

THURSDAY, MARCH 29, 2018

10:19 A.M.

ACTING SPEAKER JONES: 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 members in the Pledge of Allegiance.

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

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, colleagues, I'm going to call the House into recess --

make a motion to recess in just a few seconds. Obviously, in anticipation of further budget negotiations and developments on the Budget, we'll come back into Session, and I will be making announcements from the desk. But for the present time, as we wait a word on the developments in the Budget, I'm going to move now that we recess until probably a little later this morning.

So, with that, Mr. Speaker, I move to -- move that the House stand in recess.

ACTING SPEAKER JONES: The House stands in recess.

(Whereupon, at 10:20 a.m., the House stood in recess.)

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AFTER THE RECESS**10:24 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

A quorum being present, the Clerk will read the Journal of Wednesday, March 28th.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Wednesday, March 28th and ask that the same stand approved.

ACTING SPEAKER AUBRY: With no objection, and some joy, the motion stands approved.

MR. MORELLE: Thank you, Mr. Speaker. Before I

give our schedule for the day, let me just take a moment, because why not, on this day, barely, in 1948, Niagara Falls stopped flowing for 30 hours due to an ice jam in the upper river. This is the only known time that this has ever occurred. The Falls did not actually freeze over, but the flow was stopped to the point where people could walk out into the riverbed.

And, under the heading of "Did You Know," did you know that North Dumpling Island, located in the Town of Southold, is considered a micronation? This is located in the 2nd Assembly District, which belongs to Mr. Palumbo. Micronations are small entities that claim to be independent of world governments, and sometimes have their own flag, currency and constitution. North Dumpling Island, which is just two acres in size, is privately owned, and residents there are referred to as "Dumplonians."

(Laughter)

And I'm starting to think my research department is just giving me fake news and fake facts, but --

(Laughter)

-- I'm going to double-check that at some point.

But, on that note, I hope some Dumplonians are watching, because this will be worth watching.

(Laughter)

Members have on their desks a main Calendar. Obviously, we may have a busy evening still ahead of us, and I appreciate everyone's continued patience as we try to conclude.

I doubt there are introductions, Mr. Speaker, but perhaps Mr. Santabarbara has a resident that's nearby.

(Laughter/Applause)

I'm here all night, folks.

(Laughter)

I understand there's also no housekeeping, so --

ACTING SPEAKER AUBRY: No, no, no, Mr. Morelle.

MR. MORELLE: Oh, there is housekeeping, I'm sorry. Very good. This would be the appropriate --

ACTING SPEAKER AUBRY: When you -- when you leave us alone this long, housekeeping will arrive.

(Laughter)

On is a motion by Mr. Hevesi, page 4, Calendar No. 15, Bill No. 237, amendments are received and adopted.

On a motion by Mr. Hevesi, page 33, Calendar No. 242-A, Bill No. A3040-A, amendments are received and adopted.

And on a motion by Ms. Titus, page 46, Calendar No. 362, Bill No. A5159-A, amendments are received and adopted.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. So, I'm going to ask -- just to give some little bit of direction over the next few minutes anyway, I'm going to ask for members of Ways and Means in just a moment to go to the Speaker's Conference Room. Following that, we will have a Rules Committee meeting which will produce an

A-Calendar, which we'll -- which we will take up. And then once that's concluded, we'll give further direction on the -- the rest of our evening's activities.

So, with that, if you would call members of the Ways and Means Committee to join Ms. Weinstein in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means Committee, Speaker's Conference Room, Ms. Weinstein awaits you. Thank you.

Mr. Morelle.

MR. MORELLE: Yes, sir. And I would just simply ask that the House stand at ease until Ways and Means and Rules have concluded their work.

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease.)

ACTING SPEAKER AUBRY: The House will come to order.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. If we could begin with the main Calendar on page 3 and take up resolutions beginning with Assembly Resolution No. 972 by Mr. DenDekker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 972, Mr. DenDekker. Legislation Resolution memorializing Governor Andrew

M. Cuomo to proclaim March 29, 2018 as Vietnam Veterans' Day in the State of New York, in conjunction with the observance of the National Vietnam Veterans Day.

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

THE CLERK: Assembly Resolution No. 973, Mrs. Barrett. Legislation Resolution memorializing Governor Andrew M. Cuomo to proclaim April 12, 2018 as Library Assistants' Day in the State of New York.

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

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Members have on their desks an A-Calendar. I now move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the A-Calendar is advanced.

Sir?

MR. MORELLE: Yes, thank you, Mr. Speaker. I'd like to go to directly to the A-Calendar on page 3, begin with Rules Report No. 18, a Budget Bill.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09505-D, Rules

Report No. 18, Budget Bill. An act intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the Criminal Procedure Law, in relation to pre-criminal proceeding settlements in the City of New York; and providing for the repeal of such provisions upon expiration thereof (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the Tax Law, in relation to suspending the transfer of monies into the Emergency Services Revolving Loan Fund from the Public Safety Communications Account (Part M); intentionally omitted (Part N); to amend the State Finance Law and the Military Law, in relation to establishing the Armory Rental Account Fund; and to amend Chapter 152 of the Laws of 2001 amending the Military Law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend Chapter 303 of the Laws of 1988 relating to the extension of the State Commission on the Restoration of the Capitol, in relation to extending such provisions for an additional five years (Part T); intentionally omitted (Part U); to amend the State Finance Law, in relation to establishing the Parking Services Fund, the Solid Waste Fund, and the Special Events Fund (Part V); intentionally omitted (Part W); to amend the General

Business Law and the State Finance Law, in relation to enacting the New York State Secure Choice Savings Program Act (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend the State Finance Law, in relation to the citizen empowerment tax credit (Part CC); to amend the Uniform Justice Court Act, in relation to the election of one or more town justices for two or more towns (Part DD); to amend the General Municipal Law, in relation to county-wide shared services panels (Part EE); to amend the Public Authorities Law, in relation to the Town of Islip Resource Recovery Agency (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the Penal Law, in relation to establishing incapacity to consent when a person is under arrest, in detention, or otherwise in actual custody (Part JJ); intentionally omitted (Part KK); to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority to construct and finance certain juvenile detention facilities (Part LL); to amend the County Law, in relation to plans for representation of persons accused of a crime or certain parties in family court or surrogate's court (Part MM); to amend the Penal Law, the Criminal Procedure Law and the Family Court Act, in relation to the crime of coercion in the second and third degree (Part NN); and to establish the New York State 2020 Complete Count Commission and providing for its powers and duties (Part OO).

ACTING SPEAKER AUBRY: Governor's Message

at the -- is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: Explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, thank you, Mr. Speaker. The Executive Budget was released on January 16th. Since that time, we've held a series of joint public hearings with the Senate, heard from our constituents, colleagues and economic advisors, and drafted budget resolution to express our House's priorities. Well, it -- which we passed -- which we've passed.

Now before us is the first bill as we move forward on the agreed-to budget. The Budget reflects an agreement between the Legislature and the Executive and makes significant investments in education and health care, provides critical capital assistance for public housing programs for much-needed repairs. And as the -- the next handful of bills as we get to debate them and see them, we'll continue on enacting these proposals. I would like to thank all of my colleagues for enduring this budget process, because it's obviously one of the most important things that we were elected to do, to pass a budget that represents the needs of our constituents.

I also would be remiss if I didn't thank the -- the staff for all the many hours into the early hours of the morning they've worked to bring us to this point, and are still working now as we speak.

The bill before us when act -- would enact into law major components of legislation that are necessary to implement the State Fiscal Year 2018-2019 Budget as it pertains to the Public Protection and General Government Budget. I'm looking forward to our discussion tonight on this bill and several others that we will have before us.

ACTING SPEAKER AUBRY: Mr. Oaks.

MR. OAKS: Yes. If the Chair of Ways and Means would yield, please, for some questions?

ACTING SPEAKER AUBRY: Certainly, Mr. --

MS. WEINSTEIN: I'd be delighted, Mr. Oaks.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. OAKS: Thank you very much. And one of the things that I was very positive with, when you used the terminology "completed budget," as you were introducing things; do we have that? A completed budget with expectation of moving through this process now to --

MS. WEINSTEIN: We -- we are very close. We have another bill after this. We have -- will, I anticipate, another Ways and Means meeting after we vote on these two bills. And as I mentioned, the staff are working on really just the -- some of the minor differences between the Houses and the Governor. And I fully expect that tomorrow we will continue as the night goes through, and tomorrow we'll continue and have a completed budget.

MR. OAKS: One of things the Rules Committee just met and accepted messages on these two bills that we are going to be dealing with tonight, do you anticipate that there are going to be messages required for any of the rest of the bills that will make up the final budget?

MS. WEINSTEIN: Yes. I -- I would, since they are -- since they're just -- only one, I think, is -- is just going -- one additional one going into print probably as we speak, or maybe has been in print, and the others will, obviously, through the night as -- in order to vote on them, we will need messages.

MR. OAKS: So, where we are, even though we -- so we haven't seen everything yet, we're seeing more and we'll be hopefully dealing with more yet tonight and into tomorrow. But do we know how much we spend in this budget at this point in the process?

MS. WEINSTEIN: Yes, and I think even these are, you know, I would say preliminary numbers, they are, I would think, very close to where we will end up, particularly since some of the discussions are related to language less than -- not always related to money. So I'm happy to go -- if you'd like to go through some of those numbers, I'd be happy to do so.

MR. OAKS: Yeah, if you wouldn't mind at least giving us the different funds of the State and how much we anticipate spending once we enact the budget.

MS. WEINSTEIN: So, for the General Fund, right

now we are proposing that the enacted budget will be seventy -- \$75.368-. The State Operating Funds will be \$100.089-. The State Funds will be is \$112.574- and the All Funds Budget would \$168.313-.

MR. OAKS: And all of those numbers you would put in the billions.

MS. WEINSTEIN: Oh, right. Yes, certainly. Yes.

MR. OAKS: And -- and so when we look at the spending in All Funds compared to a year ago, where -- where will we be? Increase? Decrease?

MS. WEINSTEIN: There -- there will be increases in the -- there will be growth from over last year's -- last year's budget.

MR. OAKS: And do you -- do you have the amount on All Funds?

MS. WEINSTEIN: Yes. The All Funds Budget would be \$2.36-.

MR. OAKS: Over a year ago.

MS. WEINSTEIN: Oh, over last year, yes.

MR. OAKS: And -- and that's what'll add up to the \$168.3-.

MS. WEINSTEIN: Three; \$168.3-, yes.

MR. OAKS: The Governor has in the State Operating Funds has had a self-imposed limit that -- of 2 percent. Does the \$100.1 billion spending, does that stay within that 2 percent cap from year to year?

MS. WEINSTEIN: Yeah -- yes, it is exactly two percent over last year.

MR. OAKS: Thank you. And I'm sure we'll discuss more of the specific numbers, but I at least wanted to get an idea of where you anticipate the spending for '18-'19 as we begin to debate the overall budget.

One of the issues that I would like to raise within this specific bill is related to the -- the Governor had had a proposal on the Dormitory Authority to provide financing and construction services for detention and residential facilities certified by OCFS. And he had mentioned that that would be for Raise the Age facilities. Can we confirm now that that is the purpose of that language and -- and allowing the Dormitory Authority to do that?

MS. WEINSTEIN: Yes -- yes, that -- yes, that's the intention.

MR. OAKS: I also see in -- in this bill that the Governor had proposed to make the shared services program, the county shared services programs, permanent in the budget. But this budget would only extend them until '20-'21. I guess my question would be, are we doing it to '20-'21 because of some pushback from the counties, or input from them on how they perceive this? Or what was the reason for not accepting the Governor's permanency?

MS. WEINSTEIN: I think just as negotiations went on, this was where we landed with the three-year extension.

MR. OAKS: One of the things I -- I also understand,

from this program counties put together plans, as directed by law, and included many of their officials, including county executives, administrators, et cetera, to lead that process. And many of the counties took this very seriously and put together extremely comprehensive plans, included a lot of things. They held working groups, put together lots of suggestions. And some of those then became super comprehensive, totally impossible to succeed in putting that all together in a single year. I'm concerned that with wording in this budget, some of those counties that now may have -- maybe enacted two or three, or adopted two of those three shared services, but now want to move to doing some of the other ones, that they won't be eligible, or may not be eligible, for some of the incentive dollars for doing those cost-savings.

