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July 5, 2022

Dear Friends,

Last Thursday and Friday, I was in Albany for a Legislative Special Session to address critical issues presented by the recent, startling decisions by the United State Supreme Court.

The Equality Amendment

On Friday both houses of the legislature passed the Equality Amendment, also known as the Equal Rights Amendment, to our state constitution. You can view the statement I made on the Assembly floor supporting adoption of the amendment [here](#).



[WATCH HERE](#)

I have been a leading co-sponsor of the state equal rights amendment for many years. Passage now is long overdue. It was prompted by the recent Supreme

Court decision overturning *Roe v. Wade* and the indication that many other federal constitutionally protected rights will be overturned in the future. Earlier passage of the New York constitutional amendment did not occur because different versions of the proposal were weighed and discussed within the legislature and in the legal community with differing views on language that left it unsettled until now.

New York's constitution has had a section on the right to equal protection and prohibiting discrimination for many years that protected race, color, creed and religion. The proposal adds categories already covered in state statutes but not in our state constitution. The full list will read: race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.

The amendment must be passed again by a separately elected legislature, which can happen in 2023 or 2024, before it is placed on the ballot as a statewide referendum where the voters of New York will have the final decision.

Gun Safety

We also passed legislation in response to the Supreme Court decision invalidating parts of New York State's concealed carry pistol permit law. To comply with the decision, New York will adjust our permit process from one in which applicants had to show need for having a permit to one that increases training requirements and provides additional criteria based on the applicant's background and history. An applicant may have a history that disqualifies permit approval but the presumption, based on the Supreme Court decision, is that a permit will be granted. The state statute we passed also includes an expanded list of sensitive areas where guns will be prohibited.

There is no doubt that more guns in circulation will heighten our risk. New York, and other state legislatures, will respond as best they can. The framework established by the Supreme Court is flawed. States which previously required a showing of need to have a handgun permit must move to a disqualification model and a sensitive area framework to protect public safety. The harsh reality is that more handguns are going to be in circulation and will create an increase in dangerous situations for innocent people.

We need to take a fresh look at the place firearms hold in our society. In every home where a firearm resides, there needs to be a discussion about safety, access

and risk. When considering domestic violence, impulsive behavior, risks to children and access to those considering suicide, it is clear that the number of firearms in general circulation pose increased and alarming risks to the public.

Given the challenges of the Supreme Court decision, I am pleased we are responding to protect public safety in New York. We will continue to evaluate our existing laws and the new measures we passed last week.

Supreme Court Weakens Federal Environmental Rulemaking

On Thursday the Supreme Court dealt another blow to the ability of the federal government to protect the public in a case involving the Clean Air Act. In *West Virginia v. Environmental Protection Agency*, the Supreme Court invalidated regulations of the EPA related to air emissions. More significantly the court has outlined a new test for the Congressional delegation of rulemaking authority to federal agencies.

As a student of administrative law for many years, I can report that this is a radical decision upending the legislative and administrative processes whereby Congress establishes parameters and agencies draft rules consistent with the authority delineated by the legislative branch. I am hopeful that Congress will act to reestablish the logical order of legislation and rulemaking.

My view is that the court is looking to cripple this process. This is another decision where the majority on the Supreme Court is issuing opinions more grounded in political ideology than the evolution of law and precedent in our country.

I hope you had an enjoyable July 4th weekend with friends and family. It is another occasion to celebrate, reflect upon and treasure the values of freedom and democracy that continue to require our care, attention, and involvement.

Warm regards,





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