Calendar, page 19, Rules Report No. 528, the Clerk will read.

THE CLERK: Senate No. S00610, an act to amend the Election Law.

(Pause)

Senate No. S00610, Senator Hoylman-Sigal, Rules Report No. 528 (Assembly No. A07243, Simone). An act to amend the Election Law, in relation to authorizing boards of elections to establish absentee ballot drop-off locations.

ACTING SPEAKER ZEBROWSKI: Mr. Simone, an explanation has been requested.

MR. SIMONE: Mr. Speaker, to explain my vote. This bill would authorize the County Board of Elections to establish absentee ballot drop boxes. Many states, about 33 states including District of Columbia, currently authorize voters to return their ballots to election officials by depositing them in a secure drop box, rather than mailing them or bringing them into the Board of Elections office. Every election, we see absentee ballots being validated for issues related to mail-in process, including lack of appropriate postmark or

late arrival due to postal backlogs and delays. By authorizing local Boards of Elections to establish secure absentee ballot boxes, this bill would emulate systems of other states that have successfully conducted vote by mail elections for years by providing voters a convenient alternative option to submit their ballot without have to rely on overburdened postal service struggling to keep up with unprecedented volume of ballot submissions. All these states have security measures, like California and other states, Oregon to ensure security, similar to like a mailbox to ensure that the ballots are secure. This bill authorizes local Board of Elections, it does not mandate that.

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

MR. SIMONE: Yes, I'll yield.

ACTING SPEAKER ZEBROWSKI: Mr. -- Mr. Simone yields.

MR. NORRIS: Thank you very much. I appreciate you answering my one question whether or not it's a mandate or not, so we know it's not as optional on the Board of Elections. I wanted to, though, ask you about the actual box and the security of that box, because I, you know, I am concerned that people could be dropping the ballots in unsecured boxes. Can you give me an example how it will be secured?

MR. SIMONE: Sure. It's like -- it's like your mailbox, it's secure. It's also a felony if you tamper with the box in New York State. Even though we don't have them at the current

moment if you were to tamper with the vote, in California they have video cameras, they have security. It would be in a local community center that's well-populated. It would be due Election Day. They haven't had any problems in any of the 33 states. They've had no evidence of fraud. They said it's easier to get struck by lightning than to prove any fraud in any of the states.

MR. NORRIS: Okay. So it's like a mailbox and you would just put the ballot in the mailbox?

MR. SIMONE: Correct.

MR. NORRIS: Okay. Will there be security cameras on it?

MR. SIMONE: It depends on the security plan. This bill requires for the Board of Elections in whatever counties choose to use it, like I said, it's not a mandate, authorizes it. We hope that most would go for it because it spreads democracy and we're for democracy. It would simply mandate rules and come up with rules to make sure they're secure.

MR. NORRIS: Is there a restriction on how many ballots you can put in the mailbox?

(Pause)

MR. SIMONE: The State Board of Elections would promulgate rules and regulations on the amount and pickups.

MR. NORRIS: Could somebody go around their apartment building or neighborhood and collect a bunch of absentee ballots and then go drop them in this box?

(Pause)

MR. SIMONE: It's outside the scope of this legislation.

MR. NORRIS: Well, I understand you're saying that because the State Board of Elections would promulgate the rules, but we are also the Legislature, and if we put something into statute, they'll override the regulation. So I do have concerns that with ballot security, potential fraud, that an individual could go out through a ballot harvesting, collect them, potentially gather absentee ballots which we've discussed on previous bills over the last four years, and deposit them into this security box. And maybe those voters never even got their ballot, because in some cases, we know that you can go electronically onto the website to have these ballots sent to you, or to these people, and that's a concern of mine. And then the next step, then deposit them into these boxes particularly if we don't know if there's security cameras on there or a chain of custody, which is a concern of mine.

Now, let's just turn to Election night. So I see in the -- the bill here that they -- they will have to -- the Board of Elections will have to go secure these ballots at the time the polls close; is that correct.

MR. SIMONE: That's correct.

MR. NORRIS: And how would they do that?

MR. SIMONE: How would they do that?

MR. NORRIS: Yeah, would they send more

personnel there when they're trying to shut the other election booths down?

MR. SIMONE: Correct.

MR. NORRIS: Okay. Now, what if they don't get there?

(Pause)

MR. SIMONE: The local Board of Elections would only do it if they clearly could comply with the law, similar to the deadlines of when absentee ballots are due and counting ballots, they have to comply.

MR. NORRIS: But what if they don't get there at 9:00 when the polls shut down? What if they get there at 6:00 a.m. the next day?

MR. SIMONE: There hasn't been -- there hasn't been any proof of this instance in the 33 states that have used drop boxes.

MR. NORRIS: Okay.

MR. SIMONE: I have faith that the poll workers will want to count those votes as soon as possible.

MR. NORRIS: Well I do, too, but I also served as a Elections Commissioner and I also realize the amount of chaos that occurs at 9:00 when you have multiple election polling sites calling the Board of Elections of trying to get every individual polling site closed that there may be an issue with that. That's why I'm concerned because maybe there should be an automatic lock at that point in time where they cannot get any more ballots in there, because it could be

collecting these ballots, they could be holding the ballots and they could be putting the ballots in potentially after the poll -- the polls close. So I have a concern about that, not knowing that they have to make sure that they are closed down at 9:00. I'm also concerned because there's a language in the bill that says that it shall be deemed timely, and the failure of a Board of Elections of timestamp that was received in this manner on or before Election Day shall not prohibit the canvassing of such ballots. So there's just a potential in my opinion, that there could be ballots placed in these boxes after the close of the polls. And I would tell you, I've had concerns about this with the postmarks on the absentee ballots, because we've passed legislation in this House that automatically counts them if it was the next day by a presumption, which we know that you can mail these ballots from other places. So these are some of my concerns about security, about the box themselves and making sure that they are secured. I'm concerned a little about the cost. Do you know how the costs are going to be handled? Will this be paid by the County Boards or by the State Board?

MR. SIMONE: It would be and Homeland Security I think estimates it at \$6,000 a box.

MR. NORRIS: Okay, \$6,000 a box. And it'll be borne by the local County Board of Elections?

MR. SIMONE: If they choose to use the drop boxes.

MR. NORRIS: Would that be reimbursed by the State of New York?



(Pause)

MR. SIMONE: At some point we're try to get it into the budget, but it would be from the State Board of Elections.

MR. NORRIS: I see.

MR. SIMONE: And to answer your earlier question

--

MR. NORRIS: Sure.

MR. SIMONE: -- sir, at the close of polls of Election Day, the Board of Elections shall close every absentee ballot drop box and collect absentee ballot deposited in such absentee ballot drop box.

MR. NORRIS: Yes, but what if they don't get there and it closes?

MR. SIMONE: Then they're in violation of the law.

MR. NORRIS: Oh, I see. So they could be charged with a misdemeanor or a felony, the Board of Elections people?

(Pause)

MR. SIMONE: It's outside scope of this bill.

MR. NORRIS: Okay. Let me just ask one more question. How many -- how many boxes could there be per municipality or county? Is there an actual cap?

MR. SIMONE: There -- there's not, but I think the goal is to have a minimum of two.

MR. NORRIS: Minimum of two, and would they be -- where would they be located?

MR. SIMONE: I mean, it depends on the size of the

county, clearly.

MR. NORRIS: I see.

MR. SIMONE: That -- actually, I take that back, that was incorrect. It depends on the size of the county and what they feel that they need. It would be up to the local Board of Elections.

MR. NORRIS: Okay. Thank you very much. I appreciate you answering my questions and your courtesies in this regard.

Mr. Speaker, on the bill.

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

MR. NORRIS: Thank you very much. You know, I've asked some of these questions about the security measures, about how these boxes will be actually locked, what if the Board of Elections personnel are not able to get there if they physically have to lock these boxes down. What if, you know, they have to close them down the next day because of intervening events that occur while they're trying to close the rest of the polling sites down. I do have concerns, and I -- I genuinely trust people, but we also know that there are fraud situations that occur with elections, and there's a potential for fraud and ballot harvesting where these ballots could be stuffed into these lock boxes following the close of the polls, that's a concern of mine. And I do think it would be more appropriate that this Body requests from the State Board of Election a security plan that we could put right into the statute so it's very clear instead of taking this leap of

faith not knowing what the State Board of Elections, who I have a high regard for, but will it be in their rules and regulations, particularly when it comes to chain of custody. And I'm also concerned about the continuation of cost and burdensome regulations on our Board of Elections, which ultimately comes down to the county and local taxpayers.

I think everyone who is a U.S. citizen and who is eligible should exercise their right to vote. I'm a former Elections Commissioner, many of you know this on the floor, I have seen democracy firsthand and I want everyone to exercise that right, regardless of their political affiliation, make sure they vote. People fought and died for that opportunity for us to vote. But also, we have to be reasonable about all of these costs that are being placed on it. We have Election Day. Now we have early voting. On top of that we're paying for everyone's postage to come back to the Board of Elections for the absentee ballots, we're now providing the security lock boxes potentially at \$6,000 a piece. And I am concerned, while we have this moment to talk about the early voting. Ten days of early voting, particularly in Upstate New York, which is costing the county taxpayers a couple hundred dollars per person of voters to actually vote at those sites. That's something that we really have to examine. I'm not saying we should completely get rid of early voting, maybe we should reduce it from ten to five days, particularly when you're looking at primaries and general elections that are not on presidentials, because the cost is going down right on our local

property taxpayers, and it's something that we just need to look at and it gave me an opportunity when we discussed this bill to point it to this entire Body, because it is burdensome and we have many avenues for individuals to exercise their right to vote.

So, Mr. Speaker, I just believe this, number one, needs more study. We have issues with security, and I believe that the cost to our taxpayers is overwhelming when we have multiple avenues already for individuals to vote in the State of New York. So with that, Mr. Speaker, I will be voting against this bill and I encourage my colleagues to do the same. And, Mr. Simone, thank you again for answering my questions.

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 be generally opposed to this. Those who'd like to support it can vote yes on the floor. Thank you.

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. Thank you.

ACTING SPEAKER EACHUS: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Mr. Simone to explain your vote.

MR. SIMONE: Mr. Speaker, to explain my vote.

Voting access and integrity are key to a functional democracy. I think, you know, we should always look at costs, but democracy is important. At no cost should we ever not have full access to voting. I think we should encourage more voting and make it the easiest as possible. Most states across the country have instituted ballot drop boxes for the elections as a way to achieve these goals. As more and more New Yorkers vote by mail since the pandemic, we need to give voters as many convenient options as possible to safely and securely return their ballots. In June, 2021 the Democratic Primary Election in New York City, many ballots were invalidated for reasons related to the mail-in process, such as a lack of appropriate postmark or late arrival due to delays. An MIT study published in 2020 found 1.4 million lost mail votes in the 2016 election, 4 percent of all mail ballots cast and 1 percent of all ballots. A 2022 Townson University study found that while mail-in voting is safe, the highest threat to ballot security was to be misplaced or destroyed in mailrooms. The bill would authorize the Board of Elections to give New Yorkers the convenient secure method to submit their ballots directly to the local Board of Elections without using the mail, thereby lessening the burden on USPS and expediting the return of absentee ballots. It's been working in 33 states, New York is behind the curve. I think we

need to expand democracy. Thank you. I vote in the affirmative.

ACTING SPEAKER EACHUS: Mr. Simone in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 39, Calendar No. 182, the Clerk will read.

THE CLERK: Assembly No. A06317, Calendar No. 182, Glick, Dinowitz, Kelles, Colton, Epstein, Burdick. An act to amend the Real Property Law, in relation to enacting the "Low Impact Landscaping Rights Act"

ACTING SPEAKER EACHUS: Mr. Goodell.

MR. GOODELL: Thank you.

On the bill, sir.

ACTING SPEAKER EACHUS: On the bill.

MR. GOODELL: This bill purports to override any deed, contract, bylaw, security agreement, rules or regulations of a homeowner's association that everyone agreed to in advance if those documents, those legal documents in any way impede on the ability of any particular owner to install or maintain rain gardens, pollinator gardens, habitat gardens for natural -- for native wildlife or other gardens that would violate the terms and conditions of those deeds, contracts, bylaws, or agreements that govern the homeowner's association. That's what this bill does. Homeowner's associations are formed by people who want to have a high quality agreed upon

environment, and right in the deeds themselves are the rules and regulations, and in the bylaws, and in the contracts that they voluntarily sign that govern things like landscaping. And it's all designed so that everyone there knows what they're buying when they put their hard-earned money down on the table and get a deed in return. And this bill purports to override all of those agreements, every one of them, and rule them to be null and void so that any one member or group can go out and plant wildflowers, or put in a rain garden or anything they wanted to as long as they thought that it was consistent with the low-impact landscaping even though it violated all those legal documents.