MS. WEINSTEIN: So, there -- and as you may know, there's \$225 million set aside for the savings of the base -- savings incurred by the shared services. They -- the payments are for one year, but if it's a new project, then in year two if there's a new project, then they can get -- receive funding, and that's for those services even though it's the same --

MR. OAKS: Even though it might have been--

MS. WEINSTEIN: In the same --

MR. OAKS: -- included in the plan.

MS. WEINSTEIN: Yes. It -- it relates to the -- to the year of the savings, not -- you know, not the year it was proposed.

MR. OAKS: Okay. I hope that that is -- is the case

so that those municipalities will be able to take full advantage of that.

Moving on, one of the other programs that is in this bill is the Secured Choice Savings Program, and I'd just like to clarify a few things around that program: One, is that a fully opt-in program both for employer and employee?

MS. WEINSTEIN: Yes, both. The -- first, the employer would have to opt in, and then the -- once an employer is opted in, any of the employees with that employer then have the option to join the program.

MR. OAKS: And are there any State dollars that are being applied to this program or needed for the startup of it?

MS. WEINSTEIN: Yes, just -- I just wanted to clarify. Yes, we -- we do -- we start by -- with \$4 million just for the setup of the fund. But those -- those monies will be reimbursed back from the fund once it begins to accept deposits from individuals.

MR. OAKS: So, in the end, you don't anticipate any cost to the taxpayers of New York?

MS. WEINSTEIN: Correct.

MR. OAKS: And you don't see any costs to the employer who might --

MS. WEINSTEIN: Correct.

MR. OAKS: -- start the program other than time of -- of employees, perhaps, to give support to -- to their individuals?

MS. WEINSTEIN: Right. Correct. It's just the initial support of the State to get the fund up and running. The

program up and running.

MR. OAKS: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Yes, will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. BLANKENBUSH: And I -- I want to talk --

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BLANKENBUSH: I want to talk about that Secured Savings Program a little bit.

MS. WEINSTEIN: Sure.

MR. BLANKENBUSH: Two years there was a SMART Commission that was set up and that commission was supposed to meet; my understanding is it hardly -- hardly ever met, and that there was never any recommendations from that commission that was supposed to take a look at State-run private pension plans. And then all of a sudden now we're putting this in the budget. What ever happened to that commission and why wasn't there any recommendations, and I guess what's the purpose now of making the State into a retirement administrator?

MS. WEINSTEIN: Well, I guess the easy answer is I could give Mr. Farrell a call, but I think it's a little late.

(Laughter)

So, I can't really tell you about the original program,

but I -- I'm happy to discuss the Secure Choice Savings Program.

MR. BLANKENBUSH: Okay. You said that employers can opt in.

MS. WEINSTEIN: Yes.

MR. BLANKENBUSH: Could -- could employers do a matching?

MS. WEINSTEIN: It -- not -- not under the way the program is -- is designed and in this -- the language that we have before us.

MR. BLANKENBUSH: So, when you say the employer opts in, that only makes it available to the employees through a payroll deduction, it doesn't allow them to do any kind of matching program.

MS. WEINSTEIN: Yes --

MR. BLANKENBUSH: Correct?

MS. WEINSTEIN: Correct. But it -- it does mean that the employer will help with the automatic --

MR. BLANKENBUSH: The payroll.

MS. WEINSTEIN: The enrollment process with the -- the payroll deposits.

MR. BLANKENBUSH: And this is only going to be an IRA? So if it's a non-profit that has availability for 403(b)s or 401(k)s and things like that, we're only talking about strictly an IRA?

MS. WEINSTEIN: Yeah -- yes.

MR. BLANKENBUSH: Are we talking about a

simplified IRA, too?

MS. WEINSTEIN: They'll be Roth IRAs.

MR. BLANKENBUSH: It's -- it's all -- all of them are Roth IRA's, there's not a regular IRA?

MS. WEINSTEIN: No. No, it's a --

MR. BLANKENBUSH: So it's no tax breaks for the employees when they make that deposit?

MS. WEINSTEIN: Correct on when they make the deposit, but on the withdrawal, there won't be any --

MR. BLANKENBUSH: Correct.

MS. WEINSTEIN: -- tax consequences to them.

MR. BLANKENBUSH: Why did we go that route, I wonder? Is there a reason for that? Because some people would rather the deduction now rather than when they retire.

MS. WEINSTEIN: You know, this is a -- a proposal that's been in a bill that we've had for many years, and that's how the proposal was -- came before us.

MR. BLANKENBUSH: Is there going to be any ERISA or SEC regulation reports that have to be done by the employer? Or who's going to take responsibility for that?

MS. WEINSTEIN: Well, there -- there was -- let me just say that as we drafted -- as the staff drafted this legislation and negotiated it, there was a lot of consideration on the -- any potential ERISA issues, and there was consultation with ERISA experts, and we're as confident as we can be that there are no ERISA implications

and no overlap with the ERISA regulations in this proposal.

MR. BLANKENBUSH: The fees that are going to be charged by the -- my understanding -- well, my understanding is the board is going to be a -- there's going to be a board approved and the board is going to go and take a look at different funds and try to do the best they can for fees and so forth; is that right? Is the --

MS. WEINSTEIN: Yes. Yes --

MR. BLANKENBUSH: So --

MS. WEINSTEIN: -- and they -- the board will not be actually running the fund, they will have investment advisor, they will contract with investments advisors and consultants to provide --

MR. BLANKENBUSH: Is there any cost to the -- to the taxpayers about -- is the board going to cost us any annual fees of travel or --

MS. WEINSTEIN: No. No -- this is all self-contained. It runs -- it'll run very similar to the Deferred Compensation, State Deferred Compensation program that we have where there's a board, but that there's investment advisors who actually run the account day-to-day.

MR. BLANKENBUSH: Okay. So, the fees that are going to be negotiated by the board are probably the fees that you're going to be -- have to pay the funds, the funds that agree to come into the investment. Is the State going to charge any administration fees at all?

MS. WEINSTEIN: This -- this is really convenience;

it's not run by the State in terms of the day-to-day operations. We are just setting up -- the State entity is setting up this -- this program, but there will be no expenses to the State. It will be -- whatever expenses are incurred by investment expenses based on whoever is managing -- ultimately managing the fund, those will be borne by the participants of the funds.

MR. BLANKENBUSH: So, the -- some of the startup fees would be the website, probably.

MS. WEINSTEIN: Well, there is the four -- there is the \$4 million that's -- that we're putting in, and that money will ultimately be drawn out, be repaid by the -- by the fund once it starts in two years accepting employees -- participants.

MR. BLANKENBUSH: Are -- the accumulation of any of the monies that go to the finance and taxation -- Taxation and Finance Department, can they be at all swept or touched by -- is there something in the bill that tells us that those funds are going to be protected?

MS. WEINSTEIN: It -- I -- I understand your question, but this is an independent board, they're going to be -- it's -- it's not an arm of the State, it's going to be an independent fund that employees could contribute monies to, so there's -- those monies will not be available to the State, they are the individual employee participants' funds.

MR. BLANKENBUSH: So there is no liability at all that the State is going to --

MS. WEINSTEIN: No, no.

MR. BLANKENBUSH: -- take on?

What about protection of the investors?

MS. WEINSTEIN: Right, it's just similar to any -- either I -- protection of investment -- I guess you mean, you know, if the funds -- if there's a decline --

MR. BLANKENBUSH: The money that's going --

MS. WEINSTEIN: -- in value or --

MR. BLANKENBUSH: No. The market goes up and down all the time.

MS. WEINSTEIN: Right.

MR. BLANKENBUSH: I'm talking about protection for any kind of money that's going into the -- to the money -- the -- the funds that are going to be invested, are there any kind of protections that the money is going to be invested the way they should be invested, what the person --

MS. WEINSTEIN: Well --

MR. BLANKENBUSH: -- there's always some type of --

MS. WEINSTEIN: You know, the board will contract with investment advisors. They have standard fiduciary duties. You know, again, this is similar, you know, in concept, it's -- it's just similar to the Deferred Compensation program that public -- that we, as public employees, that our -- our staffs have access to. It's for private employees in -- in the State who don't have -- where the

company -- they're -- who they're working for, their employer does not have their own program, so it's a program that would then be available to them. So, there's no State liability for losses, we don't get to sweep the fund, we don't get a benefit if the fund goes up, and we don't lose any money if the fund goes down.

MR. BLANKENBUSH: So, if -- if the employer opts out of the thing, the employee can still invest into -- into the fund without his -- without the employer opting in?

MS. WEINSTEIN: Are -- are you -- you're -- you're saying if the employer first opts in, is that the question?

MR. BLANKENBUSH: No, I'm saying -- I'm saying if -- if I --

MS. WEINSTEIN: If the employ --

MR. BLANKENBUSH: If I'm working for a -- a business and I want -- and I hear about this, I read about it, and I want to opt in to this retirement fund, but the employer doesn't want a setup, so there's no way that the employee is going to be able --

MS. WEINSTEIN: Correct.

MR. BLANKENBUSH: -- to take advantage of this.

MS. WEINSTEIN: Correct.

MR. BLANKENBUSH: Because the employer has to --

MS. WEINSTEIN: The employer has to first opt-in. Once the employer opt ins -- opts in, then any of the employees can opt in.

MR. BLANKENBUSH: So, the only -- the only other -- last question, is, we're taking -- we're taking -- we're getting into the private retirement business, where throughout the New York -- throughout New York State, we have individuals that do this for a living, we have financial advisors, we have people that go on a weekly basis trying to get employers to set up retirement plans and -- and so forth and so on. So we're -- we're going to be in direct competition of -- of those people, those financial planners or investment advisors, the retirement plan people in our -- in our State; is that correct?

MS. WEINSTEIN: Well, I -- we will be setting up this program for employers that no -- that do not have such a plan now. Obviously, individual employees can go and have a -- set up their own Roth IRAs, but for many years there's been this option of employers being able to set up a -- some sort of a retirement plan -- an IRA plan within their companies. It hasn't happened. The -- the importance of -- you know, almost every day you read about people retiring and not having saved enough money. So the -- the whole purpose of this is to provide a vehicle where people can save money, save money for their retirement and be able to expand -- open up and have a larger group of people in that category who have saved money for their retirement.

MR. BLANKENBUSH: Yeah, I -- I -- I just don't understand why an employer -- again, I just don't understand why an employer would say, *Oh, I -- I'm going to opt into the State Fund when I have all the availabilities in my whole community to set up a*

retirement account. I mean, I -- I just -- it just doesn't make any sense to me.

MS. WEINSTEIN: Well, you know, I -- I think it does for the smaller employers to -- it provides an easy way for a smaller employer to be able to -- to opt into a retirement --

MR. BLANKENBUSH: I -- I --

MS. WEINSTEIN: -- system for their employees.

MR. BLANKENBUSH: I have -- I have smaller employees that are in -- that are in plans like this, three or four or five people. So, it's -- it's not just major corporations that are doing this, it's small businesses all across our country -- all across our State. And, as a matter of fact, we have more small businesses than big businesses. So, we're -- we're taking away the availability of -- of people who are making a living, paying taxes in the State of New York in direct -- so the State is in direct competition from all those that are out there trying to make a living and pay taxes in the State of New York. So --

MS. WEINSTEIN: We're just providing another option for those employers and employees.

MR. BLANKENBUSH: Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walter.

MR. WALTER: Thank you, Mr. Speaker. Would the Chairwoman yield, please?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: She yields.

MR. WALTER: Thank you, Ms. Weinstein. A couple of more questions to follow up with my colleague on the Secure Choice Savings Program. Is the -- is the plan portable? Will you be able to, as an employee, take it from employer to employer as you move along?

MS. WEINSTEIN: No, it is not.

MR. WALTER: So what will happen to the funds if you change jobs?

MS. WEINSTEIN: You will be able to continue with both employers if the employer you move to, as an employee, participates; otherwise, you will not be able to continue in the fund. You won't be able to continue contributing, you can leave whatever money you have, it can remain in the fund.

MR. WALTER: Okay. So the money will -- you will keep the money, you're not -- just because you change jobs, it doesn't mean the money is going to stay in the fund and you -- it may stay in the fund, but it doesn't mean it goes to the State --

MS. WEINSTEIN: No, it --

MR. WALTER: -- you keep it.

MS. WEINSTEIN: No, it will stay in the fund. You -- you can choose to keep it in the fund, you can choose to remove it and put it in a -- in a private Roth IRA. Or if your new employer has a program, as Mr. Blankenbush was talking about, has their own

program, you can move it into that -- a different employer program.

MR. WALTER: Is it inheritable, or is there a right of survivorship in any way to the fund?

MS. WEINSTEIN: There's nothing specific in the bill, but that -- there's Federal regulation relating to that.

MR. WALTER: Would there be designated beneficiaries like in a traditional IRA?

MS. WEINSTEIN: Yes. Yes.

MR. WALTER: Okay. So there would be designated beneficiaries. All right. Great. Thank you.

What's to prevent an employer -- an employer who has their own 401(k) plan, or 403(b) if it's a not-for-profit, what would prevent them from eliminating that? They have administrative costs and umm... that they have to deal with by doing their own plans, what would -- what would discourage them from eliminating that and just deferring to the State?

MS. WEINSTEIN: There'd be nothing to prevent them from moving to this program and, in fact, they might save costs by doing so.

MR. WALTER: There's admin -- I mean, there's people that they employ to do that, there are people that manage those funds. And we're just saying well, we're going to compete with those people now as the State of New York to compete with private industry that's already fulfilling that need?

MS. WEINSTEIN: You know, while we won't --

while those individuals who might be working at the various funds that you're talking about might not be transferring themselves over to this, obviously, there are going to be employees, there are going to be fund managers, there's going to be investment advisors that are -- are needed to administer this fund.

MR. WALTER: As a -- as -- if I were someone participating in this fund, would I have access to those financial advisors? Would I be able to engage with a financial advisor that would be collecting a -- a fee to be able to advise me on what funds to -- to invest in? Or --

MS. WEINSTEIN: It -- you know, I think some of that will be determined as the -- as the structure is set up. But the real intent is to set up a -- a structure that would be similar to Deferred Comp, similar to our Deferred Comp, which does have an ability for you to interact with advisors. There'll be various employees, from administrative employees to financial advisor employees that people would -- it's anticipated, it's not spelled out in the bill -- in the bill, but it's anticipated there will be the ability to have that information interaction.

MR. WALTER: If -- if my financial advisor, you know, acts recklessly, or in any way does not live up to the standards that they're licensed to uphold, I have an action in -- in court to go after them, certainly civilly, perhaps even criminally. Is there anybody I can hold accountable in this instance if I'm a member of this...

MS. WEINSTEIN: You know, the -- the fiduciary responsibility, the prudent investor rule, all of that applies regardless of -- would -- applies in this case as it would in a -- in any other situation.

MR. WALTER: So, as an individual investor in this Secure Choice Plan, I would be able to hold the board accountable in that instance?

MS. WEINSTEIN: I'm -- I'm -- I'm sorry, Mr. --

MR. WALTER: Sure.

MS. WEINSTEIN: -- Mr. Walter.

MR. WALTER: If -- as an individual investor in the Secure Choice Retirement Plan, I would be able to hold the -- the board, the stated -- that's created under the State of New York, I would be able to hold them liable for any sort of recklessness or violations of securities laws or anything like that?

MS. WEINSTEIN: Yeah, yeah, you know, I do think that there is a lot of case law on fiduciary -- fiduciary duties. You know, I think in -- in terms of some of the fiduciary duty, there is a potential for some changes in Washington that would undue some of those protections, but I think here in New York, there's a -- you know, certainly a lot of case law that outlines the duties and responsibilities of -- of fiduciary and when that fiduciary would be at fault. We don't do anything different in this Secure Choice Program than exists in any -- in other programs. So there wouldn't be any difference in -- in what law would be applied.

MR. WALTER: The -- you said there was a \$4 million startup cost?

MS. WEINSTEIN: Correct.

MR. WALTER: And that's going to be funded through the participants in the program. So, I would imagine a certain amount of --

MS. WEINSTEIN: Ultimately. Ultimately will be.

MR. WALTER: Right. Ultimately. Initially, it's going to come out of the General Fund, and ultimately from the --

MS. WEINSTEIN: Right.

MR. WALTER: -- from the participants. So, a certain percentage, then, I would imagine, is going to come from the participants to -- I'm not going to -- I want to make a distinction. Not to manage the fund, but to, just for the ongoing costs of operating as the board will operate.

MS. WEINSTEIN: Yes, this is --

MR. WALTER: To promote the program and to --

MS. WEINSTEIN: There's --

MR. WALTER: -- educate people.

MS. WEINSTEIN: There's two years before the program starts accepting participants. The fund will repay the State, we don't have a timetable when that has to happen, but obviously, that means that there'll have to be some costs associated to the participants to be able to generate those dollars to repay the initial State investment.

MR. WALTER: Is there a set amount that you anticipate they're going to continue to collect from the participants to manage the --

MS. WEINSTEIN: No, that -- that --

MR. WALTER: To administer, let me say that, administer the fund?

MS. WEINSTEIN: That's part of what will be determined by the -- by the initial board, how -- when they choose the investor -- the advisors, the investment advisors, they'll also determine fees. And those fees, presumably, will take into account, to some extent, the need to have to repay those monies.

MR. WALTER: So, let's take those two things separately. There's administrative fees and then there's management fees, okay? We'll call -- we'll use those terms. So, the management fees are going to be paid to the -- the investment company.

MS. WEINSTEIN: Mm-hmm.

MR. WALTER: Do we have a limit on what that investment company can charge? Is it half a percent, is it 1 percent? I mean, is there any sort of standard that we're setting?

MS. WEINSTEIN: Nothing in this legislation. Again, that would be determined by the board.

MR. WALTER: Okay. So, getting back to the administrative side. There's no limit that we're setting on what they can collect on administrative fees. Is there anything to prevent the State from sweeping those funds into the General Fund at any point?

MS. WEINSTEIN: It's not -- it's not an organ of the State. It is a separate entity that is being set up through legislation -- through the Department of --

MR. WALTER: So is the New York State Insurance Fund, and so is the New York Power Authority, but somehow, we find a way to sweep --

MS. WEINSTEIN: No, that --

MR. WALTER: -- those funds every year.

MS. WEINSTEIN: No, it is not -- again, this is similar to our Deferred Compensation Fund. The monies that are in the fund are -- are the -- belong to the participants of the fund, they do not belong to the State of New York.

MR. WALTER: So there's no way that any of the administrative fees could ever be swept into the General Fund, they can only be used --

MS. WEINSTEIN: Only -- only those, you know --

MR. WALTER: To pay back the initial \$4 million --

MS. WEINSTEIN: To pay back the initial \$4 million. And that's the only obligation the fund has to the State, and the only monies that would be available over time that would come -- be coming from the fund to the -- to the State.

MR. WALTER: And none of this has come about as a result of anything that we learned from the so-called "SMART Commission" that the Governor instituted a couple of years ago? So it's not the result of any studies, any information, it's just --

MS. WEINSTEIN: It's -- I'm informed by staff that we have not heard any recommendations from that.

MR. WALTER: Sprung from the head of Zeus, I suppose.

MS. WEINSTEIN: Right. Perhaps not as smart as we had anticipated.

MR. WALTER: Okay. Thank you.

On the bill.

Thank you very much, Ms. Weinstein.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALTER: You know, in -- in general, I appreciate the answers to the questions on the Secure Choice Program. But I just, you know, just to talk a little bit about this process of this budget. It's, you know, ten to twelve at night, we're taking up the first bill, the bill itself has 20 -- I -- I counted 26 sections that read "intentionally omitted". I imagine those -- many of those things are going to come back at a later date in a much larger bill that we're going to have very little time to -- to review, maybe sometime in the middle of the night tonight, maybe not. Maybe tomorrow, maybe weeks from now, we're -- we're not sure. But this is \$168 billion dollar spending plan that is not created transparently, not in the light of day. In no way does the public have an ability to assess exactly what we're doing here. And -- and it's just an absurd way to run a state with 20-plus million people and \$168 billion budget. You know, nothing's changed over the last however many years; certainly, the

seven years that I've been here for this process. It continues to get worse, not better. And if this is the way that we're supposed to be conducting business, then, you know, the people of the State of New York deserve much better.

And it's -- it's really just a sad day when we have to do this every single year, be completely nontransparent, do it in the middle of the night, and not give the people of the State of New York an opportunity to even understand what we're doing here. When there's 26 sections intentionally omitted, things still to be negotiated, issues that are completely unresolved that we don't even know about because they're taking place behind closed doors, you know, I -- it's not a process anybody in this room should be proud of. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Curran.

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

ACTING SPEAKER AUBRY: The gentlewoman will yield.

MS. WEINSTEIN: Yes, thank you, Mr. Curran.

MR. CURRAN: Thank you, Helene. Helene, directing your attention to Part O under, "Establishes the Armory Rental Account Enterprise Fund."

MS. WEINSTEIN: Yes.

MR. CURRAN: Okay. My understanding in looking at the bill real quickly, this would authorize a -- the Division of

Military and Naval Affairs to rent out an armory that is not in use to any non-state entity. And this bill sets up a fund to collect those rental fees; am I understanding that correctly?

MS. WEINSTEIN: Well, this doesn't authorize the rental. This is really just setting up the -- the account.

MR. CURRAN: Okay. So, then, let me just ask you

--

MS. WEINSTEIN: For the deposit of those funds.

MR. CURRAN: Okay. Because that's -- that's actually the crux of my question. So, does this -- does this budget passage construct or authorize the Division of Military and Naval Affairs to rent out any armory that it currently is not allowed to do?

MS. WEINSTEIN: No, I -- I believe that currently that -- that when -- DMNA has 40 armories Statewide and when not in use by New York's military forces, they are authorized to allow non-state entities to use the armories upon written approval by the officer in charge, and they may charge the outside entities for the use of their armories. So this just sets up the fund to accept -- accept those monies.

MR. CURRAN: Okay. And that's the current law right now before we even pass this budget, that they're allowed to actually rent out.

MS. WEINSTEIN: Right. And we don't -- we don't change the law as it relates to authorizing the rental or who can rent.

MR. CURRAN: Thank you very much.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING CLERK AUBRY: Will you yield, Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Weinstein. I had a couple of questions on the Shared Services Program.

MS. WEINSTEIN: Yes.

MR. GOODELL: And I wanted to go back to a -- a question that my colleague, Mr. Oaks, asked. My county, along with many other counties, took this process very, very seriously when it first came through, put together a very extensive list of projects, not all of which could be completed in one year. And I'm looking at the language on page 20, line 31. And it -- it says, "For each county new shared services actions not included in a previously approved plan would be eligible for the match." Does that mean, then, that if it was in a previously approved plan, but not implemented, it's not eligible for a match?

(Pause)

MS. WEINSTEIN: If you could, just, Mr. Goodell, one --

MR. GOODELL: Certainly.

(Pause)

MS. WEINSTEIN: Okay. So, Mr. Goodell, I think I need to correct my response to Mr. Oaks. So, each -- in year -- it has to be a new plan for year two. So, if it wasn't year one's plan and was not -- and there -- it was not implemented in -- in year one plan, then year two you need to have a -- a new plan with new -- new projects, new shared projects, in order to receive a match for those projects.

MR. GOODELL: And I -- I very much appreciate the late hour, just about midnight, but if we have an opportunity for chapter amendments, it might make a lot of sense for us to authorize municipalities who have identified a potential savings, but were unable to implement it, to implement that in subsequent years, because our overall objective on the Shared Savings Plan is to implement those savings. And, as you know, sometimes outside observers cynically think that no good deed goes unpunished when it comes to State Government. We certainly don't want to punish those counties that took the initial challenge at a very serious level. And so, that's just a friendly suggestion to keep in mind as we move forward.