It is inappropriate for us as a Legislature to purport to override existing contracts, deeds and every other legal document that might impede on this issue. The people who run the homeowner's association have their own board and it's up to them, consistent with all their legal documents, to decide how they want to do the landscaping, not for State legislators located hundreds of miles away. For that reason, I would recommend my colleagues vote against this. Thank you, sir.

ACTING SPEAKER EACHUS: Mr. Tague.

MR. TAGUE: Sorry, Mr. Speaker, my light was on for the last ridiculous bill that we just passed, I wanted to explain my vote, but -- so I'm -- thank you.

ACTING SPEAKER EACHUS: Sorry.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. You know, everybody can either see the glass half full or half empty. I would just say that this -- the purpose of the bill is to protect the rights of a homeowner to use low impact landscaping on their property in cases where they're part of a homeowner association. And it is I think in our interest to encourage the use of natural landscaping which provides for the ability for the ground to absorb water, store it, prevent more runoff, particularly since turf grass consumes so much water and requires the addition of chemicals and is not healthy for people or pets.

So I understand that the bill does also ensure that people have to maintain their property so it isn't an eyesore, and it is also required that they not impede on the common space or on their -- the adjoining property. So the reduction in the use of pesticides and herbicides and the ability to provide for the absorption of rainwater as we see more and more heavy rain events is actually a positive for the entire homeowner association, not just these individuals.

So I hope that people will take the broader view and recognize that this is a positive advancement and not the end of Western civilization as we know it.

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 will be generally opposed to this bill, both on Constitutional and non-policy grounds, but those who support can certainly vote yes 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.

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 could now to go the main Calendar, Rules Report No. 164 by Mr. Weprin; 245 by Ms. Lunsford; 386 by Mr. Thiele; 486 by Ms. Rosenthal; 480 by Ms. Fahy; and to the A-Calendar, Rules Report No. 573 by Mr. Bronson; B-Calendar, Rules Report No. 597, Mr. Dinowitz; and 654 by Ms. Lupardo. In that order, Mr. Speaker.

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

Page 5, Rules Report No. 164, the Clerk will read.

THE CLERK: Assembly No. A06345, Rules Report No. 164, Weprin, Barrett, Blankenbush, DiPietro, Fahy, Hunter, Miller, Rivera, Santabarbara, Steck, Carroll, Buttenschon, Zebrowski, L. Rosenthal, Woerner, Thiele, Brabenec, Stirpe, Lupardo, De Los Santos, Ardila, Reilly, Kelles, Simon, McMahon, Lemondes, Bendett. An act to amend the Insurance Law, in relation to physical therapy services.

ACTING SPEAKER AUBRY: 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 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 7, Rules Report No. 245, the Clerk will read.

THE CLERK: Assembly No. A06832-A, Rules Report No. 245, Lunsford, Bronson, Jacobson, Cruz, Ramos, Glick, Stirpe, Shimsky, Ardila, Conrad, McMahon, Zaccaro, Dickens, Simon, Levenberg, Simone, Meeks, Mamdani, Buttenschon,

Seawright, Bendett, Burdick, Eachus, Sayegh, Epstein, Shrestha, Davila, Colton, L. Rosenthal, Lucas, Taylor. An act to amend the Workers' Compensation Law, in relation to workers' access to treatment.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I will be voting no on this bill because I think that our three changes in this bill that are likely to increase the cost of Workers' Compensation for our companies, and all of our companies have been complaining that the Worker's Compensation costs are already amongst the highest in the nation.

The three changes is that it would increase by 50 percent the amount the employee could go and incur from \$1,000 to \$1,500 without any pre-approval whatsoever. Second, the Workers' Comp program has a number of procedures that are pre-approved and the expectation is that if it's not on that list that you'll seek pre-approval. This would change that and say that the failure to seek

pre-approval or be on the pre-approval list doesn't mean that you're not entitled to payment. And the third thing it does is it provides that you can go to any provider you want, including a medical provider that's outside the network and the Workers' Compensation program will pay that out-of-network provider the same as they would pay an in-network provider. And the problem with that is that when insurance companies negotiate with physicians to join the network, they negotiate a lower rate with the expectation with a physician that they'll get a higher volume. And so if you can't guarantee a higher volume, it's likely the physicians will demand a higher rate.

And so I appreciate my colleague's desire to make it easier for employees to get services, ultimately it's going to increase the cost of Workers Comp and for that reason, I can't support it.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 386.

THE CLERK: Senate S00967-A, Rules Report No. 386, Senator Ryan (A01489-A, Thiele, Williams, McMahon, Burke, Rivera, Dickens, Peoples-Stokes, Wallace, Zebrowski, Sillitti, Gunther). An act to amend the Real Property Tax Law, in relation to delinquent tax interest rates.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. This will be a party vote for the reasons I will explain shortly.

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 Party is generally opposed to this legislation. Certainly, those who want to vote for it can do so here on the floor of the Assembly.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Thank you both.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Currently, most of the counties charge 1 percent interest rate per month for delinquent taxes. This is after you have already have at least a month pay. This bill would change that and put it on to a variable rate, and the variable rate would be between 2 percent on the low side and up to 16 percent, and it would be based on the prime plus 2 -- I think prime plus 2.

Now, the great thing about a variable rate is when interest rates are low you pay less, when interest rates are high you pay, unfortunately, much higher. So the net effect of this bill is that when interest rates are high your interest rate on your tax bill would also be high. And so now you're getting doubly-squeezed. You're getting squeezed with a higher interest rate on your credit cards and your car loans and everything else, and a higher interest rate on your taxes. And this comes -- and the flip side is when the interest rate's low, great, you're paying a lower interest rate and your county government is losing money and so they'll raise your property taxes for you, because there's no free ride in this world. And this change that puts it on a variable rate comes at the same time that all of our counties are adjusting our foreclosure procedure in compliance with the Supreme Court ruling that said if, by chance, they sell a foreclosed property for more than the taxes, they have to send the refund back, the excess back to the homeowner. Well, the problem is that most of the time by the county -- by the time the county goes for a tax foreclosure they are lucky to cover the amount due on the taxes. Because a property only goes into a tax foreclosure when its value drops so low that a bank will no longer pay the taxes for a delinquent taxpayer. And so this doesn't save anyone any money because any reduction in that interest rate is gonna be passed on to you in terms of higher property taxes. But when the interest rates goes up it really will hurt because everything else you're paying is going up and your interest on your property taxes will go up. And for that reason I won't be supporting it.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes -- Mr. McDonald. No?

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 15, Rules Report No. 486, the Clerk will read.

THE CLERK: Senate No. S05916, Rules Report No. 486, Senator Hoylman-Sigal (A06138, L. Rosenthal, Davila, Shimsky, Hevesi, Simon, Woerner, González-Rojas). An act to amend the Court of Claims Act, the General Municipal 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 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 14, Rules Report No. 480, the Clerk will read.

THE CLERK: Senate No. S00885-C, Rules Report No. 480, Senator Hinchey (A04130-C, 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 AUBRY: An explanation is requested, Ms. Fahy.

MS. FAHY: Certainly. This bill would create a registration system for short-term rentals located outside of New York City. The registration would be with the Department of State and allow for the collection of sales and local occupancy taxes Statewide.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. RA: Thank you very much, Ms. Fahy. So as you stated, this is outside of New York City and we know New York City has taken some action with regard to this, which I think we will get to at some point. But I -- I want to just start with the broad-based question of municipalities across the State have, I think, some authority to regulate short-term rentals at the local level, many of them have and do. Am I correct that once this goes into effect, local



governments will no longer be able to create their own registries?

MS. FAHY: Any -- any new ones may not be created. Any existing ones will allow to remain where they choose. We kind of assume many will fold in, but -- but yes.

MR. RA: Okay. And, I mean, what is the intention of doing that? Because then we'll be in a situation where those who have decided previously to have a local registry can still have it, but -- but another municipality who might for some reason want one can't.

MS. FAHY: Because it is the -- the cleanness of having one to be fed into. All the data will still, even from New York City, will feed into the Statewide one, and this will -- this will make it easier. We have a number of municipalities very interested in this but don't want the expense or have been unable -- many small municipalities have been unable to take up the expense of creating this database because in the end it is a database that will feed in -- well, one database across the State. It's -- it's easier, instead of having multiple -- those who own properties in multiple jurisdictions will no longer have to have a regis -- register in separate jurisdictions, it'll be one database Statewide. And we, again, assume many will just fold right into that.

MR. RA: So, you know, I would assume looking at this issue that depending on where you are in the State and the type of community, you know, there may be a very different market for these types of rentals and people who are renting them may be doing it for different reasons. Like, I think for instance, if somebody was listing a

property in the district I represent it's very different than, say, you know, maybe somewhere just north of here in Saratoga or Lake George or someplace like that where people are, you know, attracted to for -- for vacations and things like that. So does this not create kind of a one-size-fits-all approach going forward that -- that despite the fact that there may be very different rental markets and reasons for those rentals being available depending on where you are in New York State?

MS. FAHY: Again, many of those rentals are still on the major platform, short-term rental platforms, which already use the same -- which already use the common database, and certainly, we are seeing -- we've seen an exponential growth of short-term rentals throughout the State, throughout the country. So one database is actually easier for all since they are used to using a VRBO or an Airbnb and, you know, whether -- whether you're in Poughkeepsie or up in Lake Placid.

MR. RA: Okay. So as -- as we all know, you know, it is our local governments that are the ones that deal with things like zoning, code enforcement. This will have a lot of the enforcement in terms of the registry, done by the Department of State, correct?

MS. FAHY: Yes.

MR. RA: So, number one, do we have an estimate as to what the cost will be to manage this from the Department of State? I know there were some numbers from, you know, a prior proposal that looked at a number, I think it was around \$50 million. What is

the cost to the Department of State for implementing this and managing this at the State level?

MS. FAHY: We actually think that was a misunderstanding of -- of what is -- what we're looking at here. This is a Statewide registry, it's a database. We know from all the rooms and those data analytics firms that are out there, we know that most of these databases that have been used around the country are about \$1 million to set up the database itself. And they are self-populating, just as Airbnb is self-populating. And the -- the best example, though, however, here is -- is New York City. New York City's database, it was about 1. million dollar -- \$1.3 million and they have 13 FTE regulating that. Now that is a different system. They have banned many short-term rentals unless it's owner-occupied, so it is -- it's a little more aggressive. This is just a registry, so 13 people may be -- may be more than is needed and we assume the Department of State would not need any additional FTE for this.

MR. RA: So, you -- you think that any cost borne by the Department of State will be on the, I guess, the technological side of creating the database as opposed to any new staffing?

MS. FAHY: Yes. And there is a fee, there is a registration fee, a one-time fee that as in New York City, a -- a fee to -- to register with the database and that can -- given that there are tens of thousands of Airbnbs -- or sorry, of sort-term rentals, that database can probably be covered. We've seen estimates of the database anywhere from 500,000 to \$1 million.

MR. RA: Okay. Now without any additional staffing, how are these units going to be evaluated by the Department of State to determine that they meet the criteria in this bill?

MS. FAHY: There's -- there's no inspection requirement here. There is a registration fee and, you know, it's, you know, they -- they can be somewhat self-policing, if you will, because in order to advertise your short-term rental you would have to be on a database. And just as in New York City, if there's not a registration number it means you're not registered, so it's -- I think many towns and municipalities are highly motivated to learn what is out there. So I -- I think in some ways this becomes self-enforcing in a way because you need that registration fee. And again, if New York City -- and I know they're not necessarily a model of efficiency -- if they're doing this with 13 FTE and that is -- that was at least a much, much bigger market than the rest of the State, again, we assume there should be minimal cost to this. But there will be a fee and that fee can probably help cover this. It certainly paid for New York City's database.

MR. RA: Okay. Now, in terms of what DOH -- DOS does in coordination, I guess, with -- with the local level, I mean, some of -- some of the things that are required here, and I think they're important for, you know, safety, you know, there's requirements to make sure that an evacuation diagram is present, right, emergency phone numbers, a working fire extinguisher, and -- and I think that's certainly appropriate and we would expect, you know, in -- in any type of, you know, a hotel or something, right, that that type of stuff is

present for the -- for the safety of -- of guests. What coordination is going to take place between the Department of State and a local government in terms of making sure those types of safety provisions are met when -- when somebody certifies onto this registry?