MS. WEINSTEIN: Just to -- to comment on that. That was something that our -- our House in negotiations had recommended and tried to get included, but we were -- faced resistance from the Division of Budget on that.

MR. GOODELL: Obviously, there's been a number of questions on the Secure Savings Plan. As I understand it, on page

11 there's a -- and going onto page 12, there's a number of specific plans that an individual could select: Growth fund, principal protection, secure fund, a conservative fund and a more aggressive fund. And I would assume that those -- the employee would just be able to choose whatever, plan A or B or C or whatever; is that correct?

MS. WEINSTEIN: Yes, yes.

MR. GOODELL: And does this statutory provision or framework provide for any financial advice and consultation to the employees? I mean, if you go to a private investment company, they often do a fairly sophisticated risk analysis. They look at diversification, when you need the money. Any -- does this plan provide for any financial advice to the participants, the employees?

MS. WEINSTEIN: Those details are -- are not in the plan. But as -- in some of the prior discussions, I mentioned that it's designed to be similar to our Deferred Compensation plan, where you do have advisors, you can speak to -- they're interactive, self-interactive online options that you can look at, depending on your -- your needs and your goals and what risks you want to take. But we would anticipate that there would be advisors that individual employees could, and participants, could contact to get more information to help make decisions as to how to invest their funds.

MR. GOODELL: I note that on page 9, line 15, it talks about the fiduciary duty of those involved in the plan. But I was wondering if you could explain how that interfaces with the language on page 14, starting on line 1, which seems to state that no one

involved in this plan from the employer's perspective, or from the State's perspective, would have any liability whatsoever. Is that -- so we have a fiduciary duty but absolutely no liability on behalf of the State or on behalf of employers?

MS. WEINSTEIN: Right, because -- 'cause those relate to the -- who the contracted party, who will be doing the -- running the actual plan. So, the board hires -- who -- whoever's going to be administering the plan, an investment manager, consultants, financial advisors to run the plan. The board oversees that so there's no liability to the -- there isn't -- there isn't liability to the -- certainly, there's no liability of the State because the State isn't running -- (sidebar).

Right. There's no State -- there's no State money. And the fiduciary responsibility result -- the fiduciary responsibility is the responsibility of the managers of the account --

MR. GOODELL: Okay. So --

MS. WEINSTEIN: -- of the investors.

MR. GOODELL: As you recall, you -- you advised me that under this concept, an employee could select amongst, you know, A -- Plan A through, whatever, F. And those plans were designed by the board, not the employee, so the employee could -- only had those five choices or six choices; right?

MS. WEINSTEIN: Well, those are the broad categories that -- those are the broad categories of plans. But the financial -- the management will determine how those plans are put

together, what investments are part of those plans.

MR. GOODELL: And it's the board, then, that selects which companies run each of those plans; is that correct?

MS. WEINSTEIN: Yes, through -- through an RFP process.

MR. GOODELL: And if the boards selects a company that turns out to be fiscally irresponsible and goes belly-up or suffers huge losses or whatever, then is the board liable? I mean, right now under the SEC rules, you know, there's a whole designated procedure. But what happens if the board itself fails to exercise its fiduciary duty in selecting appropriate management companies to run those designated funds? Is the board then liable, or is the fund that went bankrupt liable, or are neither liable?

MS. WEINSTEIN: So, you know, obviously, we have the ordinary principles of law that would apply, but it would be on the vendors, the -- who are providing those services, and the board can terminate -- can end a contract with -- with a particular company, advisor, investment group if they don't feel that they are operating properly.

MR. GOODELL: Thank you very much.

On the bill.

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

MR. GOODELL: Thank you, Mr. Speaker. I appreciate the desire to set up a Secure Savings Plan. And, you know,

it seems like a very simple plan, it's optional on the part of employers, it's optional on the part of employees, we set up this board of political appointees, and these political appointees then are given authority to contract with other people who are investment experts, presumably. But, the -- the concern that I have and I think is shared by many of my colleagues, is that this approach fails to adequately protect the employees who are the investors. Because under our current law, we have extensive, extensive Federal oversight and State oversight on investment activities. So, under the current law if you want to invest and you go to your favorite company, whatever it might be, Morgan Stanley, Fidelity, you name it, which -- whichever company you want, they have a fiduciary obligation to do a financial analysis of your needs and your risks. And they then exercise a secondary fiduciary obligation in helping you select the appropriate investment options. And if it turns out that the company they helped you select was inappropriate for your risk, the company that helped you select that. Your investment advisor, they are directly liable to you. They are financially liable to you. And I know this because my wife went to an investment advisor, filled out all the paperwork, the investment advisor put the funds into a company that turned out to be high risk, the company went under. And we got reimbursed by the investment company.

And so, we are replacing an investment advisor with expertise fiduciary duty and liability, we're replacing that investment advisor by a board of political appointees that doesn't have any

liability to our employees. It's very risky when government gets involved, in the middle of the night, without expertise in this area, and we are subjecting all the employees that might want to participate in this plan to that potential loss.

Thank you very much, Mr. Speaker. And thank you very much to my colleague for answering those questions.

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. Morelle.

MR. MORELLE: Yes. Thank you, Mr. Speaker.
This is our first vote of the legislative day.

(Laughter)

And if people are not in the Chamber, then God knows where they are.

(Laughter)

But please cast your votes for our first vote of the legislative day.

ACTING SPEAKER AUBRY: First vote of the legislative day, members. If you're not in the Chamber, please come to the Chamber and cast your vote. If you are in your chair, vote now.

Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: Thank you, Mr. Speaker. And

I'd certainly like to thank Chairman Weinstein for her work defending this very important piece of legislation. And when we talk about the budget and all the parts of it, I'm glad that we focused on just one proposal in the budget, Secure Choice Savings, because it is such an important piece of legislation to providing additional options in the marketplace for people who want to save and have limited access to savings today.

Some arguments have been made about access to financial advisors. Right now, only 54 percent of the market of people who are eligible have access to retirement savings. Three million New Yorkers don't have access today to retirement savings accounts. And this is -- and financial advisors have been, you know, certainly available to everyone in this market for a significant amount of time. And as a financial advisor, I can say that there are areas that are, and continue to be, underserved. This provides a low-cost alternative, just like the 529 programs, and has similar protections around those -- that -- that program.

So, all this really is, is about providing more access to savings, programs to folks who may not be sophisticated, who may not have or know financial advisors, but who do have a desire to save. And this provides a -- a board and -- and many of the protections to ensure that qualified investment professionals are investing those dollars, that they are able -- and we are able to procure the lowest possible costs available through public RFPs, similar to what we do for the existing 529 program right now, similar to what the

Comptroller does, you know, when he's managing those funds and other public funds, and have a -- a variety of resources there, in addition to reporting requirements so, as a Legislature, we can see how this fund is performing.

So, I think there are fiduciary safeguards at low administrative cost and this provides a tremendous opportunity for millions of New Yorkers to save. As a result, I will be voting in the affirmative and urge my colleagues to do the same.

ACTING SPEAKER AUBRY: The gentleman in the affirmative.

Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker, for an opportunity to explain my vote. I note that there were questions asked about what's in the bill; no questions were asked about what's not in the bill. But this bill started out with some ambitious proposals that would have put New York State at the front of leadership for criminal justice reform. But, the Speaker didn't know that he was up against extraterrestrial forces on the other side. But they worked hard and they were able to get these very important provisions scratched from the bill: Bail reform, discovery, speedy trials. We have gone to a stalemate on criminal justice reform in this State. And people look to New York to provide some leadership. And I hope that we will be able to act when this wave strikes later this year, we will have the support we need to make New York the really progressive state that we want to be, and claim to be.

I withdraw my request, Mr. Speaker, and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker. I, too, want to thank the Speaker, Chairwoman Helene Weinstein and the staff for their incredible work on this Budget Bill and many of the provisions that are in it. I want to thank my colleague, Assemblyman Rodriguez, as well, for his years of advocacy for the savings accounts. It is incredibly important to all New Yorkers, but particularly New Yorkers of color, when 52 percent of African-American workers in the State do not have access to an employer-provided savings account, retirement savings account, and 67 percent of Latino workers do not have access to it. We -- we have an incredible gap to fill, and I believe this bill will do that.

And also, very grateful for the inclusion of the Census 2020 Count Commission that is created in this Budget Bill. It is imperative for all of our communities, regardless where you are in the State, that New York State not suffer another undercount. We can't continue to lose representation in Congress. We cannot continue to lose billions of dollars in Federal funds. And it is imperative that we all work together over the next year or two to make sure that we are doing everything we can to get the word out, to educate New Yorkers, and to improve on our participation rates and get our fair

share of Federal resources. We've seen budget after budget the difficulties in maintaining our commitment to programs and services, and the best way to do that is to have an accurate count, and I believe the Census 2020 Commission will allow us to do that. And I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. I want to agree with my colleague, Nick Perry, in that to take out the bail reform in this is unacceptable and unconscionable. When we look at what's happening at Rikers Island, and even though in these forthcoming budgets we'll be building more -- another prison in the Bronx, we'll be building higher prisons in Brooklyn, and all of that, but the biggest problem is that innocent people who have not been convicted of anything are stuck in jails awaiting trial. And you know the tragedy of Browder and there are so many other tragedies, that we should not have a bill that doesn't include bail reform. If it didn't happen now, the likelihood of it happening at all is slim to none.

So, on that, I am not voting for this bill. We need to be included in this. Mass incarceration is a big problem, in black and brown communities, in particular, and unless we do something about that as a Legislature, we are going to have a lot of problems in our community. So I will not be voting for this bill. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Barron in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09506-B, Rules Report No. 19, Budget Bill. An act intentionally omitted (Part A); to amend the Education Law and Chapter 537 of the Laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to prohibiting meal shaming and to school breakfast and lunch programs (Part B); intentionally omitted (Part C); to amend the Education Law, in relation to participation in recovery high school programs (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend Chapter 57 of the Laws of 2012 amending the Social Services Law and the Family Court Act relating to establishing a juvenile justice services close to home initiative, and amending the Social Services Law, the Family Court Act and the Executive Law relating to juvenile delinquents, in relation to extending the Close to Home (CTH) Initiative and juvenile justice reforms an additional five years; and to repeal certain provisions of paragraph (a) of subdivision 8 of Section 404 of the Social Services Law relating to CTH funding and reimbursement (Part G); intentionally omitted (Part H); to amend Part G of Chapter 57 of the Laws of 2013, amending the Executive Law and the Social Services Law relating to consolidating the Youth Development and

Delinquency Prevention Program and the Special Delinquency Prevention Program, in relation to extending such provisions (Part I); to amend Part K of Chapter 57 of the Laws of 2012, amending the Education Law, relating to authorizing the Board of Cooperative Educational Services to enter into contracts with the Commissioner of Children and Family Services to provide certain services, in relation to the effectiveness thereof (Part J); to amend the Public Authorities Law, in relation to adding the Office of Children and Family Services to the list of entities to whom the Dormitory Authority of the State of New York (DASNY) is authorized to provide capital design and construction services (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to repeal subdivision 11 of Section 6305 of the Education Law relating to the development of a methodology for calculating chargeback rates by the State University of New York and the City University of New York (Part P); to amend the Public Health Law, in relation to providing feminine hygiene products in public schools (Part Q); relating to the creation of computer science education standards (Part R); to amend the Education Law, in relation to appointees to the State Board for Medicine (Part S); to amend the Education Law, in relation to the Excelsior Scholarship (Part T); to amend the Education Law, in relation to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY; and providing for the repeal of such provisions upon expiration thereof (Part U); to amend the

Education Law, in relation to the Foster Youth College Success Initiative (Part V); to amend the Education Law, in relation to enhanced tuition awards (Part W); to amend the Private Housing Finance Law, in relation to residential emergency services to offer home repairs to the elderly program (Part X); to amend the Private Housing Finance Law, in relation to disabled veteran access to home for heroes contracts (Part Y); to amend the State Finance Law, in relation to establishing the SUNY Stony Brook Eastern Long Island Hospital Affiliation Escrow Fund (Part Z); to amend the Education Law, in relation to establishing the New York State Teacher Loan Forgiveness Program (Part AA); to amend the Education Law, in relation to the New York State Science Technology, Engineering and Mathematics Incentive Program (Part BB); to amend the Education Law and the Social Services Law, in relation to the education of children in foster care (Part CC); and to amend the Social Services Law, in relation to income savings plans for the City of New York; and to amend Part K of Chapter 58 of the Laws of 2010 amending the Social Services Law relating to establishing the Service Plan Demonstration Project, in relation to the effectiveness thereof (Part DD).