MS. FAHY: Many of those health and safety requirements are already requirements of the traditional short-term rental agencies. So that is having a fire extinguisher, having an evacuation plan. Those are already existing requirements. Our understanding is this doesn't really go beyond that. However, a municipal -- this does not preclude any municipality from adding additional health and safety concerns. So for instance, Lake George, they may have boat docks there. Certainly, you know, there are additional health and safety requirements with boats or -- or rentals that include boating. Nothing precludes those from being added and -- or -- or where a municipality chooses to add additional requirements. In other words, if they have existing ones, they remain existing. If a municipality chooses -- based on some of this information they choose to add more restrictions within their zoning code that is certainly their right.

MR. RA: So now --

MS. FAHY: So again, there is a -- there's baseline here which most platforms already have on health and safety, and any requirements, any additional requirements on health and safety, a -- a local municipality continues to have that right.

MR. RA: So if a local municipality were to add

something like that and that might be, I -- I would think a not -- I wouldn't say a unique situation, but it, you know, it may be something like that that's obviously if, you know, if we were doing this in the district I represent nobody's putting on a boat dock on land lock and so that wouldn't be a thing. But if -- if something like that were put into effect, could -- does that become part of being on the registry, and if so, how does that get enforced? Is it at the local level, is it the Department of State? How does that work when it's part of a Statewide registry and you may have now a -- a criteria that is solely local?

MS. FAHY: That would not be required to be in the registry, and you know, certainly, the Department of State can -- can decide if there's a way to help coordinate among jurisdictions. But -- but what they have right -- you know, what they're doing now would -- would already apply. In other words, it's not required that that be reported. You know, many municipalities right now have all sorts of different requirements. This has the baseline of health and safety, what other municipalities already have or decide to add is up to them.

MR. RA: Okay. So --

MS. FAHY: And -- and certainly, again, these -- these things become self-enforcing. We know there have been a lot of complaints, there are a lot of concerns. Certainly, one of the -- one of the interests we've had are from firefighters. There's a real interest in having a strong sense of what is there, what's going on, and having that information. And -- and municipalities will have access to the

database.

MR. RA: So --

MS. FAHY: The Statewide database.

MR. RA: If -- if a piece of -- if a criteria, say a boat dock because it -- it is a good example of something that may be present in some areas and not in a lot of others. So suppose a local government makes -- let -- let's assume this local government doesn't currently have a local registry, right, and this goes into effect and they have, you know, these properties are on the State registry and they decide, *You know what? This is something I think we need to do to make sure that people that are staying in these properties are safe.* That becomes a local requirement, but if it's not -- without I -- I guess proper coordination, right, the properties can be listed through the sites even though they're not in compliance with a local, you know, regulation requirement that's put into effect.

MS. FAHY: But there -- any municipality will have access to this database, they'll have monthly reports from the database. This will give those municipalities additional information. In fact, we assume they'll be more information now for them such that they can follow through on that with their own -- you know, in their own town with their government, again, with firefighters or -- this -- this, we think, will help better inform. I've heard from some of my own towns that they're very interested, they think it will help with street planning let alone police and firefighter information that they'd like to be better aware of. As you know, there's -- they're often blindsided in

residential communities where they get calls about a party or this or that and it's not the owner that is there. If they know that this is an investor property they'll know -- you know, they'll know that this is maybe somebody out of town and it wouldn't be such-and-such owner at that address. So we actually think this will fuel some safety issues, particularly with firefighters. They're -- they're flying blind right now, often, with many of these short-term rentals.

MR. RA: So given that, right, is there any liability that the State incurs for basically licensing and certifying that a short-term rental is safe if it turns out that, you know, something happens and it was lacking one of these pieces of -- of safety requirements?

MS. FAHY: No, there is -- no, and I -- I'm -- I -- I know that's addressed and I'm not gonna find it, but no, there wouldn't be additional -- again, the -- the only liability on the part of a host is that they be in the registry and that they meet the health and safety requirements. Again, they're quite comparable to what is already required of them as a host on traditional short-term rental sites.

MR. RA: Okay. Now, you -- we -- we've mentioned, you know, earlier New York City and their registry and the fact that there -- there are many other municipalities who've created registries. Is there any analysis that's been done as to what, if any, impact there has been on the number of short-term rentals available within a -- a particular municipality who has decided to create a registry?

MS. FAHY: We know from the data analytics provided by all the rooms. That's the national data analytic company



trying to track some of these. We do know that outside of New York City it has become a \$1 billion industry, 966 million to be -- to use their numbers, and -- and we know that this has grown rather exponentially. The nights stayed, again, in -- on -- within a year, within the last 12 months beginning in the third quarter of 2023, were 3.4 million nights stayed. Is that what you're referring to in terms of analytics or in terms of (inaudible)?

MR. RA: Well, yeah, I mean, I think that's -- that is important information as to how -- what -- what impact it may have had on the market.

MS. FAHY: And if I can add, that's part of why there's such an interest in a Statewide registry because it has an -- and this is only what they can gather. We think we will get more information this way and that's why we felt it was important to have one registry as opposed to countless ones. I know here in Albany, Guilderland and the towns I represent there's a real interest in this, and they did not want to incur the cost of trying to create their own database.

MR. RA: Sure. And -- I -- I can certainly appreciate that, especially for a smaller community, but I -- I think I would still go back to the idea of, great, if a town doesn't want to create one or doesn't want to incur the cost, they can utilize this but there could be one that wants to and is willing to incur the cost and -- and it would no longer be able to under this. Now, as it comes to, right, we have kind of two actors in this that are impacted. There's the person who -- who

owns the short-term rental and then, you know, these types of booking sites that we're familiar with that -- that list them that people utilize to -- to book these short-term rentals. So it's the owner, right, who is -- who is registering and certifying that they meet all these criteria, correct?

MS. FAHY: Yes.

MR. RA: And then the booking website, app, whatever, whatever it is, can only list a site when somebody goes and wants to list the rental if they've certified that they're in compliance with this and they're on the registry.

MS. FAHY: Yes.

MR. RA: So, there's two, I guess, two-fold in terms of how it's handled if it turns out that there is a violation. Now, in terms of the owner, right, if they have an issue, they're not meeting one of these criteria, what happens? They -- they have an opportunity -- would -- would -- if they were, I guess, flagged by the Department of State, *Hey, you don't -- you don't have, you know, the evacuation diagram.* When are they subject to a penalty for -- for not having that?

MS. FAHY: The only penalty they're subject to is not registering, and -- and they get a couple of warnings there and then can be cited and that can be appealed within a number of days. But at this -- again, there's no inspections tied to this, there's no -- that -- we assume that that will continue to go on at the local level. This is -- a lot of this is about giving transparency to the industry and providing

that transparency to these local governments. But the -- the only fine is -- is not registering.

MR. RA: Okay. And then in terms of the booking site or app, if they were to have, for whatever reason, you know, a listing slips through the cracks, I assume -- are -- are -- they subject to -- to penalty if there's not a piece of criteria met or is it just they let something that posted that isn't on the registry?

MS. FAHY: It's -- it is the --

(Buzzer sounds)

-- registration. It's the -- it's failing to register. It's the failure to register, it's not -- because that's the only part that they are required to do. It's -- and they can be fined there accordingly if -- if there is a rental without -- without the registry.

MR. RA: Okay. And they -- if for that violation from the booking site side there's not -- there's not that opportunity for a warning -- for a warning or some opportunity to cure the violation, correct?

MS. FAHY: There's two warnings, then there may be a fine and that fine (inaudible) --

MR. RA: For the booking site?

MS. FAHY: Oh, sorry, yes, I meant the host. I'm sorry, I'm reading -- I was jumping ahead. That's the host.

MR. RA: Okay, yeah. I'm saying for the -- for the --

MS. FAHY: Sorry.

MR. RA: -- booking site if there is a violation they

are -- they would be subject to a fine right away, right? There's not that opportunity to cure or any type of warning?

MS. FAHY: Yes. And they need to provide -- they need to provide the information.

MR. RA: Okay, thank you. In terms of just the overall, I guess, financial side of this, we're -- we're going to be collecting sales tax?

MS. FAHY: Yes.

MR. RA: And -- and occupancy tax as well --

MS. FAHY: Yes.

MR. RA: -- if it's subject in a particular jurisdiction?

MS. FAHY: If -- if -- right, if there is one, yes.

MR. RA: Okay. And how is that going to work in terms of is -- because I -- I think in -- in most settings if, you know, there's a local hotel or motel tax that's collected, is it going to the State and the State is -- is giving it back to the municipality or -- or is it set up so that it is remitted to the municipality?

MS. FAHY: The -- I have this right in front of me. It's the -- one goes -- it -- it's the same as any of the sales tax. Yeah, the occupancy goes straight to the locality -- I had it right here in front of me -- and the -- yeah, the sales tax goes to the State to Tax and Finance and gets remitted back as -- as we do now with internet sales. There's an intercept and it gets remitted back.

MR. RA: Okay. Now --

MS. FAHY: It's -- you know, again, all -- all of this

is automated.

MR. RA: Okay. Now, is -- is there anything in this to ensure that there isn't, I don't want to call it a lockbox because it's, you know, but it's money that comes in to make sure it goes out. We've had a few issues over the last few years where there were decisions made to not give out all -- all -- all of the money to municipalities or shift funding around. Is -- is there protection to make sure that anything that is collected at the State level does go out to the -- to the locality?

MS. FAHY: I presume so because we -- remember, it's all -- it's collected, it's all reported, it's right there. These are pretty sophisticated databases, and that information is available to the booking sites as well. They will know what's going in. So I -- I would -- I think it's pretty straightforward, these intercepts are -- yeah, it's a local sales tax so it's -- it's quite straightforward.

MR. RA: Okay.

MS. FAHY: I -- I think of it as the internet sales tax that we added a few years ago and, you know, that's a -- it's a pass-through. And the occupancy one goes directly back to the counties.

MR. RA: Thank you. And --- and then I guess lastly, in -- in terms of as this is being implemented, any -- do we have any sense as to how long this will take to get the State database up and running?

MS. FAHY: These databases are pretty readily

available. Florida now has a Statewide one, the EU has adopted them across the EU. They're -- they're pretty -- they're pretty widely available, and this has -- this can -- this can be 120 days after this becomes law, you know, it can be launched, but I assume all of that will be subject to the establishment of the database.

MR. RA: Okay. And how does this work in terms of, right, we're getting into a busy tourism season in a lot of parts of the State. How does this work in terms of a lot of these, especially in -- in communities in our State that do attract a lot of tourism, may be booked out far in advance? How -- how are existing bookings treated under this? If somebody has already -- say -- say they've, you know, used one of these sites and booked a short-term rental for -- for this fall?

MS. FAHY: I would say until this database goes live and they'll be -- I guess it will take a little while to get this bill signed, so I think everything is -- will -- will be contingent upon when this bill becomes law, and then there is the 120 days at least after that, if not longer time, to set up the database. So I think -- and this is something that -- I've had this bill for seven years. There's -- there's a lot of -- they'll be a lot of notice out there on this. You know, and there are a lot of fees. When you have a short-term rental now there's a lot of fees. This is just leveling the playing field a hotel, motel pays their income -- their sales tax as well as their occupancy tax. It was the first purpose of my going down this road seven years ago, was to level the playing field.

MR. RA: Okay. And -- and that's fine. But, you know, let's -- let's suppose the Governor decides, *Hey, I'm gonna sign this 4th of July weekend because that's a busy tourism week* and, you know, we play that out a couple of months and at some point in the fall somebody has a booking set. Does the language of this say that, you know, if that wasn't in compliance or if the registry is not done, anything existing can go forward or -- or is it -- or is there the potential that somebody could be in violation of this for some transaction they have already entered into prior to this passing and becoming law?

MS. FAHY: Again, even -- even the 120 days would provide that time for the fall, and that -- that can be -- that can be addressed but it will take a while to set up a database such as this.

MR. RA: Okay.

MS. FAHY: You know, they can't -- we can't collect until that database is there.

MR. RA: Well, we can't collect and that's -- that's exactly what my concern would be -- would be with an existing booking.

MS. FAHY: There's -- there's nothing -- yeah, and there's nothing in here that provides any ability to be retroactive. So I -- I think the database must be established.

MR. RA: Okay. Thank you. Thank you, Ms. Fahy.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. RA: Just quickly --

MS. FAHY: Sorry, I should also add any bookings --  
excuse me -- any bookings, you know, would only subject --

ACTING SPEAKER AUBRY: Ms. Fahy, he's going  
on the bill.