ACTING SPEAKER AUBRY: The Clerk will --
Governor's Message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote,
Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: Mr. Goodell has

asked for a -- Mr. -- Mr. Oaks has asked for an explanation. I'm rushing you, I know. Take your time and tell me what you want.

MR. OAKS: I think I'll go straight to questions if that's all right, Mr. Speaker.

ACTING SPEAKER AUBRY: Well, Ms. Weinstein, the gentleman has asked you to yield.

MS. WEINSTEIN: Sure. I'd be happy to. The hour's late, so, happy to answer some questions.

MR. OAKS: Thank you, Helene. In this bill, there are a number of sections that we don't see information as the last bill, so hopefully we will have some of that information in a bill that we're waiting for yet or two, but within this, one of the programs that is described as the locally-grown food in our schools.

MS. WEINSTEIN: Correct.

MR. OAKS: And this would provide a subsidy of, I believe, 25 cents for each meal if a school met a certain standard. I was encouraged by my local food service directors to do that. Obviously, I live in an area that is quite rural, has a lot of farms, but this is available to all school districts, urban, rural, suburban, across the State?

MS. WEINSTEIN: Yes, it's available to all and the percentage is 30 percent, if they have 30 percent of -- has to be locally grown farm produce.

MR. OAKS: Do we have a definition of what the "locally grown" is? Does it have to be within certain miles or is it any

farm across the State?

MS. WEINSTEIN: No, that it's -- just that 30 percent of their food is from New York State farmers, growers or producers.

MR. OAKS: And -- or processors?

MS. WEINSTEIN: Yes, yes, yes; producers, yes, yes.

MR. OAKS: Thank you. And how much money is in the budget to fund this program?

MS. WEINSTEIN: There's -- there will be \$10 million in the budget to support this program.

MR. OAKS: And do we have a sense of the number of schools that would elect it at -- at this point, or not really?

MS. WEINSTEIN: We don't know that. For all we know, there may very well currently be -- you know, we assume there may be some that are currently meeting the -- the standard. This, as you say, would provide that local reimbursement from the current 6 cents to 25 -- to 25 cents.

MR. OAKS: And is there confidence that the \$10 million is sufficient to cover that cost in the first fiscal year?

MS. WEINSTEIN: My understanding is that there's a one-year lag so that we should be -- the \$10 million should cover it and we'll have an oppor -- if we see as the school year progresses that it will not cover it, we will have opportunity in next year's budget to be able to ensure their sufficient funds.

MR. OAKS: Thank you. In the last budget bill, I

asked a question and then you gave some clarification on it and changing, you know, on eligibility or for a program. What if a school district is already meeting, you know, has -- has been extremely active, they've got local farm products coming, they're already meeting the threshold. Are they going to be eligible for this 25 cents?

MS. WEINSTEIN: Yes, and they'll be -- they'll be getting a, I guess, 19, you know, an additional 19 cents per -- per meal for what they're already -- for what they're already doing. Obviously, the intent is not only to help provide fresh food for -- for our students, but also to encourage economic development by encouraging and supporting our local farmers, producers, processors in the State.

MR. OAKS: Well, let's hope that it does serve the needs of our children, certainly our farming and agricultural communities and our school districts across the State.

On another matter within this budget, I did see that there'd been eliminated or not covered in here -- in my area, I represent district, and a number of us do, along Lake Ontario and there was the program to meet some of the flood recovery from last year, Lake Ontario, St. Lawrence River area. That amendment is out. Can we expect to -- I know it's not here. Can we expect to see some action on that to clarify for those people who are waiting for assistance?

MS. WEINSTEIN: I -- I believe that that will be moved to -- will be showing up in another bill later on today or tomorrow.

MR. OAKS: Thank you. One of the other programs is the teacher loan forgiveness program that is being established. How much money are we making available for this program?

MS. WEINSTEIN: \$1 million.

MR. OAKS: And I saw something, is it creating a four-year program? Is that --

MS. WEINSTEIN: An individual teacher could be eligible for reimbursement for four years. They would be up to \$5,000 per year with a preference given to teachers who are in areas where there's shortages or a particular shortage in the area of their expertise.

MR. OAKS: So, for instance, if you're a math teacher and there's fewer or you're having trouble filling math positions, they might be getting that, or a language teacher or someone else, perhaps in the STEM area or special areas, they might be eligible for this before some other teachers who might be teaching English or History or something like that.

MS. WEINSTEIN: Yes.

MR. OAKS: And so the program is \$1 million. Is that \$1 million to be over four years, or is it \$1 million this year and then it would be, in essence, kind of we anticipate \$1 million over the next four years?

MS. WEINSTEIN: No. It's \$1 million for the four years. So, the initial year would be \$250-. You know, clearly as we go forward if we see there's a great interest and need, we can, in future

years, make an adjustment to that dollar amount.

MR. OAKS: If -- if --

MS. WEINSTEIN: But it's anticipated that it's \$1 million over the four years.

MR. OAKS: If they're eligible for the -- the full \$5,000 -- it's up to \$5,000 I would -- I would imagine.

MS. WEINSTEIN: Correct.

MR. OAKS: The -- a quick calculation says it's only about 50 teachers Statewide, or 50 individuals. That's not going to make a significant dent perhaps in the State, but has this been done because we see a sense or we -- we see fewer teachers than what we need in some of those fields? Are we trying to inspire that, is that the real purpose?

MS. WEINSTEIN: Yes, yes; yes.

MR. OAKS: So just my sense would be if we're going to be serious about that program, the long-term cost could certainly grow significantly from that.

MS. WEINSTEIN: Well, as I said, this is year one. This is our anticipation for four years and, clearly, as we go forward in future years, we can add additional dollars if we see that there is both the interest and the need.

MR. OAKS: If -- and just a final question. If there was shortages in -- in two different districts, is there then a determination that you're going to receive it versus me in my district for some other reason or not?

MS. WEINSTEIN: HESC will be making the determination so I think they will be deciding as the applications come in for the -- for the loan forgiveness program, they'll make those determinations. I couldn't really give you an answer as to the preference for one community or another at this point.

MR. OAKS: Will -- will it be competitive or like first come/first served, do we know that yet?

MS. WEINSTEIN: You know, that we don't know because it will be administered by HESC and they will determine the eligibility when they put together the -- the proposal, once they really put a plan together and make that announcement of how they're going to evaluate the individuals who apply for this forgiveness program.

MR. OAKS: Just one more question, actually in the area of housing. Do we know -- I know there's a couple of programs, Residential Emergency Services Home Repair to the Elderly Program and the New York Access to Home for Heros Program. Do we have any sense of how much money is going to be available for those two programs either individually or as -- as a group?

MS. WEINSTEIN: I could get you the dollars, but we're codifying some existing programs and I think these are mostly going to be funded through re-approps, but if you wait a moment, I can --

MR. OAKS: Okay.

MS. WEINSTEIN: -- find some of the exact dollar figures for you.

(Pause)

I think we might have to have an offline discussion about the dollar -- the dollar figures there.

MR. OAKS: I'll appreciate learning that later then. Thank you, Helene, for your comments.

ACTING SPEAKER PICHARDO: Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. Would the Chairwoman yield, please?

ACTING SPEAKER PICHARDO: Will you yield? Yes? The Chairwoman yields.

MR. MURRAY: Thank you, Helene. I know that we've been talking that this bill, in particular, is rather short on specifics, but I'll touch base on a few just to see if we have information here or if we could expect some later, starting with the obvious, and that would be the foundation aid numbers. Do we -- I know that we don't have that included in here, but do we have an idea of where we're going to end up as far as foundation aid money-wise?

MS. WEINSTEIN: So I do have an idea; however, Part A, which is the education piece, is not part of this bill. It will be coming later and we will be able to have that discussion later.

MR. MURRAY: And we'll have all the specifics in that one, right?

MS. WEINSTEIN: Yes.

MR. MURRAY: Okay.

MS. WEINSTEIN: All of education will be there.

MR. MURRAY: So I want to stick to -- to education and a couple of the Governor's proposals I noticed in this particular bill have been omitted. One was the one requiring some of the school districts to present and submit their budgets to SED and get approval and approval from DOB. Is that in here addressed at all, or has that been --

MS. WEINSTEIN: All of the education provisions, that's all Part A. That will be in -- in another bill.

MR. MURRAY: And I know we're -- we're -- we're saying that as far as the funding aspect, but I'm worried more about the enacting language and -- with some specific programs that the Governor has put in. So, you might have the same answer each time, but I'm going to ask just so we cover --

MS. WEINSTEIN: Okay.

MR. MURRAY: For example, the cap on the expense-based aid. Is there any language in here addressing that or is that --

MS. WEINSTEIN: No.

MR. MURRAY: Okay, okay. And do we expect - and this was kind of where I was going with us - are we expecting to see that one in particular later on, or have we gotten rid of that, hopefully?

MS. WEINSTEIN: Right. There are still some ongoing discussions so until all of those aspects are -- are agreed to, I don't want to start picking and choosing which ones to relay now.

MR. MURRAY: Understood. Any -- any language in this particular bill dealing with mandate relief?

MS. WEINSTEIN: Not -- not that I -- that I'm aware of in this bill.

MR. MURRAY: Okay. And, again, any language in this bill addressing school safety, in particular, expanding mental health services for school districts or gang prevention and education programs? Any language in there about that?

MS. WEINSTEIN: Other than the recovery high schools in -- in Part D, you know, as part of -- in -- operated by BOCES there, most of those items you mentioned will be discussed at a later -- in a later bill.

MR. MURRAY: Okay, good. And then as far as funding for and language for funding for Special Act 853 and 4410 schools and their tuition rate increase costs, do we address that?

MS. WEINSTEIN: It's the same answer - we will in a later bill.

MR. MURRAY: Okay. And language to establish a fiscal stabilization reserve fund for those schools, again, later?

MS. WEINSTEIN: Yes.

MR. MURRAY: Okay. And then also the 4201 schools, language for that, as well?

MS. WEINSTEIN: Correct. We'll have a discussion later on.

MR. MURRAY: Okay. And the reason I'm asking

for these specifics is we want to know if we're going to if they're not being addressed specifically here, we want to make sure that we are going to be --

MS. WEINSTEIN: Yes.

MR. MURRAY: -- addressing some of these down the road and we're hoping also that some of these will not be discussed and, in fact, have been eliminated all together. But I do want to touch on one that I fear may have been eliminated and I'm hoping that it's not, that is the School Bus Stop Arm Camera Safety Program. Now, the Governor had it in his budget, the Senate had it in their budget, we did not have it in ours. Is -- I noticed it has been omitted in this. Are we taking that up later or has that -- has that been scrapped?

MS. WEINSTEIN: That has actually intentionally been omitted from here and is -- will not be appearing in a later bill.

MR. MURRAY: Okay. All right. Thank you, Ms. Weinstein.

Mr. Speaker, on the bill.

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

MR. MURRAY: Okay. That last issue, in particular, is something that's extremely troubling to us and that is the School Bus Stop Arm Camera Safety Program. I bring this up because, again, there have been several members in this Chamber that have been pushing for quite some time to get this done. When we saw that it was included in the Governor's budget proposal and the Senate budget

proposal, it felt like we were making a lot of progress. It is important. When we're talking about school safety, understand -- I understand that that is a -- a big issue right now, as it rightfully should be, but let's not forget that when we're talking about school safety, we're not just talking in the school. We have to make sure these kids are safe getting to school and getting from school.

I'm going to give you a statistic, and when I say this to some people they are shocked and they look at me like this could not possibly be true, but then I'll tell you why it is. Every single school day, roughly 40- to 50,000 times every school day a vehicle passes a stopped school bus in the State of New York. And you say, there's no way that could be from true. Well, let's do the math for a second. Roughly 700 school districts in New York State, let's say five just to be safe, five schools in each school district, couple of elementary schools, maybe a middle school, high school. What, let's be a low end, 10 to 20 school buses per school. Let's take 10. Well, that's 700 schools, five per, that's 3,500, 10 school buses each, that's 35,000 school buses. If one car a day passes a school bus, that's 35,000 right there.

We did a pilot program at Longwood School District in my district. For one month, we put the cameras on the stop arms and we recorded these just to see how bad it was. We averaged 1.3 per day per school bus passing the bus. If you add that up, that's right. It equals about 40- to 50,000 times a day.

Again, we were making really good progress, or at

least it felt like it and, unfortunately, we decided to pull this out of the budget. I am really hopeful that this is not the end of this issue before Session ends. As far as this budget bill goes, it's disappointing to see that taken out, but with that said, I think we've also done some good things in this, too. So, I will be supporting this bill, but I urge my colleagues to continue fighting and pushing for this all-important program to keep our kids safe coming to and from school, as well. But with that, I will be supporting this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome, sir.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the Chair yield for just one question?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Mr. Murray covered I know a number of the education provisions that were pulled out of this. What about library aid, is that also omitted?

MS. WEINSTEIN: Yeah. That's not in this bill. That would be in the aid to locality bill and -- and -- and capital bill, also.

MR. RA: Okay.

MS. WEINSTEIN: I've given a little hint.

MR. RA: Okay. Thank you. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just to reiterate, and Mr. -- Mr. Murray brought up a number of these things, but... and I think this is something we've done a couple times in the past years where we've brought up the ELFA bill but it was really not the ELFA bill because the "E" was pretty much taken out of it. So, maybe we call it the LFA bill. Some people suggested earlier the fake ELFA bill, the skinny ELFA bill, but whatever you want to call it, just a reminder of the type of things that are in that omitted Part A that we are being asked to vote on this bill without knowing ultimately what their fate is going to be.

There were proposals in the Executive Budget proposals, some of which we will be happy if we don't see again, some of which we will not be happy if we don't see again, like Mr. Murray mentioned. But the type of things that we're going to be talking about in another bill even though this is the ELFA bill are summer school special ed, those expense base aid caps, Universal Pre-K, foundation aid. It really is just not the way to be doing a budget and, unfortunately, too often we -- we end up voting on budgets without a complete picture of -- of what's in and what's out and it makes it very difficult to make an informed vote on behalf of the people we -- we represent.

So, I -- I thank the Chair for -- for doing her best to answer some of these questions about what we may see later and what we may not, but it really is not a transparent way of doing things and I can't say I'm surprised, but I'm disappointed. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Sorry, Mr. Goodell.

Sorry to get you excited.

Mr. Goodell.

MR. GOODELL: You know --

ACTING SPEAKER AUBRY: Ah, ah, ah. Shh.

Mr. Goodell.

MR. GOODELL: I didn't have any Constitutional questions.

(Laughter)

But I did have a couple of questions about food. If the sponsor would yield.

MS. WEINSTEIN: Yes, I'd be happy to.

ACTING SPEAKER AUBRY: The gentlelady yields.

MR. GOODELL: Thank you very much, and I thought that applause initially was for me standing up. Apparently I was mistaken.

(Laughter)

Thank you, Ms. Weinstein. I note there's a section, Part B, dealing with school lunches.

MS. WEINSTEIN: Yes.

MR. GOODELL: And I want to talk a little bit about the cost of that. Obviously, this is Article VII language, not appropriation language. There is a requirement that under this

language that schools provide every student with a lunch whether or not the student pays for it, regardless of the student's income or their family's income. Is there an anticipated appropriation to pay for that additional cost to school districts?

MS. WEINSTEIN: Right. No, there is not. That's the -- the breakfast -- you're talking about the school shaming?

MR. GOODELL: No. I'm talking about -- well, it says starting on page 3, line 20, that's the requirement that they -- that any student can have lunch regardless of whether they pay for it.

MS. WEINSTEIN: Yeah. Yes, yeah, the meals -- yes.

MR. GOODELL: Do you have an estimated cost of providing lunch to every student whether or not they want to pay for it?

MS. WEINSTEIN: Right. You know, I think that, you know, this concept and the title on page 3 is the prohibition against meal shaming. It really relates to not going after -- going after the child, pointing out that their parent hasn't paid for their lunch or is -- or is in default on a payment, not requiring them to wear wristbands or anything like that.

MR. GOODELL: And just to be clear, I'm 100 percent supportive of the prohibitions against lunch shaming contained on page 4, you know, that go from one -- line one through 19. My question talks about -- I want to talk a little bit about the finances, if I may.

MS. WEINSTEIN: Right. No, sure.

MR. GOODELL: So as part of this process, it says that no student will be treated differently than any other student. And then that goes on, I believe on line 20 if I read it correctly, that every student regardless of their parent's ability to pay, regardless of whether their parents actually paid for any lunch is entitled to have lunch provided by the school, right?

MS. WEINSTEIN: Yes.

MR. GOODELL: And what is the cost to our school districts if -- of running the school lunch program if nobody pays for it? What is the total cost?

MS. WEINSTEIN: Right. Well, you know, we're anticipating that these are -- that the school districts will then work -- the individual schools will work with the parents to, in fact, get the -- ultimately get those payments, but the point of this is to not go after the kids, not to embarrass them.

MR. GOODELL: I understand that. My question is do we know the cost of running the school lunch program?

MS. WEINSTEIN: No. No.

MR. GOODELL: Do we know the cost of providing a school lunch, an individual school lunch, because then we'd just multiply it by the number of students. Do we know, is it a couple dollars, \$2 or \$3, \$4, \$5?

MS. WEINSTEIN: No, I -- I don't know that information.

MR. GOODELL: Do we -- and we don't provide any funding. We also, though, provide that we don't allow a school district to hire a debt collector to go after the parents, correct? That's expressly prohibited under this bill?

MS. WEINSTEIN: Yes. Well, first let me say that the lunch that's -- that's required to be provided is reimbursable lunch.

MR. GOODELL: But not all lunches are reimbursable, right? I mean, if you're from a wealthy family you maybe get some State aid, but there's an individual share that the family is expected to provide, right?

MS. WEINSTEIN: No, in fact there are -- the schools get -- get payments for all students. It's different levels of payment but there are -- whether.

MR. GOODELL: So for --

MS. WEINSTEIN: -- it's someone who is a parent that is paying a full amount for their child or if it's a reduced, a reduced lunch --

MR. GOODELL: So --

MS. WEINSTEIN: Reduced fee lunch. So that the meal that is required to be provided under this is one that is a reimbursable lunch, not an à la carte.

MR. GOODELL: Well, actually this applies to all students. Not just those who are getting reimbursable lunches, right?

MS. WEINSTEIN: Right.

MR. GOODELL: It says "all students --

MS. WEINSTEIN: Right.

MR. GOODELL: -- "are entitled to have a lunch whether or not their parents pay anything for the cost of that lunch." That's what this provides, correct?

MS. WEINSTEIN: Right, but every lunch is reimbursable.

MR. GOODELL: At some level.

MS. WEINSTEIN: At some level.

MR. GOODELL: Okay.

MS. WEINSTEIN: To the school district.

MR. GOODELL: So, let me just focus, if I can, on wealthy parents and wealthy kids, just for a moment. Let's say a wealthy parent says I'm just not going to pay for your lunch. This requires the school to provide the lunch. It also goes on then if I'm not mistaken on page 4, line 12, 13 and 14 to make it illegal, illegal for the school to hire someone to try to collect that debt. Why don't we want schools to be able to collect the debt from wealthy parents for the cost of providing their kids with a lunch.

MS. WEINSTEIN: Well, you know, as you read there, we're saying that they can attempt to collect the unpaid school meal fees, right?

MR. GOODELL: And it says --

MS. WEINSTEIN: Can't use a debt collector, and if you look at a little further down as you look at lines 19 through 21, it clearly it says - and some of the information needs to be given to the

parents - clear explanation of procedure to handle unpaid meal charges. Then nothing in the section is intended to allow for the unlimited accrual of -- of debt.

MR. GOODELL: Well, I appreciate that but, we expressly prohibit a school from hiring a debt collector to collect unpaid school lunch bills from wealthy parents, correct? I mean isn't that what it says on line 14, "But shall not use a debt collector."

MS. WEINSTEIN: Yes.

MR. GOODELL: Okay. And this also says that if a school district has to sue a wealthy parent for reimbursement, the school's not entitled to charge interest or fees. Does that mean if they bring a small claims action, as an example, and, you know, this could be a substantial amount of money if you have a lot of students and you have 180 days of school, they are not entitled to get statutory interest on the debt?

MS. WEINSTEIN: We don't really think schools are currently doing that and --

MR. GOODELL: But this bill prohibits that, right? That says cannot charge any interest or fees, line 37 on page 3, correct?

MS. WEINSTEIN: Right.

MR. GOODELL: Now it also says that schools that meet certain criteria have to provide a breakfast as well as lunch.

MS. WEINSTEIN: Yes.

MR. GOODELL: Right? And likewise there's no

charge regardless of the wealth of the parents for the breakfast, correct?

MS. WEINSTEIN: Right. You're really just talking about -- you're talking about students that aren't eligible for, you know, free lunch program, right?

MR. GOODELL: Well, actually if the school has a 70 percent threshold --

MS. WEINSTEIN: Then everybody's entitled, correct.

MR. GOODELL: Then 100 percent of the students are eligible for free breakfast.

MS. WEINSTEIN: Right. So you're talking about schools out of that category I assume.

MR. GOODELL: Right. So for those 30 percent that are not eligible for reimbursement because it's a 70 percent threshold, there could be 30 percent that aren't. All the provisions against charging and bill collecting and getting interest or penalties for that would apply to breakfast as well as lunch?

MS. WEINSTEIN: Well, those 30 -- if the school has 70 percent or more of free lunch the entire -- all students who attend that school are eligible for the subsidized lunches. So that -- so that -- that -- those groups of students, those schools are excluded from these provisions because there are no charges to those parents.

MR. GOODELL: Okay. And I note that the breakfast is provided after the bell. Is there a reason why we don't

require students who are getting a free breakfast to have the breakfast before school rather than during school so that they can concentrate on their studies during school time?

MS. WEINSTEIN: Well, it's just that there are some students that because of, you know, reasons with their parents being able to get to the -- by the time they get to the school that they're not able to get to school before the bell to have their breakfast so we allow the breakfast after the bell program. So, in fact, they'll have some nutrition to be able to go through those studies.

MR. GOODELL: So it's your point that these -- we're trying to address parents who not only don't feed their kids breakfast but can't get their school -- kids to school in time to have a breakfast before school; is that your point?

MS. WEINSTEIN: I -- I'm not sure that you really want -- you really want an answer to that?

MR. GOODELL: I'm not sure --

MS. WEINSTEIN: There's many parents who -- there's many single, single mothers and particularly many parents who struggle to -- to get their children to school. They may be attending multiple schools, have transportation difficulties and there's lots of reasons why, their employment schedule might not allow them to bring their -- to have their child get to school on time.

MR. GOODELL: This bill makes it clear though that you get educational credit if you're eating breakfast in the classroom as opposed to a cafeteria; is that correct?

MS. WEINSTEIN: If -- if there's instruction going on, not, you know, just a big breakfast for everyone but if there's an individual child, children who are having their meal at their desk --

MR. GOODELL: Well, all the kids would be having breakfast so all the kids have breakfast as long as they all have breakfast during class then it's considered class time and they get educational credit for that?

MS. WEINSTEIN: You know, my understanding is, you know, while they're, you know, certainly are many students that are having breakfast before the first educational program begins. There are schools in fact currently doing this and amazingly children can chew and learn at the same time.