MR. RA: Go -- go ahead.

ACTING SPEAKER AUBRY: You've -- you've  
answered all the questions you could.

MS. FAHY: Okay.

ACTING SPEAKER AUBRY: It's going on --

MS. FAHY: I just was trying to answer that last one.

ACTING SPEAKER AUBRY: It's 4 in the morning,  
Ms. Fahy.

MS. FAHY: Okay. Thank you.

MR. RA: Thank you, Mr. Speaker.

MS. FAHY: I didn't hear that as I was talking.  
Thank you.

MR. RA: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh.

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

ACTING SPEAKER AUBRY: Ms. Fahy?

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MS. WALSH: Thank you. And I appreciate the



questions that you -- you just answered from my colleague. I'll try not to be repetitive, but I just want to make some things very, very clear in this legislative record about what the intention is because really one of my number one issues which I believe I've resolved but I want to just clarify, has to do with that local control piece. So if I heard you correctly, what you said was that the -- the thing that's being created here is the Statewide registry, previously, you know, before enactment registries that have already been created at the local level can continue, new ones cannot; however, localities will and always will have an ability to make their own rules, additional rules for short-term rentals and those are not gonna be superceded or impacted at all by this legislation; is that correct?

MS. FAHY: Absolutely. Correct.

MS. WALSH: And even just to further clarify that, you had mentioned earlier that health and safety concerns could be addressed at the local level, but I wanted to throw out some other things that a locality might be interested in doing and I'd like your insight as to whether those things would be within the scope as well. Requirements that the property be primarily owner-occupied, the number of days per year that a host could host, other safety issues. I know that the bill talks about a fire extinguisher, you know, and I'll just mention I think we -- we had talked about this. This -- this small town that I represent that sits on a lake has a lot of these rental situations going on already. Last year there was a really bad fire in one of them, burnt to the ground, and it was -- thank God nobody was

killed. But the place had a ton of people inside of it and they were charging, I don't know, a jet ski or something in the basement, started a fire, burnt to the ground. So you talk about fire concerns, absolutely, the fire department was concerned. But the other real issue that we hear about is, like, issues of quiet enjoyment, right?

MS. FAHY: Yes, yes.

MS. WALSH: When you're in a lakefront -- particularly a lakefront area and you've got smaller camps maybe that are all next to each other, if you have one that's being used as a short-term rental every single day, week after week, it's like a party every night. You've got a lot of noise complaints, the town's phone gets burned up with people calling to complain, you know, about all that stuff. So those types of issues which go beyond, you know, pure safety issues, but go to quiet enjoyment, could there be a noise component added to that? Could there be a capacity? You have X-number of square feet, you have X-number of bedrooms, X-number of baths, you can accommodate this number of people. All those things, could that -- could those things all be part of what a locality could add into their local ordinances which this would not touch?

MS. FAHY: Yes, absolutely. And we think that's important and I can cite you the section, but yes, they have the full ability to add in -- there's a notwithstanding clause here that any county, city, town, village government may enact the additional local laws prohibiting or further limiting these listings, et cetera.

MS. WALSH: And that's very comforting to me.

Other questions that I have, right now in -- in the legislation it states that hosts must be insured by one licensed to write insurance in New York for at least the value of the dwelling plus a minimum of \$300,000 coverage for third-party claims of property damage or bodily injury that may arise from operation as a short-term rental. So that is an obligation that the host will, what, have to show proof of to the -- to the State?

MS. FAHY: Yes. And we -- we think this is one since the major short-term rental companies such as Airbnb and VRBO already have a \$1 million policy which was adopted a few years ago because of issues like the fire you just referred to. So there -- the minute you are a host with those -- those booking agencies, you automatically have that \$1 million. So it is, you know, that -- the booking agency can demonstrate that, and so we -- we think this is covered, but this is added in case there were some -- something other than a major booking agency.

MS. WALSH: And my two cents would be that I think that in a chapter amendment perhaps, that -- that could be eliminated because it's -- it's gonna be burdensome to the host and may dissuade some hosts from offering their properties through this program, and that -- that's just my two cents and my editorial comment.

MS. FAHY: Yes.

MS. WALSH: Okay. So we talked about the obligations of the host are to register, to currently at least carry the

insurance.

MS. FAHY: Yes.

MS. WALSH: To follow any local rules that are also in play.

MS. FAHY: Yes.

MS. WALSH: All right. Do we have any idea or is it just simply a local issue as to how these properties after this bill is passed would be assessed? Will they be assessed as commercial properties? Have you -- what have you seen in other areas that have done this? I mean, are they still assessed as a -- as a residence or does -- where do we cross over into it being more of a business?

MS. FAHY: This legislation will not impact that --

MS. WALSH: Okay.

MS. FAHY: -- but again, that's part of the transparency that we are seeking here. What a municipality decides to do with this additional information will be up to that municipality.

MS. WALSH: Very good. And my colleague already covered kind of penalties and fines so I'll skip right over that. So a question, a very basic question is can a host just do short-term rentals without registering? What if they don't use the platforms? What if they use word of mouth, what if they use Facebook Marketplace? What if they've had a very long -- which we see a lot up in Saratoga with track rentals where they have a very longstanding relationship with, say, another family in another state that comes in for a week and always rents the same place and they just have a

handshake agreement. They don't use the platform. Do they still have to register, those -- those hosts or not?

MS. FAHY: Those -- those will have to be registered. There is an exception clause on some health and medical treatment, so there is an exception clause. But what you've described would have to be registered.

MS. WALSH: I saw something in there, I think it was the exception you're referring to, that also talked about if the -- if the homeowners, the hosts are on vacation or something.

MS. FAHY: Yes.

MS. WALSH: Well that happens sometimes. Like up in Saratoga during track season, say track season is, what, eight -- eight, ten weeks, something like that, they keep making it grow, but say it's eight weeks. And what'll happen is the homeowners can make so much money from renting the place for the time that they're -- that they just -- they just pack up and leave. They'll go off someplace else and take a vacation with the money that they're earning by renting out their -- their real primary residence to people during track season. So does that -- is that part of that exception or no?

MS. FAHY: If they are loaning their place, in other words --

MS. WALSH: No money can change hands.

MR. FAHY: -- when there's no money being exchanged that's perfectly appropriate. Where money is exchanged, and in some area this is a big business, then they would be subject to

this.

MS. WALSH: Gotcha. Okay, that's very helpful. Could a locality just say, *We don't want any short-term rentals in our -- in our town or in our village, wherever?* Can they -- they can still say that, right? In their own local zoning they could just say it's -- it's not a use that we're gonna recognize (inaudible).

MS. FAHY: Absolutely. They're asked to just notify the State, but we are seeing -- we're already seeing that in some areas, so, yes.

MS. WALSH: And if you're one of those towns -- if you're one of those towns that says, *We don't want it here*, would they still have access to that -- those monthly reports so that maybe after a while they say, *Well, wait a minute, we might not want it but we certainly seem to have it anyway.*

MS. FAHY: Absolutely, yes.

MS. WALSH: Okay. You mentioned the fee, I will just ask about this. You said it was a one-time fee, I know that it's a two-year --

MS. FAHY: Sorry, I should say that may be a one-time annual fee. Again, that just -- it's a -- I should -- in New York I'm going -- I was referencing New York City, I think that is annual, so sorry if I wasn't correct.

MS. WALSH: No, that's why I asked it, to clarify that. That's fine. Okay. I -- so I -- I just want to throw this idea out there because this another thing that we see up at the lake all the time.

Say somebody is -- say somebody is registered, a host is registered after this is passed and they -- they have somebody come and stay with them. When they come in to stay there's a little card on the -- on the countertop that says, *Hey, next year instead of going through Airbnb or VRBO, just give me a call and we'll, like, we'll work it out on the side.* This -- this legislation really doesn't help with any of that, right? I mean, it -- that's going kind of beyond what this legislation does. That's still gonna be an issue.

MS. FAHY: The -- the host would be liable there.

MS. WALSH: Well, because they're supposed to maintain that log of who's coming in and --

MS. FAHY: Yes.

MS. WALSH: -- how much they paid and how many days and all that stuff and -- okay.

MS. FAHY: Yes.

MS. WALSH: So, but who's gonna call them on that? I mean --

MS. FAHY: Again, I think -- I think once a municipality begins to have this, especially in smaller municipalities, they will begin to understand. I hear this a lot, that they know there are illegal ones even if they haven't registered. You know, in some towns we already have requirements for registration with police or firefighters. So we know that that is going on and -- and I think this will provide them the information and that, you know, wait a second, they see this is going on at Unit A even if they have no information

that it's -- it's feeding into the database and then that's something that they can enforce. That is not something, again, we believe this will be very self-enforcing because we have a lot of very motivated municipalities to access this information because they don't have this database now, which is why we think it's important to have the one.

MS. WALSH: Right. Thank you very much, I appreciate your comments.

Mr. Speaker, very briefly on the bill.

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

MS. WALSH: So I have been -- I mean, I've been thinking about this for some time. You know, I -- I know I've mentioned before that I act as town attorney for this very small town that's sitting on a beautiful lake that gets a ton of tourists every year and people who want to enjoy the place. They're coming from all over -- all over the place. It's -- I think that -- I don't know how many, I -- I remember our town supervisor had a number in mind of how many camps around the lake were being used in this way with short-term rental. It was -- it was a very surprisingly high number, I think a lot of people didn't understand it. The town is in the process of redoing their -- their zoning right now and contemplating whether or not they need a full-time code enforcement officer or part-time. And I would say that after this is passed, if this is all signed into law, they're gonna need a full-time one because they're gonna be very busy. I think that there's gonna be a lot to do in order to make this work. I -- I feel much better about this legislation now that I've had an opportunity



to ask the questions I did and to engage in the debate that we did as far as what the localities are still gonna be doing. I think it's appropriate, too, that a -- that a town wouldn't lose that ability to create reasonable rules to make sure that not only do the hosts get the benefit, but that also the adjoining landowners and just the area at-large sees this as a benefit to the local economy and not just a party every night that's just a real pain in the neck. So I think that, you know, I -- I think that this is something that I think I need to support. I mean, also Saratoga Springs, this is a huge, huge, huge issue, and having met with and spoken with the hospitality and tourism industry, it's fundamentally unfair, I think, for hotels to be paying a lot of fees that, you know, this kind of underground economy really hasn't had to pay. So I think just to level the playing field I think that this is really an important step. And, you know, maybe the seventh year is the charm for the sponsor, I know you've worked very hard for this. And I think that, you know, I would like to see that insurance requirement come out. I think that that ought to come out because I think that that is largely unnecessary if you're on a platform that already has insurance coverage. I hope that that will be taken out. But I think that this is something that I can support, I think it's a step in the right direction. And I do think that particularly for, like, a small town that I provide services for, they don't have the money, the wherewithal or even the desire to create some kind of a registry. They've been watching with great interest areas like I think Lake George and other areas that have done it, maybe Lake Placid. I -- I don't know who's done it yet. But they've

been kind of watching. And, you know, for a very small town it's just -- it was too much to tackle. I think with the State providing the registry and then just working on the local -- local zoning and enforcement issues I think that this is something that they will do and that they need to do.

So I'll be supporting this and I -- I really do thank the sponsor for your tenacity and for your responses to my questions.

Thank you.

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 to this, although we certainly have members that support it as well. So those who support it should 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 now.

ACTING SPEAKER AUBRY: Thank you.

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.

On the B-Calendar, page 17, Rules Report No. 654, the Clerk will read.

THE CLERK: Assembly No. A10398-A, Rules Report No. 654, Committee on Rules - Lupardo, Peoples-Stokes, Stirpe, Woerner. An act to amend the Cannabis Law, in relation to authorizing a cannabis showcase event permit.

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

An explanation is requested, Ms. Lupardo.

MS. LUPARDO: Yes, thank you, Mr. Speaker. So, this bill creates the cannabis showcase event permit. As you will recall, we had created in 2023 a system to allow for temporary cannabis markets. That particular program ended. It was an experimental policy, they wanted to see how it would work. It expired on January 1, 2024. So this new regulatory program is going to have clearer mechanisms for compliance enforcement and a full set of regulations developed by the Office of Cannabis Management, and it's going to provide licensed adult-use retailers the chance to sell their products at farmers markets, public markets and other such similar locations in demonstrated partnerships with licensed cultivators and

processors in communities that have opted in, 14-day permits, and they will have very strict reporting regulations with the Office of Cannabis Management. I'd -- I'd like to add that the reason we need to do this is because of the slow rollout of the cannabis program. Many of our farmers have been left in a lurch. Unfortunately, the 2022 farmers, many of their crops were lost when -- they lost value because they didn't have these opportunities. If there were more stores that had opened, if the program had been rolled out successfully, we wouldn't be in this place. This is done primarily to help our farmers get some income in the process, that's why this is a top priority for the Farm Bureau, who find themselves, as I find myself, in a position of having to protect our farmers who through no fault of their own find themselves with product they're unable to sell. So I'm not here to defend the overall OCM program, I'm here to protect our farmers.

ACTING SPEAKER BUTTENSCHON: Mr. Goodell.

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

MS. LUPARDO: Yes, of course.

MR. GOODELL: These demonstration programs showcase events. Are they -- is there a preference given as with the dispensary licenses to criminals who have drug convictions?

MS. LUPARDO: No, that's not part of this whatsoever. Someone who already has a retail license will partner with existing cultivators and processors to apply for a limited permit

to establish a market for accessibility to customers who want to access the legal market, and for those farmers who would like to get some income while they're waiting for the full system to come up. So there's no preference, it's a -- it's a system of collaboration to set up temporary markets.

MR. GOODELL: And I appreciate your explanation both times on why you want to do this. When the cannabis system was originally structured there was a preference given to dispensary licenses to those who were convicted drug dealers or sellers. And am I correct that you would have to have a dispensary license to operate one of these show -- showcase events?

MS. LUPARDO: Well, the current retailers received their licenses under that -- under that scheme, under that scheme. As you -- as you might recall, the original bill that legalized cannabis in New York State had a list of groups that would have received preferential treatment. The Office of Cannabis Management chose that one category to prioritize first. So, but nonetheless, this group that we're working with do come from that particular group of individuals who were criminally-justice-involved, yes.

MR. GOODELL: So I also assume that --

MS. LUPARDO: We're working within the system that -- that we are -- that we are, you know, (inaudible).

MR. GOODELL: Am I correct these showcase events could only occur in municipalities that have authorized the sale of marijuana?

MS. LUPARDO: Yes, they would have had to have opted in to begin with, yes.

MR. GOODELL: Now you mentioned that this was designed to help farmers sell their crop. Am I correct that the, at least the temporary marijuana licenses were limited to one acre? Is that still the case?

MS. LUPARDO: Yes. Yes.

MR. GOODELL: I see. Thank you, Ms. Lupardo. On the bill.

MS. LUPARDO: You're welcome.

ACTING SPEAKER BUTTENSCHON: On the bill.

MR. GOODELL: So as we discussed, the original legislation basically said you had to be a criminal in order to get a license to sell marijuana, and if you weren't a convicted drug dealer then you couldn't get a license to sell. That's not something that a lot of municipalities like to showcase is having convicted drug dealers come in and run a two-week program promoting drug sales in their community. But I understand that for those who operate a one-acre farm, this is one way to get rid of their product. And in my county we call one-acre farms gardens --

(Laughter)

But I suppose if you're in the city, I mean the big City, that might be a farm. Anyway, a lot of frustration, as my colleague had mentioned, and the rollout and the whole thing. I actually had someone come into my office and say, *Hey, I was*

*arrested for selling drugs, but I was a young kid and my -- my conviction was sealed. Can you reopen my criminal conviction so I can apply for a dispensary license? I've never seen that happen before, and I suppose we'll have to wrestle with that as we go forward.*

So a lot of -- lot of concerns with the marijuana rollout for sure, and for that reason there is a lot of negative votes in the -- in the committees. Thank you again to my colleague who is trying her best to help get those gardens selling their produce in showcase events. Thank you, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BUTTENSCHON: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you. The Republican Conference is generally opposed to this showcasing proposal, but there may be those who support it, in which case they should vote yes here on the floor. Thank you, Madam Speaker.

ACTING SPEAKER BUTTENSCHON: Ms. Solages.

MS. SOLAGES: Thank you, Madam Speaker. The Majority Conference will be voting in the affirmative. Those who wish to vote in the negative -- negative can do so right now.

ACTING SPEAKER BUTTENSCHON: 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. Solages.

MS. SOLAGES: Thank you, Madam Speaker.

Members have on the desk the C-Calendar, I move to advance the C-Calendar.

ACTING SPEAKER BUTTENSCHON: On Ms. Solages' motion, the C-Calendar is advanced.

Ms. Solages.

MS. SOLAGES: We will now then consent the C-Calendar and also the B-Calendar.

ACTING SPEAKER BUTTENSCHON: Page 3, Rules Report No. 664, the Clerk will read.

THE CLERK: Assembly No. A03493-A, Rules Report No. 664, Pretlow. An act in relation to appropriating funds to the Yonkers City School District for services and expenses.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, 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. A10456-A, Rules Report No. 665, Committee on Rules (Fahy, McDonald). An act in relation to authorizing the lease of certain lands for the Albany NanoTech Complex.

ACTING SPEAKER AUBRY: Read the last section -- oh, on a motion by Ms. Fahy, 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.

On the B-Calendar, page 3, Rules Report No. 589, the Clerk will read.

THE CLERK: Assembly No. A01588-A, Rules Report No. 589, Buttenschon, Gunther, Hevesi, Simon, Smullen, Sillitti, Santabarbara, McDonald, Sayegh. An act -- an act -- an act to

amend the Public Buildings Law and the Public Health Law, in relation to requiring public institutions and buildings to be equipped with opioid antagonists.

ACTING SPEAKER AUBRY: On a motion by Ms. Buttenschon, 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 365th 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. A01971, Rules Report No. 590, Goodell. An act to amend the Uniform City Court Act, in relation to the selection of certain city court judges in the City of Jamestown.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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. A03498-A, Rules Report No. 592, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to increasing the fixed fees for services provided by sheriffs.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A03674-A, Rules Report No. 593, Pretlow, Burdick, Sayegh. An act to amend the Public Health Law, in relation to medically-fragile young adults and pediatric specialized nursing facilities.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A04039, Rules Report No. 594, Angelino. An act to amend the Village Law, in relation to exempting fire department officers of the Village of Hancock Fire Department from a New York State residency requirement.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A04974-B, Rules Report No. 595, E. Brown. An act in relation to authorizing the County of Nassau Assessor to accept an application for a retroactive real property tax exemption from the Center for Jewish Life Of Hewlett, Inc.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A05167-A, Rules Report No. 596, Tague. An act to amend the Tax Law, in relation to authorizing the County of Otsego to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon expiration thereof.

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

advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A05259-A, Rules Report No. 597, Dinowitz, González-Rojas, Seawright, Burdick, Epstein, Colton, Glick, Simone, Cunningham, Simon, Carroll, Aubry, Bichotte Hermelyn, Jackson, Gibbs, Alvarez, Burgos, Ardila, Chang, Lee, Taylor, Davila, Tapia, L. Rosenthal, Bores, Rajkumar, Dais, Cruz, De Los Santos, Raga, Dickens, Benedetto, Anderson. An act to amend the Vehicle and Traffic Law and the Administrative Code of the City of New York, in relation to increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated; to amend Chapter 746 of the Laws of 1988, amending the Vehicle and Traffic Law, the General Municipal Law and the Public Officers Law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend Local Law Number 46 of the City of New York for the year 1989, amending the Administrative Code of the City of New York relating to civil

liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, 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. A05371, Rules Report No. 598, Bendett. An act to amend the Criminal Procedure Law, in relation to designating the animal control officer in the Town of Sand Lake as a peace officer.

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. A05941, Rules Report No. 599, Goodell. An act to authorize the Towns of Harmony and North Harmony in Chautauqua County to elect a single town justice to preside in the town courts of such towns.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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. A06191-A, Rules Report No. 600, K. Brown. An act in relation to authorizing the Halesite Fire District to file an application for exemption from real property taxes.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record



the vote.

(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. A06287-D, Rules Report No. 601, Brook-Krasny, Tannousis, Chang. An act to amend the Highway Law, in relation to designating a portion of the State highway system in Kings County as the "Fort Hamilton Veterans Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Brook-Krasny, 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. A06404-C, Rules Report No. 602, J.M. Giglio. An act to amend the Public Officer's Law and the Village Law, in relation to waiving the local residency requirement for the village clerk and village treasurer in the Village of

Portville.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. I would explain my vote, but first I really want to say that this is Mr. Giglio's last bill since he will be leaving us soon, we're very sad. I've really enjoyed serving with Joe over the years. He isn't the most talkative guy on the floor, but that's not a bad thing, right?

(Laughter)

And I see Gina -- Gina's clapping. He's been -- he's been more just a -- just a very steady hand, a very reasonable person, and just a real gentleman, a very kind person and somebody that I've really enjoyed serving with. And I just wanted to say that I wish him the very, very best in the future and I hope that we get to see him again. It's hard to believe he won't be here in the Chamber anymore. So if you could join me in thanking Joe for his service.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walsh, he was

my Ranker on Corrections and you're wrong, he talked all the time.

(Laughter)

Never agreed with me, but all the time. My pleasure, been an honor serving with you, sir. Honor.

Ms. Giglio.

MS. GIGLIO: Yes, thank you, Mr. Speaker, to explain my vote. So this bill is for the better Giglio in the Chamber who has been here for the longest time. I am proud to have been Giglio J2 in my e-mail for the last three years, and as we are waiving the local residence requirement for the village clerk and village treasurer in the Village of Portville, I want to wave goodbye to Mr. Giglio, and thank you for your service.

(Applause)

ACTING SPEAKER AUBRY: All right, thank you.

Are there --

Mr. Goodell.

(Pause)

Mr. Goodell, you all right?

MR. GOODELL: I -- no, I have nothing -- I can't even talk.

(Laughter)

ACTING SPEAKER AUBRY: Welcome to the club.

MR. GOODELL: I know, it's so shocking. Yeah. When I came here, Joe was my mentor and 14 years later he still is. But he's more than a mentor, he's also a friend, to the point where

when my first car was stolen --

(Laughter)

-- he gave me a ride back to my apartment, talked to the press, tried to cover for me with my wife. When my car last week broke down, he gave me a ride home and back here. But most importantly, Joe is a rock solid guy. I mean, absolutely honest. If the day is long you can trust everything he says. He is a true friend and a tremendous asset to our State and our Assembly.

(Applause)

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: I, too, want to explain my vote. It's kind of tough going to dinner every night after Session with the guy that's on the Ethics Committee --

(Laughter)

-- and when you start to say something and he puts his hands over his ears and says, *I can't hear you*. I just want to say that it's been a distinct honor to serve with you, Joe. You've been a mentor and a very good friend and I am gonna miss you dearly. I just want to say thank you for all that you've done for me, for everybody in our Conference, and everybody in this Assembly, most importantly for your family and the people of the State of New York. God bless you, my friend, and thank you.

(Applause)

ACTING SPEAKER AUBRY: Ms. Simon to explain my vote.

MS. SIMON: Thank you, Mr. Speaker. I, too, would like to say goodbye to Joe Giglio. He's been my Ranker on the Ethics Committee. We've had some -- some interesting conversations and -- but he is somebody I have come to rely on, to know that I can use him as a sounding board and always trust his judgment. So Joe, I'm gonna miss you very much. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Hear, hear.

Mr. Hawley.

MR. HAWLEY: Thank you, Mr. Speaker. I don't often speak, but I wanted to do that tonight - or this morning I should say. I was elected seven months after Joe Giglio was, and I quickly adopted him as my bodyguard. I thought that I needed that. And a number of us through the years have always thought that he really was elected as an Assemblyman, but he was undercover all this time working for the -- either the AG or the IG. His doesn't emote too much, but I can tell you his heart is as big as his -- as his soul is. He's got a great family, as Chris Tague said, lovely wife Ann, twin daughters, and a great young son who's on his way for his master's out at, I think, Minnesota. I consider him one of my very best friends in my entire life, and I'm gonna miss him as the years go on and I wish him the very, very best of everything. He is really an individual who everyone should get to know before he leaves - that would give you about 30 minutes.

(Laughter)

So with that, a round of applause for Joe Giglio.

(Applause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed, sir.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06455, Rules Report No. 603, Chandler-Waterman, Hyndman, Tapia, Cruz, González-Rojas, Vanel, Zinerman, Simone, Fall, Cook, Jacobson, Shimsky, Rozic, Carroll, Otis, Glick, Taylor, Epstein, Gibbs, Kim, Anderson, Jackson, Meeks, Lucas, Davila, Brook-Krasny, Lunsford, Zaccaro, Burdick, Steck, Ardila, Mitaynes, Dilan, Levenberg, Forrest, Reyes. An act to amend the Public Authorities Law, in relation to requiring the New York City Transit Authority to have at least one conductor on board.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A07116, Rules Report

No. 604, Santabarbara. An act to amend the Alcoholic Beverage Control Law, in relation to temporary retail permits.