(Laughter)

MR. GOODELL: And I would certainly hope so and not only chew and learn but chew and walk and those other factors we look for. Now, of course, most schools who serve food have a cafeteria and is there any additional appropriation in this bill or do you anticipate any additional appropriation for covering additional cleaning costs for having all the kids eat not in the cafeteria, but in all the classrooms?

MS. WEINSTEIN: There -- there is \$7 million for some capital -- capital money available to -- to help implement this program in the schools.

MR. GOODELL: Thank you very much, Ms. Weinstein. I appreciate the answers.

On the bill.

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

MR. GOODELL: I think everyone here in this room supports the provisions of this bill designed to prevent shaming, lunch shaming. I think we're all there. And I think all of us in this room would hope and desire that our kids have nutritious meals, hopefully before school, but certainly during lunch hour. We're all there. But at the same time, we are all very much sensitive about imposing unfunded mandates on our school districts. So we give them a tax cap. And then we turn around and say, oh, by the way, for those students whose parents are responsible for the full cost of lunch, you can no longer -- you must continue to serve them whether they pay or not, number one. Number two, you can't charge -- hire someone to collect the debt, which means it's now borne by the school taxpayers, another unfunded mandate, and number three, if you do pursue them and you get a judgment, for example, in Small Claims which is entirely possible if you have multiple kids the school might want to do that, 180 days, I don't know what the cost of the school lunch is today, I'm fortunately outside that age category. But you could be talking significant money and this bill makes it illegal for the school to recoup its collection cost or interest or overhead.

Now, look. We have great ideas about making sure kids eat, that's a great idea, absolutely in accord on this lunch shaming, we're there, but we don't need to use the State Budget

process to impose hundreds of thousands of dollars of unfunded mandates on schools. If we want the schools to have all the kids eating in classrooms rather than the cafeteria, fine. We should fund it so that they have the maintenance staff to clean up after these kids. If we want all the kids regardless of their parents' income, the wealthy kids to be able to have free lunches or free breakfast, great. We should fund it. We shouldn't pass it on to our local taxpayers while they're struggling to stay within the cap and we're not providing the funding for them to do it.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Barron to explain his vote.

MR. BARRON: Yes. I rise, Mr. Speaker, to explain my vote on this one. Most of the bills tonight I will be voting against for the things that were left out. In this bill is the Excelsior Scholarship for middle-class students in CUNY and SUNY. They will be taken care of, but when it came to the Martin Luther King Scholarship for those students who are receiving their full TAP paid tuition, but needed money for non-tuition costs like textbooks, food, transportation, housing, that's left out of here. So when it comes to our black and brown students struggling and trying to get stuff, it's left

out. But the middle-class students in the Excelsior Scholarship is included. They said they didn't have \$20 million, but they had \$124 million for Excelsior. For that reason, I know you're going to pass this and I know our children will get their breakfast, but this is a protest vote for leaving out the Martin Luther King Scholarship for those struggling students who need to pay non-tuition costs which adds up more than the tuition itself. For that reason, I'm voting against this bill.

ACTING SPEAKER AUBRY: Mr. Barron in the negative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. I'm pleased to support the Homes for -- Homes for Heros Program in this bill that helps senior and disabled veterans live independently. New York State is proudly home to one of the largest veterans populations in the country, with over 900,000 veterans residing in the Empire State. Far too many are left with physical challenge, challenges brought on by their service protecting our country and the freedoms we hold so dear. And we also have an aging population of World War II, Korean War, Vietnam Nam War Veterans who are in need of wheelchair ramps and other physical changes to their homes.

With this program, grant funding will be provided to our veterans to help retrofit these homes helping our veterans live safely and comfortably. While no one could ever say thank you enough, this initiative will offer our support to help our veteran

population here in New York live independently and in their own communities. Having served in the Army Reserve and now on the State Assembly's Veterans Committee, this is something I'm very proud to be a part of and I cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Would you call on first Mr. Otis and then Mr. Crouch for announcements?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of an announcement, sir.

MR. OTIS: Good morning, friends.

(Laughter)

There -- there will be an immediate meeting of the Democratic Conference.

ACTING SPEAKER AUBRY: Democratic Conference, Speaker's Conference Room.

And Mr. Crouch.

MR. CROUCH: Thank you, Mr. Speaker. There will be an immediate Republican Conference in the Parlor.

ACTING SPEAKER AUBRY: Immediate Republican Conference in the Parlor.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move the House stand at ease until the conclusion of Party Conferences.

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease.)

ACTING SPEAKER AUBRY: The House will come to order.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Members have on their desks a B-Calendar. I now move to advance the B-Calendar.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the B-Calendar is advanced.

Mr. Morelle.

MR. MORELLE: Yes, sir. If we could go directly to it and take up Rules Report No. 20, a budget bill, found on page 3 of the B-Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09508-C, Rules Report No. 20, Budget Bill. An act to amend the Vehicle and Traffic Law, in relation to enhancing the ability of the State to enforce State and Federal law relating to motor carriers, commercial drivers and bus operators (Part A); intentionally omitted (Part B); to amend the Transportation Law, in relation to enhancing the ability of the State to

enforce State and Federal law relating to the safety of rail fixed guideway public transportation systems under the oversight of the Public Transportation Safety Board (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend Part FF of Chapter 55 of the Laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the submission of reports; and in relation to extending the effectiveness thereof (Part H); to amend the Vehicle and Traffic Law and the State Finance Law, in relation to certain fines in the City of New York (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the New York State Urban Development Corporation Act, in relation to extending certain provisions relating to the Empire State Economic Development Fund (Part O); to amend the Chapter 393 of the Laws of 1994, amending the New York State Urban Development Corporation Act, relating to the powers of the New York State Urban Development Corporation to make loans, in relation to the effectiveness thereof (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); to amend Chapter 21 of the Laws of 2003, amending the Executive Law relating to permitting the Secretary of State to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part S); intentionally omitted (Part T); to amend the

General Municipal Law, in relation to brownfield opportunity areas (Part U); to repeal Section 159-j of the Executive Law, relating to the local share requirement for providers under the Federal Community Services Block Grant Program (Part V); prohibiting the denial, suspension or revocation of professional licenses for failure to pay student loans (Part W); to amend Chapter 584 of the Laws of 2011, amending the Public Authorities Law relating to the powers and duties of the Dormitory Authority of the State of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part X); to amend Part S of Chapter 58 of the Laws of 2016, amending the New York State Urban Development Corporation Act relating to transferring the statutory authority for the promulgation of marketing orders from the Department of Agriculture and Markets to the New York State Urban Development Corporation, in relation to the effectiveness thereof (Part Y); intentionally omitted (Part Z); to amend the State Finance Law and the Environmental Conservation Law, in relation to the Environmental Protection Fund, the Hazardous Waste Remedial Fund and the Mitigation and Remediation of Solid Waste Sites; and to repeal certain provisions of the State Finance Law and the Environmental Conservation Law relating thereto (Part AA); intentionally omitted (Part BB); to amend the Environmental Conservation Law and the Real Property Tax Law, in relation to the Central Pine Barrens area and core preservation area (Part CC); authorizing utility and cable television assessments to provide funds to the Department of Health from cable television

assessment revenues and to the Departments of Agriculture and Markets, Environmental Conservation, Office of Parks, Recreation and Historic Preservation, and State from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part DD); authorizing the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the Department of Environmental Conservation's Climate Change Program and the Department of Agriculture and Markets' Fuel NY Program, from an assessment on gas and electric corporations (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); to amend the Real Property Actions and Proceedings Law and the Civil Practice Law and Rules, in relation to foreclosure upon a reverse mortgage (Part HH); intentionally omitted (Part II); to amend the Public Buildings Law, in relation to requiring the establishment of lactation rooms in certain public buildings (Part JJ); directing the Department of State to analyze and report on the feasibility of installing adult changing stations in public buildings (Part KK); to amend the Executive Law, in relation to standards requiring assembly group A occupancies and mercantile group M occupancies to have diaper changing stations available for use by both male and female occupants (Part LL); to amend the Soil and Water Conservation Districts Law, in relation to State aid to districts (Part MM); to amend the Environmental Conservation Law, in relation to retrofit technology for diesel-fueled vehicles (Part NN); to amend the

Environmental Conservation Law, in relation to fees for certification of pesticide applicators; and to repeal certain provisions of such law relating thereto (Part OO); to amend the Environmental Conservation Law, in relation to beverage container requirements (Part PP); to amend Chapter 495 of the Laws of 2004, amending the Insurance Law and the Public Health Law relating to the New York State Health Insurance Continuation Assistance Demonstration Project, in relation to the effectiveness thereof (Part QQ); to amend the New York State Urban Development Corporation Act, in relation to creating the small business innovation research/small business technology transfer technical assistance program; and repealing Section 3102-c of the Public Authorities Law relating thereto (Part RR); to amend the New York State Urban Development Corporation Act, in relation to creating the Community Development Revolving Loan Program (Part SS); to amend the Public Authorities Law, in relation to the financing and construction of facilities by the Dormitory Authority for Cerebral Palsy Associations of New York State and any of its not-for-profit members (Part TT); relating to capital expenses relating to projects necessary for the completion of Hudson River Park (Part UU); and to amend the Real Property Tax Law, in relation to the taxation of certain lands in Bowman Lake State Park (Part VV).

ACTING SPEAKER AUBRY: Governor's Message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: Mr. Oaks.

MR. OAKS: Thank you very much, Mr. Speaker. If the Chairwoman would yield for a few questions?

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

Ms. Weinstein yields.

MR. OAKS: Helene, the bill omits a part of -- it addresses more of a -- a Downstate issue more in your area dealing with congestion pricing and -- and ways that funds might be raised for the MTA. Are we going to see -- do we anticipate in any other part of this bill that there might be something that addresses that issue?

MS. WEINSTEIN: Yes. I think in the -- once we get to the revenue bill, we'll be able to address some of those -- the issues of funding for the MTA.

MR. OAKS: Talking about omitting parts, it also omitted a part of the Governor's budget that created a uniform process for the small cell installation. I know when we did the budget hearings, we heard some about that issue, as well. By eliminating that - I know this is a -- the next generation of technology - by eliminating that, are we going to be having the wireless companies not bringing that technology to New York? Do we know what the result of not including that will be?

MS. WEINSTEIN: Well, the -- that section, as you note, was intentionally omitted and the process will be to -- for the providers to go to the individual localities mindful of their zoning

laws and work with those localities in coming up with a -- a scheme to install the 5G technology.

MR. OAKS: I -- I know that one of the -- the request for it was saying, you know, if it was uniform across the State, the possibility might be more quickly done and our constituents, residents might be able to benefit from it quicker, you know, how it transpires. Now, who knows, but at this time point we're not going to see this in any part of the budget?

MS. WEINSTEIN: No. That was intentionally omitted because we didn't want to impose State rule upon localities and interfere with their particular zoning requirements and needs.

MR. OAKS: One of the things that has been talked about on the floor here in a number of budgets over the years relates to a specific health insurance demonstration program for the entertainment industry and the thing is is I don't know exactly how old this is, but I know when it started there was a very different market -- marketplace. We hadn't had the Federal Healthcare Act that was in and so I think the question would, you know, or may beg the question of saying now we have a different market that's been created, why not just have the individuals who today are benefitting from that program instead of subsidizing it, why don't we just let them go to the markets that exist in New York State?

MS. WEINSTEIN: You know, so as you noted it's been something that we've been doing for a number of -- a number of years. The -- and gradually, it has been a reduction in the number of

individuals that are covered under this program. At this point it's 110,000 that we are continuing to cover.

MR. OAKS: A total of 10,000?

MS. WEINSTEIN: One hundred and ten thousand.

MR. OAKS: Oh, 110,000.

MS. WEINSTEIN: One hundred and ten thousand.

MR. OAKS: And do we --

MS. WEINSTEIN: And it doesn't preclude any of these individuals going to other -- to going for -- whether COBRA or some other kind of insurance or to, you know, our Exchange, but -- and that has, in fact, happened and that's partially why the number has dwindled over the years.

MR. OAKS: Do we allow people to still, you know, new individuals to come in, or is this just individuals who've been covered for a number of years and are continuing?