ACTING SPEAKER AUBRY: On a motion by Mr. Santabarbara, 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. A07123-A, Rules Report No. 605, J.A. Giglio, Thiele, Gandolfo, Durso. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "NYPD Detective Brian P. Simonsen Memorial Bridge."

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Giglio to explain her vote.

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

It's always a good time to honor law enforcement, and I want to tell you a little bit about Brian Simonsen. Brian P. Simonsen was an NYPD Detective who spent his entire 19-year career at the 102nd Precinct in Queens. In February of 2019, Detective Simonsen responded to a call for an armed robbery. Despite being off duty, he rushed to the scene rather than letting his colleagues face danger alone. Detective Simonsen and his fellow officers took swift action to apprehend the perpetrator, and during the crossfire he was fatally wounded. Detective Simonsen was a lifelong resident of Riverhead, and a proud Long Islander. Despite the daily 70-mile commute to his precinct, he remained a committed member of his community, choosing to settle in Baiting Hollow, just a few miles from where he grew up and a few miles from my house. His precinct in Queens was his home away from home, and he'll always be a well-known and dearly beloved member of both the East End and the neighborhoods he protected in the 102nd Precinct. Detective Brian "Smiles" Simonsen overcame many personal tragedies in his 42 years, earning his nickname for his tireless positivity, his love of life and how he naturally spread laughter and goodwill wherever he went. He epitomized the spirit of service instinctually, stepping forward to help anyone in need, whether they be loved ones or complete strangers. He deeply treasured his family, his many friends, and the love of his life,



Leanne. His memory lives on in all who loved him, and through the work of the Detective Brian "Smiles" Simonsen Memorial Foundation. The Foundation's mission is to smile and do good, as Detective Simonsen always did. Since May of 2019, the Foundation has been doing charitable work and community service events for children, animals, and those in financial need both on the East End of Long Island and in the 102nd Precinct in Queens. This legislation will honor Detective Brian "Smiles" Simonsen by dedicating the Halsey Manor Road Bridge on the Long Island Expressway in his memory, demonstrating to his loved ones that his service will not be forgotten by the State of New York. Such memorials also show our heroes that the communities they protect are eternally grateful for their service, and if called to make the ultimate sacrifice, their legacy will endure the test of time.

So it may be 5:35 in the morning, but I ask all my colleagues to please have a moment of silence for Detective Brian "Smiles" Simonsen. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: I think we should stand, we need a little exercise.

(Whereupon, a moment of silence was observed.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

THE CLERK: Assembly No. A07188, Rules Report

No. 606, Gunther, Santabarbara, Walsh, Bronson, Buttenschon, Palmesano, Blankenbush, Manktelow. An act to amend the Mental Hygiene Law, in relation to establishing the Rural Suicide Prevention Council; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect on the 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. A07280-A, Rules Report No. 607, Palmesano, Byrnes. An act to authorize the County of Steuben to offer an optional 25-year retirement plan to Erica M. McCoy, a deputy sheriff employed by such county.

ACTING SPEAKER AUBRY: On a motion by Mr. Palmesano, 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. A07544-A, Rules Report No. 608, Ra, McDonough. An act granting retroactive membership with Tier IV status in the New York State and Local Employees' Retirement System to Dawn Ward.

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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. A07572-A, Rules Report No. 609, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to eligibility for participants in the

Automotive 25-Year/Age 50 Pension Plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement benefit equivalent to the standard service retirement benefit received by Tier IV members with the same age and service.

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. A07681-A, Rules Report No. 610, Pheffer Amato. An act to amend the General Municipal Law, in relation to allowing certain members of the New York City Fire Department Pension Fund to receive a membership date in the New York City Fire Department Pension Fund attributable to service in the titles of Police Cadet Program or Police Cadet Program II in the New York City Police Department Cadet Program.

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. A07844-A, Rules Report No. 611, Durso. An act to amend the Highway Law, in relation to designating a portion of the State highway system as "Charlie Bunger, Sr. Way."

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. A07954-A, Rules Report No. 612, Simon, Cook, Dinowitz, Gunther, Hunter, Lavine, Magnarelli, Ramos, Rivera, L. Rosenthal, Reyes, Benedetto, Cruz, Epstein, Colton, Paulin, Sillitti, Jean-Pierre, González-Rojas, Smith, Forrest, Jackson, Simone, Hevesi, Lunsford, Levenberg, Santabarbara,

Lupardo, DeStefano, Davila, Clark, Burdick, Ardila, Steck, Shrestha, Seawright, Dickens, Curran, K. Brown, Shimsky. An act to amend the Public Health Law and the Education Law, in relation to creating a wholesale prescription drug importation program.

ACTING SPEAKER AUBRY: On a motion by Ms. Simon, 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 547th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

MR. GOODELL: Mr. Speaker, I apologize. Please withdraw the vote and lay this bill aside. Thank you.

ACTING SPEAKER AUBRY: The roll call has been requested to be withdrawn and the bill is laid aside.

THE CLERK: Assembly No. A07956-A, Rules Report No. 613, DiPietro. An act to amend the Highway Law, in relation to designating a portion of the State highway system as the "T Sgt. Walter Shearing Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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. A08036-A, Rules Report No. 614, Stirpe. An act to amend the Canal Law, in relation to establishing a stakeholder group to coordinate water release in the Oswego River Basin.

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

Read the last section.

THE CLERK: This act shall take effect 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. A08127-A, Rules Report No. 615, Ra. An act in relation to authorizing the County of Nassau Assessor to accept an application for a real property tax

exemption from Innovative Resources for Independence.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A08335, Rules Report No. 616, Barclay. An act to amend the General Municipal Law, in relation to permitting the Fulton City School District to establish an insurance reserve fund.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A08575, Rules Report No. 617, Goodell. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to permitting the use of snowmobiles on the right-of-way of certain public highways within the Village of Bemus Point in Chautauqua County.

ACTING SPEAKER AUBRY: On a motion by Mr. Goodell, 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.)

Mr. Angelino to explain his vote.

MR. ANGELINO: Thank you, Mr. Speaker. I rise to explain my vote. For as long as I live, one of the most profound things I will be able to say is I served in the New York State Legislature with the great Andy Goodell. I'll vote yes.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walsh. I'm sorry. Is that -- are you laying the bill aside? No? I'm sorry.

(Laughter)

Ms. Walsh to explain her vote.

MS. WALSH: I was threatened to not stand up, so

you know that makes me want to do it even more. So, I don't know, I mean, we all probably have at least a few stories to tell about Andy Goodell. But - I will be careful - there are so many inside jokes that I cannot say because we are probably being filmed at this point, but no, really, I think when I first started here my husband told me, you know, go -- go find Andy Goodell because he's really smart, and try to -- try to just hang out with him and you're gonna learn a lot. And so I went over to Andy and, of course, you know, being the person I am, I said, *I heard you're really smart. I'm gonna just kind of hang out with you and learn some things.* And -- and that was kind of how we first met. But I mean, I -- I mean, I think you can tell, like, what's going on up here, there's -- there's a lot going on. I -- I mean, I'm amazed at what he can do that I don't think a lot of us could do. The -- the ability to just grab one of these packets and just get up on your feet and be able to make the points that he makes, and always coming at it from such an interesting angle, I mean, will we ever think about the New York State Constitution the same way ever again after knowing Andy? I mean, he just has such an interesting perspective and just brings so much of his private practice experience here, too. And, I mean, he gets up and he tells the worst dad jokes, absolutely the worst, and we all are groaning over here half the time. But I'll really, really miss you. And this is not a wake, I understand that, but you know, I -- I will really, really miss him. And there's something about hearing your voice, Mr. Aubry, and -- and hearing Andy and just, you know, that whole rhythm and flow of this place that is only thing I knew since

I've been here is -- is change -- it's gonna be changed, so it's hard. But he's got a boat to work on and he's got a lovely wife and children and grandchildren and things to do. And, you know, I'm happy for him, and I'm sad for us. But I wish you all the best, and I have learned so much, but will never really be able to fill those shoes, so...

(Applause)

ACTING SPEAKER AUBRY: Mr. Giglio.

MR. GIGLIO: Thank you, Mr. Speaker. There is no finer human being on God's green Earth than Andy Goodell, no doubt about it. But I'm gonna tell you a story that's my favorite story of all the things we've been through together. He mentioned when his car got stolen. Well, absolutely, we walked down there, we found out his car was gone. I asked him, *Andy, did you leave the keys in the car?* And the way only Andy could say is, *Yeah*.

(Laughter)

But the -- the bottom line was this, and this will describe me more than Andy. I take him back to his apartment and he starts walking up the driveway and he calls his wife just as he's getting out of the car. And every young man will know how we were when we were pre-teens when somebody was about to go home and their mother was waiting for them.

(Laughter)

So as the cheap-shot artist I am, I opened the window and parked and listened to him try to explain to Lisa what had just happened. I am not even remotely sad that I say this, I couldn't stop

laughing as I drove away.

(Laughter)

And I told him that the next morning. I also told him I think we had a chance at a new career, "Dude, Someone Stole My Car."

(Laughter)

And now that we're both retiring together, we're gonna do "Dude, Someone Stole My Car II" because we've got nothing else to do. But the fact of the matter is, I'll say it one more time, from the day he started running to today, he is an amazing person. And it is a -- you guys think he's smart, of course he's smart. But his heart is unmatched, trust me. He is the kindest individual you will ever meet. He is kind, compassionate and caring, and he would give me some points for compassionate because him and I have had this discussion often. And so I can say unequivocally, I am a much better person for having worked with Andy Goodell. Thank you.

(Applause)

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

MR. RA: Thank you, Mr. Speaker. I'm now somewhat regretting having to go after Mr. Giglio, but in January of 2011, a 29-year-old kid, me, who had just gotten elected to the State Assembly, got put in an office on the 5th floor of the Legislative Office Building next to Mr. Goodell, and spent many days before Session, after Session, talking about things. It was like, this guy was

the County Executive of his county, I -- you know, I didn't know which way was up. I was trying to figure out, you know, where the restroom was, and I learned from him. For seven years we had our offices next to each other, for another two I got to sit next to him here on the floor as -- as Assistant Floor Leader to him, and I don't know that anything could have impacted my career here more than the fact that I was lucky enough that I got put in that office next to this man way back in January of 2011. We all know his wit, we all know his intelligence. As Mr. Giglio said, he has a heart of gold, he cares about all of the members here. And when you sit in this area, whether it was next to him or even, you know, the last five years behind him, I watch all of you whether you're on our side of the aisle or on the other side of the aisle coming over and saying, *Hey, why'd you lay my bill aside?* But he approaches it with care, with compassion, and really just wants to help make the bill the best it can be for the residents of this State.

There's truly nobody like him. I -- I will, I think, with pride in the future look for opportunities to raise New York State Constitutional issues on his behalf, and I think he just handed that book to Mary Beth. When our colleague Tom McKeivitt left, we still have a book of rules down there that we call "The McKeivitt Floor Book." We're gonna have to label the Constitution "The Andy Goodell Constitution Book" so we can refer to it on -- on our floor debates.

So Andy, all the best to you and --

MR. GOODELL: Thank you.

MR. RA: All the best to you and Lisa. Thank you for everything you have done for me, for your district and for our State. God bless you, sir.

(Applause)

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

MR. HAWLEY: Indeed. Thank you, Mr. Speaker. A lot's been already said about Andy and every bit of it's true. He is the Andy Griffith, the rumpled lawyer from Jamestown, New York; most of you have no idea where that is, but Lucille Ball was from that area, and there's a great comedy -- comedy theater there and a museum. Some of you also may know that his first cousin is Roger Goodell, the NFL Commissioner -- Andy doesn't like to necessarily talk about that at all -- and his family is very well-known. The law firm is highly respected, as he is, not just for his prowess and legal expertise, but his knowledge of the Constitution as was just talked about. He actually -- we've all heard about the incident of the car being stolen with the keys still in the car, and some people may wonder whether that's covered by your insurance or not if you leave your keys in your car. The answer to that is absolutely, it is. He cost me a lot of money, I insured that car.

(Laughter)

So with that, I'd just like to say there will never be another Andy Goodell here in these Chambers. The shoes are huge to fill, and there's never been anybody like him before this, as well. So

to Andy I say to you, my friend, best of luck. I love -- I love you.

(Applause)

MR. GOODELL: Thank you so much. I'm starting to feel like I'm at my wake. Can we call the next bill?

But from the bottom of my heart, it has been such an honor to be with you. To see people from all across New York State come together here in Albany with the best intentions to make our State better. All of you have been entrusted by your voters in each of your districts, and each of you have brought your own experience and your own knowledge and your own perspective, all with a focus of making this a better state. And what could be better than to be able to come up here and see the sun rise here in Albany with you?

(Laughter)

Except, of course, seeing the sun rise with my wife. But from the bottom of my heart, thank you all for all of your courtesies. And, you know, just a little bit of a confession. When you think I know something, you're actually mistaken. As -- as all of us over here know, we have a phenomenal staff that backs us. And I'll pick up a bill packet, it'll have facts and knowledge and information that I never knew when I left my house that morning, that enables me to ask you questions that, you know, bring a different perspective and help move us forward. And to help me, our leadership assigned a full-time person just to make sure I was debating the right bill at the right time, that I knew who was next; thank you, Michelle.

(Applause)

So to my staff, all the support staff, Mary Beth who fills in, Will Barclay who gave me this opportunity, Stephanie, who wakes me up in the middle of the night to remind me that I was supposed to lay aside a bill. Thank you, Stephanie, wherever you are. Tom Kraus who's quick to run out here to correct my mistakes on political matters. All of you, from the bottom of my heart, thank you so much for letting me be with you.

(Applause)

ACTING SPEAKER AUBRY: If you thought it was over, it isn't.

Mr. Tague to explain his vote.

MR. TAGUE: Well, we saved the best for last, right, Mr. Speaker?

ACTING SPEAKER AUBRY: Amen.

MR. TAGUE: Andy, I just want to say thank you. Thank you for teaching a young farm kid that didn't know anything about the law, I appreciate it. Keeping me calm, cool and collected in prayer breakfasts. And I don't know if we're gonna be able to find somebody that just orders dessert at dinner or not. But you know I had fun when we went up to your home county in Chautauqua and we did the farm tour, and I appreciate your friendship and support for as long as I've been here. I don't know if I can say anything any better than Ed or Joe or Mr. Hawley, but I just want to say thank you and I think that everybody in this Chamber owes you a great debt of gratitude, and so do the people in New -- New York State because



you've always stuck up for what's right and what's fair and equitable, and the Constitution. And God bless you and your family, my friend, and I'm gonna miss you. Thank you.

(Applause)

MR. GOODELL: Sir, will you please call the next bill?

(Laughter)

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

(The Clerk announced the results.)

The bill is passed.

(Applause)

THE CLERK: Assembly No. A08868, Rules Report No. 618, Barclay, DeStefano, Simpson, Angelino, Durso, Norris, McDonough, Brabenec, Colton, Sayegh, Gunther, Smullen, Fahy, J.A. Giglio. An act to deem an application filed with the New York State and Local Police and Fire Retirement System by the widow of Paul C. Adam as timely filed.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER 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. A08882, Rules Report No. 619, Byrnes, Santabarbara. An act in relation to authorizing Michael Kurtz to take the competitive civil service examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Village of Warsaw.

ACTING SPEAKER AUBRY: On a motion by Ms. Byrnes, 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. A08898-B, Rules Report No. 620, Morinello. An act in authorizing -- an act in relation to authorizing the City of Niagara Falls to discontinue the use of certain parklands.

ACTING SPEAKER AUBRY: On a motion by Mr.

Morinello, 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. A09052, Rules Report No. 621, Brabenec. An act to amend the Tax Law, in relation to authorizing the Town of Wawayanda 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. Brabenec, 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. A09091, Rules Report No. 622, DiPietro. An act to amend the General Municipal Law, in relation to authorizing the Iroquois Central School District to establish an insurance reserve fund.

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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. A09130-A, Rules Report No. 623, Norris. An act to amend the Environmental Conservation Law, in relation to authorizing hunting big game by rifle in the County of Niagara; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Norris, 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. A09141, Rules Report No. 624, Ramos, Forrest. An act in relation to authorizing Church of the Living God Pillar and Ground to file an application for exemption from real property taxes for certain assessment rolls.

ACTING SPEAKER AUBRY: On a motion by Mr. Ramos, 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. A09205-A, Rules Report No. 625, Buttenschon, Levenberg, Eachus, Meeks, Dinowitz, Berger, Fall, Jones, Williams, Woerner, Sillitti, Sayegh, Tapia,

Darling, Zinerman, Jacobson, Santabarbara, Hunter, Simon, Magnarelli, Gunther, McMahon, Pretlow, Clark, Zaccaro, Lee. An act to amend the Education Law, in relation to expanding eligibility under the Veterans Tuition Awards Program.

ACTING SPEAKER AUBRY: On a motion by Ms. Buttenschon, 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. A09263, Rules Report No. 626, DiPietro. An act to amend Chapter 185 of the Laws of 2005, amending the Tax Law relating to authorizing the County of Wyoming to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. DiPietro, 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. A09273-B, Rules Report No. 627, Slater. An act to amend the General Municipal Law, in relation to permitting the Town of Kent, Putnam County, to lease certain sports field fences for advertisements.

ACTING SPEAKER AUBRY: On a motion by Mr. Slater, 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. A09399, Rules Report No. 628, Pheffer Amato. An act to amend the Administrative Code of the City of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York

City Fire Department employed as fire protection inspectors.

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. A09523, Rules Report No. 629, Seawright, Anderson, Zinerman. An act relating to assessing the staffing and other issues causing the continued displacement of individuals with developmental disabilities from various State-operated institutions under the jurisdiction of the Office for People with Developmental Disabilities.

ACTING SPEAKER AUBRY: On a motion by Ms. Seawright, 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. A09576-A, Rules Report No. 630, McDonough. An act in relation to authorizing the John Theissen Children Foundation, Inc. to receive retroactive real property tax-exempt status.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09690-A, Rules Report No. 631, Maher. An act to amend the Village of Washingtonville Deficit Financing Act, in relation to the issuance of certain bonds.

ACTING SPEAKER THIELE: 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 THIELE: 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. A09725, Rules Report No. 632, Blumencranz. An act authorizing the County of Nassau Assessor to accept an application for a real property tax exemption from the Korean Evangelical Church.

ACTING SPEAKER THIELE: On a motion -- on a motion by Mr. Blumencranz, 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 THIELE: 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. A09806, Rules Report No. 633, Conrad. An act to amend the Judiciary Law, in relation to requiring town and village courts compensate temporary interpreters for deaf or hard-of-hearing persons.

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

THE CLERK: Assembly No. A09836, Rules Report No. 634, Barclay. An act to amend the Criminal Procedure Law, in relation to permitting the electronic appearance of a defendant in the County of Oswego.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER THIELE: 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. A09846-A, Rules Report No. 635, Bendett, McDonald. An act to amend the Highway Law, in relation to designating a portion of the State highway system

as the "Assemblyman Pat M. Casale Memorial Highway."

ACTING SPEAKER THIELE: On a motion by Mr. Bendett, 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 THIELE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bendett to explain his vote.

MR. BENDETT: Thank you, Mr. Speaker. It's my honor to sponsor this bill dedicating a section of our State highway system to a distinguished member of our Rensselaer County community and former member of this Body, Pat Casale. Pat grew up right across the river in Troy and graduated from LaSalle Institute in 1953 before serving in the U.S. Army during the Korean War. After he returned home, Pat worked for a butcher -- as a butcher at the A&P to put himself through college at Hudson Valley Community College. He then began a career in public service as a member of the Troy City Council where he spearheaded a committee to erect Troy's famous Uncle Sam Monument and was one of the founders of Troy's Flag Day parade. Pat went on to become the Mayor of the City of Troy, the Rensselaer County Clerk and a New York State Assemblyman from the 108th District. During his time in the Assembly he represented a wide area that included most of Rensselaer County and parts of

Saratoga, Albany, Greene and Columbia Counties. Pat and his family have a long history of public service, and his son Dan is a county legislator in Rensselaer County, Town of Brunswick board member, as well as works with Senator Ashby.

It's an honor to have this opportunity to memor -- to memorialize him here today. Thank you, Mr. Speaker.

ACTING SPEAKER THIELE: Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. And I want to thank my colleague Mr. Bendett for sponsoring this legislation. And I just want to add, you know, I knew Pat Casale for a long period of time and, Fred, I know you served with him, I know some of the members who've got a little gray on the -- on the head have served with him as well. And Fred was here -- Fred -- Pat was here, just your average guy. You know, he owned a liquor store, so if you own a liquor store you know everybody in town. But what I always loved about him is that, you know, just like maybe some of us in the Democratic Party tend to get a little angry with our Governor once in a while in the same party. Well, as a kid who followed politics back then, it was during the Pataki Administration, I remember Pat was very outspoken. He spent more time fighting with Governor Pataki at that time than I think that actually Shelly Silver was, to be honest with you. So, you know, he was a great man. You know, one of us, when you really think about it, a person who really represented the people. I just wanted to thank you for the opportunity to honor him with this great designation. Thank you.

(Applause)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09847-C, Rules Report No. 636, Bendett. An act authorizing the Town of Kinderhook to transfer ownership of certain parkland to the Valatie Volunteer Rescue Squad, Inc.

ACTING SPEAKER THIELE: On a motion by Mr. Bendett, 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 THIELE: 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. A09893, Rules Report No. 637, Byrnes. An act authorizing the Commissioner of General Services to transfer and convey certain State land to the Livingston County Water & Sewer Authority.

ACTING SPEAKER THIELE: On a motion by Ms.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER THIELE: 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. A09895, Rules Report No. 638, Maher, Brabenec. An act to authorize Lee Weinstein to receive certain service credit under Section 384-d of the Retirement and Social Security Law.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER THIELE: 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. A09911-A, Rules Report No. 639, Tague. An act to amend the Tax Law, in relation to establishing an occupancy tax in the Village of Catskill; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER THIELE: 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. A09916, Rules Report No. 640, Tague. An act to amend the Public Officers Law, in relation to waiving the residency requirement for certain county attorney positions within Greene County.

ACTING SPEAKER THIELE: On a motion by Mr. Tague, 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 THIELE: 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. A09939, Rules Report No. 641, Pretlow. An act to amend Chapter 783 of the Laws of 1974, relating to authorizing the Common Council of the City of Mount Vernon to adopt by local law provisions relating to the commencement of a foreclosure in rem by the City of Mount Vernon where the payment of taxes, assessments and other charges are in arrears for a period of time in excess of two yeas, in relation to the offering of installment payment plans; and providing for the repeal of such provision upon expiration thereof.

ACTING SPEAKER THIELE: 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 THIELE: 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. A09957, Rules Report No. 642, Byrnes. An act in relation to authorizing Mark Barnhart, David Skinner and James Pappas to take the competitive Civil Service examination and be placed on the eligible Civil Service list for employment as a full-time police officer for the Wayland Police Department.

ACTING SPEAKER THIELE: The Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER THIELE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I think it's a great that we're authorizing Mark Barnhart, Dave Skinner and James Pappas to take the competitive Civil Service exam, and I hope that they thank their Assemblywoman Marge Byrnes for this opportunity. This is Marge's last bill. And Marge has been a great asset to our -- our Conference for sure, brought a great perspective, great sense of humor, and I really appreciate her throughout her time.

I first met Marge when I was down in our parking area, and this high-powered Dodge Charger came up and parked. I thought, *Who the heck is driving this sports car*, and of course it was, as you would expect, Marge Byrnes.

(Laughter)

That's what I was thinking, too. It must be Marge Byrnes. What a great lady, great sense of humor. Often quiet here, but a real asset to our -- to our Conference and to the State of New York. So hopefully these guys appreciate her service. I'm sure they do, as do the rest of us. Thank you, Mr. Speaker.

(Applause)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09964-A, Rules Report No. 643, Rivera. An act to amend the Real Property Tax Law, in relation to providing an exemption against certain fiber optic cable assessments for municipal fiber optic broadband companies in Erie County; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Rivera, 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. A09991, Rules Report No. 644, Otis, Thiele. An act to amend the Village Law, in relation to conducting referenda in villages with November elections.

ACTING SPEAKER AUBRY: On a motion by Mr. Otis, 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. A10027, Rules Report No. 645, Simpson. An act to authorize the Hudson River-Black River Regu -- Regulatory -- Regulating District to transfer certain State lands to the Village of Northville, Town of Northampton, County of Fulton.