MS. WEINSTEIN: Yeah. You know, I do think that it's -- it's open to new individuals but, you know, clearly there is less need because of the Health Exchange and the ACA.

MR. OAKS: When you mentioned the \$110,000, that doesn't appear in this bill. Will we see that in some --

MS. WEINSTEIN: Yes, in a later bill.

MR. OAKS: All right.

MS. WEINSTEIN: Tomorrow, I guess. It's still Thursday.

MR. OAKS: Hopefully. One of the things that the

Governor, as well as the Attorney General, have been pushing is for the State to enact student loan regulations to aid some in just students dealing with the debt crisis. I think of the three initiatives that the Governor proposed, only one of them actually survived, that being that if someone owed or is in default or in the midst of not meeting their student loan debts that they couldn't have Departments of the State or agencies of the State who might issue licenses that they could no longer, you know, take that part away, but the -- the other provisions I believe were rejected. So just a quick question: Do we know why those other initiatives were not included?

MS. WEINSTEIN: On those other sections we -- provisions we couldn't come to agreement and on the prohibiting the suspension of the licenses is really just codifying -- what is in this bill is codifying what existing practice is.

MR. OAKS: So regulating the servicers and protecting against the debt consolidators -- consultants, sorry -- is -- was -- just didn't make it. Are we doing anything else within the budget to address the issue of student loans and some of the problems related with the volume of the debt that students are carrying? I know we don't necessarily control the percentage rates that they're paying, et cetera, but anything else that with we're doing?

MS. WEINSTEIN: No, I do not believe so. I mean, we did, you know, pass an individual bill in our House addressing some of the student loan issues, but we were not able to get an -- an agreement -- three-way agreement on including some of those

provisions in the Budget.

MR. OAKS: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Walter.

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

ACTING SPEAKER AUBRY: Will you yield, Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. WALTER: Thank you, Ms. Weinstein. I looked through here, maybe it's the late hour. I didn't find it right away, but can you point me to the part of this bill where the database of deals is located, if it's in there, I should say.

(Pause)

MS. WEINSTEIN: It's -- it's not in this bill since we weren't able to come to an agreement.

MR. WALTER: Do we anticipate it in any other section of the Budget?

MS. WEINSTEIN: It's not here. It's not now contemplated to be in another section of the Budget, but since we are not yet complete -- completed with the negotiation process, I don't think I can give you 100 percent definitive answer.

MR. WALTER: So the chances are slim and none and slim is slowly leaving the building.

MS. WEINSTEIN: Slim and -- yes. I would think

it's a slim chance.

MR. WALTER: How about enhanced or reinstating an enhanced reporting requirements for START-UP NY? Are those -- would that be located in here or...

MS. WEINSTEIN: Not included in this bill.

MR. WALTER: No, okay. Procurement reform. The Comptroller had requested procurement reform; do we see that anywhere?

MS. WEINSTEIN: No.

MR. WALTER: No, okay. Regional Economic Development Counsel subject to Public Officers Law, anything like that, any kind of requirements for --

MS. WEINSTEIN: No.

MR. WALTER: -- REDC disclosures or anything?

MS. WEINSTEIN: No. We were not able to get to an agreement with the -- on that.

MR. WALTER: Any enhancements to the transparency, maybe FOIL requirements or something for organizations like Fuller Road or Fort Schuyler Management or anything like that?

MS. WEINSTEIN: No.

MR. WALTER: No, okay. Thank you Ms. Weinstein.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALTER: Mr. Speaker, it's just incredible to me that coming off of a corruption trial where the Governor's right-hand-man was convicted of corruption, where there's indictments pending and -- a trial pending of the Governor's leading Economic Development team, bid-rigging accusations, corruption surrounding the Buffalo Billion and a number of other projects throughout the State that this House, the other House and the Governor couldn't come to some sort of an agreement for some sort of enhanced disclosures, transparency, accountability in the failed economic development policy rife with corruption that this Governor has promoted for the last seven years.

I just can't fathom how we're not accountable to the people on something as crucial as this. We're talking about billions of dollars, billions of taxpayer dollars that are being wasted through fraud and corruption that the U.S. Attorney's Office has investigated, this Administration has indictments upon leading figures in the economic development schemes that the Governor has put forth. And, yet, we still, after years of seeing this level of corruption, can't bring ourselves to insist on some simple measures like a database of deals, like reporting requirements for START-UP NY, like procurement reform, like Public Officers Law applying to REDC members, that we can't get any agreement on any of those bills is unfathomable. And we need to make sure that there is accountability and transparency in these programs and by not having that in there, we have failed. We have failed as a Body. We have failed as a Legislature. We have

failed as a government in the State of New York to protect the taxpayers' dollars and I can't vote for this because of that and I don't think anybody else should either. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will the Chairwoman yield for some questions, please?

MS. WEINSTEIN: I'm very happy to.

ACTING SPEAKER AUBRY: The Chairwoman yields.

MR. RAIA: As I'm trying to get to my lips to work at quarter-after-two. Just one quick question. In the Governor's Executive Proposal there was a provision that would allow the sale of locally-sourced food and beverages at roadside rest areas operated by the Department of Transportation. I'm just curious as to why that's been intentionally omitted.

MS. WEINSTEIN: The Federal law prohibits those items for being on Federal -- on Interstate Highways, Federal Highways.

MR. RAIA: It was my -- I -- yes, you are correct. It's a rather bogus Federal law that dates back to the '30s when you were trying to protect local businesses. My question is is not all rest stops or -- or welcome centers are on Federal roads, they're scattered throughout the State. I understand the one in particular on the Long Island Expressway is -- is probably the only one that fits into the

Federal law, which I understand the Governor is trying to get that changed.

MS. WEINSTEIN: During some of the negotiations, the staff did ask for locations that they -- that weren't Federal, on Federal interstates and we were not provided with a -- a list of those. So, it's certainly a discussion we could continue to have post-budget.

MR. RAIA: Thank you. I would appreciate that.

On the bill, Mr. Speaker.

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

MR. RAIA: This has been an ongoing battle. For years, we've been battling one way or another to build a welcome center. We finally have a state-of-the-art welcome center. The local farmers were able to sell their produce and the Federal government stepped in to enforce a law that dates back to the '30s which really has no use anymore. I think it would be a -- it would've been a very good decision on part of this Legislature to actually pass that law as a means to putting pressure on the Federal government to update its antiquated laws and allow Long Island farmers to showcase their products at a state-of-the-art welcome center. So, I do hope that we continue to talk about this and apply pressure to the Federal government. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. Would the Chairwoman yield?

MS. WEINSTEIN: Be happy to.

MR. MURRAY: Thank you very much and just one quick question.

MS. WEINSTEIN: Yes.

MR. MURRAY: Anywhere in this bill or in discussions has there been a discussion in regards to the New York State DMV selling our personal information to different companies? Has that discussion been had in this portion of the bill?

MS. WEINSTEIN: It would have been -- it was discussed at this table because it was in the Senate's one-House proposal, but it was rejected.

MR. MURRAY: And we won't see that anywhere else?

MS. WEINSTEIN: No.

MR. MURRAY: Okay. Thank you.

Mr. Speaker, on the bill.

Thank you very much, Ms. Weinstein.

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

MR. MURRAY: So, yeah. This is an issue that -- that many people don't even realize is happening and in a time when Facebook and all these other social media companies are being questioned about their handling of our personal data and our personal information, I would think this would be a very important issue that we would be talking to protect our fellow New Yorkers.

Right now, the Department of Motor Vehicles, when

you register your vehicle, you give quite a bit of information and they have no problem selling that information to private companies to the tune of about \$60 million. That's why I'm bringing it up during our budget discussion because that is quite a revenue source for the DMV.

What do they sell? Well, they sell information like our address, birth date, driving record, what kind of vehicle you drive, what color the vehicle is, it goes on and on, and they're selling that information to different companies, companies like insurance companies, car rental agencies, banks, car dealers, auto supply companies. The information we do have some control over who we initially sell it to, but once we sell that information, now we don't. So, who's to say who that car dealer or consumer report publication is now selling our information to. In this day and age with identity theft the way it is, granted, I understand we're making quite a bit of money on this, but this is an issue that is very important for the safety of New Yorkers and I think it belongs in this discussion. I know there's a bill being carried by a Majority member in this Chamber addressing this issue, but why it's not included in this budget bill baffles me and I think we need to bring it up.

Again, it may be a little late, but unfortunately we're not allowed in the room during the discussions of what's going in this budget, so we have to bring it out here. So I hope that they're being -- these issues are being listened to by those that will bring that discussion further and if we are still negotiating, hopefully this can end up somewhere in there. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I intend to support this part of the budget. We need to make sure that we complete the budget in a timely fashion and I think there are many things in this document that we should support. But I do have two concerns which I would like to express.

There are two things in this budget that are missing or that are different than what we proposed as an Assembly and I'm disappointed that the Assembly proposals did not find their way into the final document. First of all, the Assembly was intending to make the Diesel Emission Reduction Act law. It was passed in 2007. It would require that all vehicles of the State and those contracting with the State use best available technology and low sulfur fuel and, once again, that law will be delayed from 2008. That was not an Assembly proposal and I just wish that we had prevailed at the table.

Secondly, the Assembly bill would require more transparency and more ethical conduct by State agencies and entities that are part of the State of New York. And as was pointed out during the debate, there's nothing in here that applies to the State agencies, more transparency or higher ethical standards. That was in the

Assembly bill. The Assembly stood up and said we wanted that and I'm very disappointed that the Assembly did not prevail on that point. But I still will vote for this bill, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker.

You know, overall this particular bill is not so bad. There's a couple of things here that I could support; however, the reason why I'm going to be voting against it primarily is because I don't believe we should be extending the authorization of the autonomous vehicle testing here in the State of New York, particularly following the death of a pedestrian in the State of Arizona. We're seeing states like Arizona now curbing the program. I don't believe that we should be moving forward with this until that technology is perfected. In particular, it allows the DMV to pick the location so it really just leaves it open to any part of the State, including New York City, so imagine having a testing program there. Certainly, public safety should be our number one priority. That is something we talk a lot about in this House and I don't think that we should be moving forward. We should allow -- this technology, if they want to do it in other states fine, test it out and then when it's perfected and we know that it's not going to harm an individual as it did in the State of Arizona, then perhaps we can adopt it here. I'll be voting in the negative.

ACTING SPEAKER AUBRY: Ms. Malliotakis in

the negative.

Ms. Melissa Miller.

MS. M. MILLER: Thank you, Mr. Speaker. I just want to explain, I am voting for this. I was surprised and happy to see that there is a section in this on adult changing tables. As most of you know, this is something that's important to me. If the DOS and the Governor's Office want to do a study, as far as I'm concerned, that's at least an acknowledgement that there is a need and I personally would be thrilled and will make it a priority to clear my schedule to be able to provide them with accurate details of exactly what it's like to have to lay your teenager or adult loved one on the floor of a public restroom, to give them those details. I only hope and pray that they do ask for and allow the input of the hundreds of families like mine from across the State who are living with this problem. And I will do whatever I can to make sure that this study is completed by this deadline of February 15th, 2019 so that maybe by this time next year, next budget, we are voting yes for these actual changing stations. I know Oliver deserves that dignity. Thank you.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker.

Before I give any direction on schedule, are there resolutions to take up, sir?

ACTING SPEAKER AUBRY: We certainly have numerous resolutions. We will take them up in one vote.

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

(Whereupon, Assembly Resolution Nos. 974-980 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. We're obviously going to work late in to the night, not here, but staff will continue to work and members will be here and we'll hope to make progress. So in just a second I'm going to adjourn until the call of the Speaker, but I do want everyone to know that we'll have breakfast at 8 a.m., and it will be an extensive breakfast, so if you want to come and join us, hopefully that will be roughly the time we're back in Session, but -- but I don't know for certain. We will obviously make arrangements to communicate with the Minority on when we need members back at the Capitol.

And with that, Mr. Speaker, I now move that the Assembly stand adjourned until the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands adjourned until the call of the Speaker, and see you for breakfast.

(Whereupon, at 2:25 a.m., the Assembly stood adjourned until the call of the Speaker.)