ACTING SPEAKER AUBRY: 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 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. A10037-A, Rules Report No. 646, Walsh. An acting authorizing the Village of Ballston Spa to transfer ownership of the Woods Hollow Nature Preserve to the Town of Milton.

ACTING SPEAKER AUBRY: On a motion by Ms. Walsh, 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. A10050-A, Rules Report No. 647, Barclay. An act to amend the County Law, in relation to reestablishing the Office of Coroner in the County of

Oswego and removing the powers and duties of coroners from the district attorney in such county and allowing Oswego County to appoint a coroner; and to repeal Chapter 369 of the Laws of 1920, abolishing the Office of Coroner in the County of Oswego, and providing that the powers and duties of coroners in such county shall hereafter be exercised by the district attorney, relating thereto.

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. A10109, Rules Report No. 648, Ra. An act to amend Chapter 19 of the Laws of 2009, amending the Vehicle and Traffic Law and other laws relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such chapter.

ACTING SPEAKER AUBRY: On a motion by Mr. Ra, 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. A10139-A, Rules Report No. 649, Committee on Rules (Blumencranz). An act in relation to authorizing the Town of Oyster Bay to discontinue as parklands and convey such parkland to the Department of Environmental Conservation.

ACTING SPEAKER AUBRY: On a motion by Mr. Blumencranz, 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. A10161-A, Rules

Report No. 650, Committee on Rules (Slater, Levenberg). An act authorizing the Town of Yorktown, County of Westchester, to alienate and discontinue the use of certain parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Slater, 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. A10172-A, Rules Report No. 651, Committee on Rules (Flood). An act in relation to authorizing the Town of Brookhaven to convey easements to a portion of real property in the County of Suffolk consisting of parkland to West Ferry Office, LLC for the construction of sewer facilities.

ACTING SPEAKER AUBRY: On a motion by Mr. Flood, 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. A10234, Rules Report No. 652, Committee on Rules (Tague). An act to amend the Tax Law, in relation to establishing an occupancy tax in the Village of Coxsackie; and providing for the repeal of such provisions upon expiration thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10355-A, Rules Report No. 653, Committee on Rules (Stern). An act to amend the Private Housing Finance Law, in relation to authorizing the granting of an additional real property tax exemption for certain redevelopment

company projects within the County of Nassau.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, 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.)

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker, I rise to explain my vote. I want to thank the sponsor for getting this bill across the finish line. I can't appreciate telling him that enough. And also, I'm sure the appreciation is felt by the thousands of seniors that will be able to afford to stay in their homes because of it. So thank you, sir.

ACTING SPEAKER AUBRY: Mr. Durso in the affirmative.

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: I also would like to wholeheartedly thank the sponsor. This piece of legislation was literally life or death for some of these seniors, and a lot of them will be extraordinarily happy that such a -- such a great and hard effort was fought to get this passed across the finish line. So thank you again to the sponsor.

ACTING SPEAKER AUBRY: Mr. Blumencranz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10403, Rules Report No. 655, Committee on Rules (Brabenec). An act in relation to authorizing Chang Zhu to take the competitive Civil Service examination and be placed on the eligible Civil Service list for employment as a full-time police officer for the Mount Hope Police Department.

ACTING SPEAKER AUBRY: On a motion by Mr. Brabenec, 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. A10410, Rules Report No. 656, Committee on Rules (Palmesano, Byrnes, J.M. Giglio). An act to amend Chapter 545 of the Laws of 2011, amending the Real

Property Tax Law, relating to establishing a residential-commercial exemption program in certain counties, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Palmesano, 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. A10447-A, Rules Report No. 657, Committee on Rules (Sayegh). An act in relation to authorizing the State to exchange parcels of land located in the City of Yonkers, County of Westchester, with 140 Warburton LLC.

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. A10489, Rules Report No. 658, Committee on Rules (McGowan). An act to amend the Tax Law, in relation to authorizing the Town of Ramapo 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. McGowan, 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. A10516-A, Rules Report No. 659, Committee on Rules (Miller). An act to authorize Richard Lee Johnson to take the competitive Civil Service examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Village

of Canastota Police Department.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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. A10523-A, Rules Report No. 660, Committee on Rules (Gunther). An act to amend the Highway Law, in relation to designating a portion of the State highway system in the Town of Wallkill as the "Private First Class Richard Cleveland Dunn Memorial Highway."

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

Read the last section.

THE CLERK: This act shall take effect 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. A10562, Rules Report No. 661, Committee on Rules (Ramos). An act to amend Chapter 719 of the Laws of 1982, relating to authorizing the Commissioner of General Services to convey certain State lands in the County of Suffolk to the Town of Islip, in relation to exceptions for certain property (Part A); and authorizing the Town of Islip, County of Suffolk, to alienate certain parkland (Part B).

ACTING SPEAKER AUBRY: On a motion by Mr. Ramos, 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. A10572, Rules Report No. 662, Committee on Rules (Pretlow). An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to the acceleration of the Downstate casino licenses.

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

Read the last section.

THE CLERK: This act -- 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.)

(Pause)

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

(The Clerk announced the results.)

The bill is passed.

Rules at the request of --

THE CLERK: Assembly Resolution No. E2449, Rules at the request of Mr. Heastie.

Establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2024-25 State fiscal year for grants in aid for services and expenses of the Education Department, human services organizations, criminal justice organizations and municipal entities, health and mental health programs and providers, public parks and recreational programs,



veterans' organizations services, older adults programs, various not-for-profit entities, and Edward Byrne Memorial Grants.

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 resolution is adopted.

On the main Calendar, page 3, Rules Report No. 60, the Clerk will read.

THE CLERK: Assembly No. A09550-A, Rules Report No. 60, Pretlow, Sayegh. An act to amend the Tax Law, in relation to increasing the occupancy tax rate authorized in the City of Yonkers; and to amend Chapter 62 of the Laws of 2015 amending the Tax Law relating to the imposition of an occupancy tax in the City of Yonkers, in relation to extending the effectiveness thereof.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Acting Speaker Aubry rises and exits the rostrum)

(Applause)

SPEAKER HEASTIE: I just whispered to Jeff, I said, *I can't even say this is the last time*, so... That's government for you.

So of course, friends and colleagues, thank you all for your work you did this year and your tireless commitment to the people of our great State. None of this work would be possible without our dedicated and hardworking team. Of course Majority Leader Crystal Peoples-Stokes and Minority Leader Will Barclay, Speaker Pro-Tem Jeff Aubry, Deb Miller, Mary-Anne Dandles, John Knight and the Legislative Services Team; Dan Salvin and the Bill Drafting Commission and the Assembly Revision Staff; Phil Fields and the Ways and Means Staff; Jen Best and Program and Counsel Staff; Howard Vargas, Rebecca Moody and Christina Zola on our legal staff; Katie Bender, Lauren Keating and the CIS team; Amy Metcalf, Ed Harris and the Assembly maintenance team; my own staff here in Albany and New York City; Mr. Wayne Jackson and our Chamber Sergeants.

(Applause)

Josiel Estrella and her team.

But we also have to say so long to many of our great colleagues. Helene Weinstein.

(Applause)

Of course The Godfather, Jeff Aubry.

(Applause)

Fred "The Poet" Thiele.

(Applause)

Aileen Gunther.

(Applause)

Danny O'Donnell.

(Applause)

Ken "The Great" Zebrowski.

(Applause)

Kimberly Jean-Pierre.

(Applause)

Inez Dickens.

(Applause)

And to our two colleagues who are being -- who are looking to be demoted, Pat Fahy and Taylor Darling.

(Applause)

I -- I know Mr. Barclay is gonna take care of the -- the members on -- on his side of the aisle, but I do want to say a so long as well to Mr. Goodell, Mr. Giglio, who I always used to look forward to seeing one of his bills on the agenda because Denny, for the life of him, could never say Mr. Giglio's name.

(Laughter)

So he would have been so happy when Ms. Giglio

was elected because that's what he would call you all the time, so it's just those fond joking memories.

And of course to Marjorie Byrnes, Your Honor, thank you.

So thank you to all for each and every one of you for the work that you do. May God bless you all. It's been great working with you, and of course to Will, you've been an amazing, amazing partner. So thank you, everybody.

(Applause)

Mr. Barclay.

MR. BARCLAY: Well, what time is it, Mr. Speaker? We're at 7:10 so I'll be very brief. You know, I have said this many times, Mr. Speaker, although we're from different parties and we have very different political beliefs, and even though your softball team came from behind and beat our softball team --

(Laughter)

-- I do want to thank you for your friendship and for all the courtesies you provide me and our Conference, and thank you for your leadership of this House.

Crystal, you're not here but, Madam Majority Leader, I want to thank her also for what she does on the floor and it's a pleasure working with her. And I especially want to thank her for her video in the LCA show. She -- she took a starting -- a starring role in that video.

To all of you on the other side of the aisle who are

retiring at the end of this year, I want to wish you the best and thank you for your service. And I'd like to especially thank Jeff Aubry and Helene Weinstein. I describe you a consummate professionals and I'm honored to have served with you. So, congratulations. Let's give them another round of applause, please.

(Applause)

As you mentioned, Mr. Speaker, on our side we also have a number who are retiring this year. A lot's been said about Andy tonight, rightfully so, and his abilities on the floor have never ceased to amaze me. His breadth of knowledge and his articulations of our position on bills has really been second-to-none, Andy, so thank you for the great work you've done and thanks for being a great Floor Leader.

(Applause)

Marge Byrnes, I want to thank her for her service in this House. Anyone that knew Marge knows that she had great passion for the issues that were important to her, and she's always been willing to do what she's asked, always been willing to do what she's asked. And she stood up for issues that are important for New York, but particularly, I think, with Marge were important for Upstate New York. So give her a round of applause.

(Applause)

And last, but certainly not least, I just want to give a fond farewell to Joe Giglio. I thank him for his service, but I particularly want to thank Joe for his great friendship, his invaluable

advice that he's always been able to give me, and really his steady hand on the Conference. So Joe, Godspeed to you. Thanks for everything.

(Applause)

And this one's gonna be a little tough for me, too.

Although she's not a member, she's been a leader in our Conference. As many of you know, my Chief-of-Staff, Judy Skype, is retiring. It's hard for me to envision what my political life's gonna be post-Judy Skype. It's gonna be a challenge, I know. She's had 31 years here, 15 years as Chief-of-Staff and it's quite a legacy, Judy. But I want to thank you for your professionalism, your good judgment, and really all the hard work you've done for me and our Conference. Thanks, Judy.

(Applause)

So like you, Mr. Speaker, we're blessed to have great staff and we can't accomplish what we do without them. So I want to thank a number of the leaders of our staff. I want to thank the Executive Director of our Conference, Tom Kraus; our Senior Advisor, Stephanie Herrick; Policy Director Jason Kehoe; Director of Regional Services Dan Cairns and Director of Communications Mike Fraser. So please give them a round of applause.

(Applause)

And they -- we work with the help of also in our office I should have said Dawn Rizzo, Kelly Kline, and Christina Bennett. I also want to thank everyone from our Counsel's office. I want to thank Ed Wick and Adam Fusco, and of course our Floor

Counsel Michelle. So please give everyone --

(Applause)

I want to thank our tremendous Ways and Means Staff that's led by our newly-appointed -- my newly-appointed Chief-of-Staff Lauren O'Hare. Give her a round of applause, please.

(Applause)

And last but not least, we also have our Research Department, and that's led by Director of Research Mike Daly. Please give him a round of applause.

(Applause)

And last but not least, I just want to thank my colleagues in the Assembly Republican Conference. It's an honor for you -- for me to be able to lead you guys, and I'm really proud to work with you every day. I think a very hardworking and diligent Conference, so thank you for the trust that you've placed in me.

(Applause)

Lastly, Mr. Speaker, good morning and thank you.

SPEAKER HEASTIE: Before I call on Ms. Solages, I neglected -- you know, when you list all of the names sometimes you forget. I did forget Miguelina Camilo, who's counsel, too.

(Applause)

Ms. Solages.

MS. SOLAGES: Mr. Speaker, do we have any further housekeeping or resolutions?

SPEAKER HEASTIE: We have neither.

(Laughter)

Ms. Solages.

MS. SOLAGES: Now I move that Assembly stand adjourned until Saturday, June 8th, tomorrow being a legislative day, and that we reconvene at the call of the Speaker.

SPEAKER HEASTIE: On a motion by Ms. Solages, the House stands adjourned.

(Applause)

(Whereupon, at 7:17 a.m., the House stood adjourned until Saturday, June 8th, that being a legislative day, and to reconvene at the call of the Speaker.)